United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, FEBRUARY 4, 2004 *No. 12*

House of Representatives

The House met at 10 a.m.

The Reverend Dr. Michael J. Easley, Senior Pastor, Immanuel Bible Church, Springfield, Virginia, offered the following prayer:

Let us pray. Creator, Sovereign, Lord of all, help us. Though we do not deserve it, we humbly ask for Your mercy; that You bless this country we dearly love.

Protect us from our enemies. We ask not merely for ourselves but for our children. We ask not merely for our children but for their children.

Protect us from ourselves. May we never exercise the strength of tyrants, misuse talents entrusted to us, or lord over those allotted to our charge.

We pray for this House and all it represents; for our men and women overseas, keeping an oath that they swore; for their families who keep watch and pray; for all who lead, govern and serve; for our marriages, our families; for common sense; for moral restraint to keep Your covenants.

Faithful God, we thank You. Thank You that You look at us and see Your son's work, and thank You that You even hear our prayers.

In Jesus' name, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain one 1-minute at this time.

WELCOMING DR. MICHAEL J. EASLEY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is my pleasure to welcome Dr. Michael J. Easley to the floor of the Congress today to open what will be a very important session day in the life of this Congress in prayer.

Dr. Easley is senior pastor of the Immanuel Bible Church in Springfield, Virginia, and has been in that role for over a decade. He came to the region of the Nation's Capital, however, from Grand Prairie, Texas, where he served in ministry. He recently obtained his Doctorate of Ministry from Dallas Theological Seminary, where he also received a Master's of Theology in 1985.

Dr. Michael J. Easley, Michael to his friends and to the members of his church, is a man after God's own heart. He preaches the word of God with conviction and with sincerity and with clarity. In every sense as a family on the occasions we find ourselves in the Nation's Capital and find ourselves in the pews of his church, on those weekends I can testify, Mr. Speaker, that Dr. Michael J. Easley is, as the Scripture says, a workman approved, rightly able to handle the word of truth.

It is my profound honor to welcome him and to thank his wonderful wife, Cindy, and his four children, Hanna, Jessie, Devin, and Sarah for their contribution to the life and Ministry of Christ in this region of our Nation.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Jose Maria Aznar, President of the Government of Spain, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to. Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placing placards will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, January 27, 2004, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10:52 a.m., the following proceedings were had:

□ 1052

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY JOSE MARIA AZNAR, PRESIDENT OF THE GOVERNMENT OF SPAIN

The Speaker of the House presided.

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The Deputy Sergeant at Arms, Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Jose Maria Aznar, President of the Government of Spain, into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from Nebraska (Mr. BEREUTER);

The gentleman from Illinois (Mr. WELLER);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentleman from California (Mr. LANTOS); and

The gentleman from Texas (Mr. RODRIGUEZ).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency Jose Maria Aznar, President of the Government of Spain, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Arizona (Mr. KYL);

The Senator from Virginia (Mr. ALLEN);

The Senator from Indiana (Mr. LUGAR);

The Senator from Oregon (Mr. SMITH);

The Senator from South Dakota (Mr. DASCHLE); and

The Senator from Connecticut (Mr. DODD).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, Her Excellency Mary Madzandza Kanya, Ambassador of Swaziland.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for her.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 2 minutes a.m., the Deputy Sergeant at Arms announced His Excellency Jose Maria Aznar, President of the Government of Spain.

The President of the Government of Spain, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Jose Maria Aznar, President of the Government of Spain.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY JOSE MARIA AZNAR, PRESIDENT OF THE GOVERNMENT OF SPAIN

(The following address was delivered in Spanish, with a simultaneous translation in English.)

President AZNAR. Mr. Speaker, Mr. Vice President, Honorable Members of Congress, ladies and gentlemen, allow me to begin by thanking you most sincerely for the warm welcome you have extended to me this morning. I somehow have the feeling that you, like me, are looking forward to a short speech.

As a parliamentarian and as Prime Minister of Spain, I am deeply honored to be invited to address the United States Congress. This Chamber is a living symbol, admired the world over, of our common desire for freedom and democracy.

I recall the great emotion the people of Spain felt on June 2, 1976, when King Juan Carlos I spoke from this very rostrum on the occasion of the commemoration of the Bicentennial of American Independence.

In his speech, His Majesty the King emphasized the important Hispanic contribution to the formation and independence of this great Nation.

We in Spain were going through difficult and delicate times then; and from this rostrum, our King set out his vision of a prosperous and modern Spain and conveyed the Spanish people's desire for freedom and democracy.

Today, 28 years on, Spain is fully consolidated as a democracy.

The process of political decentralization, which was set in motion with the 1978 constitution, has been completed successfully.

We are one of the great nations of Europe. Active members of the European Union, we are a dynamic, open, and enterprising country of 43 million people. Once an emigrant society, today we receive immigrants from the four corners of the world.

We are the eighth largest economy in the world today. Central to that achievement has been our membership of the European Union. Our economy is growing stably and with confidence at a rate above the average of our European Union partners. And our economy has generated half of all of the jobs created in Europe in recent years.

The Spain of today knows full well that growth and maturity bring responsibilities also. We know that we have to face risks and shoulder commitments, commitments that must be met.

We want to occupy a position in the first line of defense of democracy and the rule of law. Alongside friends and allies in good times as well as in times of difficulty, we share with you values and principles. Let me say that our commitment to freedom is unwavering.

Equally unwavering has been the commitment of the United States, and allow me to pay public tribute here today to the American people for the indispensable role that they have played in the fight for democracy and freedom.

For the last 8 years, it has been my privilege to serve as Prime Minister of Spain. At all times I have defended the value and validity of the Atlantic relationship for the good of Europe, as well as for global stability and security.

During my term in office, I have constantly worked towards that objective, firstly with the Clinton administration and more recently with the Bush administration. Indeed, one of the greatest personal and political satisfactions gained from these years has been the relationship I have established and built up with these two great Presidents.

It comes as no surprise, then, that our relations are nothing short of exceptional at present.

The Atlantic relationship strengthens Europeans and Americans alike, and it makes the world a safer and freer place.

In working intensely to further the process of the European Union, Spain believes that the process has to be carried forward while at the same time preserving and enhancing the Atlantic relationship. It is a relationship that lies at the very origins of Europe's construction. Having played a part in its development, it necessarily has to be a part of its future also.

That has always been our view, and it still is our view today, just a few weeks before 10 new countries join the European Union as members. Many of those countries had to endure the tyranny of communism. Many of them now look to the Atlantic Alliance to guarantee their freedom.

As a European, let me say that I have no wish whatsoever for an alternative to the transatlantic relationship. I want no alternative to the Atlantic relationship. Wanting a strong European Union, as Spain does, and being at the vanguard of Europe, as Spain is, does not entail working to be a counterpower to the United States. It means working towards an Atlantic-minded Europe. Given that we share the same principles and values, it is in our common interest to defend these.

Mr. Speaker, Mr. Vice President, those very principles and values came under brutal attack on September 11, 2001. Nothing can make good the grief and suffering caused on that terrible day when terrorists demonstrated their despicable contempt for human life.

But the American people responded with an admirable lesson in civic-mindedness and responsibility. In so doing, and let me make this absolutely clear, they penned one of the most beautiful pages of our modern era.

The United States was not the only target of the September 11 attacks. Terrorism threw down a calculated challenge to the values that are core to humanity, freedom, moral decency, compassion, and respect for the lives of others.

Immediately after the attacks, Spain expressed its active solidarity and its commitment to the Government and the people of the United States. Allow me here in this Chamber to reiterate that solemn commitment today.

Speaking in Madrid a few months before 9/11, President Bush expressed America's solidarity with Spain's fight against the terrorism that we have had to endure for too long. That solidarity has materialized in the form of active cooperation. We will never forget that gesture of support. And I will never forget it.

The United States and Spain would both like to see the United Nation's counterterrorism committee play a real and effective role. We would like to see a world list of terrorist organizations drawn up and approved. We also feel it important to ensure that the voice of the victims of terrorism is listened to permanently.

Just 10 days ago, the first-ever World Congress of Victims of Terrorism was held in Madrid. The victims are the moral backbone that underpins our fight against terror. They give us valor. They give us courage. But at the same time they also call us into account and demand results from us. They also demand justice and reparation.

There can be no justification whatsoever for terrorism. It destroys the causes it purports to defend. The political or religious causes that terrorism allegedly serves are among its victims also.

And allow me to say here today that terrorists must be made to realize that the only and inevitable outcome is defeat. We derive our strength from the moral superiority of democratic systems. And as has occurred on past occasions in history, I have no doubt whatsoever that freedom will triumph over barbarity this time too.

Today, in Afghanistan and in Iraq, the most important phase of the fight against terrorism is currently taking place. In Iraq, terrorists are trying to prevent the Iraqi people from taking their own destiny in hand.

We refused to countenance the repeated violations of international law by Saddam Hussein's tyranny.

We remain committed to Iraq's material and institutional reconstruction, and I can guarantee you that we fully intend to see our commitments through.

At this point, I would like to pay a sincere tribute to all those who have given their lives in order to restore freedom to the Iraqi people, to guarantee the security and consolidate democracy. Our appreciation and gratitude will always be with those who have died.

The fight against the proliferation of weapons of mass destruction is another common feature of our pursuit of a more stable and freer world.

Recent progress in the fight against the proliferation of these weapons would not have been possible had it not been for the firm stance that we have taken.

Proliferation poses a very real threat to everyone's security. Faced with the risk that these weapons might be used by terrorist groups, we cannot stand by and do nothing. In addressing this challenge, we have to act together and with resolve. To ignore this reality or to evade the real issue and the genuine priorities would not only be highly irresponsible but would prove extremely costly in terms of our own security and freedom.

Mr. Speaker, Mr. Vice President, the transatlantic link stands for freedom, freedom in all areas. And it is thanks to that freedom that North America and Europe are the two most prosperous regions in the world.

Experience shows that free trade is a source of economic growth and wealth for everyone. That is why I proposed recently, and reiterate here today, that we should create a great economic financial and trade zone between Europe and the United States by the year 2015.

I am sure that we can open up a new era of growth and stability that would benefit the rest of the world too.

It is my belief that freedom brings prosperity. That is what I have tried to do in my country since 1996 through economic liberalization and reforms. It is also the reason why in Europe I have promoted initiatives that prioritize above all else liberalization, innovation, and improved competitiveness.

The very close relationship we have forged between our two countries includes a Latin American dimension also. For me, Latin America is a key continent for my country. Spain is the world's second biggest investor in that region behind the United States.

The countries of the region have made great efforts in recent decades to consolidate democratic regimes and free market economies. That is a further reason for our desire to strengthen ties between Europe and Latin America.

I am convinced that the Atlantic relationship will not be complete until it embraces the American continent in its entirety. For the medium and long term, we should set ourselves the joint goal of building a veritable community of common values and interests, including a large free trade area. And rest assured that Spain is willing and ready to work towards that goal.

The Hispanic communities in the United States represent a source of new and, until very recently, unimaginable opportunities for these closer ties between the United States, Latin America, and Europe.

I myself have been a privileged witness to this emerging and very promising reality in Texas, New Mexico, California, New York, and Florida.

Mention of Florida necessarily brings me to say something about Cuba and its large exiled population. Like so many Spaniards, I too come from a family with roots in Cuba. This Caribbean island is one of the last remaining anomalies of history, not just in the Americas but anywhere in the entire world.

I would like to reiterate my desire and hope here today that before too long Cuba can be welcomed into the fold of free nations.

Mr. Speaker, Mr. Vice President, honorable Members of the House, as Prime Minister of Spain, I have endeavored at all times to harness the trust which the people of my country have placed in me for the last 8 years to help make Spain a safer, more prosperous, more committed, and consequently more respected country.

Relations between our two nations stretch back more than 200 years. Spain provided valuable support to the United States in its fight for independence. Thereafter, our relations may not always have been governed by understanding. However, there has never been a more propitious time than the present to undertake grand projects together. What we have achieved together in recent years has already served to create a strong relationship, a relationship between countries that are friends, allies, and partners.

And in concluding, may I say that in Spain the American people have a friend from Europe. In Spain, the United States has a firm, strong, and responsible ally. Let us continue to work together, together for the cause of democracy and freedom in the world.

Thank you.

[Applause, the Members rising.]

At 11 o'clock and 28 minutes a.m., the President of the Government of Spain, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 31 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until approximately noon.

□ 1206

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATHAM) at 12 o'clock and 6 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CLINTON ADMINISTRATION'S CASE FOR WAR

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, let me give Members the following quotes: ''Sometimes the United States has to act alone, or at least has to act first. Sometimes we cannot let other countries have a veto on our foreign policy.'' That is a debate quote spoken by President Clinton.

Madeleine Albright: ''I am going to explain our position, and while we always prefer to act multilaterally, we are prepared to go unilaterally.''

President Clinton: ''Would the Iraqi people be better off if there was a change in leadership? I certainly think they would be.''

In the last couple of days, we have heard a lot of people questioning the President's veracity. Let us talk about the successes: Libya is cooperating and disarming; Charles Taylor has been forced out of Liberia; India and Pakistan are talking about Kashmir and reducing tensions; and as Senator LIEBERMAN said, ''Saddam Hussein was a walking weapon of mass destruction.''

Mr. Speaker, I appreciate the leadership of this President. I am proud of standing with him and our military as they combat terror and tyranny around the globe. Shame on the Democrats for suggesting that the President is not truthful.

PROTECT AMERICA'S NATIONAL SECURITY ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the next couple of days I expect to introduce my Protect America's National Security Act of 2004. The provisions of this bill will include full congressional hearings on what intelligence was used and how the intelligence was used in the decision to make a unilateral attack against Iraq in the winter of 2003. The American people deserve to know.

And then I will ask to allow for the general figure that is utilized for the intelligence budget of this Nation to be presented publicly to the American people. That will not violate our security. I will not ask for a line item listing, but I will ask that the American people, as indicated by a former Reagan administration official, know how much we spend for intelligence. The American people deserve to know.

Mr. Speaker, I hope that my colleagues will realize that our rights as a Congress should not be abrogated.

DEFICIT SPENDING BEFORE CONGRESS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I rise to speak on the enormous deficit spending that is before Congress this year. It is expected to be between $477 billion to $530 billion. As a fiscal conservative, I find it unacceptable.

One of the core values of conservatism is to fight for limited government, wise use of taxpayer money, and fiscal restraint. This body falls short on being an example of these values. We need only to look to last year when we had several opportunities to cut out waste in government programs, but did not do so. One prime example is where Congress would not pass a simple amendment which would have prevented the funding of sexual arousal and porn studies granted through the National Institutes of Health. I voted for the amendment which would have prevented the use of taxpayer money for these ridiculous studies. I think most constituents agree with me on that. Also numerous amendments by the gentleman from Pennsylvania (Mr. TOOMEY) were presented to reduce spending by across-the-board cuts. What a great idea. We failed to take measures there.

Mr. Speaker, it is time for us to realize the government will continue to borrow for the present by mortgaging the future.

IMPROVING THE COMMUNITY SERVICES BLOCK GRANT ACT OF 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 513 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 513

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1215

On Tuesday, the Rules Committee met and granted a modified open rule for H.R. 3030, the Improving the Community Services Block Grant Act (CSBG). This is a very fair rule and I believe that all Members of the House should be able to support it. This bipartisan bill extends the CSBG program through 2009 while strengthening its accountability provisions and preserving current law protections for faith-based service providers using CSBG funds.

In every State across the Nation, various communities combat the devastating effects of poverty using the Federal funds provided by the CSBG. This legislation preserves the CSBG as a true State block grant program, allowing States to establish and operate antipoverty programs that meet the unique needs of their low-income communities. Most importantly, H.R. 3030 fosters increased accountability by ensuring that States are monitoring local grantees to ensure services are being

provided in the most efficient manner and that quality services are reaching those who have the greatest need. As many of my colleagues know in communities across America, faith-based organizations play a central role in the battle against poverty. From food and clothing drives to shelters for the homeless and from youth mentoring to job training, faith-based service providers have proven to be among the most effective tools for helping the most vulnerable members of our society. I believe it is the faith-based character of these organizations that makes them so effective. By nature, many of them include helping those in need as a part of their founding mission and their purpose.

The provisions in H.R. 3030 ensure that these organizations can continue to operate antipoverty programs in their communities without losing their Civil Rights Act protection to staff on a basis consistent with their organizational nature. However, there will be amendments offered today that seek to repeal current law and remove this protection for faith-based organizations participating in CSBG.

I urge Members to vote against the Woolsey amendment because the federally funded faith-based programs under the CSBG program must include participants of all faiths, if they choose to participate. The issue at hand does not regard who is treated or helped with Federal money but merely if groups doing the helping or treating may consider in hiring decisions the faith of an employee who would work in their faith-based program.

CSBG has enjoyed a long tradition of bipartisan support. Helping communities to combat the harmful effects of poverty has been and will continue to be a bipartisan goal. To that end, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, chronic unemployment still plagues the Nation; 3.3 million workers have lost their jobs since January 2001. The poverty rate in America has risen to 12 percent and the number of children living in poverty continues to climb.

The community services block grants were created to alleviate poverty by funding initiatives that fight its causes. These grants enable over 1,000 organizations across the country to provide services to combat unemployment, inadequate housing, poor nutrition and the lack of educational opportunities.

Because of community services block grants, the Orleans Community Action Committee in Orleans County, New York, is able to provide a broad array of services, including Head Start, teen programs, weatherization programs, transportation, emergency services, family development, help in putting together a budget, help in preparing tax returns, child care services and a community center. For 30 years, Action for a Better Community has been a leader in Rochester, providing programs increasing health, education, safety, employment and housing needs. Every dollar the Federal Government invested in these organizations through the community services block grant program is a dollar wisely spent. An investment in our citizens and our children is an investment in our Nation's future.

The value of these programs is not at issue. The problem with this reauthorization is the ability of provider organizations to use Federal funds to discriminate. H.R. 3030 allows these service organizations to discriminate against clients because of their religion. It allows religious organizations that receive these Federal grants to discriminate based on religion in their employment practices. This is un-American. Discrimination is happening. Employees of the Salvation Army of Greater New York have filed complaints with the Equal Employment Opportunity Commission, and several lawsuits against the Salvation Army are in the works. Employees are being questioned about their church affiliations. One of the duties listed on new job applications is to, quote, preach the gospel of Jesus Christ and to meet human needs in His name without discrimination. The Salvation Army uses millions in public moneys to carry out its charitable missions, but it has recently begun to impose its religious mission upon its employees.

Right here in my hand I have an employment application for a social worker position with a religious organization, and that religious organization uses Federal funds. The applicant is asked his or her religion, length of church membership, the name of his or her church, the church's phone number and address, and the name of its minister. The United States should not permit religious discrimination with Federal funds. As Theodore Roosevelt said, ''To discriminate against a thoroughly upright citizen because he belongs to some particular church, or because, like Abraham Lincoln, he has not avowed his allegiance to any church, is an outrage against that liberty of conscience which is one of the foundations of American life.''

Mr. Speaker, I would like to take this opportunity to clear up a misunderstanding about what title VII of the Civil Rights Act of 1964 says and does not say. Religious organizations are exempted from the general prohibition against religious discrimination in hiring personnel for work connected to the organization's religious activities. However, religious organizations are not permitted to discriminate in hiring for secular activities. There should be an ability in this Congress to make a distinction between those two descriptions.

This country has spent decades and decades working to eradicate the insidious venom of discrimination. It is an anathema to fundamental American ideals that we would now permit Federal moneys to be used to discriminate against people because of their religion. Taxpayers do not want to subsidize discrimination.

Federally funded programs to attack the causes of poverty do not have a religious mission, regardless of the service provider. Helping someone fill out tax forms is a secular program. Someone's religion is irrelevant to this program. The Federal Government should not fund the religious activities of any religious organization. To do so is a violation of the first amendment of the United States Constitution which we hold up our hands every 2 years and swear to uphold. As the United States Supreme Court said in Bowen v. Kendrick, ''Even when the Court has upheld aid to an institution performing both secular and sectarian functions, it has always made a searching inquiry to ensure that the institution kept the secular activities separate from its sectarian ones, with any direct aid flowing only to the former and never the latter.''

On its Web site, Action for a Better Community says that faith-based organizations, quote, should be held to the same high standard of outcome delivery as community action agencies without compromising the separation of church and State. We would be wise to listen to their admonition.

I urge my colleagues to support the Woolsey substitute amendment which would clarify that religious organizations are welcome as service providers to low-income Americans and that they are not permitted to discriminate on the basis of religion. And I urge my colleagues to support the Miller amendment which would extend unemployment benefits for the 2 million unemployed Americans whose benefits have run out. Almost daily, my office hears from those Americans who are afraid of losing their homes or having to take their children out of school and simply being unable to meet their obligations. We owe it to them to give them some help until a job can be found for them.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, let me begin by thanking my very good friend, the former mayor of Charlotte, and I should say since I mentioned Charlotte, congratulations on a well-fought

Super Bowl. I understand that in Charlotte there was no sense at all that anyone was a loser and it was a great game. She has done a superb job on managing this rule and with her work on the Committee on Rules.

I am proud to be here. I have surmised from the comments from my good friend from Rochester that she is supportive of the rule. She did not indicate that, but I suspect that in light of the fact that with the exception of the preprinting requirement, this is an open amendment process and we have had one substitute that was outlined before our Committee on Rules yesterday and four amendments that have been filed that we will be able to have an opportunity for a free-flowing debate on a very important issue.

I have to say that I am particularly proud of our colleague from Nebraska (Mr. OSBORNE) who has worked long and hard on this and gave great testimony before the Committee on Rules yesterday and understands very well that we are as a Nation seeing very positive signs of economic improvement. It used to be that the full employment rate in this country was 6 percent. I am happy to see the unemployment rate has dropped to 5.7 percent. We just got the report at the end of last week that the GDP growth for the fourth quarter of last year was at 4 percent, which is a very positive sign of improvement.

Jobs are being created, contrary to a lot of the reports out there. Under the household survey which is conducted by the Department of Labor, we have seen 1.9 million new jobs created since November of 2001. So we are seeing positive signs out there, but the gentleman from Nebraska understands that there are still people out there who are in need and there are challenges.

One of the things we want to do is make sure that we lay the groundwork, which is what the community services block grant program has done, lay the groundwork for people to move from depending on others to get to the productive side of our economy. We all know what that does. It not only plays a role in diminishing the reliance on taxpayer dollars but it also tremendously increases the self-esteem level. We have found that time and time again from a wide range of entities which work to help people who are facing dire circumstances get onto the productive side of the economy. It does wonders for their families and it creates a sense of optimism for the future.

The gentleman from Nebraska (Mr. OSBORNE) and his work along with the gentleman from Ohio (Mr. BOEHNER) and others understand that with the community services block grant, we can do a lot of very important things that do provide assistance to those who are truly in need.

And so I simply want to congratulate the gentleman from Nebraska and congratulate all those who have been involved in putting this package together. We are going to have an interesting debate and I know that the substitute will spark a great deal of particular debate and interest. We will look forward to that. I hope very much that just as we, I believe, enjoy strong bipartisan support for this modified open rule, that we will similarly enjoy bipartisan support as has been anticipated on the passage of this legislation.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), the author of this legislation.

Mr. OSBORNE. Mr. Speaker, I rise in support of the rule. We think this is an important piece of legislation. It seems to have fairly broad bipartisan support in most areas. Obviously this legislation reauthorizes the CSBG Act and preserves the CSBG as a State block grant program. The main issue here is that we do try to do some things that improve the quality of the block grant program.

□ 1230

First of all, State and local goals must be met by grantees, so there is some accountability, which probably heretofore has been lacking in some cases.

States monitor grantees to ensure that services are provided to those with the greatest need. Many times it has not in the past gone to those who are most destitute.

It streamlines reporting data to HHS to avoid duplication and eliminates extraneous information. I guess everyone likes to see less paperwork.

Also the States must either defund low-performing entities or justify to Labor-HHS why low-performing entities continue to be funded. So there is, again, an area of accountability.

In addition, this particular bill encourages initiatives to improve economic conditions in rural areas, which are often underserved, encourages education and youth crime prevention through youth mentoring, which saves money and lives by investing in young people before they are enmeshed in the criminal justice system, and, of course, it also allows faith-based organizations to consider religion while hiring, while ensuring that recipients are not discriminated against on the basis of religion. Also it continues to fund discretionary programs at current authorization levels and extends them through 2009.

I might just mention one story that I think pretty much illustrates the importance of this situation. A young mother in my district was abandoned by her abusive fiancee. She had no money, no car, no job, no family support, and a 5-year-old child. A Blue Valley community action crisis intervention program provided counseling, obtained housing, helped her find a job, and so she is now supporting her child, productively employed and preparing to own her own home. This is just one story that can be told thousands of times.

So I urge support of this bill. It provides those who have great need in the most efficient, most cost-effective way.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the first 16 words of the Bill of Rights enshrined in our psyche in this country, the belief that every American citizen should have the right to his or her own religious views.

I want to point out, Mr. Speaker, to colleagues here in the House and to the people across this country, that in this legislation is language that will make it perfectly legal for an American citizen to receive, say, a $5 million job training grant, or a Head Start grant, and then using those tax dollars, that one American citizen can say to another citizen, if you do not pass my private religious test, then you do not qualify for a tax-funded job. In effect, what this bill does is to subsidize, not just tolerate, but to subsidize religious bigotry in America.

How ironic, at a time when we are fighting for religious freedom in Iraq and across the world, that we would pass legislation that would maintain in the law a prescription for religious discrimination. I think it is wrong to do so, and I would be willing to even yield some of my time to any Republican Member that would stand up and tell me that it is okay in 2004 in America to say that you should have to pass my religious test to qualify for a federally-funded job.

That is wrong, and it should not be a partisan issue. It is an American issue, because it is ingrained in the very first 16 words of the Bill of Rights that has protected America's religious liberty for over two centuries.

So far, I have not had any of my colleagues on the other side of the aisle willing to stand up and say in public that it is okay that someone else should have to pass another American citizen's religious test in order to qualify for a federally-funded job. Yet, guess what happens? When the doors are closed and decisions are being made on the bills and interest groups are plying their pressure, that kind of discrimination language was put in this bill.

It is wrong, it is unconstitutional, and I find it morally offensive as a person of faith that any American ought to have to pass someone else's private religious test to qualify for a tax-funded job.

Mr. Speaker, I would welcome a debate on this issue at any point during the debate of this bill with any of my colleagues on either side of the aisle. As I said, this should not be a partisan issue. Protecting religious freedom in America should be an American value, an American issue, and we ought to have the courage in this Congress to stand up to special interest groups and say we do not care how much power

you have, we are not going to let you try to put in the law of this land a rule that allows other Americans to discriminate against citizens, to exercise religious bigotry when using Federal dollars to funds those jobs.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, today I rise in support of this rule to reauthorize the Community Services Block Grant Act. I oppose the substitute because it would repeal current law and strip faith-based organizations of their right to hire the candidates they feel are most qualified for the jobs. These same rights are guaranteed to faith-based organizations under Title VII of the Civil Rights Act of 1964, and have since been consistently upheld in the courts.

Last year, I brought the Committee on Government Reform to Franklin, Tennessee, and we heard from groups of all sizes that helped the needy in Franklin and Middle Tennessee. One of those that testified was Onnie Kirk. He runs the Family Foundation Fund, an organization that helps fatherless children. He testified that they would not accept Federal funds if these funds compromised the character and the purpose of his organization. The amendment would remove those protections.

We should not bend to the false arguments and overburden the very organizations that serve the most needed needy in our society. These organizations have higher success rates than many government programs.

The Community Services Block Grant Act did not and still does not permit Federal funds to be used for the purposes of promoting religion. It allows faith-based groups to use Federal funds for secular purposes, feeding, clothing its needy, helping the out-of-work find jobs, without compromising their essential character. We should keep it that way.

I ask my colleagues to join me in opposing the substitute to H.R. 3030.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would like to ask the gentlewoman from Tennessee before she leaves the Chamber if she would be willing to have a discussion. I would be glad to yield some time to have a discussion on the issue of whether a group should be able to say with tax dollars that we are not hiring Jews or we are not hiring Catholics in this job training program or education program, even though you are perfectly qualified for that job.

My friend and colleague the gentleman from Ohio (Mr. BOEHNER) is on the floor, and I would be glad to yield for the purpose of a discussion.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, under the rules outlined here in the House, we are debating the rule to consider the bill. Once this rule is approved, we will spend, I would imagine, the better part of the afternoon discussing the protections granted to religious organizations under the 1964 Civil Rights Act. I think that would be a more appropriate time to have this debate.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I would just say to the gentleman, he and I came to the House together 14 years ago and we know on a daily and weekly basis we utilize rule time to discuss what is in a bill.

Obviously, I do not like this rule because it allowed a bill to come to the floor that I find deeply offensive to the First Amendment protection of religious freedom. But if this was an issue important enough for Madison and Jefferson to debate for 10 years in the Virginia legislature, the issue of religious freedom in America, then certainly it is worthy of our discussion here on the floor.

I guess what I would like to ask the gentleman is just do you not think it is wrong that you would have to pass my personal religious test to qualify for a tax-funded job? Why should you have to pass my religious test? Why should I have the right to give you a religious test to qualify for a job that is being paid for by the American taxpayers?

Mr. BOEHNER. If the gentleman will yield further, the Congress in 1964, and as amended in 1965, passed landmark civil rights legislation in America, and it was the Congress in the mid-sixties who saw fit to provide religious organizations with one small exemption, and that in the case of employment, to religious organizations. And if you read the comments of the debate and the record of that debate, it was because those civil rights laws guarantee Americans full access to jobs, to all types of programs in our country.

But they did understand that religious organizations, by their very nature, ought to have an exemption in employment so religious organizations can, if they want, not all do, hire people of their faith.

The only issue here is whether those organizations, faith-based organizations, that do in fact provide community services with Federal funds, whether they should continue to have that exemption.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, if I could respond to that, then I would be glad to yield, because I appreciate the opportunity to have a discussion on this, I think if the gentleman would go back and look at the debate, including Senator Sam Irvin's comments on the Title VII exemption to the Civil Rights Act and the amendments thereto, you would find that the focus there was saying that Baptist churches with their own money should have the right to hire Baptist pastors; a Jewish Synagogue with its own money ought to have the right to hire a Jewish rabbi, rather than a Baptist pastor.

I think there is a real serious question about suggesting that Title VII said it is perfectly okay for a faith-based group to take Federal tax dollars and say, ''Mr. BOEHNER, I am not hiring you today because you do not pass my personal religious test.''

Let us put Title VII aside for a moment. There might be differences of opinion about what is in it. Let us discuss the direct principle. Why should any American citizen have to pass another American citizen's personal religious test to qualify for a Federal education program or a job training program? Why should it be legal for a group to accept a $5 million Head Start or job training grant from the taxpayers and say we are not going to hire Jews or Catholics? Or it might be a Muslim group that says we are not going to hire Christians.

In the land that cherishes religious freedom, do you really believe that that is a good public policy?

Mr. BOEHNER. Mr. Speaker, if the gentleman will yield further, let me pose the opposite question to you. Why should a faith-based organization that is providing tremendous community services give up the protections granted to them under the 1964 Civil Rights Act just because they accept Federal dollars in their mission to help low-income people?

Mr. EDWARDS. Reclaiming my time, I will be glad to answer that question, and then I will give the gentleman time to answer my question.

I would say, first of all, I disagree with the gentleman that the Title VII exemption gave faith-based groups a carte blanche to use public tax dollars to discriminate in job hiring. The second thing is, when they accept Federal money, they already, under long-standing law, agree not to proselytize.

So when you accept taxpayer money, there are certain standards you accept. My question back to the gentleman is does he think it is okay for a faith-based group to receive a $5 million job training grant and say we are not going to hire you because you are Jewish or Catholic? Is that okay?

Mr. BOEHNER. If the gentleman would yield further, if that organization in their beliefs want to hire people of their faith, because in many cases the people they may hire will not only participate in a job training program, they may also teach Sunday school, they may also do other things for that religious organization.

But I would bring the gentleman's attention back to the bill we have before us, and the bill before us, that is the Community Services Block Grant reauthorization bill, last passed and reauthorized by the Congress in 1998 and signed into law by then President Bill Clinton, that act in 1998 and the President's signature in 1998 contains the identical language that this bill contains.

Now, the Congress passed this overwhelmingly in 1998, and the President

signed it into law. Now here we are 6 years later and we are saying, oh my goodness, there is a problem. If I could just finish, if over the last 6 years it would have been clear that there was a problem with faith-based organizations maintaining their rights under the 1964 Civil Rights Act, I think we would have heard about it. I have not heard a word.

Mr. EDWARDS. Reclaiming my time, there are cases starting to come to the surface. For example, in the State of Florida or Georgia, a Jewish citizen, perfectly qualified for a job, was denied the right to a job simply because he was Jewish.

Now, again, I differ with the idea that the Title VII exemption of the Civil Rights Act allowed faith based groups to exercise religious discrimination or, in the worst cases, religious bigotry.

□ 1245

But I at least want to clarify, at least the gentleman is saying, for whatever reasons he mentioned, groups ought to be able to do with public tax dollars whatever they want; the gentleman is saying that it is okay for a faith-based group running a federally funded jobs training program to say to a Jew or a Catholic or a Christian of one denomination or another, we are not going to hire you even though you are perfectly qualified for this job, simply because of your religious faith. I think most Americans would think that type of religious discrimination is absolutely wrong, especially when we consider we cannot fund religious programs. We all agree that is prohibited under Federal law.

So what we are doing is we are funding social programs. Why should your religious faith have an affect on whether you can ladle soup at a soup kitchen or train a 5-year-old child? Perhaps we have just an honest disagreement. I think it is wrong for a group to say with tax dollars we are not going to hire you because of your personal religious faith. Perhaps the gentleman feels that these groups ought to be able to discriminate in that fashion. And if he does, then at least that is an honest debate and we will let the American people decide which side they come down on.

One other point. I would challenge the gentleman. Other than the gentleman's tremendous knowledge as the chairman of this committee, there were not 10 Members out of 435 in this House that knew the discrimination language was in there in 1998. I have gone back and chronicled the first 3 or 4 times that we passed charitable choice language like this. The first time was the Welfare Reform Act. Virtually no one in the House, other than maybe the conferees, some of them, knew it was in there. The second time we passed it was at about 1 o'clock in the morning. The third time was at about 12:30 in the morning with 2 or 3 Members on the floor. Every time we passed it Members would say, We already passed this before. People did not know it was in there.

So I think all of that is irrelevant.

The fundamental question is should an American citizen be discriminated against for a tax-funded job simply because he or she is exercising their deeply-felt personal religious faith. In my opinion, that kind of subsidized Federal bigotry based on religious faith is a prescription for disaster in this country. And President Clinton, when he signed this legislation and other legislation with charitable choice language in it, made it very clear he did not support that kind of discrimination, and he only signed the bill because of the other good things in it, and his administration had no intention of letting that kind of discrimination occur. With this administration, the present Bush administration, they have said no, it is okay to discriminate against someone based on their religion.

Mr. BOEHNER. Mr. Speaker, if the gentleman would yield, this is not the only statute on the books that allows religious organizations to maintain their 1964 protections under the Civil Rights Act; there are at least a half a dozen others.

But the point I would make is that if we want to debate the merits or changes to the 1964 Civil Rights Act, let us do that out of the bill that comes out of the Committee on the Judiciary, where it was rightfully debated and processed. The fact is, the 1964 Civil Rights Act is very clear in providing this exemption to these organizations. And if the gentleman disagrees with the 1964 Civil Rights Act, as amended in 1965, let us take that debate to the Committee on the Judiciary, let us bring the bill out here and have that debate. But that is the law.

What we are trying to do here is to comply with that. And in the underlying bill here, the Community Services Block Grant bill, we have had this exemption, maintained this exemption for those organizations. All we do in this bill today is to maintain it.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I appreciate the gentleman's honest comments. This is the kind of dialogue that this subject deserves. It is too important of an issue when we talk about religious freedom to be debated in a 10-minute debate at 1:30 a.m. So I appreciate the gentleman's willingness to have this honest debate.

I would conclude by saying, Mr. Speaker, that I strongly disagree with the notion that the 1964 Civil Rights Act clearly made it legal for faith-based groups in America to accept millions, and now in this case billions of Federal dollars, and say, We are not hiring you because you are Jewish or because you are Catholic, or because you are Baptist, or because you are Muslim. And I do not think we have to totally revisit the 1964 Civil Rights Act; I think we could just come here on the floor of the House and have an up-front debate.

It is very simple. It is, Do you believe that it is okay for groups to discriminate in job hiring using tax dollars, based on no other reason than that person's personal religious faith? I am confident that the vast majority of Americans do not like religious discrimination. They are appalled with religious bigotry, and while they understand, as I do, that Baptists and Methodists and Jews and Muslims should be able to hire people of their faith, using their own money, once they accept public tax dollars as a funding source, then they accept the obligation that in America, with tax dollars, you do not discriminate against your fellow citizens simply because of their deeply held religious faith.

Mr. Speaker, before I yield further, the gentlewoman from New York has been very gracious with time. I have appreciated this discussion. I see my colleague, the gentleman from Virginia (Mr. SCOTT) on the floor.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mr. LATHAM). The gentlewoman from New York (Ms. SLAUGHTER) has 6½ minutes remaining.

Ms. SLAUGHTER. It is such a pleasure to hear a real debate. I am delighted. I continue to yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT), and I welcome a 3-person discussion of this question of religious discrimination and religious freedom in America.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Texas (Mr. EDWARDS) for his comments and remind people that the 1964 Civil Rights legislation that prohibited discrimination included an exception, as the gentleman from Ohio has indicated, for religious organizations using their own money for religious purposes. No one anticipated at that time that one would take Federal money and try to discriminate in employment based on religion. Let us be clear. If you can discriminate based on religion and what church or religious organization you belong to, you can essentially discriminate based on race.

Now, the question before us is whether or not, in a government-funded program, you can declare that you do not want to hire people of certain religions. Now, the problem that occurs is that if you can discriminate with Federal money, well, why can you not discriminate with your own money? If you have a group of people running a manufacturing firm and they are all of the same religion, why should they have to hire somebody of a different religion? Because it is against the law. Because we have such a sorry history of discrimination in our country that we just decided that we were not going to allow discrimination based on religion; that it is so ugly that we are going to prohibit it by law, and we did. You cannot hire people with Federal money,

you cannot hire people with your own money and discriminate against them solely because of their race, color, creed, national origin, or sex. That is the law.

Now, we can change the law. You can start allowing discrimination. You can have somebody come around and say, Well, we are running a manufacturing firm and we do not want to work with people of a different religion; or, We do not want to work with people of a different race. We can change the law. That is our prerogative, and that is what we are doing with this bill if we pass it in its present form. We will be saying to the public that we hire everybody but Catholics or Jews. That is about as ugly a situation as there is. I do not know how you can dress that up and have it come out anything other than ugly. I mean you can put lipstick on a pig, but you cannot pass it off as a beauty queen, and you cannot say, We do not hire Catholics and Jews, and try to pass that off as anything but ugly discrimination.

Mr. EDWARDS. Mr. Speaker, I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I appreciate the gentleman yielding, and I clearly recognize that there is a difference of opinion on this. I do not castigate any aspersions on the feelings of my colleagues. But both of my colleagues on the other side here who have engaged in this debate have referred to the intent of the 1964 Civil Rights Act, and the gentleman from Texas (Mr. EDWARDS) even used Senator Ervin's name in terms of there was no intent for these organizations to give up, to give up their religious exemption.

I have a quote here from Senator Ervin during that debate and he said, ''This amendment is to take the political hands of Caesar off the institutions of God where they have no place to be.'' I would suggest to both gentlemen that Senator Ervin from North Carolina clearly intended for the hiring exemption under title VII to be there.

Mr. EDWARDS. Mr. Speaker, reclaiming my time just for a moment, if the gentleman would check the full debate record, Senator Ervin also said at one point, ''After all, it is their money.''

Well, now we are not talking about ''after all, it is their money.'' We are talking about the people's money, the American tax dollar, and I think there is a huge difference there.

Mr. SCOTT of Virginia. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I am glad to yield to the gentleman from Virginia (Mr. SCOTT) and then back to the gentleman from Ohio (Mr. BOEHNER).

Mr. SCOTT of Virginia. Mr. Speaker, just so we know what we are talking about, I would like to know whether or not if the bill passes in its present form, you can take Federal money and have a policy of not hiring Catholics and Jews; if it passes in its present form with the Federal money. Now, the church can do what it wants with the church money. That exemption is not affected. But under this bill in its present form, can you have the policy of telling people that you are the best qualified, but we do not hire Catholics and Jews?

Mr. EDWARDS. Mr. Speaker, let me tell the gentleman, I think the gentleman understands what this law would allow.

Going back several years ago, I do not know the present policy, but just a few years ago Bob Jones University made it very clear they did not hire Catholics or Jews. And under this language, you could literally put out a sign, paid for with tax dollars, in a faith-based group associated at that time with Bob Jones University, possibly today, that literally says, No Jews or Catholics need apply here for this federally funded education grant. I find that deeply offensive, especially when these are not religious jobs that we are paying for with tax dollars; these are social programs, education programs, job training programs, and other areas of government.

Why should someone's ability to help a 5-year-old get a head start in life through the Head Start program be denied a job? Why should an adult helping children be denied a job because they are Jewish, Catholic, or some other faith?

I think it is dead wrong. I do not think we have to look at other issues to just face the moral rightness or wrongness of that point. I think it is wrong to be discriminated against in a federally funded job simply because of my personal religious faith. I do not think the gentleman from Ohio (Mr. BOEHNER) ought to have to pass my religious test to qualify for a job training program. I do not think the gentleman from Virginia (Mr. SCOTT) should have to pass the gentleman from Ohio (Mr. BOEHNER)'s 20-point religious test to qualify for an education job funded by the taxpayers. It is just right or wrong.

The SPEAKER pro tempore. The time of the gentlewoman from New York (Ms. SLAUGHTER) has expired.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I appreciate the gentlewoman yielding me this time.

In answering the gentleman from Virginia (Mr. SCOTT)'s question, the fact is this has been the law of the land in this program for 6 years, and I challenge anyone to come to the floor and say where there has been a problem, because there has not been a problem.

But in the bigger question, let us not forget that these faith-based organizations in many of our poorest communities are doing tremendous work to help needy people. And my concern, by changing the law along the lines of what my two colleagues would like to do, would be to provide a chilling effect on faith-based organizations from participating in programs to help their fellow citizens.

So we will have plenty of time for this debate this afternoon once we get into the bill, but I do think that there are various points of view here. They ought to be heard. The rule allows for a clear and open debate on this question and the rest of the bill, and let us have that debate then.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1300

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 513 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3030.

□ 1300

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements, with Mr. LATHAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I get into my remarks on the underlying bill, the Community Services Block Grant reauthorization, let me take a moment to welcome our colleague, the gentleman from California (Mr. GEORGE MILLER), and the ranking democrat on my committee, back to the House. He had some surgery over the break in December and has been in a period of recuperation. And we just want to welcome him back, back to the House and hope that he is in a very pliable and amenable mood.

Mr. Chairman, I rise today in strong support of H.R. 3030, improving the Community Services Block Grant Act, a bill that strengthens the popular and valuable Community Services Block Grant program.

I want to thank my colleague from Nebraska (Mr. OSBORNE) who is the author of this legislation, who, along with his staff and our committee staff, has worked hard to guide this legislation through the committee where the bill received bipartisan support.

The CSBG provides Federal money to State and local agencies to lessen the

effects of poverty. States pass at least 90 percent of the Federal funds they receive through to community action agencies who run programs to help with finding and retaining a job, getting food on the table, and providing emergency services.

Since 1981, this program and the agencies it funds have helped millions of fellow Americans. Mr. OSBORNE's legislation makes improvements to this popular initiative by increasing accountability and efficiency while preserving the successful framework of this proven program. The bill requires the community action agencies to set clear, locally determined goals and to work each year to meet those goals. Agencies that repeatedly fall short of their own goals will be subject to action by the States. H.R. 3030 works with the local centers while making sure taxpayer dollars are carefully accounted for.

In the interest of improving the quality of local programs, this bill requires States to reevaluate their lowest performing grantees and justify to the Secretary of Health and Human Services why those organizations should continue to receive Federal funding. Again, this bill makes sure that agencies using Federal funds are delivering high-quality services.

Finally, this bill maintains the current law regarding faith-based organizations. We are all aware that some of the finest social service organizations in this country are run by religious charities; and I, along with a majority of my colleagues on the committee, believe that these faith-based organizations ought to be able to continue to provide help to their neighbors in need.

In 1998 when this bill was last reauthorized, then President Clinton signed into law the same language that we have in the bill of the gentleman from Nebraska (Mr. OSBORNE) today. It allows faith-based community services to continue to maintain the character of their organizations with regard to their own hiring decisions. In fact, a broad group of faith-based organizations including Catholic charities, the American Association of Christian Schools, the Salvation Army, World Vision, and the Coalition to Preserve Religious Freedom have expressed strong support for the faith-based protections included in this bill.

There are some on the other side who would like to strip these rights to deny religious charities the rights they are granted under the 1964 Civil Rights Act and as upheld by the U.S. Supreme Court and current law.

Now, should the minority succeed in depriving these groups of their rights, I do think it would have a chilling effect on the participation of faith-based organizations in the Community Services Block Grant program.

We can expect that at least some of these groups would choose not to participate in CBGC, rather than compromise their character. As we all know, the group most likely to suffer the consequences are the most vulnerable in our society, those who need the help most.

This legislation makes some key improvements to ensure quality and accountability in the Community Services Block Grant program but leaves the essential character of this popular and successful program unchanged.

I want to urge my colleagues to support this valuable antipoverty program that the funds in this bill promote and vote ''yes'' on H.R. 3030 to improve the Community Services Block Grant program.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by thanking the gentleman from Nebraska (Mr. OSBORNE) and the gentlewoman from California (Ms. WOOLSEY) for all of their work on this legislation.

I want to compliment the gentleman from Nebraska (Mr. OSBORNE), a relatively new Member of the Congress, for his effort in shepherding this through our committee and bringing it to the floor on a timely basis. And I want to thank the gentleman from Ohio (Mr. BOEHNER) for working with us on many of the provisions in this bill to make sure that States and local entities are held to strong accountability while providing services to reduce the effects of poverty. And I rise in strong support of the Community Services Block Grant program.

The Community Services Block Grant is a relatively small, but an extremely important, program. The central purpose of this program is to minimize the effects of poverty and to maximize self-sufficiency. This program gives money to local entities who can create innovative programs and respond to community needs. It helps low-income individuals and families with services such as domestic violence prevention programs, job training and business development, senior services, homelessness, food pantries, adult literacy, and early education.

As we read that list of names, many of us will recognize our friends and families who volunteer in many of these efforts in our communities because the Community Services Block Grant has also been a catalyst to bring together other elements of the community help volunteers to address these problems that are present in our local community. I support the provisions of this legislation, and the substitute makes important steps to further strengthen the accountability of goals and performances.

However, I cannot support this bill because this bill contains a poison pill. I will not support government-sponsored religious discrimination. And we can dress it all up and we can talk all around the point, but the fact of the matter is that what this legislation does is allow faith-based organizations to make discriminatory hiring decisions with the funds from the Community Services Block Grant.

The majority claims that these types of repeals of civil rights laws are necessary for faith-based groups to participate is simply wrong. The faith-based organizations have been participating in this program from its inception. In many instances, the faith-based organizations were here prior to the creation of the Community Services Block Grant.

When we think back to the War on Poverty, when we think back to ending segregation in this country and to providing opportunity in this country, to poor and minority families in our communities, if it had not been for the faith-based organizations, many of those efforts would have never gotten off the ground in many regions of this country, in many of our cities, and many of our communities.

So the fact of the matter is from its inception faith-based organizations have been a key component, a necessary component, and a welcome component to the providing of services under the Community Services Block Grant and in many other governmental activities that we undertake to improve our communities.

Mr. Chairman, I also want to point out that the suggestion that, but for this provision in the law, these organizations are not participating, according to a nonpartisan survey, over two-thirds of local Community Service Block Grant boards include faith-based organizations. Forty percent of the community action agencies contract with faith-based organizations to deliver services.

I expect, again, that Members of Congress will recognize that activity. I certainly do from the congressional district that I represent because I rely on, and our community relies on, and the families and recipients of these services rely on faith-based organizations to extend the efficiency of these programs, to extend the effectiveness of these programs. We do it when working with prison parolees and their families; we do it working with the victims of domestic violence and working with children who need additional mentoring and tutoring, all kinds of activities that take place in our community.

Nearly 100 percent of the community action agencies refer clients to faith-based providers because the services are there and they are effective and they are working. The majority's claim that Democrats and President Clinton have supported discriminatory language we are debating today is really not true. When the Community Services Block Grant was before us in 1998 the religious discrimination language was put into conference report and was voice voted at 2 a.m. Some on the other side of the aisle may recognize that because that has become a habit. Whenever there is something controversial, we do it after midnight in the House of Representatives.

Mr. Chairman, we simply should not as a matter of law give to religious organizations the right to discriminate when they are using Federal dollars, because that makes the government of the United States a partner in the discriminatory agent. And that is what the Constitution is all about, to make sure that the government does not do that.

We had a little tune-up here a little earlier on the floor between my chairman and the gentleman from Texas (Mr. EDWARDS), and I think it is clear that there is a distinction what faith-based and private organizations do with their own money. It is a distinction that has been brightly drawn in Federal law as to what they do with the taxpayers' dollars. Obviously these taxpayer dollars come from people of all faiths, and they should not be used to discriminate.

The underlying bill is a very good bill. It is a very important bill. It is an improved bill because of the work of the members of our committee. But it, in fact, contains this poison pill that specifically provides for discrimination with Federal funds. I will not support that effort. I would hope that most of the Members of Congress would not support that effort, and then we can get on to renewing the effort by the community action agencies, by our States and our cities and localities and agencies and so many of the faith-based organizations that are already providing so many of these services and helping so many of the agencies and helping so many in our community to battle the impacts of poverty on families and children in our communities.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield 6 minutes to the gentleman from Nebraska (Mr. OSBORNE), the author of the bill before us.

Mr. OSBORNE. Mr. Chairman, I would like to thank the gentleman from California (Mr. GEORGE MILLER) for his kind comments regarding the overall worth of the bill. I am glad to see him back.

I really have three comments regarding the faith-based issue. First of all, I think that we need to recognize that there is legal precedent. And some of this has been discussed earlier. There are four different acts: The Substance Abuse and Mental Health Services Administration Act; the Welfare Reform Act of 1996; the Community Renewal Tax Relief Act of 2000; the Community Services Block Grant Act of 1998, which we have been discussing, which is current law; title VII of the Civil Rights Act of 1964, which we have been discussing; Supreme Court decisions such as Bowen v. Kendrick. So all of these provide sound legal support for the fact that faith-based organizations have a right to consider religion in determining hiring. And so we think this is well substantiated.

What time of night we voted on a bill should not have any bearing. We are accountable people. We cannot call Kings Acts because it was at a certain time of day.

We hear about special interests being involved in this, such as the Salvation Army, Catholic Social Services. These are not really very powerful special interest groups, and I do not think we need to worry about them very much.

The second point I would make is this, and the chairman made this earlier, this is a bill that is working. And so often when we get down to where the rubber hits the road in this body, we want to quibble over details, and we do not want to worry about the big picture. The big picture is how many people in need are we helping? And, obviously, this bill has done a good job for the last 6 years. There have been minimal complaints. Matter of fact, we know of no legal challenge to this bill.

□ 1315

So why all the sudden now is this becoming a big issue?

The third point that I would like to make is simply that of return on investment. And we hear a lot about budget deficits and our tax dollars and how they are being spent. Well, let us take a look at this because I think this is important. I will give you a case history from my district.

One agency has total funding of $8.5 million; $250,000 of this comes from community service block grants. That is 3 percent of the total. This particular agency serves 12,000 people. So if you prorate that, that means an average of $700 goes to each recipient. The community service block grant would then serve 350 of that 12,000.

Now, let us take, say we took that $250,000 community service block grant and said, okay, we got to go rent a building. We have to go hire 3 employees. We have to get a car. We have to buy some computers. We have to get some telecommunications going. You would eat up the whole $250,000 getting started. You would serve nobody.

What we are doing is getting more bang for the buck. I think everybody can understand that. We are not hurting anybody. I think it is important to understand that.

I think it is also important to understand that if faith-based organizations are not allowed to maintain hiring practices where faith is a consideration, obviously, many will leave the program. So they would be open to lawsuits regarding a hostile environment due to religious symbols and art. So if somebody has a picture on the wall that is a religious connotation, and somebody does not like it and they have been hired and they do not understand the mission of that organization, they can file a lawsuit because of a hostile environment which makes it almost impossible to function.

Also, as the chairman pointed out earlier, many faith-based organizations have employees with multiple responsibilities. So the music director at a church may also run the Head Start program. A youth pastor may run the food pantry. If you have multiple responsibilities, you obviously have to have people in place who understand the mission of that particular church or organization, and you cannot say, well, we need to have somebody who is socially acceptable and politically correct, but is actually the antithesis of what that particular organization wants to hire. You cannot do that.

Also, they could lose their tax-exempt status because tax-exempt status is provided to entities which share a common faith. So if you have to hire people that do not share that common faith, then how are you going to maintain that tax exemption? So we often assume the worst about faith-based organizations. I think this is a mistake.

The overwhelming majority of faith-based organizations hire people who agree simply with their mission. They hire people of other faiths but they want to make sure they understand the mission.

Dr. Nelson testified before our committee. She runs a faith-based organization in Chicago. She says their mission is based on a passage from the book of Isaiah that refers to justice and compassion. So obviously they hire a broad spectrum of people from many different faiths that simply aspire to that mission.

So this organization should not be forced to hire those who do not agree with the mission. That is simply what we are saying. We do not think there is widespread discrimination anyway.

Lastly, I will say this: The Supreme Court in Mitchell v. Helms set forth the proposition that members of religious organizations should always be presumed to be acting in good faith. It seems to me that we are doing exactly the opposite here. We are assuming that members of religious organizations act in exactly the opposite, they operate in bad faith. I do not think they do this. That is why for 6 years we have not had complaints. This is working. So we think we have a good bill. We think we need to pass it, as written, and we would urge a vote against the substitute.

Mr. Chairman, I am very pleased to rise today in support of my bill, H.R. 3030, Improving the Community Services Block Grant Act of 2003. H.R. 3030 reauthorizes the Community Services Block Grant Act (CSBG). The Community Services Block Grant program distributes Federal money to more than 1,100 Community Action Agencies nationwide that use those funds to lessen the effects of poverty.

In my congressional district, there are six Community Action Agencies: Blue Valley Community Action, Central Nebraska Community Services, Community Action Partnership of Mid-Nebraska (Kearney), Goldenrod Hills Community Services, Northwest Community Action, and Panhandle Community Services. Each of these agencies provide invaluable services to the citizens of Nebraska.

Many people have asked about what CSBG funds do. In short, CSBG funds provide the

glue that help Community Action Agencies coordinate funding and services across the spectrum of what families might need. An example of the success of the CSBG was shared with me by Shelley Mayhew of the Blue Valley Crisis Intervention. Shelley worked with a young mother with a 5-year-old child who was abandoned, with no money or car, by her abusive and violent fiancé.

Unable to search for a job because of her inability to pay for childcare, lack of extended family support, lack of domestic violence services, and her lack of a car, since in rural Nebraska we have no mass transit system, this young mother was referred to Blue Valley Community Action Crisis Intervention. There, through the actions of staff at Blue Valley, the child was enrolled in school, the family received domestic violence counseling and found affordable housing, and the mother found a job that allows her to support her family. Today, this young mother is even enrolled in a program to help her prepare for homeownership. Shelley, the caseworker, says, ''I watched a family struggling and hopeless become self-sufficient and optimistic about the future. I feel very fortunate to be part of an agency that makes a difference in so many people's lives.''

This is just one story from my congressional district. H.R. 3030 preserves the CSBG as a true State block grant program, allowing States to establish and operate antipoverty programs that meet the unique needs of their low-income communities. It also retains the current definition of an eligible entity to include the grandfather provisions, but requires eligible entities to successfully develop and meet locally determined goals and meet State goals, standards, and performance requirements in order to continue to receive funds.

H.R. 3030 contains a number of important provisions:

Increases quality by requiring States to reevaluate funding the lowest-performing grantees. States are not required to defund these groups, but to explain why underperforming agencies should continue to receive funding. In addition, agencies are required to set locally determined goals and meet those goals and State goals, standards, and performance requirements.

Improves accountability by requiring states to take swift action to improve or defund low-performing entities that do not meet State and local goals.

Retains protections for faith-based charities. H.R. 3030 allows faith-based organizations to make employment decisions based on religion. I realize that this will be a topic of much discussion as we address this bill today, but I hope we can keep in mind that this is current law, signed into law by President Clinton. The bill does not permit federal funds to be used for the purposes of promoting religion. Rather, the CSBG funds under this bill can be used for secular purposes without compromising the essential character of the faith-based organization providing the services.

In addition, the bill maintains current overall funding levels as well as continues funding discretionary programs, including the National Youth Sports Program, which is particularly important to me.

I want to thank all the staff on both sides of the aisle who worked so hard to craft the compromise language that was necessary to insure that H.R. 3030 met the needs of the local organizations that work so hard to provide services to all of our constituents.

I urge passage of H.R 3030 and yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 7 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank my friend and ranking member for yielding me time.

Mr. Chairman, I would like to congratulate the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Nebraska (Mr. OSBORNE), and the gentlewoman from California (Ms. WOOLSEY) for the outstanding work they have done in authorizing the continuation of a very powerful and positive force in our community.

I will support the Democratic substitute because it permits that work to go forward, but it does not contain a very troubling provision that I believe should be struck from the bill.

There are few things that I hold more dearly in my life than my faith. I miss the weeks when I cannot attend my chosen church. I feel like something is missing in my life. I make an effort as much as I can that my children are exposed to their religious traditions so they can make their own choices about religion. I feel awfully blessed to live in a country where I can practice my faith as I see fit. It is one of the things that I most cherish about being an American. But I also cherish that I live in a country where the government can never, never force me to adopt a religious belief or to bend my religious belief because it is the will of the majority.

There are few principles in American law that are without exception, but that is one of them. And I am glad that it is one of them. The provision that is in this bill, although I know that it stems from the best of intentions, and I know that in fact in many cases it would yield the best of results, is ultimately a provision that would do great mischief to this great balance of liberty that the framers of the Bill of Rights gave us in balancing the prohibition against the establishment of religion with the free exercise of religion.

I agree with my friend, the gentleman from Nebraska (Mr. OSBORNE) when he says he presumes that most faith-based organizations most of the time want to do what is right with public money and with private money. That is obviously true. But the Bill of Rights is not about the majority of situations or the majority of people. It is about everyone's rights in every situation to be free from religious discrimination paid for and facilitated by public dollars. Here is the situation that gives me trouble and pause about this bill:

One of the programs that is funded under this bill is the Meals on Wheels program, a terrific program where shut-ins and other people suffering with illness or infirmity can receive a hot meal in their community and in their home. Under this bill, as proposed, if a Meals on Wheels program were to be run by a church or a synagogue or a mosque, and that Meals on Wheels program was advertising for a van driver, not a Sunday school teacher, not a director of religious education, but a van driver, someone who is going to get in the van every day and deliver the meals, the church or the synagogue or the mosque could say, with our tax money, We will not consider you to drive the van if you are not a Catholic. We will not let you cook the dinners if you are not Jewish. We will not let you run the administrative part of the program if you are not a Muslim. With public money.

Now, it is one of the cherished religious principles of this country that with its own money the church or the temple or the mosque can absolutely maintain that hiring practice, and it should. And I will never vote for the legislation that limits or repeals that right, because it is unconstitutional and it is wrong. But I also will never vote for the proposition that is before us today that says with my money and your money, Mr. Chairman, that a church or a temple or a mosque can refuse to hire someone because they do not fit the right religious profile. That is not right.

The reason that we have a country is because people came across the Atlantic Ocean hundreds of years ago to escape a society where if you did not fit the religious conformity of the majority, you could not be a full partner in that society. That is why there is a United States of America. Now when people say, well, faith-based groups are excluded from community development programs because they cannot discriminate with public money on the basis of hiring and firing, that is not true. There are faith-based organizations that run Head Start centers and run Meals on Wheels programs and run homeless programs and job training programs, and they do so respecting the differences between the protected private right to choose whomever you want from your faith or not from your faith and the recognized public responsibility to spend money in such a way that does not discriminate.

This is not a debate about motive. I know that the sponsors of this legislation on the majority side are not bigots and not interested in discrimination in any way, shape or form. I know that their motive, in fact, is to spread the good works of religious organizations in this country and I support that mission as well. But the best way to support and spread the good works of religious institutions in this country is not to entangle those institutions in the machinery of government. The best way to ensure the continued vitality of our churches and our temples and our mosques is to assure their continued independence. And the best way to assure their continued independence is

not to ensnare them in the expenditure of public funds in discriminatory practices.

I do not want my church to be able to take my tax money and tell people who are not a part of my church that they cannot come to work there in a federally funded program. I do not want that. And I certainly do not want someone taking any tax money and telling someone of my faith or some other faith that they cannot do the same thing as well.

This is a well-intentioned provision, I am sure, but the results will be a mischief that we will regret for a very, very long time. The right course of action, Mr. Chairman, is to pass the Democratic substitute, move forward with the laudable programs under this bill, and retain the cherished tradition of the separation of church and State that has defined this country's success for so many years and so many generations.

Mr. BOEHNER. Mr. Chairman,I yield myself such time as I may consume.

Mr. Chairman, it should be clear to our colleagues today that the underlying bill, the reauthorization of the Community Services Block Grant program, has been done on a broad bipartisan basis. The only issue here of disagreement in the Chamber is the issue of whether faith-based providers would give up their title VII exemption in order to continue working in this program.

As I mentioned before, for the last 6 years this language allowing faith-based providers to receive federal funds and to maintain their exemptions under title VII has in fact been the law. And to my knowledge, there has been no complaints. Now, it is pretty clear to me, and I think to most of my colleagues, that faith-based organizations, whether they are using their own money or they are using federal funds, I would venture to say that the vast majority of them probably would never take up their title VII exemption or need it. But the fact is that that is the law.

The 1964 Civil Rights Act made it very clear that religious organizations did not have to give up their rights to hire the person of their choice under that act. And all we do here is maintain that and we have been doing this, as we said, in the welfare reform law, a number of other laws, over the past decade or so. And for those who have differences with this law, and I certainly respect their opinion, the fight should not be here on this bill. If they really feel strongly that the title VII exemption for religious organizations should be taken away, they should go to the Committee on the Judiciary and move a bill to change the 1964 Civil Rights Act. But let us not do it on this bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), who has worked diligently on this program, not only here as a Member of Congress, but in his prior life of Governor of the great State of Delaware.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the committee very much for yielding me time and all of those who helped put this together.

In a benevolent society, as America is, I think the most important function government can have is the care of those who may be unable to take care of themselves. As we know, with the Community Services Block Grant we are dealing with the very lowest-income part of our population. I doubt if there is a single Member here, either Republican or Democrat, who has not toured or at some point come into contact with probably multiple agencies which are working under this particular grant, and which has made a difference in the lives of people.

I certainly have had that great opportunity as I have seen the Meals on Wheels programs and educational programs and helping with housing and helping with job development, and you name it, the various things these agencies do. It is a very clean flow through to these agencies. It is a very clean delivery system as they deal with that particular part of the population who needs help.

□ 1330

This is a very important piece of legislation. I congratulate the chairman and the ranking member and everybody else who was involved, the gentleman from Nebraska (Mr. OSBORNE), of course, who is the author of this, for putting together a piece of legislation which both renews what we have been doing and reauthorizes it for the next half dozen years or so but also recognizes that we need to keep an eye on certain things and does that as well.

I think this is a very good underlying piece of legislation. I would encourage each and every one of us to support it and also to support these programs out in our communities, which I think makes a great difference in the quality of life for everybody.

On the faith-based issue, which is obviously the contentious issue here, I think it is important to understand, for whatever reason, this was done in 1998. If my recollection is correct, it became law under a Democratic President at that time. I have not had anybody say to me ever in my State of Delaware that there is a problem with that. Not once have I ever heard it mentioned, and I have been to these agencies on a number of occasions in the course of the last half dozen years, and I have not heard any examples of that on the floor.

Where it is really a problem, where the rubber hits the road, it is a very nice constitutional argument. It belongs in the Committee on the Judiciary, but the bottom line is most of the people who are supplying these services are doing it in a way that benefits everybody, and I would encourage everyone to support the legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today as a supporter of H.R. 3030 which provides Federal funds to local community action agencies and local nonprofits, who use these funds to lessen the effects of poverty. However, Mr. Chairman I cannot in good conscious support this legislation without having the Democratic substitute being accepted as part of this bill. While I support faith-based organizations I also support the idea of religious freedom that is a hallmark of our great Constitution and would be repressed by the passage of this resolution without an amendment.

Mr. Chairman as the representative of the 18th Congressional district in the city of Houston I have seen the good works that can be done by faith-based organizations. I have gone to nearly every church in my district and seen the charity taking place to feed, clothe, and care for our most impoverished citizens. But it is not just churches that engage in this kind of beneficial activity. Throughout my district there are synagogues, mosques, and temples that are out-reaching to the general community. We should be encouraging all these centers of faith to be dialoguing and working with each other. We must eliminate many of the walls that often exist between communities of faith and have plagued so much of the world. The legislation contains the fatal flaw of allowing discrimination based on a person's religious background. If a person of a different faith wanted to take part in a church's homeless project and was turned away because of her faith, how can we approve of that? Each individual should be judged on their intentions not just on their faith. The people who want to work in these faith-based programs only have the best of intentions. They want to positively affect their community and we should not allow others to put roadblocks in their way simply because of their religious affiliation.

The provisions allowing religious discrimination in faith-based organizations is truly unfortunate because this is an otherwise excellent piece of legislation. Not only will it provide community service block grants, but it will hold these programs accountable. States will now have to monitor the effectiveness of programs that are receiving Federal funds under this legislation. I know for certain that this legislation will be very welcome in the city of Houston and indeed in the State of Texas. Our State is full of charitable and caring people whose only concern is the well-being of the community. I have full faith in my fellow Texans that they would accept and welcome a provision not allowing religious discrimination for Federally funded programs. This body has always stood for the rights of all minorities and we should stand with them now. Those who want to engage in charitable activities should be allowed to do so regardless of their religious faith. I hope the majority in this body will accept the Democratic substitute and make this a truly bipartisan resolution.

Mr. RYUN of Kansas. Mr. Chairman, some of my colleagues on the other side of the aisle would like to strip religious organizations of a fundamental first amendment right that has been guaranteed to them by decades of civil rights law—a right that has been upheld by both the Congress and the U.S. Supreme Court.

George Washington in a letter to the Annual Meeting of Quakers held in 1789 said this: ''The liberty enjoyed by the people of these states of worshiping Almighty God agreeably to their conscience, is not only among the

choicest of their blessings, but also of their rights.''

As noted in a recent study by The Heritage Foundation entitled Churches, Charity, and Children: ''It is not hard to understand why religious organizations would hire only those with similar religious values. It is impossible to safeguard an organization's mission—religious or secular—without staff and volunteers who embody it.''

Our Nation was founded on the premise of religious freedom. It is what makes our Nation great.

Religious organizations are founded on deeply held convictions. It is these convictions that have created these organizations. It is these convictions that make these organizations so successful. It is these convictions that give these organizations life. And today, if we as a Congress do not combat this attempt to destroy these convictions, we will be destroying a part of the very foundation of what and who we are as a Nation.

Mrs. BIGGERT. Mr. Chairman, I rise today in support of H.R. 3030 and in opposition to the amendments offered today.

H.R. 3030 would reauthorize the Community Services Block Grant program and restore the protections granted to religious organizations under Title VII of the Civil Rights Act. This exemption explicitly allows faith-based organizations the freedom to consider religion when hiring staff, and any federal legislation governing federal training and social services funds should continue to protect these rights.

Faith-based providers cannot be expected to sustain their religious mission if they cannot employ individuals who share the tenets and practices of their faith. In many cases, it is that faith that motivates them to serve their community. Such practices have been upheld by the United States Supreme Court in Bowen v. Kendrick, even when the organization is receiving federal funds.

Let me clarify. Federal funds cannot be used for worship or for proselytizing. Nor can these organizations discriminate in who receives services. Any activity that used federal funds must not be discriminatory.

We have a long history of making social service legislation more inclusive by extending the Title VII exemptions in various federal programs. H.R. 3030 contains the same ''faith-based'' provisions as the Welfare Reform Act of 1996 and the Community Services Block Grant Act of 1998, both of which were signed into law by former President Clinton. The bill we are considering today would simply make the Community Services Block Grant consistent with the legislation governing other major social service programs. Furthermore, in May, the House approved almost identical language in reauthorizing the Workforce Reinvestment and Adult Education Act of 2003.

I urge my colleagues to support this legislation and let faith-based organizations continue the good work they are currently doing.

Ms. LEE. Mr. Chairman, today I rise in strong support of the Woolsey and Miller amendments and to highlight the immense need for anti-poverty and poverty-reduction programs, currently executed by communities through the Community Service Block Grant program.

Unfortunately today, far too many of us are blinded by the politics of service instead of viewing the need for it.

As we debate the merits of this legislation's language, its impact on civil rights, and where funding can be squeezed out of the administration's budget for actual communities to invest in people, we negate the intent of this bill and the work that must be done.

This bill should be about people not politics.

The truth is we are in an ongoing struggle for human dignity, basic human rights and real people living in poverty which this bill has provided resources and support to.

Ending poverty should be our obligation, and President Johnson launched the Community Service Block Grant program back in the 1960s hoping that we would step up to our commitment.

How many of us can argue that we have challenged this chronic problem, while our country has 35 million people living in poverty, 43 million people without insurance, 14.4 million families with critical housing needs, at least 2 million Americans without jobs, and while hunger and homelessness continue to rise with over a million homeless people on the street any given night—nearly a third of whom are veterans.

The Community Service Block Grant is part of a comprehensive, community centered approach to helping those most vulnerable in our country. The CSBG grants funding and resources to groups that: weatherize homes or provide emergency assistance; teach parents on parenting and connect parents to reliable child care; work with elderly and youth after school programs; provide transportation to those with disabilities; teach people about credit and financial literacy; provide crisis assistance to victims of domestic violence; fill food pantries for the hungry; and the list goes on and on.

Mr. Chairman, today the debate over the Community Service Block Grant authorization should go much deeper than mere dollars and cents. The domestic agenda of the Bush administration is crippling America and Congress cannot stand for it.

Our challenge and our obligation to eliminate poverty and guarantee basic human rights and dignity to all men and women must be championed not only by this bill but by some real money and attention.

I stand in support of ending poverty through the reauthorization of this bill, and if my colleagues feel the need to politicize poverty today, then I along with many other Members, will shed light on those malicious maneuvers.

The centerpiece of this debate should be, where there is justice for all men and women, we find peace and respect for human dignity and rights. Today this country needs leadership that will ensure and protect that dignity and our basic and most treasured human rights.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today to speak out in opposition to H.R. 3030, a bill to reauthorize and amend the Community Service Block Grant program. While I strongly support the social services and organizations that these grants help support, this bill does not correct current law, which explicitly allows religious organizations that receive federal funds from the Community Service Block Grant Act to discriminate in their hiring. Instead, I support the amendment offered by my colleagues, Representatives LYNN WOOLSEY, GEORGE MILLER, and others, which would prohibit discrimination in hiring based on religion.

Americans share a fundamental value that we must never discriminate on the basis of religion. Unlike other ideologies, our Constitution specifically protects religion in the first amendment of the Bill of Rights. Yet, H.R. 3030 says federal funds can, in fact, be used to discriminate against someone who may not share the same religion as that practiced by the organization receiving funds. We must not allow our taxpayer dollars to support discrimination.

The fact is that religious organizations have been providing secular social services, such as Meals on Wheels, adult literacy programs, homeless shelters and job-training programs, to people in this country for decades. And, in cases where federal funds are involved, these religious organizations have willingly done so without discriminating in their hiring. We must not go down a road where discrimination of any kind is allowed with federal money.

I urge my colleagues to vote ''no'' on H.R. 3030 and ''yes'' on amendments that prohibit religious discrimination.

Mr. UDALL of Colorado. Mr. Chairman, I rise today to express my cautious support of H.R. 3030, the reauthorization of the Community Service Block Grant (CSBG).

The Federal government sponsors several programs which fight poverty on all levels. The CSBG ties these programs together and provides extra support and flexibility to meet the individual needs of each state. Many public and private organizations which fight poverty will benefit the lives of many more people throughout the country as a result of the help these grants provide.

This bill makes several changes that enhance the quality of services these grant sponsor. For example, organization, when applying for the grant, must submit a detail plan about the type of services they will provide as well as criteria which effectively judge if the organization has meet the goals outline in their submitted plan. by establishing local goals, each organization can tailor their efforts to meet the needs of their clientele, while maintaining a high standard of service and effetive use of taxpayer dollars.

I am also pleased that this bill continues to require funding to improve economic conditions and encourage self-sufficiency for the poor in rural areas. The rural poor face different barriers to reach self-sufficiency than those in urban areas and thus require different types of services to reach a level of independence.

I do have many concerns that efforts to protect against religious discrimination in hiring made in both committee and through amendments to this bill were not adopted by this chamber. While I believe that it is important that religious organizations maintain their religious character, I do not favor discrimination of any kind with federal dollars.

That being said, I believe that this ultimately is a good bill and the efforts made through the Community Service block Grants provide important services to the poor in our country. As a result, I will vote in favor of H.R. 3030 and am hopeful that the Senate will provide protection against hiring discrimination and that that language will remain in the final version of the bill.

Mr. STARK. Mr. Chairman, today I rise in opposition to the ''Improving the Community Services Block Grant Act of 2003'' and in support of the Democratic alternative.

I fully support the Community Services Block Grant. It has helped lift many Americans out of poverty. It has been instrumental in creating programs that provide many Americans

with services and skills to get good jobs and fully participate in their community.

And ''community'' is an important value underscored in this initiative. The Community Services Block Grant is supposed to build stronger communities, not create divided ones where discrimination is tolerated and encouraged.

Yet, the House Republican bill would do just that. It includes a provision that makes it legal for religious organizations that receive funds under the Community Services Block Grant to discriminate against who they hire or provide services to based on one's religious beliefs. This horrible provision will lead to religious organizations denying essential services to many low income Americans based on their religion and ultimately depriving them of the opportunity to use these community services to climb out of poverty.

I will not vote for legislation that reinstitutes government-sponsored discrimination. I urge my colleagues to vote instead for the Democratic alternative. It funds all the programs Republicans fund in their bill. But, it does so without opening the door to discrimination and intolerance that is a barrier to self-sufficiency and stronger communities across our Nation.

Mr. KIND. Mr. Chairman, I rise today in strong support of the Community Services Block Grant. It is an extremely important program for more than 1,000 communities nationwide and millions of families. In Wisconsin, there are currently 19 eligible organizations and 11 tribes that receive CSBG funds and last year the State received nearly $8 million in funding. I am pleased that in Wisconsin's Third Congressional District that I represent there are five Community Action Agencies serving our community. They include West Central Wisconsin Community Action Agency, Western Dairy-land, Cooleecap, Central Wisconsin Community Action Council and Southwest CAP. I commend these agencies for all the work they do to fight poverty and assist some of the most vulnerable members of our community.

Over the past several years the Nation's poverty rate has risen so that now more than 34 million people live in poverty with an all-time high since statistics were first kept in 1979. Recent unemployment figures are equally troubling. Since 2001, approximately 2.3 million workers have lost their jobs. Given the current economic situation in this country right now, the reauthorization of a program whose central purpose is to minimize the effects of poverty and to maximize self-sufficiency for millions of people is critically important.

Yet, H.R. 3030 before us today fails to correct provisions in current law that permit religious organizations receiving funds under this Act to discriminate in employment based on religion. While these provisions have existed in current law for 5 years, I cannot condone the continuation of discriminatory policies in any context.

During committee consideration of H.R. 3030, an amendment was offered to remove the discriminatory language. This amendment failed, thus retaining this language, which is why I opposed the legislation in committee and why I oppose it again today.

While I strongly support the right of religious institutions to preserve the integrity of their own religious character when it comes to their activities, I oppose the Federal Government providing Federal funds for secular purposes to any organization that could then use these funds in a discriminatory fashion on religious grounds.

I do support the Democratic substitute offered by my good friend, Representative GEORGE MILLER, ranking member of the Education and Workforce Committee. The substitute restores basic civil rights for workers while ensuring the on-going participation of faith-based groups in CSBG programs.

Mr. Chairman, in closing, I want to reiterate my support for the Community Services Block Grant and express my deep disappointment in having to oppose this bill for the mere fact that the congressional leadership insisted on retaining such discriminating language.

Mr. GEORGE MILLER of California. Mr. Chairman, if I may inquire of the chairman how many additional speakers he has on general debate.

Mr. BOEHNER. Mr. Chairman, I do not have any at the present time.

Mr. GEORGE MILLER of California. Mr. Chairman, we have no further speakers, and I yield back our time. We can move right to the substitute. I think we were debating the substitute in any case.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of our time under general debate.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving the Community Services Block Grant Act of 2003''.

SEC. 2. COMMUNITY SERVICES BLOCK GRANT ACT AMENDMENTS.

(a) PURPOSES AND GOALS.—Section 672 of the Community Services Block Grant Act (42 U.S.C. 9901 note) is amended to read as follows:

''SEC. 672 PURPOSES AND GOALS.

''The purpose of this subtitle is to reduce poverty—

''(1) by strengthening and coordinating local efforts to expand opportunities for individuals and families to become economically self-sufficient and to improve and revitalize low-income communities in urban and rural areas, by providing resources to States for support of local eligible entities, including community action agencies and other community-based organizations—

''(A) to plan, coordinate, and mobilize a broad range of Federal, State, local, and private assistance or investment in such a manner as to use these resources effectively to reduce poverty and in initiatives that are responsive to specific local needs and conditions;

''(B) to coordinate a range of services that meet the needs of low-income families and individuals, that support strong and healthy families, and that assist them in developing the skills needed to become self sustaining while ensuring that these services are provided effectively and efficiently; and

''(C) to design and implement comprehensive approaches to assist eligible individuals in gaining employment and achieving economic self-sufficiency;

''(2) by improving and revitalizing the low-income communities in urban and rural areas by providing resources to States for support of local eligible entities and their partners—

''(A) to broaden the resource base of initiatives and projects directed to the elimination of poverty and the redevelopment of the low-income community, including partnerships with nongovernmental and governmental institutions to develop the community assets and services that reduce poverty, such as—

''(i) other private, religious, charitable, and community-based organizations;

''(ii) individual citizens, and business, labor, and professional groups, that are able to influence the quantity and quality of opportunities and services for the poor; and

''(iii) local government leadership; and

''(B) to coordinate community-wide resources and services that will have a significant, measurable impact on the causes of poverty in the community and that will help families and individuals to achieve economic self-sufficiency and to test innovative, community-based approaches to attacking the causes and effects of poverty and of community breakdown, including—

''(i) innovative initiatives to prevent and reverse loss of investment, jobs, public services, and infrastructure in low- and moderate-income communities; and

''(ii) innovative partnerships to leverage the assets and services that reduce poverty, as provided in subparagraph (A); and

''(3) by ensuring maximum participation of residents of low-income communities and of members of the groups served by grants made under this subtitle in guiding the eligible entities and in their programs funded under this subtitle, to ameliorate the particular problems and needs of low-income residents and to develop the permanent social and economic assets of the low-income community in order to reduce the incidence of poverty.''.

(b) DEFINITIONS.—Section 673(1)(A) of the Community Services Block Grant Act (42 U.S.C. 9902(1)(A)) is amended—

(1) in clause (i) by striking ''and'' at the end;

(2) in clause (ii) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) that successfully develops and meets the locally determined goals described in section 678E(b)(1), as determined by the State, and meets State goals, standards, and performance requirements as provided for in section 678B(a).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 674 of the Community Services Block Grant Act (42 U.S.C. 9903) is amended—

(1) in subsection (a) by striking ''1999 through 2003'' and inserting ''2004 through 2009''; and

(2) in subsection (b)(2)—

(A) by striking ''678F'' and inserting ''678E to assist States, eligible entities, and their partners in projects supported by this subtitle''; and

(B) in subparagraph (B) by striking ''monitoring (to correct programmatic deficiencies of eligible entities)'' and inserting ''monitoring (including technical assistance and training to correct programmatic deficiencies of eligible entities)''.

(d) USES OF FUNDS.—Section 675C of the Community Services Block Grant Act (42 U.S.C. 9907) is amended—

(1) in subsection (a)(3)(A) by striking ''Beginning on October 1, 2000, a'' and inserting ''A''; and

(2) in subsection (b)(1)(F) by striking ''neighborhood-based'' and inserting ''community-based''.

(e) APPLICATION AND PLAN.—Section 676 of the Community Services Block Grant Act (42 U.S.C. 9908) is amended—

(1) in subsection (b)—

(A) by striking ''Beginning with fiscal year 2000, to'' and inserting ''To'';

(B) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking ''youth development programs that support'' and inserting ''youth development programs, which may include mentoring programs, that support''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C) by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(D) initiatives to improve economic conditions and mobilize new resources in rural areas to eliminate obstacles to the self-sufficiency of families and individuals in rural communities;'';

(C) in paragraph (2) by striking ''community and neighborhood-based'' and inserting ''community-based'';

(D) in paragraph (3)—

(1) in the matter preceding subparagraph (A) by striking ''information provided by eligible entities in the State, containing'' and inserting ''an assurance that the State will provide information, including''; and

(ii) in subparagraph (D) by striking ''community and neighborhood-based'' and inserting ''community-based'';

(E) in paragraph (9) by striking ''and community organizations'' and inserting ''and community-based organizations'';

(F) in paragraph (10) by striking ''community organization'' and inserting ''community-based organization'';

(G) in paragraph (12) by striking ''and'' at the end;

(H) by redesignating paragraph (13) as paragraph (15); and

(I) by inserting after paragraph (12) the following:

''(13) an assurance that the State will take swift action to improve performance or, when appropriate, to terminate the funding under this subtitle of low-performing eligible entities that do not meet the applicable locally determined goals described in section 678E(b)(1) or do not meet the State goals, standards, and requirements as provided for in section 678B(a);

''(14) an assurance that the State will provide a justification to the Secretary if it continues to fund persistently low-performing eligible entities; and'';

(2) in subsection (c)(2) by striking ''plan, or'' and all that follows through the period at the end, and inserting ''plan, to meet a State requirement, as described in section 678C(a), or to meet the locally determined goals as described in section 678E(b)(1).''; and

(3) by striking subsection (f).

(f) TRAINING, TECHNICAL ASSISTANCE, AND OTHER ACTIVITIES.—Section 678A(a)(1)(A) of the Community Services Block Grant Act (42 U.S.C. 9913(a)(1)(A)) is amended—

(1) by inserting ''dissemination regarding best practices,'' after ''technical assistance,''; and

(2) by inserting ''(including to assist in the development of reporting systems and electronic data systems)'' after ''collection activities''.

(g) MONITORING OF ELIGIBLE ENTITIES.—Section 678B of the Community Services Block Grant Act (42 U.S.C. 9914) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by inserting ''and the locally determined performance goals described in section 678E(b)(1)'' after ''a State''; and

(B) in paragraph (3)—

(i) by inserting ''appropriate'' before ''goals''; and

(ii) by striking ''established by the State''; and

(2) in the last sentence of subsection (c) by striking ''Chairperson of the Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''.

(h) CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.—Section 678C(a) of the Community Services Block Grant Act (42 U.S.C. 9915(a)) is amended in the matter preceding paragraph (1) by striking ''established by the State''.

(i) ACCOUNTABILITY AND REPORTING REQUIREMENTS.—Section 678E of the Community Services Block Grant Act (42 U.S.C. 9917) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A) by striking ''By October 1, 2001, each'' and inserting ''Each''; and

(B) in paragraph (2)—

(i) in the 1st sentence by inserting ''including any activities under section 678C'' before the period at the end;

(ii) by striking the 2d sentence;

(iii) in the 3d sentence by striking ''also''; and

(iv) in the 3d sentence by inserting ''information on the timeliness of the distribution of block grant funds to eligible entities as provided in section 675C(a),'' after ''including'';

(2) in subsection (b)—

(A) in paragraph (2) in the matter preceding subparagraph (A) by striking ''beginning after September 30, 1999'';

(B) in paragraph (3) by striking ''Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees'';

(C) by adding at the end the following:

''(5) COORDINATION OF REPORTING REQUIREMENTS.—To the maximum extent possible, the Secretary shall coordinate reporting requirements for all programs of the Department of Health and Human Services managed by eligible entities so as to consolidate and reduce the number of reports required about individuals, families, and uses of grant funds.''; and

(D) by redesignating such subsection as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) LOCAL ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

''(1) LOCALLY DETERMINED GOALS.—In order to be designated as an eligible entity and to receive a grant under this subtitle, an eligible entity shall establish locally determined goals for reducing poverty in the community, including goals for—

''(A) leveraging and mobilizing community resources;

''(B) fostering coordination of Federal, State, local, private, and other assistance; and

''(C) promoting community involvement.

''(2) DEMONSTRATION THAT GOALS WERE MET.—In order for an eligible entity to receive a second or subsequent grant made under this subtitle after the effective date of this paragraph, such entity shall demonstrate to the State that it has met the goals described in paragraph (1).''.

(j) TREATMENT OF BENEFICIARIES.—Section 679 of the Community Services Block Grant Act (42 U.S.C. 9920) is amended by adding at the end the following:

''(f) TREATMENT OF BENEFICIARIES.—In providing assistance under a program described in subsection (a), a religious organization shall not discriminate against a beneficiary, or a potential beneficiary, of such assistance on the basis of religion or of a religious belief.''.

(k) DISCRETIONARY AUTHORITY OF SECRETARY.—Section 680 of the Community Services Block Grant Act (42 U.S.C. 9921) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A) by inserting ''(including financial assistance for construction or substantial rehabilitation of buildings and facilities, and for loans or investments in private business enterprises owned by community development corporations)'' after ''assistance'';

(ii) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (D), (E), (F), and (G), respectively; and

(iii) by inserting after subparagraph (A) the following:

''(B) FEDERAL INTEREST.—The Secretary shall establish procedures that permit funds provided under a grant made under this paragraph, or intangible assets acquired with such funds, to become the sole property of the grantee before the expiration of the 12-year period beginning after the fiscal year for which such grant is made if such grantee agrees to use such funds or such property for purposes and uses consistent with the purposes and uses for which such grant is made.

''(C) REPLACEMENT ACTIVITIES.—The Secretary shall establish procedures to allow a grant made under this paragraph to be used by a grantee to carry out activities substantially similar to the activities for which such grant is made if, due to no fault of such grantee, such grantee cannot carry out the activities for which such grant is made. Such procedures shall require that the substantially similar activities serve the same impact area and have the same goals, objectives, and outcomes as the activities for which such grant is made.'';

(B) in paragraph (3)(B) by inserting ''water and wastewater'' after ''community''; and

(C) in paragraph (4) by striking ''neighborhood-based'' and inserting ''community-based''; and

(2) in subsection (c) by striking ''Chairperson of the Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''.

(l) COMMUNITY FOOD AND NUTRITION PROGRAMS.—Section 681 of the Community Services Block Grant Act (42 U.S.C. 9922) is amended—

(1) in subsection (c) in the matter preceding paragraph (1) by striking ''Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''; and

(2) in subsection (d) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(m) NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.—Section 682 of the Community Services Block Grant Act (42 U.S.C. 9923) is amended—

(1) in subsection (b)(5)—

(A) by inserting ''(which may be accomplished through mentoring)'' after ''youth''; and

(B) by inserting ''to improve academic achievement'' after ''study practices''; and

(2) in subsection (g) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the 1st day of the 1st fiscal year beginning after the date of the enactment of this Act.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments to the bill?

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 4 in the nature of a substitute offered by Ms. WOOLSEY:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving the Community Services Block Grant Act of 2003''.

SEC. 2. COMMUNITY SERVICES BLOCK GRANT ACT AMENDMENTS.

(a) PURPOSES AND GOALS.—Section 672 of the Community Services Block Grant Act (42 U.S.C. 9901 note) is amended to read as follows:

"SEC. 672 PURPOSES AND GOALS.

''The purpose of this subtitle is to reduce poverty—

''(1) by strengthening and coordinating local efforts to expand opportunities for individuals and families to become economically self-sufficient and to improve and revitalize low-income communities in urban and rural areas, by providing resources to States for support of local eligible entities, including community action agencies and other community-based organizations—

''(A) to plan, coordinate, and mobilize a broad range of Federal, State, local, and private assistance or investment in such a manner as to use these resources effectively to reduce poverty and in initiatives that are responsive to specific local needs and conditions;

''(B) to coordinate a range of services that meet the needs of low-income families and individuals, that support strong and healthy families, and that assist them in developing the skills needed to become self sustaining while ensuring that these services are provided effectively and efficiently; and

''(C) to design and implement comprehensive approaches to assist eligible individuals in gaining employment and achieving economic self-sufficiency;

''(2) by improving and revitalizing the low-income communities in urban and rural areas by providing resources to States for support of local eligible entities and their partners—

''(A) to broaden the resource base of initiatives and projects directed to the elimination of poverty and the redevelopment of the low-income community, including partnerships with nongovernmental and governmental institutions to develop the community assets and services that reduce poverty, such as—

''(i) other private, religious, charitable, and community-based organizations;

''(ii) individual citizens, and business, labor, and professional groups, that are able to influence the quantity and quality of opportunities and services for the poor; and

''(iii) local government leadership; and

''(B) to coordinate community-wide resources and services that will have a significant, measurable impact on the causes of poverty in the community and that will help families and individuals to achieve economic self-sufficiency and to test innovative, community-based approaches to attacking the causes and effects of poverty and of community breakdown, including—

''(i) innovative initiatives to prevent and reverse loss of investment, jobs, public services, and infrastructure in low- and moderate-income communities; and

''(ii) innovative partnerships to leverage the assets and services that reduce poverty, as provided in subparagraph (A); and

''(3) by ensuring maximum participation of residents of low-income communities and of members of the groups served by grants made under this subtitle in guiding the eligible entities and in their programs funded under this subtitle, to ameliorate the particular problems and needs of low-income residents and to develop the permanent social and economic assets of the low-income community in order to reduce the incidence of poverty.''.

(b) DEFINITIONS.—Section 673(1)(A) of the Community Services Block Grant Act (42 U.S.C. 9902(1)(A)) is amended—

(1) in clause (i) by striking ''and'' at the end;

(2) in clause (ii) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) that successfully develops and meets the locally determined goals described in section 678E(b)(1), as determined by the State, and meets State goals, standards, and performance requirements as provided for in section 678B(a).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 674 of the Community Services Block Grant Act (42 U.S.C. 9903) is amended—

(1) in subsection (a) by striking ''1999 through 2003'' and inserting ''2004 through 2009''; and

(2) in subsection (b)(2)—

(A) by striking ''678F'' and inserting ''678E to assist States, eligible entities, and their partners in projects supported by this subtitle''; and

(B) in subparagraph (B) by striking ''monitoring (to correct programmatic deficiencies of eligible entities)'' and inserting ''monitoring (including technical assistance and training to correct programmatic deficiencies of eligible entities)''.

(d) USES OF FUNDS.—Section 675C of the Community Services Block Grant Act (42 U.S.C. 9907) is amended—

(1) in subsection (a)(3)(A) by striking ''Beginning on October 1, 2000, a'' and inserting ''A''; and

(2) in subsection (b)(1)(F) by striking ''neighborhood-based'' and inserting ''community-based''.

(e) APPLICATION AND PLAN.—Section 676 of the Community Services Block Grant Act (42 U.S.C. 9908) is amended—

(1) in subsection (b)—

(A) by striking ''Beginning with fiscal year 2000, to'' and inserting ''To'';

(B) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking ''youth development programs that support'' and inserting ''youth development programs, which may include mentoring programs, that support''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C) by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(D) initiatives to improve economic conditions and mobilize new resources in rural areas to eliminate obstacles to the self-sufficiency of families and individuals in rural communities;'';

(C) in paragraph (2) by striking ''community and neighborhood-based'' and inserting ''community-based'';

(D) in paragraph (3)—

(1) in the matter preceding subparagraph (A) by striking ''information provided by eligible entities in the State, containing'' and inserting ''an assurance that the State will provide information, including''; and

(ii) in subparagraph (D) by striking ''community and neighborhood-based'' and inserting ''community-based'';

(E) in paragraph (9) by striking ''and community organizations'' and inserting ''and community-based organizations'';

(F) in paragraph (10) by striking ''community organization'' and inserting ''community-based organization'';

(G) in paragraph (12) by striking ''and'' at the end;

(H) by redesignating paragraph (13) as paragraph (15); and

(I) by inserting after paragraph (12) the following:

''(13) an assurance that the State will take swift action to improve performance or, when appropriate, to terminate the funding under this subtitle of low-performing eligible entities that do not meet the applicable locally determined goals described in section 678E(b)(1) or do not meet the State goals, standards, and requirements as provided for in section 678B(a);

''(14) an assurance that the State will provide a justification to the Secretary if it continues to fund persistently low-performing eligible entities; and'';

(2) in subsection (c)(2) by striking ''plan, or'' and all that follows through the period at the end, and inserting ''plan, to meet a State requirement, as described in section 678C(a), or to meet the locally determined goals as described in section 678E(b)(1).''; and

(3) by striking subsection (f).

(f) TRAINING, TECHNICAL ASSISTANCE, AND OTHER ACTIVITIES.—Section 678A(a)(1)(A) of the Community Services Block Grant Act (42 U.S.C. 9913(a)(1)(A)) is amended—

(1) by inserting ''dissemination regarding best practices,'' after ''technical assistance,''; and

(2) by inserting ''(including to assist in the development of reporting systems and electronic data systems)'' after ''collection activities''.

(g) MONITORING OF ELIGIBLE ENTITIES.—Section 678B of the Community Services Block Grant Act (42 U.S.C. 9914) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by inserting ''and the locally determined performance goals described in section 678E(b)(1)'' after ''a State''; and

(B) in paragraph (3)—

(i) by inserting ''appropriate'' before ''goals''; and

(ii) by striking ''established by the State''; and

(2) in the last sentence of subsection (c) by striking ''Chairperson of the Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''.

(h) CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.—Section 678C(a) of the Community Services Block Grant Act (42 U.S.C. 9915(a)) is amended in the matter preceding paragraph (1) by striking ''established by the State''.

(i) ACCOUNTABILITY AND REPORTING REQUIREMENTS.—Section 678E of the Community Services Block Grant Act (42 U.S.C. 9917) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A) by striking ''By October 1, 2001, each'' and inserting ''Each''; and

(B) in paragraph (2)—

(i) in the 1st sentence by inserting ''including any activities under section 678C'' before the period at the end;

(ii) by striking the 2d sentence;

(iii) in the 3d sentence by striking ''also''; and

(iv) in the 3d sentence by inserting ''information on the timeliness of the distribution of block grant funds to eligible entities as provided in section 675C(a),'' after ''including'';

(2) in subsection (b)—

(A) in paragraph (2) in the matter preceding subparagraph (A) by striking ''beginning after September 30, 1999'';

(B) in paragraph (3) by striking ''Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees'';

(C) by adding at the end the following:

''(5) COORDINATION OF REPORTING REQUIREMENTS.—To the maximum extent possible, the Secretary shall coordinate reporting requirements for all programs of the Department of Health and Human Services managed by eligible entities so as to consolidate and reduce the number of reports required

about individuals, families, and uses of grant funds.''; and

(D) by redesignating such subsection as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) LOCAL ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

''(1) LOCALLY DETERMINED GOALS.—In order to be designated as an eligible entity and to receive a grant under this subtitle, an eligible entity shall establish locally determined goals for reducing poverty in the community, including goals for—

''(A) leveraging and mobilizing community resources;

''(B) fostering coordination of Federal, State, local, private, and other assistance; and

''(C) promoting community involvement.

''(2) DEMONSTRATION THAT GOALS WERE MET.—In order for an eligible entity to receive a second or subsequent grant made under this subtitle after the effective date of this paragraph, such entity shall demonstrate to the State that it has met the goals described in paragraph (1).''.

(j) NONDISCRIMINATION.—Section 678F(c)(1) of the Community Services Block Grant Act (42 U.S.C. 9918(c)(1)) is amended by inserting ''religion,'' after ''color,''.

(k) TREATMENT OF BENEFICIARIES.—Section 679 of the Community Services Block Grant Act (42 U.S.C. 9920) is amended to read as follows:

''SEC. 679. OPERATIONAL RULE.

''(a) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government under this subtitle, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a religious character.

''(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

''(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (a) shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

''(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

''(A) to alter its form of internal governance, except (for purposes of administration of the community services block grant program) as provided in section 676B; or

''(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (a).

''(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to a religious organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

''(d) FISCAL ACCOUNTABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

''(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

''(e) TREATMENT OF ELIGIBLE ENTITIES AND OTHER INTERMEDIATE ORGANIZATIONS.—If an eligible entity or other organization (referred to in this subsection as an ''intermediate organization''), acting under a contract, or grant or other agreement, with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (a), the intermediate organization shall have the same duties under this section as the government.

''(f) TREATMENT OF BENEFICIARIES.—In providing assistance under a program described in subsection (a), a religious organization shall not discriminate against a beneficiary, or a potential beneficiary, of such assistance on the basis of religion or of a religious belief.

''(g) OPERATIONAL REQUIREMENT.—Notwithstanding any other provision of this section, each entity that carries out a program, or provides assistance, under this subtitle shall carry out such program, or shall provide such assistance, in a lawful and secular manner.''.

(l) DISCRETIONARY AUTHORITY OF SECRETARY.—Section 680 of the Community Services Block Grant Act (42 U.S.C. 9921) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A) by inserting ''(including financial assistance for construction or substantial rehabilitation of buildings and facilities, and for loans or investments in private business enterprises owned by community development corporations)'' after ''assistance'';

(ii) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (D), (E), (F), and (G), respectively; and

(iii) by inserting after subparagraph (A) the following:

''(B) FEDERAL INTEREST.—The Secretary shall establish procedures that permit funds provided under a grant made under this paragraph, or intangible assets acquired with such funds, to become the sole property of the grantee before the expiration of the 12-year period beginning after the fiscal year for which such grant is made if such grantee agrees to use such funds or such property for purposes and uses consistent with the purposes and uses for which such grant is made.

''(C) REPLACEMENT ACTIVITIES.—The Secretary shall establish procedures to allow a grant made under this paragraph to be used by a grantee to carry out activities substantially similar to the activities for which such grant is made if, due to no fault of such grantee, such grantee cannot carry out the activities for which such grant is made. Such procedures shall require that the substantially similar activities serve the same impact area and have the same goals, objectives, and outcomes as the activities for which such grant is made.'';

(B) in paragraph (3)(B) by inserting ''water and wastewater'' after ''community''; and

(C) in paragraph (4) by striking ''neighborhood-based'' and inserting ''community-based''; and

(2) in subsection (c) by striking ''Chairperson of the Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''.

(m) COMMUNITY FOOD AND NUTRITION PROGRAMS.—Section 681 of the Community Services Block Grant Act (42 U.S.C. 9922) is amended—

(1) in subsection (c) in the matter preceding paragraph (1) by striking ''Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''; and

(2) in subsection (d) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(n) NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.—Section 682 of the Community Services Block Grant Act (42 U.S.C. 9923) is amended—

(1) in subsection (b)(5)—

(A) by inserting ''(which may be accomplished through mentoring)'' after ''youth''; and

(B) by inserting ''to improve academic achievement'' after ''study practices''; and

(2) in subsection (g) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the 1st day of the 1st fiscal year beginning after the date of the enactment of this Act.

Ms. WOOLSEY. Mr. Chairman, the Woolsey-Miller-Payne-Andrews-Van Hollen-Frank-Scott-Nadler amendment is a Democratic substitute to H.R. 3030. This Democratic substitute is word for word the same as H.R. 3030 except for one big difference: the Democratic substitute prohibits religious discrimination with Federal CSBG funds.

It does this by making just three changes to the underlying bill. First, the Democratic substitute adds the word ''religion'' to the list of protected groups that cannot be discriminated against with CSBG funds. This list now prohibits discrimination on the basis of race, color, national origin, or sex. We want to add religion to that.

Second, the substitute does not include the title VII exemption to the Civil Rights Act, which is in current CSBG law, permitting faith-based organizations to discriminate based on religion when hiring with Federal funds. In other words, Mr. Chairman, religious discrimination is not allowed when using Federal funds.

Finally, the substitute adds a provision to clarify that while religious organizations are welcome and able to participate in CSBG, they must conduct their activities in a lawful and secular manner when using Federal funds. This language is taken directly from Chief Justice Rehnquist's majority opinion in the Supreme Court case of Bowen v. Kendrick, the case which sets the constitutional requirements for religious organizations that provide government services.

Faith-based organizations have a long and successful history of participating in CSBG programs, and we want that participation to continue. We celebrate their contribution. We want faith-based organizations to participate in the same lawful and secular manner as they did prior to the 1998 reauthorization, an authorization that

occurred in the middle of the night that allowed faith-based organizations to discriminate when hiring staff with Federal funds. That change was made by tucking a significant anti-civil rights provision into an otherwise sound conference report that was based on a voice vote in the middle of the night on the House floor; and, of course, it passed.

With this Democratic substitute, Members have the opportunity to actually vote in the clear light of day on whether or not they want organizations to be able to use Federal funds to further religious discrimination.

Mr. Chairman, a vote for the Democratic substitute is a vote for community service block grants. The Democratic substitute funds local community action agencies which sponsor so many important programs that address the needs of low-income families in our communities. Strong community action agencies make for strong families, strong communities, and a stronger Nation.

The Democratic substitute gives Members the opportunity to take a clean vote for CSBG, without voting for religious discrimination, and I urge my colleagues to please support it.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is one of the most important issues we are going to deal with. The question is whether or not organizations receiving taxpayer dollars paid for by every taxpayer in this country for secular purposes, nonreligious purposes, will be allowed to use those taxpayer dollars to discriminate against people based on their religion. There are arguments about what the history is or is not and the current status is or is not. They are on both sides of the case.

Let us deal with the merits. Why should people in this country who pay their taxes be told that they are not eligible because of their religion for a job which is paid for by their taxes? Of course, religions have a right to hire their own co-religionists in religious matters, but let us understand. If you are talking about the propagation of religion, a very important function, under the Constitution's establishment clause that cannot be done with public money. By definition you can only use public money for secular purposes. No one denies that.

The question then is, if you get the money for secular purposes, why should you be able to tell people that they cannot work for you if you do not like their religion? It is not just religion in the more formal sense. It is religion as the recipient defines it. If you believe that no one who believes in evolution can be a true Christian, then you will, under the law, without the Woolsey amendment, be allowed to deny people who believe in evolution the right to work in a soup kitchen.

If there were a nexus in the job, yes. If you were asking people to teach creationism, then you could ban people who believe in evolution, but a janitor, an architect, a contractor? The notion, by the way, that we have to do this to allow faith-based groups to work is unfair to faith-based groups. I do not think they need to be discriminatory.

We are not again talking about telling them they cannot hire people for religious purposes. What is it about people of another religion that is so distasteful that it is somehow wrong to ask people to associate with them? Are we saying that people cannot administer good works, that they have to associate with Jews if they are Christians, with Catholics if they are Baptist, with Muslims if they are Episcopalians? Of course, it is the case that in America what Martin Luther King said years ago is still true, the hour of worship is a pretty segregated one. Tell Orthodox Jews in Brooklyn that they may hire only their own and how many African Americans will be hired? Tell Mormons in Utah that they may only hire their own and how many Americans are hired? Tell the African Methodist Episcopal church or tell the Nation of Islam that they may hire only their own co-religionists, and how many white people or Hispanics get hired?

We need not empower discrimination. In fact, I have worked myself, as many others have, with the archdiocese of Boston, which has a wonderful housing program with combined Jewish philanthropy's housing program. The notion that religious charities cannot do their work unless they are allowed to discriminate against people not of their religion as they define it is factually wrong.

So that is the question here. I would have thought that the lesson of the last few years is that there is too much religious separatism, too much divisiveness, too much us against them in religion. Yes, let us encourage religious groups to be fully participant in good works, but let us not write into the law of the United States the principle that having simply to work with someone of another religion in entirely nonreligious matters, secular matters, is somehow so corrosive to your morale, so corrosive to your ability to function that you ought to be allowed to say to people, yes, pay taxes for this. We will take billions of dollars of tax money paid by everybody, and you Jews, you Christians, cannot apply.

Let me say, I was recently shown something that I am told comes from the Focus on the Family Web site, and if this is an error I will apologize. I hope I will be corrected. I hope it is an error. What I am told it said was, if this amendment passes, Christian charities interested in accepting Federal funds will be required to ignore religious conviction in hiring, even if potential employees practice Islam, Judaism, or no religion at all.

Yes, I think under the American Constitution and our principles, people who practice Islam, Judaism, or no religion at all ought not to be taxed and told that they are not eligible to do the work for which they are wholly qualified except that people do not like their particular religion. I hope the amendment passes.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are debating the substitute offered by the gentlewoman from California (Ms. WOOLSEY), our good friend and committee member; and the only difference between the substitute and the underlying bill is the issue of whether faith-based providers can continue to maintain their title VII exemption under the 1964 Civil Rights Act.

The gentleman from Massachusetts made a case for the fact that we should not continue to allow this to occur. The fact is that the Congress in 1964, and as amended in 1965, went out of its way to say that religious organizations, when it comes to their hiring, can, in fact, make a decision and use religion as a basis of hiring. That is the law; and for our colleagues who disagree with that, as I said before, let them take this case to the Committee on the Judiciary. Let us go amend the 1964 Civil Rights Act, but it is not the issue here.

Secondly, I would point out that these faith-based organizations in many cases are very effective organizations, helping needy people who need our help, and they do tremendous work; and in many cases, these organizations, faith-based community organizations, hire people who have multiple jobs.

My concern with the language that is being offered in the substitute is that it will, in fact, have a very chilling effect on these faith-based organizations when it comes to their willingness to participate in Federal programs to help meet their mission and our mission of helping poor people that are in crisis.

These organizations have been doing this work for a long time. Many of them have participated in Federal programs where they were protected, like the program we have before us. The Community Service Block Grant program going back to 1998 has the same language in it that the bill has in it today. I have not heard one complaint from anywhere in the country that because they are allowed to have their 1964 civil rights protections that they have discriminated against anyone.

The fact is that these organizations do very good work in our communities. We ought to allow them to participate, as we have.

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And it is not just this program. There are at least a half dozen other programs, including the 1996 Welfare Act, that allows faith-based organizations to provide these services while maintaining their protections under the 1964 Civil Rights Act.

So all we are asking in the underlying bill is to maintain the current

law and continue to allow these organizations, who are doing great work, to keep doing what they are doing. I think that is a reasonable assumption, and I believe that most Americans would support what we are trying to do with the underlying bill.

Ms. MCCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

(Ms. McCOLLUM asked and was given permission to revise and extend her remarks.)

Mr. Chairman, I stand today to support the Woolsey amendment because, you see, the underlying bill provides more than $635 million to communities throughout this country to combat poverty, improve the lives of people who are homeless, hungry, jobless, and all too often hopeless. These funds distributed through Community Service Block Grants put valuable resources into all of our communities to combat poverty, and I support the general goals of the underlying bill and the program it funds.

But it is not the funding alone that meets the needs of the homebound, the drug addicted, the destitute, and the hopeless. It is the tens of thousands of determined men and women who work as health outreach workers in shelters, as social service workers, in treatment centers, as counselors, and throughout our community to meet the needs of others. I admire the service and the selflessness of these men and women who live compassion every day they go to work, and not as a soundbite on a campaign trail.

Today, I rise on behalf of the STD and HIV clinic, the foster care social worker, the midnight-to-6-a.m. attendant at a group home, to oppose this bill because it uses their tax dollars and mine to fund religious organizations that can hire them and then fire them based on their religion or how they pray. This bill promotes State-sponsored religious intolerance in employment and it should be defeated, and that is why I support the Woolsey amendment.

Our country was founded on the principle of freedom of religion, and our tax dollars never should be used to enable religious discrimination in hiring. The Bush administration is continuing this disturbing trend of taking social service funding from successful, experienced organizations and redistributing to faith-based organizations that are permitted to use religion in hiring.

How can Congress enable and fund religious organizations to use a person's faith or religious orthodoxy to determine if a candidate is qualified to deliver social services or to mop a floor or to cook soup in a soup kitchen or to teach in a Head Start center? This is wrong. Separation of church and State is not an opt-in or opt-out provision of our Constitution. Using tax dollars to promote discrimination on the basis of religion is just plain, in my opinion, un-American.

I was disturbed by an article in Monday's New York Times describing the Salvation Army's new hiring practices for employees who deliver social services with taxpayers' money that take advantage of the Bush administration's faith-based agenda. The New York division's second-in-command of the Salvation Army is quoted as saying, ''Do we require our employees to believe in Jesus Christ and administer the doctrines and tenets of the Salvation Army? Not unless we hire them for a specific ministry.'' And then he clarified. ''Everything we do is related to our ministry and, in fact, is our ministry. The mission of the Salvation Army,'' which is listed on job postings and calls on new hires to ''preach the gospel of Jesus Christ and to meet human needs in his name.''

Mr. Chairman, I respect any American's freedom to pray, and I pray myself. I worship and I believe in God, and I believe every American should be able to worship in the way that they choose. But this congressionally funded and sanctioned discrimination based on religion is an abomination and debases our Constitution.

I call on all Members of Congress who respect religious freedom and believe in the constitutional separation of church and State to vote against this dangerous extremist bill and to support the Woolsey amendment.

Mr. Chairman, I include for the RECORD the full text of the New York Times article I referred to earlier from February 2.

[From the New York Times, Feb. 2, 2004]

CHARITY REOPENS BIBLE, AND QUESTIONS FOLLOW

(By Daniel J. Wakin)

The Salvation Army of Greater New York, long known for its network of thrift shops and shelters, has begun an effort to reassert its evangelical roots, stressing to lay employees that the Army's core mission is not just social services, but also spreading the gospel.

The New York division's new leaders have ordered that job descriptions now state the mission clearly. they have reminded employees who deal with children that they must fill out a form promising to follow the Army's religious mission in working with them. The form also asks those employees to describe their church affiliations.

''Periodically, we have to kind of reclaim the ecclesiastical turf, if you will,'' said Col. Paul M. Kelly, a former New York division commander who was brought in as a consultant last year to assess its operations.

The effort has stirred a mini-rebellion among some longtime employees who resent what they see as an intrusion on their privacy and the potential for religious discrimination. Such demands for religious loyalty, they say, breach the wall between church and state because the division accepts $70 million in state and city funds for its programs.

''We've been told that things are changing, that they've come to whip us into shape, and they want us to become more like the Army,'' said one social worker in a Salvation Army foster care program who wanted to remain anonymous for fear of retaliation. ''Everyone's really freaked out.'' Robert Gutheil, a former official with an Army social service program, said the New York division was considered an anomaly within the national Army for the lack of emphasis of religion in its programs.

One high-ranking administrator, in a complaint to the Equal Employment Opportunity Commission, said a Salvation Army official said during a meeting that any staff member who refused to sign revised job descriptions proclaiming the church's mission would be fired. And a former human resources executive said a Salvation Army official asked about religious affiliations of people who worked for her and whether several of them were gay.

Catholic Charities, the UJA-Federation of New York and the Evangelical Lutheran Church's local synod all said they do not require social service employees to reveal religious affiliations or commit themselves to a religious mission.

The Salvation Army's New York division leaders would not comment on the specific charges, but denied that their policies are new or even out of the ordinary for a religious institution. Officials acknowledged, however, that they had begun efforts to reinforce the organization's religious identity among employees as part of a general effort to tell the world about the group's mission.

The Army's charitable role was in full focus last week when the national headquarters announced it had received a bequest of $1.5 billion to build and endow 25 or 30 community centers around the country, each of which will contain a place of worship. The bequest came from Joan B. Kroc, the wife of the McDonald's chain founder, who died in October.

Local Army officials said it was far too early to say how the money would affect operations, but national officials have said the centers will be used for educational and spiritual purposes, not for social services.

Best known for the thrift shops and red kettles that help support its network for services for the poor and homeless, the Salvation Army is first and foremost a worldwide evangelical church, according to the New York division's second in command, Maj. Guy D. Klemanski.

''Everything that we do is related to our ministry, and is in fact our ministry,'' he said in an interview. ''Do we require our employees to believe in Jesus Christ and administer the doctrines and tenets of the Salvation Army? Not unless we hire them for a specific ministry.''

The tension between the social and spiritual sides of the Army on display in New York have occurred in Salvation Army divisions elsewhere in the nation, officials said. Major Klemanski said the questionnaire asking about church affiliation has been in effect nationwide since 1993, although it was not always adhered to in the New York division and was re-emphasized last fall. The church questions were to help with background checks, he said, adding that many people in the New York division did not seem to be aware of the mission.

Major Klemanski said it was only natural that the Salvation Army expects general support from its employees for its mission.

''Why would you go to McDonald's and tell everybody to go to Burger King?'' he asked. ''Why would any one want to go to work for the Salvation Army if they are not supportive of us?''

The major said he and the New York commander, Lt. Col. Nestor Nuesch, arrived in their posts in July with a desire to remind employees and the public of the Army's religious functions. They would have done the same anywhere, he said. ''It's fresh leadership.''

Their arrival came on the heels of a reorganization plan by Col. Kelly that was circulated last spring. In it, Col. Kelly urged that more Salvation Army members be recruited for jobs. ''The Army's 'Christian perspective' is rarely emphasized,'' he said.

The church and its program are happily growing, he said, ''but what appears to be happening is a widening gap between the ecclesiastical Salvation Army and the social service component.''

He praised a human resources executive for ordering a Muslim employee to remove ''various Muslim artifacts'' from one center. His report also questioned whether it was a good idea to have hired a human resources director for the Army's adult services agency ''who represents and Eastern religion,'' apparently Buddhism or Hinduism.

The clash between the group's religious and social service missions goes to the heart of President Bush's effort to make it easier for churches to obtain Federal money for so-called faith-based social programs, a debate in which the Salvation Army has been central.

The group has lobbied the White House to allow exemptions from gay discrimination laws, and in New York, has argued that its hiring policies fall well within the terms of contracts with the city, the city's human rights law and a 1980 executive order.

Opponents sharply disagree. ''It's governmental monies to spread the mission of Christ,'' said Martin Garbus, a First Amendment lawyer who is representing at least a dozen Army employees who are upset by the religious policy and fear retaliation. ''The government shouldn't support Pat Robertson, it shouldn't support the Catholic church, it shouldn't support Jewish synagogues.''

The New York Civil Liberties Union asked the city and state comptrollers two weeks ago to audit the New York branch, Lawyers for the group say the New York division may be violating city and state contracts prohibiting religious discrimination.

The city comptroller, William G. Thompson, has passed the complaint on to the New York City Human Rights Commission, and the office of the state comptroller, Alan G. Hevesi, said it was studying the case.

Lawyers for the employees said a lawsuit could be filed this week.

''This is an agency acting on behalf of a government providing government services,'' said Donna Lieberman, the civil liberties union director. ''It cannot be in the business of promoting religion and discriminating against its employees based on religion.''

Religious institutions are exempt from religious anti-discrimination laws, but not for employees working in government-funded programs, the civil liberties union argues. The Bush administration favors allowing religious institutions to consider religion in hiring people who work for their government-funded programs.

The Army, which operates in 109 countries, was founded in London in the 19th century by a Methodist minister, who patterned its structure and terminology after the military. Adherents undergo training before being ''commissioned,'' or ordained, as ''officers,'' the equivalent of ministers. Army doctrine holds that the Bible is truthful revelation and salvation depends on obedience to Christ.

Nationwide, the Army has 46,000 employees, a budget of $2.5 billion and a reputation for being efficiently administered.

Some 1,700 employees work in the Greater New York Division's social service agencies, which have a budget of $120 million a year, about 60 percent from government sources, the division said. The agencies operate more than 60 group homes, foster care, treatment programs, H.I.V. services, shelters and the like. The New York division, which covers New York City, Long Island and seven counties north of the city, said it touches the lives of 5 million people a year.

A few supervisors refused to hand out the forms that included questions on church affiliations. Some workers feared losing their jobs if they did not sign. They included Jews, Muslims and Hindus, gays and lesbians, atheists and even a lapsed Salvation Army member, employees said.

The civil liberties union has also condemned job descriptions calling for applicants to support ''the mission'' of the Salvation Army, which is listed on job postings and calls on new hires to ''preach the Gospel of Jesus Christ and to meet human needs in His Name without discrimination.''

The associate executive director of the children's agency, Anne Lown, who is Jewish, filed the E.E.O.C. complaint, according to the New York Nonprofit Press, which reported the dispute last month. Ms. Lown, now associate director, would not respond to questions about the complaint.

Mr. Gutheil, the executive director of the children's division, said in a Sept. 26 memo to his superiors that the church-affiliation form would have an ''enormously chilling effect'' on hiring good applicants. He said it was bound to be challenged in court, bringing bad publicity and hurting donations.

''Finally, whatever the legality and whatever the practical implications, this is just plain offensive to many of us who share the Gospel faith of the Salvation Army,'' wrote Mr. Gutheil, an Episcopalian. ''This is a city that thrives on its diversity. Our workplace should reflect that.''

Within weeks, Mr. Gutheil had left the Army after more than 20 years. On Tuesday, he said a confidentiality agreement that was part of a severance agreement prevented him from discussing his departure. But he said the dispute contributed to it.

''It was an important stand to take,'' he said. ''I'm sorry I'm not at liberty to say more about it.''

Mr. BURNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have had this debate before. We had it in subcommittee, we had it in committee, and the same rhetoric is here on the floor today. The opposition and the Woolsey amendment would roll back time and take us back prior to 1998 and prior to 1964. The underlying bill, H.R. 3030, preserves religious freedom and religious participation by faith-based organizations in community service.

Current law makes it clear that when faith-based organizations participate in Community Service Block Grants, they can indeed take religion into account in their hiring practices. They are not discriminating. Current law recognizes that faith-based organizations should not be asked to compromise their religious character as a condition of using Federal funds to help those who are in need.

Repealing the 1998 law would needlessly strip faith-based organizations of their rights, rights that have been guaranteed to them by title VII of the Civil Rights Act of 1964, and this has been upheld consistently since then by the courts, most notably by the Supreme Court in Bowen v. Kendrick.

Community Service Block Grants allow faith-based groups to utilize Federal funds for secular purposes, feeding and clothing the needy, helping those out of work to find jobs, and they do so without compromising their essential character. The underlying legislation would continue to provide this opportunity for faith-based organizations.

Faith-based organizations have a fundamental right to their religious beliefs, Christian, Jewish, or Muslim. The Federal Government, given its size and scope, would render their services meaningless if this protection was eliminated. We must continue to support the most needy, those in our country who have needs of education, of health, of food and shelter, and faith-based organizations in the 12th District of Georgia are capable of meeting this need.

I oppose the Woolsey amendment and urge my colleagues to support the underlying bill, H.R. 3030.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Chairman, the Community Services Block Grant is a relatively small but important program for more than 1,000 communities and millions of families nationwide, but this amendment is critical because without it a potentially good bill is rendered un-American and unacceptable.

The CSBG purpose is to alleviate poverty by funding initiatives that fight the causes of poverty, such as unemployment, inadequate housing, poor nutrition, and lack of educational opportunities. The unifying characteristic of CSBG programs is that they provide people and communities with the resources and skills they need to become self-sufficient. It is good legislation.

Communities in my 12th District of New Jersey, such as Franklin Township, Somerset County, Trenton, and North Brunswick use CSBG funds to help individuals obtain employment skills, gain access to home ownership and health insurance. It is used for new housing facilities, economic development, job creation, and public service improvements, such as safer streets.

I am glad to see that this legislation, the Improving Community Services Block Grant Act of 2003, as reported, strengthens and improves the CSBG program. It enhances accountability at the local, State and Federal levels. It gives extra emphasis to CSBG's top priority, reducing poverty. I would strongly support the provisions of the reported legislation, and I believe that they would help improve the quality of services to low-income individuals and families so that communities can more effectively move people towards self-sufficiency, with the exception that this, as reported, is un-American.

Because H.R. 3030 fails to remove provisions in law that allow discrimination against beneficiaries of services based on religion, and permits religious organizations receiving funds to discriminate in employment, I must oppose this bill. Now, I agree with the majority that these provisions have existed in current law for 5 years, but that is not reason for us to continue to condone the continuation of discriminatory policies.

For years, faith-based organizations have helped many Americans, but they should not be permitted to turn away qualified individuals from a federally funded job because they are Christian or because they are Jewish or because they are Muslim or because they have any particular faith. It would be wrong to discriminate when hiring. It was wrong, it is wrong, to discriminate when hiring, and it should remain wrong to discriminate when hiring when using taxpayer dollars for that hiring.

The social services of CSBG are not inherently religious activities. It is appropriate to use taxpayer dollars to conduct these activities. Organizations that are faith-based and that are motivated by their religious faith can do these things, even using Federal funds. But they should not use the taxpayer dollars to discriminate. The work they do builds communities. The work funded by CSBG is to build communities. Let us not fund practices that tear apart our communities.

I ask my colleagues to support the Woolsey amendment. And if it does not pass, I ask them to oppose the bill.

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman from New Jersey for yielding to me, and I just wish to respond to the gentleman from Ohio (Mr. BOEHNER), because he repeats over and over that by not allowing faith-based organizations to discriminate using Federal funds, it would have a chilling effect on these organizations. I want to tell him that what would have a chilling effect and does have a chilling effect is allowing the use of Federal tax dollars based on religious hiring.

Using Federal tax dollars to discriminate is chilling, and we must not let it happen.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, it needs to be absolutely clear that this amendment would in fact roll back civil rights protections in the United States. Religious organizations have long had protections that this amendment would roll back. The hiring protections in title VII of the Civil Rights Act of 1964, were included in the 1998 Community Services Block Grant authorization. And the President at that time, Bill Clinton, supported this clause directly for social services block grant because he realized that to do so and change anything else regarding this would mean that we would be rolling back civil rights protections for faith-based organizations and churches across the country.

We have long had these types of debates. And one of the things that very much concerns me that those on the other side are doing, as well as some on our side are doing, are muddying up what are very clear waters. Let us make some things absolutely clear. You cannot proselytize, you cannot use public funds under current law, or under the bill that this House is considering to proselytize. It might be part of the goal of your mission that in providing, say, soup to the hungry or shelter to the homeless or helping someone who is dying of AIDS, the reason you are doing it may be Christian and you may be a Christian mission and talking about and viewing this as a holistic part of your mission, but when you are giving the soup, you cannot require a prayer. When you are giving shelter, you cannot require somebody to have a statement of faith when you are providing those services.

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The question is not whether we are going to fund Bible studies or fund prayer or that type of thing. The question is can organizations who want to maintain, from their point of view, their organization's statement of faith, whether they be orthodox Jews, whether they be fundamentalist Christians, whether they be fundamentalist Muslims, do they have to change their fundamental mission to hire people who do not share that mission in order to provide soup to the hungry. Giving a bowl of soup to somebody does not require proselytizing them. They can proselytize on their own dime; they can raise money on their own dime.

The question comes when they are doing those services, does the fact that you believe your organization wants to have people of like mind working with it and that you hire people of like mind mean you can no longer provide soup to the hungry?

Let me give Members a couple of specific examples. We have been having a series of oversight hearings on faith-based initiatives around the country, including Chicago, Nashville, San Antonio, Los Angeles, and Colorado Springs. We have been having a full debate at each hearing where we have had people from Jewish organizations who are more secular who do not agree with the position that I am arguing today, and with different organizations like Catholic Charities where they set up separate foundations where they will hire people who do not necessarily share their faith as opposed to directly through the Church. But at every hearing, we have heard from organizations who will not be able to access Federal funds if they have to change their hiring practices. The amendment before us now would not allow the organizations to participate in providing soup, if they don't change their hiring practices.

And by coming down constantly to the floor and saying or implying that these organizations are proselytize is confusing many religious groups around the country. With Federal dollars, they cannot proselytize. The Court has clearly ruled that the software on the computer cannot be paid by the Federal Government if it has any proselytizing in it. But the computer itself does not evangelize. The computer itself does not have a religious message. A school bus taking kids to a camp does not have a religious message in it. If they are going to use the school bus, they cannot put on the side ''Jesus Saves You'' if it is paid for with government dimes.

At the same time, they can be transported to a place that has different messages. For example, we allow this with Catholic schools in the country. Is the other side of the aisle proposing that Catholic schools can no longer receive assistance under IDEA or Title I, that Catholic schools can no longer receive assistance in the form of basic things to their schools? Of course not. We have done this for years.

What we cannot do is provide religious instruction materials for Catholic schools or other schools. This amendment, if passed, would suddenly pull out whole groups of people who view part of their mission, and I myself am an evangelical Christian, it is telling people like me who want to belong to an organization of evangelical Christians who believe part of our mission is to help the poor, that unless we bring in people who do not share our mission, we cannot even compete to provide assistance to the poor.

Quite frankly, most of these groups do not want to touch it. What I have been able to hear in the different hearings were many people coming forth saying they were afraid that the Federal Government is now going to reach their long arm into our churches and start telling us who to hire and fire, and that is just not acceptable.

Mr. Chairman, the Woolsey amendment would in effect gut civil rights protections for all sorts of religious groups, Muslim, Jewish, Catholic, Protestant; and it would be a travesty if we go backwards in allowing people from their own hearts to want to help the poor.

Although this provision appears innocuous, in fact this language is a blow that will serve to gut the faith-based provision in the law that allows faith-based organizations to retain their religious character while providing federally funded social services.

All beneficiaries and potential beneficiaries are protected from discrimination based on religion. At Committee, Chairman BOEHNER offered an amendment that was accepted which codified the regulatory provision (45 CFR 1050.3(e)) regarding the treatment of beneficiaries. Specifically, the amendment stated that a ''religious organization that receives funds under an applicable program, shall not, in providing program services or benefits, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or a religious belief.''

Additionally, the CSBG law and regulations both prohibit a faith-based organization from using CSBG funds for religious activities.

Section 679(c), states that ''[n]o funds provided directly to a religious organization to

provide assistance under any program . . . shall be expended for sectarian worship, instruction, or proselytization.''

In Section 1050.3(c), the regulations state that a religious organization may not ''expend any direct funding under the applicable program to support any inherently religious activities, such as worship, religious instruction, or proselytization'' (45 CFR 1050.3(c)).

Opponents have made the argument that Chief Justice Rehnquist's majority opinion in Bowen v. Kendrick requires the addition of this language, arguing that it was ''one of the most important reasons'' that the Court had found the funding of a faith-based organization constitutional was because it ''did not 'discriminate' on the basis of religion and operated its government-funded services in a secular manner.'' However, a careful reading of the opinion reveals neither of those points to be valid.

The excerpt from the opponents about the faith-based organization not ''discriminating'' failed to note that in the full quote (copied below) the phrase was modified by ''particularly when'' indicating that the decision was valid even before getting to that issue—so it was not ''one of the most important reasons.''

''We note in addition that this Court has never held that religious institutions are disabled by the First Amendment from participating in publicly sponsored social welfare programs. To the contrary, in Bradfield, v. Roberts, 175 U.S. 291, 20 S.Ct. 121, 44 L.Ed. 168 (1899), the Court upheld an agreement between the Commissioners of the District of Columbia and a religiously affiliated hospital whereby the Federal Government would pay for the construction of a new building on the grounds of the hospital. In effect, the Court refused to hold that the mere fact that the hospital was 'conducted under the auspices of the Roman Catholic Church' was sufficient to alter the purely secular legal character of the corporation, id., at 298, 20 S.Ct., at 124, particularly in the absence of any allegation that the hospital discriminated on the basis of religion or operated in any way inconsistent with its secular character. In the Court's view, giving of Federal aid to the hospital was entirely consistent with the Establishment Clause, and the fact that the hospital was religiously affiliated was 'wholly immaterial.' Ibid. The propriety of this holding, and the long history of cooperation and interdependency between governments and charitable or religious organizations is reflected in the legislative history of the AFLA.'' (Bowen v. Kendrick, 487 U.S. 589, 609 (1987)).

As for the ''lawful and secular'' claim, again the full quote (copied below) is illustrative. It shows that it was only when there was a concern that funds might be used for religious indoctrination)—which is not permitted under CSBG—was further scrutiny needed.

''But nothing in our prior cases warrants the presumption adopted by the District Court that religiously affiliated AFLA grantees are not capable of carrying out their functions under the AFLA in a lawful, secular manner. Only in the context of aid to 'pervasively sectarian' institutions have we invalidated an aid program on the grounds that there was a 'substantial' risk that aid to these religious institutions would, knowingly or unknowingly, result in religious indoctrination.'' (Id., at 612) (internal cites omitted).

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

HEARING ON ''FAITH-BASED PERSPECTIVES ON THE PROVISION OF COMMUNITY SERVICES, LOS ANGELES, CALIFORNIA''

Monday, January 12, 2004

Tim Hooten, Executive Director, Office of Ministry and Service, Asuza Pacific University:

Mr. Souder: Have you ever had any complaints from any organization that any of your students started sharing the faith and did not represent the organization?

Mr. Hooten: No, quite the opposite. Especially Foothill AIDS project, for instance. I had a phone call with their Executive Director recently, just asked how are things going there. And he said, you know what—and my question was with concern, like are students causing a problem there. And he said, you know what? Your volunteers are my best volunteers because they really have a heart for these young men and women who are dying.

Mr. Souder: And why do you believe they have that heart?

Mr. Hooten: I believe because they feel that they are there to serve the Christ within the people that they are seeing. As far as my perspective on what the New Testament, as a response to the Old Testament is that when I serve someone, I am actually getting to serve Christ. So it is incarnational in that they be the presence of Christ as they serve Christ.

SUBCOMMITTEE ON CRIMINAL JUSTICE DRUG POLICY AND HUMAN RESOURCES

HEARING ON ''THE ROLE OF FAITH-BASED ORGANIZATIONS IN PROVIDING EFFECTIVE SOCIAL SERVICES''

Wednesday, July 2, 2003, Victory Fellowship Annex, San Antonio, Texas

Excerpted comments from the testimony of Greg Kepferle, Executive Director of Catholic Charities of Central New Mexico and Catholic Charities of Santa Fe.

Mr. Kepferle: With Catholic Charities we want to make sure our Title VII exemption under the civil Rights Act is protected, that as a religiously sponsored organization we have the right to hire people who are Catholic and/or who have an understanding of Catholic social teaching; however, in actual practice because of—you know, we're looking for the competent staff with skills and we're serving a very diverse population that we are retaining that right only in select positions.

For example, executive director or positions that are working specifically with parishes or within specific faith-based projects that we have, so we want to make sure that that which is already in the law and we have that right, we want to make sure that's protected. But as a matter of actual practice our hiring practices we hire very diverse staff. We don't for most positions inquire in terms of their religious background or affiliation.

Mr. Sounder: You don't inquire?

Mr. Kepferle: We don't inquire, but we want to make sure we still have that right to do that because just with any organization you want to make sure that, you know, the—if you're selling shoes, you want to make sure that the person that's out there selling shoes wears shoes and believes in that. I mean, just with any business. In our mission it's the mission of following the teaching of the Catholic Church and carrying that out.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Democratic substitute to H.R. 3030, the Community Services Block Grant Act of 2003. Community service block grants have played an essential role in our society to help fight poverty by establishing programs, to help with such issues as employment opportunities, housing, facilities development, and food assistance. These community action agencies have become pillars in communities throughout the country. We all know and accept the fact that over two-thirds of community action agencies have a faith-based organization or representatives on their board of directors. Approximately 75 percent of community action agencies work directly with religious institutions and denominations. Affiliations with faith-based organizations and houses of worship have strengthened their message, outreach, and support for community action.

I am amazed that we would take a good process, a good program, a good approach, and then urge religious institutions to discriminate. I can understand a person who tithes at the New Galilee Missionary Baptist Church where I am a member, and they even let me be a deacon at times. When you tithe, you give of your free will. You decide that you are going into your pocket, and so you should have a right to determine who the clerk of that church becomes. If you want a Baptist person to be the clerk, that is quite all right.

But when you pay your income tax, you are not necessarily doing it of your free will. You are doing it because it is the law of the land. If you do not pay, then something bad is likely to happen to you. There is a tremendous amount of difference between a religious institution having the ability to determine who the pastor's secretary is on the basis of religion, but to determine whether or not a Ph.D. psychologist can work in a program, or to determine whether or not a certified public accountant can be the comptroller for a $2 million grant, or a $3 million grant, that seems to be stretching it a bit; and we are comparing apples with oranges.

Of course religious institutions have had the ability to determine that the church secretary is in need of being Methodist or Baptist or Jewish or Catholic, but please do not tell me that you can handle a $5 million grant using my tax dollars and other people's tax dollars and then tell me that I cannot work here because I am not Baptist.

Members talk about taking us back; yes, we can go back, back to the days when NINA existed, and we would see in the store windows of businesses N-I-N-A, meaning that no Irish need apply. Or if you are African American, you went to the back to get a drink of water or a hamburger or a hot dog. Or you were told that you did not have enough experience or the expertise.

I would urge that we support this amendment so that religious freedom can really be religious freedom. The whole social service, human service system in my community is undergirded by faith-based organizations,

Lutheran Family Services, Jewish Federation, the Baptist Council, Methodist Urban Renewal. They all provide excellent services. So do not change it. Do not urge them to discriminate. Vote to support the Woolsey amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder how many people across America have had the misfortune of tuning into this debate. Because if they did and are watching this debate, they would be wondering what evil it is that has crept into this land.

All over America people are seeing something a little bit different than what the other side is presenting today. All across the land, people are familiar with organizations like Habitat for Humanity, St. Vincent DePaul, Lutheran Social Services, Salvation Army, and in my neck of the woods organizations like Urban Hope and Rawhide Boys' Ranch, which saves young men before they choose a career path of crime, or Matt's Place, which is trying to provide positive outlets for wayward youth. They think of those organizations, and they are trying to match those organizations with the rhetoric that they are hearing from the other side, and shake their heads.

The real issue today is whether or not this institution is going to chase their wonderful groups away, whether or not we are going to try to discourage those groups from taking up the mission of poverty relief that they have devoted themselves to, whether or not we are going to push them away and tell them they need not apply merely because they do not believe certain things that we expect them to believe.

The question is whether or not we are going to lay new burdens on these groups just because they had the audacity to answer the call of the needy, whether or not we are going to push away these organizations who are endeavoring to lift lives and heal communities and build neighborhoods. The question comes down to something that President Bush said in his inaugural speech. I am paraphrasing, but President Bush asked this question of America: When we see that wounded traveler on that road to Jericho, will we step to the other side?

Well, listening to the debate here today, it is clear at least a small number do want us to step to the other side. They want us to turn our gaze and chase away those who would be the good Samaritan. Time and time again, this Congress has supported the concepts and the language that are in this bill today. This Congress has supported it, President Clinton has supported it, President Bush has supported it. Now, apparently, a small group wants to destroy something that is working very well, something that so many Americans look to with admiration. They want to chase it away. This would be a terrible idea. This would slam the door on so many worthwhile projects that are lifting lives and healing neighborhoods.

I desperately hope the Woolsey amendment is rejected. If this amendment is adopted, it slams the door; it chases away and sends a terrible message to so many good people and so many organizations. It would be, in my view, a travesty.

Mr. VAN HOLLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to make a point because I think the previous speaker in the well completely misstates history.

This is not about driving anybody away who wants to help our communities. One of the other speakers talked about rolling back time. We have 30 years of experience where faith-based organizations have stepped up to the plate to help our communities, to help our families, to help our children, to help our homeless; and they have been doing it all along. They were there before the government programs were there. They were there with the initial programs in the 1960s. It was the only way we could get services delivered.

Now, to suggest that somehow because we do not think that they should discriminate in the hiring that we are chasing them away, they were there before this was the law. I was building houses with Habitat for Humanity before 1998. This is not about that. This is about whether or not people in good faith who walked through the front door who need a job who have a talent are going to be chased away because of their religion. That is what this is about, whether or not a completely well-qualified individual who walks in and asks for a job to help out, and is told they cannot have that job because of their religion, that is who is being chased away, people of good faith and intentions who need help in our community who need a job and who are qualified to do the job.

□ 1415

Mr. VAN HOLLEN. Mr. Chairman, I rise in strong support of the Woolsey amendment, and I want to begin by making it clear what this amendment is not about. It is not about the value of the Community Services Block Grant. That block grant is extremely important to millions of Americans in thousands of communities around this land. From Meals on Wheels to child care, to job training, to early education, community action partnerships provide critical support to the communities they serve. Nor is this a debate about those provisions in the underlying bill that strengthen the accountability and local control in the program. Finally, this amendment is not about whether faith-based organizations should be able and allowed to participate in Federal programs designed to help those in need. They should and they do. And those who seek to confuse this conversation and suggest that those organizations will no longer receive Federal support are misleading the American people in this debate today.

So what is this all about? What this amendment does is affirm the critical role of faith-based organizations in providing services in the fight against poverty while at the same time preserving the principles of religious tolerance that are enshrined in the Constitution and the Bill of Rights. The Woolsey amendment is identical to the underlying bill in all respects except one. What this amendment does is prohibits taxpayer-funded job discrimination based on religion. Period. It is that simple. Should applicants for federally funded jobs be evaluated based on their credentials, their experience, their performance and merit, or should they be fired and hired based on their religion or some religious test?

Imagine someone opening their local newspaper, seeing an ad there for a federally funded job, someone who has devoted their life's work to trying to teach young children in early education, and they are excited about it, they open it up and they say, here's the description, help young children, but, by goodness, only Christians need apply; or, within Christianity, only Catholics or only Baptists need apply.

This provides a green light for that kind of discrimination. How can we ask individuals, individuals who may be listening to this debate around the country, who pay their fair share of taxes to support this community effort, to support the programs that we are talking about to help the poor? How can we ask them who have paid those taxes to the Federal Government to not be allowed to take a job with an organization that helps in that regard because of their religion?

That is what the other side asks us to do. In fact, the arguments put forth by the Republicans on this issue today should be troubling to every American. They say that faith-based organizations that take Federal dollars must be able to hire only their own members of their own faith in order to do a good job of providing secular services under this Federal program. It is in their committee report. They have said it on the floor today. Think about what they are saying. These Federal funds in this legislation provide services to help those in poverty. The mission is to provide housing for those without housing. To provide food and nutrition for those who have none. What they are saying is that in order for a faith-based organization to effectively use those funds for those purposes, you have to shut the door on employees of other faiths.

I find it very ironic, Mr. Chairman, that today we are asking the peoples in Iraq and Afghanistan, the Sunnis, the Shia, the Turkmen, the Christians, to

come together for the common good, while at the same time here we are saying that in order to fulfill the common good, we have to divide people based on religion. What a terrible message.

Mr. CANTOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the speakers that have come before me in talking and debating about what this debate is actually about, I will tell you what this debate is about. This debate is about a principle from the Civil Rights Act of 1964 which permits religious organizations to employ persons who are members of or agree with the organization's religious principles. This element of religious liberty was recognized by the framers of that act as well as a unanimous Supreme Court as a fundamental component of the first amendment's guarantee of freedom of religion.

We all have stories in our districts of individuals who have come together, many around faith-based principles, connected with faith-based institutions or ideology who perform tremendous good for our communities; actually, organizations that do much better than what the government may have tried to do in any given instance. I know these organizations, as all of you do. They bring people together, they improve lives, they clean up inner cities, they feed the poor, they help drug addicts return to a productive avenue in life. And these are all roles that perhaps the commercial endeavors have failed at or certainly the government has failed at in many instances.

The critics are saying somehow this is a constitutional issue. But to the critics I say, the Constitution says freedom of religion, not freedom from religion. I received in my office just yesterday a press release from the Union of Orthodox Jewish Congregations of America. Mr. Chairman, I would like to just read an excerpt from this memo from this group. In responding to the critics' assertion that this principle involved in the CSBG program fosters some federally funded employment discrimination, the group retorts:

> This principle is a fundamental component of constitutionally protected religious liberties and exactly analogous to those enjoyed under the first amendment freedom of association by other private agencies organized around certain beliefs and principles.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I would like to take a moment and yield to the author of the amendment for a point.

Ms. WOOLSEY. I thank the gentleman for yielding.

Mr. Chairman, my point ought to be taken very seriously by the gentleman from Virginia (Mr. CANTOR). We have all received an action alert in our offices from the Focus on the Family CitizenLink. In the communique they say that on Wednesday we are going to have this debate and we are going to have this amendment to prohibit faith-based organizations from hiring on the basis of religion. As a result, Christian charities interested in accepting Federal funds would be required to ignore religious conviction in hiring even if potential employees practice Islam, Judaism or no religion at all. So the gentleman from Virginia's folks that he quoted would not get hired.

Mr. ANDREWS. I thank the gentlewoman.

Mr. Chairman, I want to make reference to the case of Bowen v. Kendrick which several times has been cited by the majority as proof for the proposition that the court has upheld provisions like these. That is not the case. It is very important to understand the difference between Bowen v. Kendrick and the bill that is before us. In fact, language in Bowen v. Kendrick indicates that there are suspicious constitutional problems with this bill.

In Bowen v. Kendrick, the Congress had enacted the Adolescent Family Life Act which was designed to create grant programs for local agencies to counsel young people on issues of sexual relations, personal responsibility and the like. The statute did not expressly exclude religious organizations from receiving these grants. It was silent about the question of what religious organizations could do. There was a lawsuit brought to declare the statute unconstitutional on its face because it failed to exclude religious organizations. The Supreme Court held that the statute was not unconstitutional because it failed to exclude religious organizations. However, and this is important, one of the things that Chief Justice Rehnquist noted in his opinion was that one of the reasons that the Court concluded that that statute in Bowen v. Kendrick was not unconstitutional, they said, and I am quoting from the official summary of this in the case, however, there is no requirement that grantees, meaning the agencies receiving the funds under that bill, there is no requirement that grantees be affiliated with any religious denomination and the services to be provided under the act are not religious in character.

In other words, what the Court, I think, is implying there is if that statute had said, as this one does, that an Episcopal agency that wants to do counseling of young people about issues of sexual relations can only engage in the teachings of that particular church, that that would have been suspect under the Constitution and probably unconstitutional. What the Court said in this case is, because there was no requirement that a particular denomination receive the grant, that it is okay. That is the precise opposite of what we are talking about here.

This bill would authorize a church, a synagogue or a temple using Federal money to say, you can't drive the Meals on Wheels van if you are a Catholic. You can't wash the dishes in the soup kitchen if you are Jewish. You can only be a member of our church or our mosque or our temple using Federal funds to have this job. That is the opposite of what Bowen v. Kendrick says. The more accurate statement would be that the United States Supreme Court has not dealt with this issue.

But the U.S. Supreme Court is not the only arbiter of constitutionality. On the first day of our session, we all raised our right hand on this floor and swore an oath of allegiance to the Constitution of the United States. With that oath comes a responsibility to interpret the proposals before us as to whether they are constitutional. I would urge my Federalist Society friends on the majority side, my strict constructionist friends on the majority side, to consider that oath before they cast this vote today.

I believe strongly that this provision, which expressly authorizes the use of public money to discriminate on the basis of religion in granting employment, is unconstitutional. Irrespective of how one feels about the other merits here, I think that Members should vote for the Woolsey substitute on that basis.

Mr. PITTS. Mr. Chairman I move to strike the requisite number of words.

(Mr. PITTS asked and was given permission to revise and extend his remarks.)

Mr. PITTS. Mr. Chairman, I rise today in opposition to the Woolsey amendment. It declares war between the government and faith-based organizations. It cuts services for people in need. It eliminates the role of faith-based organizations in our government's efforts to help. By denying the rights of religious organizations to hire according to their principles, this amendment would deny resources to people who know what they are doing. Many faith-based organizations have proven track records of meeting the long-term needs of people who need it. Many government programs do not. Government may provide food and shelter for a night, but it cannot offer hope and courage many times to build a new life. Faith-based organizations can. There is no need to supplant them or undermine them with another government program. They are great sources of hope and encouragement for those at their wit's end.

In 2002, the Access Agency received $60,000 in CSBG funding. A quick visit to their Web site reveals that the Access Agency has a set of core values and principles, including that they ''recognize the dignity and value of every human being'' and ''believe every human being has the fundamental right to a job, food, clothing, shelter and health care.'' I doubt anyone would argue that because the Access Agency

received Federal funds, they should have to hire someone who does not believe that employment, for example, is a fundamental right. They are not forced by Congress to hire people who oppose their beliefs. Title VII of the Civil Rights Act allows these organizations to hire people who support their mission. This means that a faith-based charity, working to meet the needs of people seeking help, can hire employees who support their religious convictions above those who do not.

Why, then, do some call it discriminatory when a Christian or Muslim charity wants to consider the beliefs of potential employees before hiring them to run a federally funded faith-based program? Such practices have been upheld by the United States Supreme Court. There is a double standard here. Planned Parenthood receives at least $240 million in Federal tax funds. At least in 2002 they did. Obviously they take belief in abortion into consideration before hiring their employees.

□ 1430

They are not forced by Congress to hire pro-life Catholics, for instance. Why, then, do some call it discriminatory when a Christian or Muslim charity wants to consider potential employees' beliefs before hiring them to run a Federally funded faith-based program?

The Federally funded faith-based programs under the CSBG program must include participants of all faiths if they choose to participate. The issue at hand is not in regard to who is treated or helped with Federal funds, but merely if groups doing the helping or treating may consider in hiring decisions the faith of an employee who would work in their faith-based programs.

Religious freedom in hiring is consistent with constitutional assurances of civil rights, as the Supreme Court has unanimously decided in upholding these protections. It is the critics of the exemption who are trying to undo 35 years of civil rights guarantees by attacking the independence of churches, synagogues, mosques, and religious organizations of every kind.

There is no more vital protection for organizations with a religiously rooted approach to social assistance than the freedom to hire according to their convictions. The leadership and staff of an organization determine its destiny. They alone will carry out its mission, uphold its priorities, embody its deepest values.

If the first amendment guarantee of religious liberty does not protect the employment decision of faith-based organizations, their right to free association, it then will become a meaningless abstraction. This amendment proposes to tell faith-based groups that they have to hire individuals who disagree with their core principles. If it passes, we might as well revisit the Civil Rights Act itself, since we would be rewriting it today.

Faith-based providers cannot be expected to sustain their religious missions without the ability to employ individuals who share the tenets and practices of their faith. The success of any organization is having everyone on board with its essential principles and vision. The Civil Rights Act secures that right, the Supreme Court protected it, and we should follow suit.

By protecting the nature of faith-based organizations in the CSBG, H.R. 3030 encourages providers, who otherwise may not have participated in the CSBG, to do so. This will increase the option afforded to people in need, and it will help more people. This amendment should be defeated.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Woolsey substitute. I am a strong supporter of both faith-based organizations and Community Services Block Grants. In the district I represent, we have many faith-based groups providing help with food, housing, counseling, and so many other areas. We could not do it without them.

America has long been a country of willing volunteers and people eager to give back to their communities and lift up those to whom life has dealt a difficult hand. Many people dedicate themselves to programs that rely on funding from Community Services Block Grants, food pantries, homeless shelters, Meals on Wheels, just to name a few. All of those right now are serving in the district I represent, and they are faith-based. All denominations, the Catholic Church, the Baptist Church, the Methodist Church, that I am a member of, all of them.

I do not think that we want to believe that individuals who want to help combat poverty or help their fellow people should be denied this work based on their religious beliefs. Thank the Lord, our faith-based organizations have always played a historic role in helping deliver these much-needed services, but their important role in delivering any Federal-supported services should not include the ability to discriminate against potential employees on the basis of religion.

Mr. Chairman, everywhere we turn, we see great need in our country. Too many of our citizens go without food or homes to shelter them. These needs know no religious boundaries. It is represented by Protestants, Catholics, Muslims, Hindus, all beliefs. If Americans want to help meet this great need through our community work, we should embrace each and every one of them and not shut the door in their faces because they hold different beliefs.

From my days in Sunday school, the lessons I learned each Sunday morning have remained with me my whole life. Our religious beliefs are best judged not by what denomination we are, but by the actions we take and the manner that we live our lives. The ultimate judgment lies with God, who no doubt looks approvingly on any American who wishes to help their fellow human being.

Mr. Chairman, this is not only a moral issue; it is also a constitutional issue. The Civil Rights Act is clear that it is illegal for employers to discriminate on the basis of religion regarding any condition of employment. My Methodist church, if they only want to hire Methodists, we have the right to do it with our tithes and offering; but you do not have the right to do it with my tax dollars.

This Congress should not be in the business of sanctioning discrimination of any kind, and that is why I urge my colleagues to adopt the substitute. The substitute in no way hampers the ability of faith-based organizations to participate in Community Service Block Grant programs. I have dozens of them today who participate in it and do not ask whether you are a member of their particular denomination or belief. It ensures that employees that are working in these programs are afforded the same civil rights protections that any other Federal-funded employee receives. On both a moral and constitutional level, voting for this amendment is the right thing to do.

Ms. HART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment has been explained in a number of, I think, quite confusing ways this afternoon. I think it is important that we make clear what this amendment does.

This amendment changes the Civil Rights Act. The amendment would prevent religious organizations from employing persons in a manner that is consistent with their faith as currently allowed and allowed for a number of years under the Civil Rights Act. This amendment, again, changes the Civil Rights Act and in my opinion takes the rights of people away.

The amendment would really destroy the opportunity for many very small faith-based institutions to continue operating as they do today.

Do not tell my constituents in the very small towns that I represent in western Pennsylvania that they are not allowed to utilize those from their faith community to provide the services that they currently provide. In fact, many of the people who actually provide those services are not employed; they are volunteers. But the few that they do actually employ are people who are not just working for the faith-based community's service project.

This discussion has been such that these church organizations or church-related organizations are a Federal hiring program. They are not a Federal hiring program. The purpose of the Federal dollars is to empower them with more resources to provide services through the Community Services Block Grant program. That block grant program is not a hiring program; it is a service program.

Do not tell the constituents in the small towns that I represent in western

Pennsylvania that they are not allowed to do double duty; that they cannot be, for example, a part-time church secretary of the faith of that institution and also be part of the organization that provides service to alcoholics who are trying to overcome that difficulty.

Do not tell the churches or the synagogues or mosques in my community that they cannot take the part-time person who helps perhaps maintain their building to provide services with organizing their job placement program. Do not tell the people in my community that this amendment does not violate the Civil Rights Act, because it changes it significantly.

These community organizations are very small, and they exist in communities where we do not have great big Federal programs. They are filling in the gap where Federal programs have not been effective.

These programs have been supported by Republicans and Democrats alike, people of all different faiths; and they have been very successful. Do not tell the people in my communities who have been helped by these small programs that there is something wrong with the way that things have been run.

They are most often not using these Federal dollars to hire someone new. They are using Federal dollars to help them carry out the service, whether it is to buy some more food for their soup kitchen program or to help provide more resources for the Meals on Wheels or buy gasoline for Meals on Wheels.

This is not a jobs program. This is a service program, and the people are motivated to provide service, often as volunteers; and a couple of them perhaps will get paid as a result of the monies they get through the Community Services Block Grant program.

It is important that we as Members of Congress look at where these dollars really go. This is not a jobs program; it is a community service program. The law as it is protects civil rights. The law as it is is part of the Civil Rights Act. This amendment would take civil rights away.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we need to remember what we are voting on. This amendment includes all of the provisions of the Community Services Block Grant, for which there is strong bipartisan support. It includes two improvements on the bill. One I do not believe is that controversial, but you never can tell. It just says you cannot run a worship service on the government dime. That is, if you are contracted to provide a government service, you cannot have a worship service in the middle of the government program. If you want to have worship, it has to be separate and apart from the government service, so people getting the government services can get the full benefit of the program without having to be subjected to proselytization or religious instruction. That part, I do not think, is controversial; but you never can tell.

The other part, of course, is the discrimination provision. We have had trouble in the past trying to get down exactly what we are voting on in this, but I think we have come to the time where everybody acknowledges what is going on.

In 1941, President Roosevelt signed an executive order prohibiting discrimination in any defense contract. In 1965, President Johnson signed an executive order, no discrimination in any Federal contract. That has been the law of the land since that time. If you want a contract with the government to run a program, you cannot discriminate based on religion. Now, that does not require you to change your mission or anything. It is just if you are using Federal money, you cannot discriminate.

Now, if you cannot get along with people of other religions, whose problem is it? Traditionally, that is your problem. If you cannot get along with people of different religions, that is your problem; that is not their problem. And if you are trying to get a government contract and just for one reason or another do not want to hire people of other religions, that is your problem; and you have been ineligible to run a government program, personally, faith-based, or otherwise.

According to this, if you cannot get along with people of other religions, it is their problem. The victim is the one that gets hurt in this situation. The minority religions, the ones you want to discriminate against, are the ones that get hurt. That is a change in the law.

Now, remember the present law under title VII, you cannot discriminate against people with your own money. You cannot take money out of your pocket and start hiring people and say on this construction project, I am only hiring people that belong to this church; you belong to another church. Although you are the best carpenter that applied, you are not going to get the job, solely because of your religion. You cannot do that with your own money. Why should you be able to do it with Federal money?

Now, we have heard this thing about the pro-choice groups do not have to hire people that are right-to-life. We have a concept in law called a protected class. There are certain groups of Americans that historically have been discriminated against so badly that we have had to pass laws to prohibit it, have a protected class.

Our history on racial discrimination and religious discrimination is so ugly that we made it illegal to discriminate. So there is a difference between the NRA not hiring people because of their position on gun control and the NRA saying we are not going to hire Catholics and Jews, or we are not going to hire blacks. That is different, because race and religion are protected classes.

Now, these are not gifts to the church. They are contracts to provide government services. If you cannot provide government services the way everybody has been providing them since 1941, the question is, whose problem is it? I believe it is your problem. If you cannot get along with other people and do not want to hire people because of their religion, that is your problem; you are ineligible for government contracting.

This bill in its present form would change that. If you cannot get along with other people, that is their problem, not your problem. We ought to go back to the traditional way, since 1965 on all contracts and since 1941 on defense contracts, that if you cannot hire people, regardless of their religion, then you are not entitled to contract with the Federal Government to provide those services.

We need to adopt the Woolsey amendment. It validates the Community Services Block Grant program. It says that you cannot have discrimination in employment and you cannot run worship services on the government dime. That is the way it ought to be, and that is the way I hope it is if this substitute is adopted.

Mr. ISAKSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentlewoman from California has proposed a solution to a problem we do not have. When you walked here today, there was not a single person stopping you saying, you know, the 1964 Civil Rights Act was wrong and section 702 ought not apply under Community Services Block Grants. When you go back to your e-mail, because we are not getting any mail right now, you do not have anybody writing you that they have been harmed because of a practice of 40 years of the Civil Rights Act of the United States of America.

□ 1445

When you read the news tonight or when you read it last night and you look at television tonight, you look at all of the problems in the world, there is not a single person complaining about community service block grants or about the Civil Rights Act of 1964.

My dear friend, the gentleman from New Jersey (Mr. ANDREWS) referred to the courts have not yet been challenged on this particular issue. Well, I will tell my colleagues one thing, and this is a guess and I stand to be corrected if anybody knows I am wrong, but since 1964, in the last 40 years, no act of Congress has ever been ruled on more frequently or more often or been challenged before the Supreme Court of the United States more than the Civil Rights Act. If what we were talking about repealing was so wrong and evil and punitive, then it would have long since been decided.

But the biggest tragedy of all, and I love the ranking member, the gentleman from California (Mr. GEORGE

MILLER), he is a wonderful human being. And he and I are about the same age, and I have worked over the last 30 years on many charitable organizations and faith-based projects, and he has too, but he made a statement that kind of twisted the facts. He said this has not been a problem for 30 years; and he is right, it has not been. But if the substitute is adopted today, we have a big problem, because we are saying to a huge resource of individuals who, for 3 decades when they have been allowed to, have provided meaningful efforts, like the YMCA of Atlanta that delivers the Head Start program for our area; we have said to them, you know, your exemption of the Civil Rights Act no longer applies. You cannot participate unless you change. And who gets hurt? The 350 kids in Head Start get hurt.

Now, we are going to vote on this in a little bit, and I hope we will defeat the substitute, but I want to ask my colleagues to count something. On the way back to your office, count how many people you encounter who bring up the fact that there has ever been a problem with this act or who say thank you one way or another for voting for a substitute that is dead flat wrong.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a misconstruction here of what this amendment is all about, in particular by the gentleman from Georgia who just spoke. This amendment will restore the Civil Rights Act as it was from 1964 to 1998. It undoes an amendment put there in the dead of night, after no hearings and almost no debate, only 6 years ago. And from 1964 to 1998, the gentleman is quite correct, we had no problems with this.

Now, Community Service Block Grants help communities provide services for low-income families and individuals who address the ever-rising number of people living in poverty through employment programs, housing programs, nutrition programs, and education programs. For years these grants have been praised by both sides of the aisle. Yet today we find ourselves debating the issue of whether or not religious discrimination should play a part in providing these services.

Religious discrimination is not the American way. Asking someone his or her religion in a job interview is simply wrong. Asking people what they believe before they can feed the poor, help the homeless, or provide protection to battered families is, frankly, immoral.

Government saying that this is okay and funding it is a betrayal of our most cherished values.

Now, no one with this amendment, or with the law as it existed between 1964 and 1998, which this amendment would restore, no one is telling any religious person not to adhere to his or her faith or to advocate it. No one is telling religious institutions what to teach its members or who should conduct their religious ceremonies. No one is even telling a religious institution who to hire as the janitor. And if the Presbyterian church wants to say only Presbyterians could be hired to be the janitor or the priest, that is fine.

Nor, despite the rhetoric, are religiously affiliated charities under this amendment barred from participating in publicly funded programs. Every Member, including myself, has worked to obtain public funding for these worthwhile organizations. These religiously affiliated charities are the backbone of our social service delivery system, and no one is suggesting we change this, except for this administration and the Republican majority, which wants to destroy what has worked well for years.

What is at issue here is not whether a church or a religiously based group can have a religious test for anyone at all. What is at issue here is whether they can have a religious test for people, paid for by public funds; paid for by public funds to provide a public service.

If the church wants to have a religious test, as I said, for the minister or for the singers or for the choir director or for the janitor, it is free to do so. But those things are not paid for by public funds. If the church wants to compete for a public contract to provide services to the homeless with public funds, or to provide housing with public funds, it should compete for that contract. It should get that contract if it has the best proposal. But it should not be permitted, as it was not permitted until 1998, to have a religious test to say no Jews or no Irish or no Catholics and no Muslims may apply for the publicly funded position to help administer these public funds. For the nonpublicly funded positions of doing anything at all in the church or in the charity, have any religious test you want; that is religious freedom. It is not religious freedom to put a religious test on employment in a public program paid for by the tax dollars of everybody. Protestant, Catholic, Jew, Hindu, Muslim, atheist, we all pay taxes, and our tax policy, our tax funds, should not be used to discriminate against any of us on the basis of religion.

No one should ever see a sign at a government-funded program that says ''No Catholics need apply'' or ''No Jews need apply'' or ''No Presbyterians need apply,'' but that is what this bill would allow. In the Yorker case, an applicant for employment with public funds was asked on his job application what his religion was, on the job application. Is that the America we want to live in?

I know that my colleagues on the other side of the aisle complained about what they view as religious tests when it comes to approving judges in the Senate. Why should the person who serves soup in the soup kitchen, the publicly funded soup kitchen, or who aids the poor or the homeless with public funds be entitled to any less consideration?

The amendment in the existing law that we are trying to take out was passed in the dead of night in 1998 with few Members understanding the full implications of the language in it. The gentleman from Virginia and I were here at 1 in the morning to talk about the dangers this kind of publicly funded discrimination posed to our social services programs. Perhaps many of my colleagues were not fully aware of the scope of these change.

Now, as we debate this in the light of day, I urge everyone to take a close, hard look at what is being done. I urge my colleagues to reject this betrayal of our first freedom, our most fundamental of values, the freedom of conscience. I urge support of the Woolsey amendment, and I urge that, again, we are not talking about telling church-based organizations not to participate in public programs; they can do that as they always did prior to 1998. We are simply saying you can only use public funds in a public contract in a nondiscriminatory manner.

I urge support of the Woolsey amendment to restore the law as it was.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the proposed amendment because it would clearly violate the first amendment's guarantee of freedom of religion under our Constitution. This amendment would tell faith-based organizations that they must hire people who do not share their faith and beliefs. This is not the case with other organizations and other deeply held beliefs.

Planned Parenthood receives millions of Federal dollars, but there is no requirement that they hire people who believe in the sanctity of life. Planned Parenthood takes belief into account when hiring, but this is not condemned nor forbidden by the government as unlawful discrimination.

Members of the Congress hire staff based upon competence and beliefs. A major factor in our hiring decisions is whether applicants believe in the same things as we; if we have similar political philosophies, similar ideas about the role of government and what public policies will strengthen our country. It would be ludicrous for someone to say to a Member of Congress that they could not ask a potential employee what their political views were or could not take that into hiring consideration.

Why apply a different standard to faith-based organizations? The government should not discriminate against religious groups that are delivering services to help the poor.

In defeating this amendment, we uphold the Constitution when it says that ''Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.'' Yet, some argue that faith-based organizations cannot receive Federal dollars because that would be a violation

of the separation of church and State. May I remind everyone that the words ''separation of church and State'' are not in the Constitution of the United States. ''Separation of church and State'' was a part of the now defunct Soviet Union's Constitution, article 128, I believe. Even so, the Congress is not establishing a religion here. When money is given to diverse faith-based groups to help the poor, Congress is not declaring a national religion. The President has made this clear when he said ''faith-based programs should not be forced to change their character or compromise their mission.''

I urge the House to defeat this amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding.

One of the points the gentleman made is that organizations should not be forced, faith-based organizations should not be forced to hire people that do not share their same opinions. As a matter of fact, in a hearing, a field hearing, a Reverend Tony Marciano, Executive Director of the Charlotte Rescue Mission in Charlotte, North Carolina made this statement: ''The first 677 words of our mission is to minister the good news of Christianity. So yes, in our application, we ask for your church affiliation. Our statement of faith is attached to the application so that there are no questions who we are and who we are hiring. We expect people, as they sign off on the application, to sign on to our statement of faith. And that is key,'' he says, ''because even though we have people from different denominations, Presbyterian, Baptist, Methodist, et cetera, we need to make sure that everybody is on the same page, you know, as we work with the chemically addicted homeless.''

It is not just these organizations, faith-based organizations, that are doing such great work and who are supportive of this language. We have a number of associations: Agudath Israel of America, American Association of Christian Schools, Association of Christian Schools International, Call to Renewal, Catholic Charities, Catholic Health Association of the United States, Center for Public Justice, Christians for the Faith-Based Initiative, Christian Community Health Fellowship, Christian Legal Society, Council of Christian Colleges and Universities, Evangelicals for Social Action, the General Conference of Seventh-Day Adventists, the Heritage Foundation, Latino Coalition for Christian, Community, and Faith-Based Initiatives, the National Association of Evangelicals, the National Center for Neighborhood Enterprise, Prison Fellowship, the Salvation Army, Union of Orthodox Jewish Congregations of America, the U.S. Conference of Catholic Bishops, We Care America, World Relief, and World Vision, all of these organizations are supportive of the underlying language in the bill.

Mr. BARTLETT of Maryland. Mr. Chairman, reclaiming my time, our Founding Fathers would be amazed that we were even discussing this. This Congress, for the first 100 years of our existence, voted money every year to send missionaries to the American Indians. The Continental Congress bought 20,000 volumes of the Bible, copies of the Bible to distribute to their new citizens. For the first 200 years the New England Primer taught the alphabet to our students by using Bible text. In the McGuffrey Reader, the author of that says that he borrowed more from scripture than any other source, and he made no apologies for that. Our Founding Fathers were devoutly Christian. They would be amazed that we are even discussing this. President Adams said that this Constitution was prepared for a Christian Nation which served the purposes of no other. Mr. Chairman, they would be amazed that we are even discussing this today.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words. So would the Jewish and Muslim citizens of this country be amazed.

I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, in response to the comment of the gentleman from Georgia (Mr. ISAKSON) that there is no known discrimination because of the exemption included in the underlying bill, I would like to read a story that I have here, and the story is that in Georgia last fall, Alan Yorker responded to an advertisement in the Atlanta Journal Constitution for a position at the Methodist Children's Home. Mr. Yorker is an exceptionally qualified psychotherapist with over 20 years' experience counseling young people and their families, and over a decade's experience teaching in Emory University professional schools, and a number of appointments to State professional committees. The Home, as the Methodist Children's Home is referred to, has admitted that his credentials placed him among the top candidates for the position. On the strength of these credentials, the Home rushed him in for an interview where he was first required to disclose in an application form his religious affiliation, church and minister.

□ 1500

Mr. Yorker, a Jew, supplied the name of his synagogue and rabbi. As his interview was getting under way, the home administrator checked Mr. Yorker's response to this section of the application, noted that Mr. Yorker is Jewish and announced that the home does not hire people of his faith. Alan Yorker was shown the door.

The same administrator told another woman in the organization that it is the home's practice to throw the resumes of applicants with Jewish-sounding names in the trash. Only because the administrator had not recognized the name ''Yorker'' as Jewish was he interviewed in the first place.

That is what happens, and that is what happened.

Mr. CHOCOLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to this amendment. The reason I rise in opposition is because I think it reduces the effectiveness of faith-based organizations because it prevents them from hiring people that share their values and their beliefs.

I think the most effective organizations in many of our communities, and certainly in the second district of Indiana, and I do not think my district is really any different than any other, that some of the most effective organizations that serve our communities' needs are faith-based organizations. With any organization, whether it is faith-based or not, it is the people that make it effective. It is not the building, it is not the computers, it is not anything other than the people that breathe life into that organization.

And it is the people that share common values, common beliefs, and share a common mission that truly make it effective and truly help it serve our communities' needs. Now the supporters of this amendment want to prevent that from happening. They want to prevent people coming together that share common beliefs from serving community needs.

Before we vote on this, I ask every Member of this body to examine their own hiring practices. When we hire people to work in our offices, do we not ask them what their values and beliefs are? Do we not require that the they share our beliefs in their view of the role of the Federal Government? Do we not ask them to share our beliefs in how we should spend the taxpayers' dollars? Do we not ask them to share our beliefs in our political philosophy?

So, Mr. Chairman, I urge a ''no'' vote on this amendment because I do not think that we should ask anyone to do things that we are not willing to do ourselves. We ask people who work for us in our office to share our values and beliefs so they can be effective in serving the people of this country. I think we should ask no less to allow faith-based organizations to ask people what their values and their beliefs are so they can serve the communities across this country in each and every one of our districts as effectively as possible.

Mr. RYAN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in a moment of full disclosure I am a Catholic. I am a Christian. And I have heard the name of Christ used here several times today. And if we look at one of the stories that one of the gentlemen used a little bit earlier, he talked about the story and the parable of the good Samaritan.

The Samaritans were an immigrant group who had distinct views that were

different from the Jews of their time. And there was enormous hatred between the Samaritans and the Jews. And Jesus' parable of the Samaritan was to illustrate, he made the Samaritan a hero to reach out and help a Jew, two groups that hated each other.

As we are having this discussion today, we should not try to twist the story. We should understand that this is about people wanting to help each other. I am a bit confused, though. I had listened to one gentleman who said this money could not be used to proselytize. Then the chairman of the committee said that some of the mission statements of these groups is to minister the good news of Christianity, which is great. We all support it. The Catholic schools I went to for 12 years supported that, but they did it with private money. You cannot use public money to support a religious institution. It is wrong, and it should not be allowed.

My great grandfather who was a little Italian guy, who lived in Niles, Ohio, during the Depression, he would walk down to the bottom of this hill during the Depression, and he would walk to a couple of the steel mills. If you would go out early enough, one of the foremen would come out, and they would say they have three or four slots, and there would be 80 or 90 people there waiting to see if they would get picked that day. But the foremen were all Irish.

So they would come out and my little grandfather was sitting there hoping that his name would be called. And the Irish foreman would pick the Irishmen, always, every day. And my grandfather would probably swear in Italian and work his way back up the hill and try it again the next day. But as wrong as that was, it was okay because it was private money. It was a private business making this decision.

Now we are saying that a Protestant taxpayer will give money to the Federal Government, the Federal Government will get that money and will give it to Catholic charities. Catholic charities will take that Federal tax money that was paid by a Protestant to the Federal Government, and they will hire people to administer their programs. Then the Catholic charities will be able to say we will not hire you because of one reason: you are Protestant.

Look at all these religions. They all share the same values, they are all supportive, and they all want people to be compassionate to one another. They all support social justice, but in this instance your values do not matter. It is what God you pray to or how you view Christianity. It is wrong, and it is confusing. And I do not think the Federal Government should be in this line of work.

The chairman of the committee also stated that you will be able to use this money and they will be able to work a part of the day doing one thing and then a part of the day possibly teaching Sunday school. What could they teach in Sunday school? They are not teaching the theory of relativity. They are teaching religion. You have Federal dollars going to support someone to teach Sunday school religion in the United States of America. We are in Iraq right now trying to teach our values and the separation of church and state. It is wrong, and it should not happen.

And the bottom line is this is a political institution. And this political institution will make political decisions. And money will end up in religious groups that look like us and act like us and have only our beliefs. Not our values, but our beliefs. Then, ladies and gentlemen, we have state-sponsored religion right here in the United States of America.

It is a blow to the Constitution, it is a blow to democracy, and it is a blow to those of us who love freedom, especially religious freedom.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is my pleasure to rise today to support the base bill on the Community Services Block Grant Act. Probably my best way of approaching this is just to describe my own community which has engaged in faith-based activities for years. And I am just constantly amazed at the horror stories that are projected today by Members about what might happen if this bill passes.

Let me tell you what has happened in my community and put some of your fears to rest. My community happens to be quite a religious community of many diverse faiths. But yet these churches and synagogues have always felt a major responsibility to the community and to the world about them.

As an example, when Vietnamese first became refugees, my small community had more refugees initially than any other city in the United States simply because our churches became active early in providing relief for these refugees.

The church that I go to is an inner-city church. My wife and I selected that when we moved to Grand Rapids because we wanted to be involved in the central community. Our church has succeeded in starting a community center. It is a faith-based community center, but anyone is welcome.

In addition to that, our church has started a food program for the people in the neighborhood, many of whom are unemployed, on welfare or in very difficult circumstances. We serve approximately 400 people every Saturday. We have a group of volunteers from our church and other churches who every Friday go out and collect food from stores and from warehouses, and make it available in our church basement. We sell it for approximately 10 cents on the dollar. And a number of families that come through can buy a week's groceries for their family for anywhere from $10 to $20.

No attempt is made to proselytize in any of these organizations in our community. It is simply a recognition of the people of these churches that as part of their commitment to their Lord and to their faith; they have to help others. And that is precisely what they are doing. They are providing social services which the government would provide at far greater cost and far less efficiently. And we do that voluntarily.

My city houses the second largest private mental health hospital in the United States, again, started by a faith-based institution. It is still a faith-based institution. It may discriminate in hiring in certain cases because their treatment is based on a certain philosophy of life and faith and it uses that to effectively treat those patients.

Incidently, many of these institutions do already get Federal funds. For example, the hospital I mentioned gets a great deal of money from the Federal Government and from State government for health treatment. No one raises a question about that. No one says this violates the Constitution. They are providing medical treatment, but they do discriminate in hiring, not in every case but many some cases.

You look at the colleges and universities across the United States, and of those are not State institutions, most were founded by religious group. Today there are still many religious colleges, primarily Christian colleges, but also other faiths, represented in the higher educational system of the United States. All of these can make better use of Federal money than many Federal programs can. And many of them do receive Federal funds, whether scholarship grants, or loans, what have you.

But in the case of an organization such as our church and its food program which I mentioned earlier, we could serve many more people if we had government funds. And we would certainly provide it more efficiently and at less cost than a government entity could with paid employees.

So I simply want to point out to the naysayers on this floor that what we are attempting to do in this bill, is not breaking new ground. It has already been broken in the Civil Rights Act. Those who wish to limit the ability of faith-based institutions are, in fact, attempting to infringe on the civil rights of these faith-based institutions and their supporters by prohibiting support from the Federal Government when these churches are, in fact, doing the job that the Federal Government does. And they are doing it in many cases better.

I urge that we defeat the amendments that have been offered. I urge that we continue the practice as we have it. And I urge that we make certain that these agencies will continue to be able to provide the services in the manner they see best and be able to qualify for Federal funds and not be hampered by restrictions on their hiring practices.

I strongly urge that we defeat the proposed amendments and that we vote for the base bill.

I rise today in support of H.R. 3030, Improving the Community Services Block Grant Act.

The Community Services Block Grant provides funding for a state-run network of local non-profit community action agencies. Michigan's third Congressional district is served by three community action agencies: the Area Community Services Employment and Training Council in Kent County, the Community Action Agency of South Central Michigan in Barry County, and EightCAP, Inc. in Ionia County.

In partnership with community organizations, these agencies provide services to low-income individuals, and families. The partners include faith-based organizations, such as Hope Network and its Exodus Correctional Ministries. In addition, several faith-based colleges and universities, including Calvin College, Aquinas College, Cornerstone University and Reformed Bible College, are located in my district. This is multiplied many times throughout the United States, which has approximately 500 religious colleges and universities, many of which work with community action agencies.

Allowing these faith-based partners and universities to receive federal funding is nothing new. Faith-based organizations have been receiving federal money to provide social services for decades.

The faith-based provisions within this legislation allow faith-based providers to maintain the character of their organization through their employment practices. These groups do not exist in order to proselytize, but in order to serve those in need. Faith-based providers, including universities, cannot be expected to sustain their religious mission without the ability to employ individuals who share the tenets and practices of their faith. It is faith that motivates these organizations to serve their neighbors in trouble. To deny faith-based organizations the right to shape the character of their groups through their employment practices is to deny them their motivation to serve. Keeping religious-based staffing legal is the only way to ensure equal opportunity and effectiveness for all organizations and to respect the diversity of faith communities that are a part of our civil society.

Mr. PAYNE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Chairman, I join today with the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from California (Ms. WOOLSEY), the gentleman from New Jersey (Mr. ANDREWS) and others, myself included, in offering a Democratic substitute to H.R. 3030, the Community Service Block Grant.

I strongly believe that the Democratic substitute does two important things: one, it supports ongoing participation of faith-based providers and Community Service Block Grant programs; and, two, it restores basic civil rights protection for families and employees who benefit from participating in Federally funded Community Service Block Grant programs.

It was interesting to listen to the earlier discussion when one of the previous Members on the Republican side said that we Members of Congress on our side ask what religion people are before we hire them. I was pretty shocked. I do not know if I know the religion of any of my staff members. I do not even know if they are religious. So we do get revelations here when we have these discussions. And it does, once again, show the difference between the ideologues who are holier than thou when in their employment they are going to find out what religion you are before you can be hired.

□ 1515

It was also interesting that the same gentleman talked proudly about the former founders, the framers of the Constitution, and how they were so great in using the Bible to teach people as they have used government money to buy these Bibles to teach, one, the American Indians and, number two, simply to use religious people to teach.

Of course, these same framers of the Constitution were the same people that said I was three-fifths of a person. As you may recall in the Constitution of the United States, African Americans were considered three-fifths of a man. And when I was a youngster my grandfather always told me that his grandfather told him about this three-fifths of a man. That is what black people were. These great religious framers of the American Constitution had everyone as a full person but blacks were only three-fifths because in the census for Congress, they did not want blacks, who could not vote in the first place, to be allowed to distort the number of people in Congress in the South.

And so when we start talking about the framers of the Constitution, we need to have a whole day discussing the framers of the Constitution. Since the gentleman from Maryland (Mr. BARTLETT) brought it up, I just thought I would mention it.

I just want to say that, one, I certainly think that we are turning the clock back. For over 40 years, Community Service Block Grant programs have been instrumental in assisting families in poverty, and faith-based communities have made strong partners. It has worked. But as we know, back in 1998 there was a change in the middle of the night. An amendment was put in that changed charitable-choice provisions, which was added to allow religious organizations to receive Community Service Block Grants to use Federal funds to discriminate with respect to employment. This is new. That was done in 1998 when the bill was changed.

So I think that this really says a lot about the people on the other side of the aisle because they want to take Federal money and say that you have the right to discriminate. And on top of that, unfortunately, religion happens to be, on Sunday mornings it is the most discriminating hour in the United States' week, because most churches are totally racially segregated in most communities. So once you start bringing in religion as a way to hire, the next thing that will follow actually is that you will then find that racial discrimination will follow the religious discrimination.

So as we have all people from all races losing their lives daily in Iraq, where we have people in Afghanistan of all races fighting together, we find those who fostered this war on us saying we have got to separate people. We do not separate them on the battlefields. We do not ask the religion when they go out to try to get the enemy. But all of the sudden we are going to ask the religion of people. What hypocrisy. What hypocrisy. You can die on the battlefield under the American flag, but when you go to get a job you have to tell your religion.

I think that the day will come when all of this will pass by the board. It is sooner than we think. It is going to be in November this year.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the son of two preachers and one who has represented many churches as an attorney before I came to the Congress, I rise today to speak on the Community Service Block Grant reauthorization, a bill that could represent 10 steps forward for our country's most downtrodden, but in the end represents 100 steps back for civil rights.

Forty years after the passing of the Civil Rights Act of 1964, 41 years, Mr. Chairman, after the 1963 March on Washington, 49 years after Rosa Parks' refusal to give up her seat in 1955, just a few weeks after the celebration of Martin Luther King's birthday, and still today, regrettably, we fight to end discriminatory practices.

Mr. Chairman, over 40 years after Americans have fought to put into place laws to end discrimination, I stand here on the House floor fighting against outlandish provisions in this reauthorization of the Community Services Block Grant, a bill designed to ameliorate the ravages of poverty. Unfortunately, this bill also allows taxpayer dollars to be used by religious organizations while letting them engage in discriminatory hiring practices. Furthermore, it does not require that these Federal dollars be used in a nonreligious manner. These are very unfortunate provisions I simply cannot support.

Mr. Chairman, title VI of the Civil Rights Act of 1964 specifically bans recipients of Federal funds from engaging in discriminatory practices. As President John F. Kennedy said in 1963, ''Simple justice requires that public funds, to which all taxpayers of all races, colors and national origins contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial, color, or national origin discrimination.''

As such, in 1964, following Kennedy's legacy, the new Civil Rights Act was

put in place to prevent this from ever happening. Yet today we debate a bill that allows discrimination on the basis of religious preference. As history clearly demonstrates, legalization of any form of discrimination, religious, racial, sexual or other, makes way for the legalization of other forms.

Thankfully, we also have on the House floor today a substitute being offered by my good friend, the gentlewoman from California (Ms. WOOLSEY), and many other Democratic members of the Committee on Education and the Workforce. The Woolsey substitute would prohibit taxpayer dollars from being used for inequitable hiring practices and requires that the funds be used in a lawful and secular manner. There is no doubt that religious organizations play an invaluable role in the provision of services at the local level in antipoverty efforts. However, there is also no doubt that this can be done successfully without exempting them from compliance with our civil rights laws. All recipients of Federal dollars should be held to the full letter of the law.

I urge my colleagues on both sides of the aisle to vote yes for the Woolsey substitute and no on final passage of H.R. 3030. We cannot allow Congress to turn back the clock on all of the civil rights protections that we have fought so hard to build. We have come too far to start over now.

I also urge all of my colleagues to support the Miller amendment extending unemployment benefits. Over 2.9 million jobs lost, versus 1,000 gained last month. That is a zero-sum gain, Mr. Chairman. American workers want to work and they need help.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

As we near the end of the debate on the Woolsey substitute, let me remind my colleagues that the two bills that we have before us are identical, with one exception, that exception being the language that we preserve in the current law to allow faith-based organizations to participate in Community Service Block Grant programs without giving up the protections granted to them under the 1964 Civil Rights Act. That is the only difference.

We have worked the rest of the bill out in a bipartisan basis, but this one issue that we have argued on this floor, we have done so on numerous occasions, whether it be the 1996 Welfare Reform Act, several times last year when we considered the Workforce Investment Act, and when we considered the reauthorization of the Head Start bill, we had the same debate here in the House about whether faith-based providers using Federal funds would have to give up the protections granted to them under the 1964 Civil Rights Act.

As we have heard today from numerous Members, these faith-based organizations do very good work with the poorest of the poor in many of our communities. And to deny them their protections under the Civil Rights Act of 1964, we believe would in fact have a chilling effect on their willingness to take Federal funds and to work in the community to help deal with many of the problems that are there.

When I listen to the debate today, there are a lot of examples used of discrimination, discrimination in hiring. And I would suggest to most of my colleagues that use these examples, if you don't like the 1964 Civil Rights Act that provides religious organizations an exemption in hiring, then we ought to change it. But that is the law. And what we are trying to do is trying to continue to comply with the law, and we should not deny those organizations that are faith-based the protections that are granted to them under the 1964 Civil Rights Acts.

I would ask my colleagues when we near the vote on this substitute, that we vote no on the substitute and to support the underlying bill which, in fact, has been the law since 1998.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the 1964 Civil Rights Act allows faith-based organizations, religious organizations to use their own funds, and they can discriminate if they choose. That act does not allow faith-based organizations to use Federal funds starting in 1964.

The chairman is right. The only difference in this bill is the faith-based discrimination based on religion language. That is what we would like to remove because, Mr. Chairman, this is a sad move on the side of the Republicans to continue to take perfectly good legislation and allow a poison pill to stay in that legislation thinking that the people on this side of the aisle are going to vote yes, that we have no choice.

You know what? It is wrong. We do have a choice. It is wrong to allow religious discrimination using Federal dollars, and we are going to vote against it.

I support faith-based organizations and the good they are doing in their outreach and their human service programs. I support them totally. The faith-based groups in my district are successful. They tell me, Get that language out of the bill. We do not need it. They agree that the exemption to title VII is useless. It should not be in there and that individual groups should not be able to use Federal tax dollars to discriminate in their hiring policies.

If this language remains in the bill, I, for one, will be forced to vote against the underlying bill because I will not vote to use tax dollars for discrimination.

Mr. SHAYS. Mr. Chairman, I believe people competing for a job should be judged on the strength of their candidacy, not on their gender, the color of their skin, their sexual orientation, or their religious beliefs.

Supporting this amendment was not an easy decision for me. I have grappled with this issue for years because the Civil Rights Act includes an exemption for religious organizations, but I have come to believe that, where Federal dollars are involved, Congress should not condone discrimination on any grounds, even on religious grounds.

With the help of tax dollars, faith-based organizations are able to provide a wide range of social services to their communities, but allowing them to discriminate against those who wish to be of service, simply on the basis of their religion, casts a shadow on the wonderful work these groups are doing.

I understand some faith-based organizations would prefer to have ideologically consistent staffs, but I believe a person willing to take a job with a religious group and commit to advancing the mission of that group can do so whether or not they believe personally in the institution's message. And I believe any candidate who can excel in the workplace, will be able to do so regardless of his or her religious convictions.

The bottom line is, holding one set of religious beliefs does not preclude someone from effectively providing services and even advocating another set of ideas. For that reason, being Catholic, Jewish, Muslim, or Hindu should not hinder a person's ability to perform the functions of a job they are intellectually qualified and willing to do.

Ms. MAJETTE. Mr. Chairman, the Community Service Block Grant program is an invaluable tool for fighting poverty. The Community Service Block Grant works and works well. It works because it allows local discretion to guide the allocation of resources to those programs that the underprivileged in their own communities most need. In my own district, the Partnership for Community Action helps underprivileged children get a Head Start on school, helps citizens weatherize their homes, and helps teen mothers find work. I am proud of these programs and support Federal investment in their efforts.

This same Community Action Agency in my district is involved in faith-based partnerships. They teamed with Christian, Hindu, Islamic, Jewish, and Baha'i groups to work together to address the problems of substance abuse among youth and to decrease the recidivism rate of inmates in our county jail. And they did this all without discriminating on the basis of religion. However, the law allows discrimination.

I am strongly opposed to allowing recipients of Federal dollars to discriminate on the basis of religion. No issue is more important to our Nation than the need to prevent our Federal Government from either supporting or opposing any form of religious expression. Despite this principle, the current law actually allows recipients of taxpayer money to discriminate against someone who doesn't share their religious beliefs. It is unconscionable that this body ever allowed this kind of discrimination to be the law of the land.

I strongly support all of the religious-based organizations whose members devote so much of their time and energy to curing our Nation's ills. I am confident that these organizations make us a stronger, more compassionate Nation.

My personal faith in God is strong and does not depend on a government endorsement. Our Founding Fathers shared the belief that it is in the best interest of both government and religion if they remain mutually prevented from exerting influence upon each other.

Even a single case of someone losing their job because of their faith is too much to allow in our great Nation. As Justice John Paul Stevens has wisely noted, ''Our democracy is threatened whenever we remove a brick from the wall that was designed to separate religion and government.''

This Congress cannot ever condone employer discriminating against potential employees. For this reason, I support the Democratic substitute which preserves this wonderful program while upholding the constitutional prohibition on religious discrimination.

I support the Community Block Grant Program, but cannot support any bill that condones discrimination.

Mr. BEAUPREZ. Mr. Chairman, I rise today in opposition to the Woolsey amendment, and to recognize the critical importance that Congress must adopt a new attitude toward faith-based and community initiatives and not hinder their ability to effectively assist the needy.

Uncertain times have left many people in search of assistance and in need of a helping hand to improve their lives. I believe is in the vital interest of the United States to care for all of our citizens. Inadequacies seen in many current programs have left millions searching for alternative sources of aid. I believe that the establishment of faith-based initiatives is one of many ways to provide a helping hand to our fellow Americans in need.

Few people realize that faith-based organizations have been utilized for years by all levels of government. President Lyndon Johnson's ''Great Society'' initiatives expanded FBOs to include welfare and community service programs. Further evolution of FBOs showed that they are effective partners for delivering special services, including literacy programs, counseling, and healthcare services. These programs proved to be a more effective process to deliver vital programs to the needy. I have seen the positive results of faith-based initiatives first hand throughout the Denver metro area. Fine examples are childcare, senior services, and job placement training.

Some of my colleagues believe that faith-based organizations discriminate against employees based on their faith. In 1972, a Democratic-controlled Congress expanded the already-existing 1964 Civil Rights Act Title VII exemptions for religious organizations, which allows religious organizations to consider potential employees' faith when making staffing decisions. The United States Supreme Court, without a single dissenting vote, upheld this law. The Court reasoned that a law is not unconstitutional simply because it allows churches to advance religion, it must be evident that the Government itself has advanced religion through its own activities and influence.

I fully support our constitutional separation of church and state and remain convinced that adequate judicial protection exists to assure compliance. As a former member of a Christian school board, I know first hand that faith-based organizations cannot be expected to sustain their religious drive without the ability to employ individuals who share the tenets and practices of their faith. This is simply because it is that faith that motivates them to serve their neighbors in trouble.

When the objective is helping some of the most distressed and needy in our communities, faith based groups have historically been the best providers. It would seem counterintuitive to limit opportunity for needed services because of an underlying religious affiliation.

Vote to defeat the Woolsey amendment, and for passage of H.R. 3030.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in support of this substitute to H.R. 3030, which will improve the Community Services Block Grant.

In the Republican version of H.R. 3030, a church could decide that an individual is not qualified to work in a federally funded community services program, simply because that individual does not hold the same religious beliefs.

There is no question that this is a clear violation of civil rights. It must be amended.

Religious organizations provide essential community services around the country. However, we must not allow these organizations to discriminate against people who want to work in federally funded social service programs. The Democratic substitute would forbid such discriminatory practices.

Don't misunderstand me. I absolutely support the amazing work that local religious organizations do to help poor and disadvantaged families. In Orange County, the Orange County Rescue mission provides food and shelter to disadvantaged men and women. This work is necessary, and appreciated.

Indeed, this good work should continue. Religious organizations should receive funding for community programs. The Democratic amendment would allow churches and other religious organizations to receive federal funds for community programs.

But religious groups should follow the same civil rights protections secular organizations are required by law to follow in order to receive Federal dollars.

Religious and civil rights groups support this effort, too, because they understand that discrimination based on religion has no place in the Community Services Block Grant program.

These groups also know that Democrats support programs that help poverty-stricken individuals, whether those programs are operated by secular or religious organizations.

The Democratic amendment will preserve Federal support to religious organizations providing critical community services. It only serves to strengthen those programs by holding them to the same standard of civil rights in employment practices that all other organizations must follow.

Please join me in supporting this amendment.

Mrs. JONES of Ohio. Mr. Chairman, I rise to encourage my colleagues to extend unemployment insurance benefits for 6 months in an effort to prevent over 2 million workers from losing benefits. With the ending of the Federal Temporary Extended Unemployment Compensation (TEUC) program, jobless workers whose regular, State-funded unemployment insurance benefits run out before they can find a job no longer qualify for any Federal unemployment aid.

Mr. Chairman, Congress rejected calls for a benefits extension before the December holidays, and job growth has since remained anemic. The previous unemployment insurance extension expired on December 20. Roughly 375,000 people exhausted their benefits in January, the largest number in a single month in 30 years, and these individuals are receiving neither a paycheck nor unemployment benefits.

According to an analysis of Government data from the Center on Budget and Policy Priorities, nearly 2 million unemployed workers are expected to be in this situation during the first 6 months of 2004. The Center on Budget and Policy Priorities also projected that 2 million people will exhaust their benefits between January and June, a record for any six-month period for which data are available, if benefits are not extended.

In no other month on record—and in no other six-month period for which data are available—have so many unemployed workers exhausted their regular unemployment benefits without being able to receive additional aid. The unemployment rate is currently 6 percent in Ohio. In my congressional district, in the city of Cleveland, the unemployment rate is 13.1 percent—57,191 Ohioans are scheduled to lose their benefits over the next 6 months.

Dear colleagues, how do you recommend I inform my constituents that Congress decided not to extend unemployment benefits? I ask my colleagues to join me and support the Democratic substitute.

The Democratic substitute provides for continued participation by faith-based organizations in Community Services Block Grant programs, but prohibits religious discrimination with Federal funds. Colleagues, Congress has worked to eliminate discrimination since 1964 through the enactment of Title VII of the Civil Rights Act of 1964, that prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment.

How dare we, Members of Congress, allow legislation that will discriminate against anyone come before the House floor. Have we forgotten what Title VII of the Civil Rights Act of 1964 prohibits under religious discrimination: My history reflects working toward the Dream that Dr. Martin Luther King had that, ''one day this nation will rise up and live out the true meaning of its creed: ''We hold these truths to be self-evident: that all men are created equal.'' My work history exemplifies working toward bringing all races together for employment, education, and religious beliefs. I have worked with the U.S. Equal Employment Opportunity Commission. I will also remind all of you that under Title VII of the Civil Rights Act of 1964 for religious discrimination:

Employers may not treat employees or applicants less—or more—favorably because of their religious beliefs or practices. For example, an employer may not refuse to hire individuals of a certain religion, may not impose stricter promotion requirements for persons of a certain religion, and may not impose more or different work requirements on an employee because of that employee's religious beliefs or practices.

Employees cannot be forced to participate—or not participate—in a religious activity as a condition of employment.

Employers must reasonably accommodate employees' sincerely held religious beliefs or practices unless doing so would impose an undue hardship on the employer. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his religion.

Flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers and modifying workplace practices, policies and/or procedures are examples of how

an employer might accommodate an employee's religious beliefs.

An employer is not required to accommodate an employee's religious beliefs and practices if doing so would impose an undue hardship on the employers' legitimate business interests. An employer can show undue hardship if accommodating an employee's religious practices requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes coworkers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.

Employers must permit employees to engage in religious expression if employees are permitted to engage in other personal expression at work, unless the religious expression would impose an undue hardship on the employer. Therefore, an employer may not place more restrictions on religious expression than on other forms of expression that have a comparable effect on workplace efficiency.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on religion or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under title VII.

It is vital that Congress authorizes additional funds under Community Services Block Grants to be used to pay for a 6-month extension of unemployment benefits. Benefits paid under Community Services Block Grants that will be modeled after the Unemployment Insurance program that expired for workers exhausting regular unemployment benefits after the week of December 20, 2003.

Mr. Chairman, I ask my colleagues to join me and support the Democratic substitute, and vote to provide continued participation by faith-based organizations in Community Services Block Grant (CSBG) programs, but prohibits religious discrimination with Federal funds.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on amendment No. 4 offered by the gentlewoman from California (Ms. WOOLSEY) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SCOTT of Virginia:

Page 12, after line 22, insert the following (and make such technical and conforming changes as may be appropriate):

(j) LIMITATION ON USE OF FUNDS; VOLUNTARINESS.—Section 679(c) of the Community Services Block Grant Act (42 U.S.C. 9920(c)) is amended by adding at the end the following:

''If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (a). A certificate shall be separately signed by religious organizations, and filed with the government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection.''.

Mr. SCOTT of Virginia. Mr. Chairman, this is slightly different from the language in the substitute. It requires religious organizations to separate any religious activities from CSBG activities to ensure that such programs meet current constitutional standards.

Several speakers from the other side have mentioned that you should not be able to proselytize during a government-funded program, and that is consistent with this amendment.

The language tracks language that was recommended by the Bush administration's Justice Department during the 107th Congress' consideration of President Bush's faith-based legislation in H.R. 7. It also tracks the H.R. 7 language that was reported by the House Committee on the Judiciary and passed by the full House.

In his testimony to Congress, the Bush administration Department of Justice argued, ''Justice O'Connor requires that no government funds be diverted to 'religious indoctrination,' thus religious organizations receiving direct funding will have to separate their social service programs from their sectarian practices.''

□ 1530

The current provisions in CSBG do not meet the current constitutional standard required.

Specifically, the current provision provides that only ''no funds provided directly to a religious organization shall be expended for sectarian worship, instruction or proselytization.'' This language fails to address whether religious organizations can include a religious message in publicly funded services and also fails to answer the question of whether volunteers can be used.

Mr. Chairman, if we do not pass this amendment, we are essentially creating a system where the Federal Government officials will have to pick and choose which religious organization will get the benefit of using publicly funded programs to advance their religious views. Such a policy violates the Constitution and violates their religious liberty to believe their own religion and not be subjected to the views of others as a condition of receiving government-funded services.

In addition to failing to adopt these safeguards, it raises a concern as to how we measure the success of a faith-based program. The administration has said that faith-based institutions are better and more successful, but common sense will tell us that some faith-based programs are better than secular programs, but some secular programs are better than faith-based programs.

To that end, on what basis are we measuring the success of a program if it incorporates religion? Are we weighing the Baptist approach to drug treatment against the Muslim approach?

This amendment answers the simple question, Can you conduct a worship service in the middle of a federally funded program with volunteers or not? This amendment simply answers ''no.'' If you want to conduct a worship service, those activities must be voluntary and separate from the government-funded program. On the other hand, the House can reject this amendment and require some program participants to participate in sectarian worship services as part of the government-funded program.

I hope we adopt the position taken by the Committee on the Judiciary in H.R. 7 and agree to the amendment.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Community Services Block Grant program has a proud history of inclusion of faith-based organizations in the coordination of poverty reduction services, and we should continue that tradition of inclusion and reject attempts to add new barriers to faith-based organizations who are already serving in this program.

This amendment offered by my good friend from Virginia (Mr. SCOTT) does two things. It adds new language that is duplicative and redundant to the current program or the current operation of the CSBG program; and, second, it complicates the operation of the program by adding a new paperwork requirement only for faith-based providers, I might add, and requiring them to certify to the funding agency that they are in compliance with the law.

On the first issue, the amendment seeks to add language regarding the voluntariness of participation by beneficiaries in religious activities and the separation of these activities from the services under the program. Both of these issues are duplicative and redundant to the current requirements of the program.

Specifically, under section 1050.3(b) of the Community Services Block Grant regulations, the requirement is clear that direct funds under the program may not be expended for inherently religious activities such as worship, religious instruction, or proselytizing. The same section goes on to state that if an organization conducts such activities, it must offer them separately in time or location from the programs or services directly funded under any applicable program, and participation must be voluntary for program beneficiaries.

The second issue is purely a new paperwork requirement, again targeted only at faith-based providers, and based on the unsubstantiated assumption that these organizations are somehow violating the current requirements

of the law. This requirement seeks to erect new, unnecessary barriers to the participation of faith-based providers by requiring that they, and only they, certify to the funding agency that they have read the law and will comply. Other program operators that are not faith-based will not have this requirement under the language offered by the gentleman from Virginia (Mr. SCOTT).

Unfortunately, its real purpose, I think, is likely a bit more insidious. In adding this new requirement solely for faith-based providers, it creates further barriers designed to limit the participation of faith-based providers and will likely lead to a chilling effect for both current and potential faith-based providers.

Should this amendment pass, we expect at least some of those groups would choose not to participate in the Community Services Block Grant program. As we all know, the group most likely to suffer the consequences are the most vulnerable in our society and those who need the help most and those who the Community Services Block Grant program is designed to serve.

So I would suggest to my colleagues that we do not need this language. It will drive faith-based providers away from the program, and the amendment deserves to be defeated.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SCOTT of Virginia:

Page 12, after line 22, insert the following (and make such technical and conforming changes as may be appropriate):

(j) NONDISCRIMINATION.—Section 678F(c)(1) of the Community Services Block Grant Act (42 U.S.C. 9918(c)(1)) is amended by inserting ''religion,'' after ''color,''.

(k) EMPLOYMENT PRACTICES.—Section 679(b) of the Community Services Block Grant Act (42 U.S.C. 9920(b)) is amended by striking paragraph (3).

Mr. SCOTT of Virginia. Mr. Chairman, this amendment is simple. It is the specific, straight up-and-down vote on the discrimination amendment without ducking and dodging. It asks the question whether you can take the Federal money and discriminate or not, either you can have a policy of hiring no Catholics and Jews or not or hiring just people that belong to a church that happens to be all black or all white or not.

We know that if we can discriminate based on religion, we can discriminate based on race. We know also, Mr. Chairman, these are not gifts. They are contracts to perform government services.

In 1941, President Roosevelt signed an executive order, no discrimination in defense contracts. In 1965, Johnson expanded that to all contracts. That has been a good policy; and if you cannot work with others, it is your problem. It is not their problem. Since 1965, that has been the law of the hand.

Under the bill, it is the problem of the person being discriminated against. Now we hear talk about rights. This is the first time I have heard about the right of someone to discriminate. We usually talk about the right of someone to apply for a job and be free from discrimination based on employment, but now we have to focus on the right to discriminate. That is wrong to tell somebody that they are the best qualified, that someone is the best qualified for a federally funded job, but we do not hire people of your religion. It is wrong to tell someone if the faith-based organization has won a new contract, it is wrong to tell the group of employees on the job that we will hire everybody except people of a certain religion. That is wrong.

It is either right or wrong to discriminate, Mr. Chairman. I hope my colleagues will say it is wrong by adopting this amendment.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, our friend from Virginia (Mr. SCOTT) offers the second amendment, which is very close to the language that was contained in the Woolsey substitute, striking the ability of faith-based providers from their protections under the 1964 Civil Rights Act.

The current law, which was signed by President Clinton in 1998, makes clear that when faith-based organizations participating in the Community Services Block Grant program take religion into account in their hiring practices, they are not discriminating. That language is consistent with the protections provided to religious organizations under the 1964 Civil Rights Act.

What the gentleman seeks to do is to take that protection away from those faith-based providers who would participate in the Community Services Block Grant program. It has been the subject of debate for hours here on the floor today; and to save all of us a little time and effort, the amendment would, in fact, have a chilling effect on the willingness of faith-based providers to participate in the Community Services Block Grant program; and, therefore, I believe it is a bad amendment and does not deserve our support.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 8 of rule XVIII, this 15-minute vote on Scott amendment No. 1 will be followed by two 5-minute votes in the following order: (1) Scott amendment No. 2 and, (2) Woolsey amendment No.4.

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent that the first vote be the Woolsey vote and then my votes after that, because if the Woolsey amendment is adopted, my votes will not be necessary.

The CHAIRMAN pro tempore. The gentleman's request is not in order. The order of votes is within the discretion of the Chair and the Chair will follow precedent in that the Committee will vote on the perfecting amendments before the substitute.

The order of the votes will be this Scott amendment. This is to be followed by a 5-minute vote on the other Scott amendment, followed by a 5-minute vote on the Woolsey amendment.

The vote was taken by electronic device, and there were—ayes 182, noes 231, not voting 19, as follows:

[Roll No. 15]

AYES—182

Abercrombie	Eshoo	Lowey
Ackerman	Etheridge	Lynch
Allen	Evans	Majette
Andrews	Farr	Maloney
Baca	Fattah	Markey
Baird	Filner	Matheson
Baldwin	Ford	Matsui
Ballance	Frank (MA)	McCarthy (MO)
Becerra	Frost	McCarthy (NY)
Bell	Gonzalez	McCollum
Berkley	Green (TX)	McDermott
Berman	Grijalva	McGovern
Berry	Harman	McNulty
Bishop (GA)	Hastings (FL)	Meehan
Bishop (NY)	Hill	Meek (FL)
Blumenauer	Hinchey	Meeks (NY)
Boswell	Hinojosa	Menendez
Boucher	Hoeffel	Michaud
Boyd	Holden	Miller (NC)
Brady (PA)	Holt	Miller, George
Brown (OH)	Honda	Mollohan
Brown, Corrine	Hooley (OR)	Moore
Capps	Hoyer	Moran (VA)
Capuano	Inslee	Murtha
Cardin	Israel	Nadler
Carson (IN)	Jackson (IL)	Napolitano
Carson (OK)	Jackson-Lee (TX)	Neal (MA)
Case	Jefferson	Oberstar
Clay	John	Obey
Clyburn	Johnson, E. B.	Olver
Conyers	Jones (OH)	Owens
Costello	Kanjorski	Pallone
Crowley	Kaptur	Pastor
Cummings	Kennedy (RI)	Payne
Davis (AL)	Kildee	Pelosi
Davis (CA)	Kilpatrick	Peterson (MN)
Davis (FL)	Kind	Pomeroy
Davis (IL)	Kirk	Price (NC)
DeFazio	Kleczka	Rangel
Delahunt	Lampson	Reyes
DeLauro	Lantos	Rodriguez
Deutsch	Larsen (WA)	Ross
Dingell	Larson (CT)	Rothman
Doggett	Leach	Roybal-Allard
Dooley (CA)	Lee	Ruppersberger
Doyle	Levin	Rush
Edwards	Lewis (GA)	Ryan (OH)
Emanuel	Lofgren	Sánchez, Linda T.
Engel		

Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Brown-Waite, Ginny
Culberson
DeGette
Dicks
Gephardt
Gutierrez
Hunter
Kucinich
Langevin
Linder
Lucas (OK)
McCrery
Millender-McDonald
Ortiz
Pascrell
Rahall
Sabo
Smith (WA)
Watson

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. GILLMOR) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1609

Messrs. WILSON of South Carolina, TOM DAVIS of Virginia, PEARCE, BRADLEY of New Hampshire, TANCREDO, FOSSELLA, RYAN of Wisconsin, CRAMER and Ms. HARRIS changed their vote from ''aye'' to ''no.''

Mr. MORAN of Virginia and Mr. KIRK changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 2 as printed in the RECORD by the gentleman from Virginia (Mr. SCOTT) and amendment No. 4 offered by the gentlewoman from California (Ms. WOOLSEY).

The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 233, not voting 19, as follows:

[Roll No. 16]

AYES—180

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—233

Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Manzullo
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts

Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Brown-Waite, Ginny
Culberson
DeGette
Dicks
Gephardt
Gutierrez
Hunter
Kucinich
Langevin
Linder
Lucas (OK)
McCrery
Millender-McDonald
Ortiz
Pascrell
Rahall
Sabo
Smith (WA)
Watson

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1619

Mr. BARTON of Texas changed his vote from ''aye'' to ''no.''

Mr. SHAYS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. WOOLSEY

The CHAIRMAN pro tempore (Mr. GILLMOR). The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 232, not voting 17, as follows:

[Roll No. 17]

AYES—183

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Brown-Waite, Ginny
Culberson
DeGette
Dicks
Gephardt
Gutierrez
Kucinich
Langevin
Linder
Lucas (OK)
McCrery
Millender-McDonald
Ortiz
Pascrell
Rahall
Smith (WA)
Watson

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1627

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GEORGE MILLER of California:

Page 5, strike lines 20 and 21, and insert the following:

(1) in subsection (a)—

(A) by striking ''1999 through 2003'' and inserting ''2004 through 2009''; and

(B) by striking ''681'' and inserting ''675C(b)(3), 681,'';

Page 6, line 2, strike ''and'' at the end.

Page 6, line 8, strike the period at the end and insert ''; and''.

Page 6, after line 8, insert the following:

(C) by adding at the end the following:

''(c) ASSISTANCE RELATING TO UNEMPLOYMENT.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2004 to carry out section 675C(b)(3).''.

Page 6, strike lines 9 through 14, and insert the following:

(d) USES OF FUNDS.—Section 675C of the Community Services Block Grant Act (42 U.S.C. 9907) is amended—

(1) in subsection (a)(3)(A) by striking ''Beginning on October 1, 2000, a'' and inserting ''A''; and

(2) in subsection (b)—

(A) in paragraph (1)(F) by striking ''neighborhood-based'' and inserting ''community-based''; and

(B) by adding at the end the following:

''(3) ASSISTANCE RELATING TO UNEMPLOYMENT.—With the amount appropriated under section 674(c), the Secretary shall make grants to States to provide financial and employment support to individuals who cannot find employment, who have exhausted their State unemployment benefits, and who, after the week of December 20, 2003, can no longer receive Federal extended temporary unemployment compensation. The eligibility criteria and benefit amounts under this paragraph for such individuals shall be the same as for such individuals prior to December 20, 2003, under the Federal extended temporary unemployment compensation program.''; and

(3) in subsection (c)(1) by inserting ''paragraphs (1) and (2) of'' after ''under''.

Mr. GEORGE MILLER of California. Mr. Chairman, this amendment authorizes an additional 6 months of urgently needed extended unemployment compensation benefits through the Community Services Block Grant program.

Last week, the shocking neglect of the unemployed by this administration became all too apparent. The tag-team termination of extended unemployment benefits by the Republican leadership and the Bush administration has left a staggering, record-breaking 375,000 unemployed individuals who have been out of work over a half a year and still cannot find work. By July, over 2 million unemployed workers will be left to fend for themselves, with no paycheck and no unemployment assistance. Two million Americans who were working before this recession, 2 million Americans who were working before the tech bubble burst, 2 million Americans who were working before the corporate scandals in this Nation, who were supporting their families and themselves, cannot find work and this government will not help them because this administration does not see it as a priority. In no other month on record and in no other 6-month period for which data is available have so many unemployed workers exhausted their regular unemployment benefits without being able to receive additional aid.

At a time when we see that this administration is willing to lavish billions of dollars on special perks for the pharmaceutical companies and HMOs but nothing for an unemployed family, at a time when we see us borrowing money to rebuild Iraq and provide sole-source contracts that are now overcharging us millions of dollars for the care and feeding of our soldiers, no money for the unemployed. At a time when this administration comes to us and tells us we should borrow to go to Mars, nothing for the unemployed. We should borrow to rebuild Iraq, nothing for the unemployed. Time and again, we have made decisions in this Congress and in this administration that do not include the ordinary, hard-working American families who have fallen on hard times through no fault of their own. Their jobs have been outsourced, their jobs have been sent overseas, their jobs have been eliminated. It is not because they are not struggling. These people want a job. They want a job. They would trade their unemployment check in a minute for a job. But the jobs are not available.

□ 1630

They were told at the beginning of this Congress by this administration with their economic program, with their budget priorities that they were going to create 1.8 million jobs. Well, here we are, folks, a year later, and they are 1.6 million jobs short. They just did not hit the target. But what they did hit was the misery and the trauma among the unemployed in this country.

In the past, we have recognized when jobs are not available, as the economy bottoms out, as it starts to turn up, we have extended the unemployment benefits to get those people to a job. These people have been looking for work for 6 months. But this administration will not do it. This administration will not do it.

This administration makes this part of the attack on middle-class America, middle-class working people who have lost their jobs. They take away their unemployment benefits. Middle-class America, that relies on overtime to meet their annual support for their families, to provide their cars, to buy their houses, they want to engineer the taking away of their overtime. Middle-class America that needs a pension, they want to take away their pension in the cash balance program.

What is it that middle-class America did that so angered the Republican Party, that so angered this President, that he cannot understand and have compassion over what these families are going through when they are unemployed? What is it that the middle class did that does not allow this President to understand what it means when they close down the factory in your hometown, when they out-source your job to India, to China, to Singapore? Your job just disappeared.

The answer from this administration and this Congress, this Republican Congress, is, tough; it is tough. These are hard-working people. They were working the day before they were unemployed. They have a work history. They have a history of supporting their families, of supporting themselves, of trying to hold on to a standard of living.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, we have a remedy today. You vote for this amendment, and we can tell the 61,000 people from North Carolina who are expected to lose their jobs over the next 6 months that we will help them and their families until they find a job. You can tell the 66,000 people in Florida that we will help them and their families and their children until they find a job; or the 51,000 people in Georgia or the 314,000 people in the State of California that this government will help them until they can find employment.

Compassionate conservatism? Sounds pretty good to me. Where is the compassion? These are breadwinners. These are providers for families. Where is it that we cannot help them?

There is $17 billion in the Unemployment Trust Fund that was put there by the work and the sweat and the toil of America's workers, and what we are asking you today is to authorize that those funds be released for the next 6 months so that these people can have an opportunity to hold on to their house, to hold on to their health care, to hold on to their children, because that is what happens when you lose all of your financial support: you start to lose your family, you start to see divorce is a possibility, you start to lose your mortgage, you start to lose your car, and you have got to start all over again and you are 50 years old.

That is an America of compassionate conservatism? That is the America of Bush compassionate conservatism? No, that is a very mean-spirited America. But you have an opportunity to turn that around today. You have an opportunity to turn it around immediately. Pass this amendment and ask for a supplemental to take those hard-earned worker funds that are in the trust fund, that are there for their benefit, for exactly this purpose in this economic emergency and help those 375,000 people that this administration pushed off the employment cliff and the economic cliff in this country last month.

Mr. BOEHNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I really do not know where to begin. I have been around the political arena for the better part of 20 years, and I have seen every political stunt that I think there is; but I have never seen a more cynical attempt to exploit American unemployed workers for political gain.

Now, let us talk about the facts that are contained in the gentleman's amendment. The gentleman's amendment would create a new program within the Community Services Block Grant program. This is nothing more than an authorization. It has no money attached to it. The Community Services Block Grant program helps poor people in all of our communities across the country. They have no capability to pay out unemployment benefits. So we have only here an authorization for a program that cannot deliver the funds. And if they were to deliver, it would take years to implement such a system. Yet there is no money that has been appropriated to actually pay these.

Now, these are the kinds of political stunts that occur in the middle of even numbered years divisible by four. But to exploit American workers here in

the House of Representatives is wrong, and the gentleman fully well knows that unemployed workers will wait years to get their extended unemployment benefits under the language that is being offered here today.

Mr. Chairman, I might add that last March this Congress provided $8 billion additional to the States for the extension of unemployment benefits, $8 billion. As of January of this year, the States were sitting on $5.4 billion of that money. The States were sitting on it. Thus, if you look at nearly 2 years since Congress provided this $8 billion in Federal funds, States have spent less than half of this to assist unemployed workers. A total of 45 States still have some of their share of the original $8 billion. 31 States, 31 States still have over 90 percent of the money that Congress allocated to them still in their accounts today.

Now, what we ought to be doing is encouraging the States to take care of those who have extended unemployment problems. But my colleagues know and all the Members ought to know that this is not the way to do it and that this is nothing more than a hollow, empty promise, exploiting American workers for political gain; and I do not think this Congress is worthy of that kind of gamesmanship.

We as a House ought to stand up and say no. If we want to have a debate about extending unemployment benefits and to help those who are in need and looking for a job, then let us have that debate. But this is not the place to do it, and the gentleman knows this is not the place to do it.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. When would we have that debate? When is that bill coming to the floor? Why did it not come to the floor just before we went home for Christmas? Why did it not come to the floor before these people fell off the edge?

Mr. BOEHNER. Mr. Chairman, reclaiming my time, over the course of this debate I am sure that my colleagues from the Committee on Ways and Means that have jurisdiction over the extension of the unemployment benefits and the unemployment program will be here to handle that debate. But to hold up the Community Services Block Grant program, a program that helps the community action agencies in all of our communities, helps them with their assistance to the poorest of the poor, to hold it up over this kind of a political stunt, I think, is regrettable. It does not deserve the support of our colleagues.

Mr. HINOJOSA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wonder if the gentleman who just spoke from the State of Ohio knows that an estimated 57,000 residents in his State are likely to exhaust their State unemployment insurance compensation, leaving them and their families without a paycheck or benefits.

Mr. Chairman, I rise in strong support of the Miller amendment. Before Christmas 2003, this Congress adjourned without providing any relief for the more than 2 million workers whose unemployment benefits have or will soon expire.

In my home State of Texas, during the next 6 months, over 125,000 workers will lose these critical benefits and have no means by which to support their families. The number of unemployed Texans expected to exhaust their regular benefits without being able to receive further assistance will be the second highest on record for the months of January through June 2004.

These workers do not want government handouts. They simply want a job. But since there are 2.4 million fewer jobs to be had because of the failed economic policies of my colleagues on the other side of the aisle, the least we can do is provide these workers some financial assistance to tide them over until the promised job growth occurs.

American workers deserve the security of knowing that these important unemployment benefits will be available to them and their families through the rest of this year. I urge my colleagues to do the right thing and support the Miller amendment.

Mr. HAYWORTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. I appreciate the comments of my friend from Ohio who preceded me.

Mr. Chairman, just to inform my friends on the left, if they want to ask about the number of unemployed in the State of Arizona, and am I aware of it, you bet I am. I also should point out for the record that our Democratic Governor in Arizona vetoed last year an unemployment bill to put to use some of the $8 billion in extended unemployment benefits available to Arizona and the other 49 States. I would remind this House, to amplify what my colleague from Ohio pointed out, as of last month, more than $5.4 billion in unemployment benefits still remains available.

Mr. Chairman, I was surprised that our Governor chose to veto that bill, supported by labor and by business to deal with economic needs in the State of Arizona. So I am well aware of what is happening in my home State.

I am well aware too in this House of another division. My friend from California asked where was the compassion. Mr. Chairman, this points out a fundamental difference. If you measure compassion by the number of people who stay on unemployment, I think that is a curious standard, because Mr. Chairman, compassion is not measured by the number of people who remain on unemployment and collect those checks. True compassion is measured by the number of people who leave unemployment and find real, rewarding jobs.

Expounding on my friend from California's statement, who asked where was the compassion when jobs are lost, a couple of points.

Mr. Chairman, just up in the Subcommittee on Forests and Forest Health, we heard from union members, we heard from some of my fellow Arizonans who were in attendance, we heard from others across the West and across this country about jobs that have been lost because some in Washington thought it was more important to move away from a policy of balance when it comes to resource-based industries, and to support in another branch of government court cases that actually shut down the ability of people across this country to utilize the renewable resource of timber and, sadly, that resulted in catastrophic fire, not only in my State, but in the gentleman's home State of California.

I do not believe it is compassionate to get rid of those jobs. I am sorry my friend was not in attendance at that particular meeting. I am sorry many of my friends on the minority side were not in attendance at that particular encounter, because we continue to talk about restoring jobs and positive policies.

But we do have a fundamental difference, Mr. Chairman. And to my friends who measure compassion by the continuation of benefits on unemployment rather than taking actions to create new jobs, well, I think we understand how they are going to vote on this amendment, although for the record I would point out this does not really improve the unemployment benefits. It sets up a further administrative program, a new grant program, I guess more make-work-for-Washington bureaucrats, without the money necessary, and, by the way, with over $5.4 billion still sitting there in the unemployment program that the 50 States have not utilized. But I suppose if we want to grow government, this would be the action to take.

□ 1645

So, Mr. Chairman, spare us the false compassion, spare us the false compassion of preening and posturing and creating a new grant program, and finding some thin sliver of germaneness, when the real issue here is the fact that we have seen in the last year the biggest December drop in long-term unemployment in U.S. history: 146,000 going from the rolls of long-term unemployment to jobs. That is the real way we get this done.

Mr. Chairman, I would say to my colleagues, reject this amendment, support true compassion, which is putting people to work with real jobs.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate that my good friend from Arizona is concerned about those 23,000 residents of Arizona

who are likely to exhaust their State unemployment compensation. But I am a little, I am a little concerned that what we are having here today is a debate that sort of misses the fundamental point.

I do not think the gentleman from California (Mr. MILLER) would have chosen this vehicle and this approach if we were actually able, on the floor of the House, to have an honest debate on the simple act of extending the unemployment. We tried to do that repeatedly before the holidays, but the House does not operate that way anymore. We do not permit a bipartisan effort to come forward with major public policy issues that actually have broad bipartisan support on both sides of the aisle. That was never permitted to come forward.

I appreciate the gentleman from California's creativity at least in bringing forward an opportunity to spotlight the needs of these Americans who, with all due respect to my friend from Arizona, I do not think we encourage them by starving them off the rolls, by arbitrarily limiting it. I do not think that is compassion.

I come from a State that has had serious unemployment problems. We have been at the top 3 for most of the last 2 years; an uncomfortable portion of those 2 years at number one in the country. It is not that we have not been creative in terms of moving people off welfare. We were doing it far before the Federal Government was doing it over the course of the last 5 or 6 years. We are proud of that effort. We are proud of efforts at job retraining.

The simple fact is, this is a serious patch for the people in the Pacific Northwest, in Oregon, in Washington, in California. My friend from Arizona I think needs to take a look at what happened with that drop in unemployment. It was not that there were new jobs created; it is because people gave up. They were discouraged. There were not jobs available. And we are going to cut them off.

Well, I think if we are serious about creating jobs, we have a bipartisan bill in our committee, in the Committee on Transportation and Infrastructure, that would actually put hundreds of thousands of Americans to work in a matter of weeks, rebuilding crumbling bridges, dealing with transit, dealing with roads. We are ready to go. But this administration is not interested. In fact, they have sent signals that if we even had this bipartisan bill that would put hundreds of thousands of people to work doing important things, if we brought it forward, they are threatening to veto it.

I would suggest, Mr. Chairman, that we need to stop, and my friends talk about hypocrisy. Well, I think there is some hypocrisy here. If we could actually legislate on the floor in a bipartisan fashion, we could deal with this directly and there would be an overwhelming vote to extend unemployment benefits. We ought to deal meaningfully with creation of job opportunities like transportation and infrastructure. We ought to move forward, not having the rhetoric of the President that he is concerned about job training and offer a few million dollars, and then have a budget that cuts job training even more. Today, in the Committee on International Relations, we had a hearing that dealt with the problems with people with the L–1 visas that are coming in and taking jobs of Americans and, in fact, having the indignity of Americans training their replacement from overseas in an abuse of that program.

I think we can stop the hypocrisy. We can move forward with simple, commonsense things that are supported by the American people that, if we were allowed to legislate, would get bipartisan support. We ought to start with the Miller amendment today. Hopefully, that will be a signal that we ought to stop the games. We ought to do it in a forthright fashion, and then follow up with transportation investments, follow up with meaningful tax reform like the alternative minimum tax that would take care of middle-class Americans, and do it in a system that I think men and women on this floor would like to do.

I sincerely hope that this vote in favor of the amendment today will be a signal to our friends in the Republican leadership to allow us to debate in a bipartisan way solving problems, extend unemployment, invest in America's future, and meaningful tax reform that will make a difference for American families.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Miller amendment. This amendment would authorize an indeterminate amount of extra funds under the Community Service Block Grant program for States to use for more extended unemployment benefits. I stress that these funds would be authorized, but not appropriated. So everyone listening to this debate should know that this bill would have no effect, even if it were signed into law. It would require another bill, a supplemental appropriations bill, to actually make good on this supposed promise. The chances of that happening are about zero, and here is why.

In March of 2002, Congress provided States a record $8 billion in additional funds they may use to help unemployed workers. Never in our history have we provided more flexible Federal funds to the States to help the unemployed. According to the Department of Labor and based on reports from the States, as of December 31, 2003, States still had more than $5 billion of this $8 billion left over to assist the unemployed. Let me repeat that. Almost 2 years later, the States had $5 billion left over, and almost every State still has at least some of this Federal money left. Thirty-one States, including major States like Arizona, Connecticut, Florida, Georgia, Iowa, Kentucky, Louisiana, Maryland, Maine, New Jersey, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Washington, and West Virginia have more than 90 percent of their money left. Just for the record, California has 88 percent of our money left, or some $800 million.

Mr. Chairman, this Congress has provided generous assistance for the unemployed. In fact, we have provided extended benefits at unemployment rates well below the unemployment rate when the Democrats ended a similar extended benefits program in the 1990s. We have provided States record flexible funds to help the unemployed. I suppose the fact that States still have billions of that money left is lost on the other side.

Mr. Chairman, let us reject this amendment.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I would like to thank my friend, the gentleman from California (Mr. MILLER) for bringing this amendment to the floor.

Mr. Chairman, for most of the day in this debate we have been debating the so-called faith-based initiative in this underlying grant program. It occurs to me that the Bush administration and the majority's unemployment relief program is a faith-based initiative. What they are saying to the unemployed workers of this country is, ''Have faith, things will get better.''

Saturday was the last day of January. For many of us it meant flipping another page over on the calendar or anticipating the Super Bowl game the next day. But for 375,000 Americans who used to work in steel mills or shipyards or auto plants or tech firms or retail stores, it meant that the next day was the beginning of one of the most anxious periods in their lives because, for them, this is the first week where there is no income at all. The mortgage payment does not stop. The insurance payments do not stop. The utility bills do not stop. The need to pay the grocery bills does not stop. But the one check that was coming into their house stopped on Saturday. And what the majority is saying is, Have faith, our job creation program will save the day.

For the first time since Herbert Hoover was President, this administration will chalk up more jobs lost than gained in its 4-year term. Have faith. There is this $5.4 billion that is sitting out in the States. Have faith that someone will find a way to use it. I say to my colleagues, that is exactly the point as to why the Miller amendment is needed. The $5.4 billion is sitting there, but the people who have exhausted their unemployment benefits are not eligible to receive it, because

under the laws of the plan, they cannot receive any more benefits. Have faith. Their faith is in us to change the law so that they become eligible for those benefits.

Now, there are those who will say, well, they ought to be put back out on the labor market; it will help the economy. It will force down wages if more people flood into the labor market and go to work that way. There are jobs there. Look at the want ads. It is all people have to do.

Mr. Chairman, these are the people that President Bush came to this House and talked about needing a new job training program, because the steel mill they used to work in is not open anymore, and they need to get trained to work in a whole new field that they have no training for. These are the people who worked for the tech boom companies that either do not exist or exist in Asia today, and they need new training. This needs to be more than a faith-based initiative. This is a modest but necessary proposal, to say to people who are out there, trying hard every day to find the next job, that we will provide them with a meager bridge to that future, enough to just hang on so maybe that their next trip is not to the bankruptcy court.

I heard my friend talk about compassionate conservatism. This administration is neither compassionate nor conservative. An administration that is borrowing $30 for every $100 that it spends more is not conservative. And an administration that is turning its back on the 375,000 working Americans who lost their benefits last Saturday sure is not compassionate.

We heard about germaneness, that this bill belongs under a different committee. Well, by all means, let us bring it up under the right committee and vote on the funding. This is the only way, because of the creativity of the gentleman from California (Mr. MILLER), that this bill could be brought to the floor.

Be compassionate, and be conservative. Vote in favor of the Miller amendment.

Mr. BRADY of Texas. Mr. Chairman, I move to strike the requisite number of words.

If you ever wonder why the American people have lost faith in politicians, all you need to do is look at this amendment. It is very disappointing. It is a cynical political stunt that hurts the unemployed in America, and it is shameful.

The fact is, this leadership amendment by our Democratic friends does not extend unemployment benefits to even one American. It does not help even one American. That is because they do not use our unemployment insurance fund, the one we help people with. They say, we will create a new program out of an agency that does not even deal with unemployment. It will take months, years, whatever, to set it up, but we are trying to make a plumber do brain surgery, and we will convince you this will help you. Everyone in this room knows this is false.

One would think if something was important, one would put money toward it, but this amendment does not even have a dollar, not even $1 allocated to back it up. Nowhere in this bill. And I would challenge anyone in this room to just point to the part of the amendment that includes the dollar amount we are going to provide for those who are unemployed.

□ 1700

The answer is you cannot find it because there is not a dollar, nothing to help the unemployed in this amendment. We know that people have lost jobs, which is why this Congress sent to the States an unprecedented $8 billion to help people who are out of work. Since then, in the 2 years since we have done that, States still have most of that money left, $5.5 billion. Forty-five States still have money left. Most of them have 90 percent of what we sent to help people who are out of work. They have not spent it yet.

The fact of the matter is that people did lose their jobs; Congress responded in a big way. The States have these dollars. And this amendment does nothing to help the unemployed. My thought is the last thing unemployed workers need is a false promise, an empty shelf, an amendment that accomplishes nothing but try to score political points off the backs of those who are unemployed. This is a cynical, political stunt that has no place in this Congress.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to my friend from Texas I would invite him to join as a cosponsor of the bill that I filed along with the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. LEVIN), and the gentleman from California (Mr. GEORGE MILLER) that extends unemployment benefits through the jurisdiction of our committee. But I have not noticed his support for that legislation.

Mr. Chairman, many of my colleagues have asked where is the compassion. My question is where are the jobs. Last month we bragged about the growth of employment and we created 1,000 new jobs. Now, that is one new job for every 8,400 unemployed Americans. And we are surprised that people cannot find jobs in our community; 3 million fewer private sector jobs now than 3 years ago. Many people have given up hope because there are no jobs there.

Now, questions have been asked about can the States not take care of this. After all, we made a retransfer of funds, which we do on regular occasions, in order for the States to have money in their basic programs to help people who are unemployed and can keep a modest tax for unemployment benefits. If, in fact, they spent the $5 billion, which has already been obligated, it would trigger in many of our States tax increases. I do not want to do that.

The Federal unemployment trust fund was established for the purpose that it is a national responsibility in tough economic times to provide extra unemployment benefits to people who cannot find jobs. It is a Federal responsibility, not a State responsibility for good reason in that the economic conditions around the Nation are different. Some States may be able to respond, but it is States that are the hardest hit that need the help from the Federal Government.

That is why we established a Federal unemployment trust account, and we have $20 billion in that fund just for this purpose.

That raises the question why are we using this bill as a vehicle in order to provide unemployment benefits for people who are unemployed. And the reason, quite frankly, is that the majority will not give us any other opportunity. Yes, I would prefer to be speaking on the bill that was filed that uses the funds in the Federal unemployment trust accounts to pay for these benefits.

The gentlewoman from Oregon (Ms. HOOLEY) is on the floor. If my colleagues would sign her discharge on the rule, we will be able to bring that bill up. We are only a few Members short on that. But the majority will not give us that opportunity.

So I congratulate the gentleman from California (Mr. GEORGE MILLER) for giving the membership the opportunity to vote on the issue now. What does this bill do? It follows regular order, the regular rules of this body by establishing an authorization for a program, clear indication to our appropriators that we want it funded, that we believe paying unemployment benefits to unemployed workers, that it is a priority of this Congress, and we want it done now. That is what this vote is about.

Do not try to put a smoke screen up here. We brought this issue to the floor; we have asked for it many times. We now have the chance for a clear vote. And I hope that those who are concerned and believe that we should be helping will vote in favor of it. We have now 90,000 workers exhausting benefits every single week. That is 90,000. This is the highest in the history of our Nation.

A couple of my colleagues have talked about in the 1990s we terminated the unemployment benefit program. Yes, when we had created enough jobs to make up for what was lost; where the exhaustion rate, that is, those who have exhausted State unemployment benefits, was not at an all time level. Today that is the highest levels in the history of keeping those records. The highest levels. We have not returned to the level we were prior to this recession.

The right thing to do is extend the benefits, and this amendment gives us that opportunity.

I heard one of my colleagues talk about, well, the unemployment rate is only 5½ percent. But understand how we calculate that. The last month, 300,000 have given up even looking for jobs because there are no jobs out there. They do not count officially in the numbers. But we know by the exhaustion rate that we are at the highest possible times.

So, Mr. Chairman, I appreciate the arguments of my colleagues; but when it gets right down to it, it is the needs of the people in our districts that are at stake. If you believe we should be taking care of the people who are unemployed, that they need our assistance at this time, vote for the Miller amendment.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent that we limit the remaining time on this amendment and all amendments thereto to 30 minutes equally divided between myself and the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I do not believe that members on either side of the aisle are mean spirited. I think the Democratic Presidential candidates are honorable men. But if you watch the debates, they are being pretty mean to each other. And I think on this floor between now and November you are going to see a lot of meanness and partisanship that is going to come across in political rhetoric. That is disconcerting. It is not why we came here.

According to my colleagues on the other side, Republicans do not care about middle-class people. And first of all, there is no such thing as a middle-class person. There may be middle income, but to play the class card I think is wrong. We care about middle-income folks. We have different ways sometimes of getting to them and helping them. But we do care.

I want to tell you that my mother and my father and most of my family on both sides are middle income, and we care about their jobs as well. And there are other things that we can do. But I think the rhetoric that is going on between now and November, I think, the American people are going to tune out.

Do you know how many jobs we lost to fires in California and billions of dollars in homes lost and jobs lost? Well, a lot of those jobs could have been saved, but we have some people that want to save the environment through extreme measures. We wanted to cut brush for the last decade that caused a lot of these fires and the firemen not to keep up. The firemen asked us to put in roads in our forests so they would have access to save those forests, save those jobs, and have a safe route out. We lost 23 firemen; 23 firemen killed. They wish they had jobs and a job opportunity. But they do not because we were not allowed to do that because of environmental movements of many of the Members on this floor. And that is wrong.

How many gnat catchers and endangered species do we have in the moonscape in California right now? Look at it. It looks like a moon. It looks like a desert.

We had a lot of people killed and a lot of jobs lost. And that is wrong. Now, I am not saying it was intentionally done, but for political reasons or whatever it is, there is a lot of ways in which we can come together. But the distance you are going to put between the parties between now and November for this kind of tactic I think is wrong.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I rise today in support of the amendment from my friend, Mr. MILLER, that would extend temporary unemployment benefits for America's unemployed workers.

It is shameful enough that Congress went home during the height of the holiday season and left many unemployed workers with no where to turn. Yet, it's been over a month since these benefits expired. And each week, approximately 80,000 more unemployed workers feel the stinging effects of our inaction.

The Republican leadership will tell you we don't need to extend temporary unemployment benefits because the stock market is up, the economy is rebounding and jobs are being created. Tell that to the half a million unemployed workers who've exhausted their benefits since December 31. The Republican argument simply doesn't pass the laugh test.

In the past five months, this country has seen net job gains of only 56,000. Any only 1,000 jobs were created in December. It is clear from these numbers that whatever economic growth we are experiencing is not translating into jobs.

Mr. Chairman, when this worthwhile program was created, unemployment stood at 5.7 percent and the President's net job loss numbers totaled 2 million.

The latest numbers show that unemployment is still at 5.7 percent, and net job loss has increased to 2.3 million. These numbers tell the true job growth story.

And no amount of economic rhetoric can convince me that America's unemployed workers aren't in need of 13 additional weeks of unemployment benefits.

The American worker needs our help.

I urge my colleagues, let's do right by America's unemployed and pass this crucial amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. OWENS).

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Chairman, I rise in support of the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. SOLIS).

(Ms. SOLIS asked and was given permission to revise and extend her remarks.)

Ms. SOLIS. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, each week, over 90,000 workers are losing their unemployment benefits. Many of these workers are from my district in East Los Angeles and the San Gabriel Valley, where unemployment remains as high as 10 percent in some areas.

Without a paycheck and without jobless benefits, these workers are struggling to put food on the table. They're looking for jobs, but the jobs aren't there.

Only 1,000 new jobs were created nationwide in December, well below the 300,000 that President Bush had promised his tax cuts would create.

The number of unemployed and without jobless benefits doesn't even include the more than 70,000 grocery workers in Southern California that have been out of work since a labor dispute erupted there more than 4 months ago. These workers are fighting to maintain affordable health care and fair wages. Without a paycheck and without jobless benefits, they, like the long-term unemployed, are struggling to make ends meet.

It's an outrage that Congress left town last December without extending unemployment benefits.

Let's not repeat this mistake. Extend unemployment benefits and support the Miller Amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the committee.

Mr. RANGEL. Mr. Chairman and my colleagues, I rise in support of the Miller amendment, but I am a little surprised that my Republican friends believe that we do this for political reasons and that this is not the place to have political goals in terms of protecting our constituents.

I would be the last one to say that the President of the United States wants to go to war for political reasons. I think it is an interest in steroids when he made this a priority in the State of the Union and was not political, and the fact that he wants to make permanent tax decreases for the rich. All we are trying to do is say that there is a difference between Republicans and Democrats. And we are concerned and will do everything that we can to try to bring some comfort to those people, the 9 million people who are without jobs. It means that they lose self-esteem, they lose the ability to take care of their families, some have lost their homes.

And I think that whether you are a Republican or a Democrat, this should

be a priority. It is okay to talk about how the stock market is going, but it gives small comfort to people that have not been able to have respect and dignity and be able to work.

Now, some of my colleagues are saying that the people that we are giving unemployment assistance to, that these people will not be seeking employment. They know that is untrue, and they know they say that, too, for political reasons. But do not make politics such a dirty word.

We had an election where a President received less than the popular vote. There is a reason for it, and we want to make it clear in this House of Representatives, where we are elected, the difference between you and us.

So do not be offended by it because we will be talking about education, about health care, about veterans benefits, about the deficits that you have driven this country into, and we will be talking about a war that we should not be involved in too. So when you say politics, be very kind and put sugar on the words because sometimes your next speaker may have to swallow the very same words that they spoke on this floor.

Mr. BOEHNER. Mr. Chairman, we will reserve the balance of our time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, because of the 125,000 unemployed without employment benefits in Texas, I rise to support the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, Oregon has had the dubious distinction of being the number one State for unemployment. We lost more than 57,000 jobs. I think people need to be reminded that unemployment benefits do not pay their full salary. This is a bridge from one job to another. And when people go out and cannot find a job, they need that bridge.

I was talking to one woman. She is in her 50s. She has worked her entire life. She was laid off. She has looked for a job every single day. She had to sell her home to be able to support herself and her family. A gentleman just a week ago I was talking to said he is 52; he has got a daughter who is an honors scholar in high school. He would like to see her go to college. Now he is afraid about losing his house and how he is going to support his family.

These benefits are not used for luxury items. They are needed to pay the rent and mortgage, buy food, pay utility bills.

The President has talked about marriage promotion programs costing billions of dollars. But it is scientific fact that poverty and homelessness directly increase the rate of divorce. Therefore, unemployment benefits, which keep families experiencing temporary hardships off the street until they find a job, should be considered the best marriage promotion program of all. Yet these benefits have been ignored by this Congress and this administration.

Some have raised concerns that extending unemployment benefits would bankrupt the system. Yet there is money in the bank to be used only for this purpose. There is not a legitimate argument toward not extending these unemployment benefits. This is a no-brainer. Vote ''yes'' for this amendment.

Mr. OSBORNE. Mr. Chairman, in the absence of the gentleman from Ohio (Mr. BOEHNER), I recognize myself for 3 minutes.

Mr. Chairman, I have been here all afternoon. I know the chairman of the committee has been here all afternoon. The main reason we have been here is we would like to see H.R. 3030, the Community Service Block Grant Act of 2003, passed.

□ 1715

I think most people here believe this is a good bill. It does provide needed services. There was a dust-up over the faith-based provision, but I think for the most part people are supportive.

We already have an unemployment compensation system. This amendment creates a new grant program. It creates a second system operated through Health and Human Services instead of the Department of Labor. What this amendment will do, it will certainly confuse consumers. It will splinter resources. It will weaken an already good bill. And furthermore, there is no money to fund the amendment. We would have to go through the appropriations process separately.

The amendment, in addition, is inconsistent with services provided under CSBG provisions. CSBG provides grants to States, not to individuals directly. So we have an entirely new system here and it alters the entire nature of the program.

Lastly, let me say something that is little bit controversial. I do not try to be partisan. I do not try to be controversial, but there are some numbers thrown around here about unemployment and I think that certainly many of those are accurate, many of them are very justified. However, we seldom hear the figures I am going to quote.

During 2003 we went from 137,447,000 jobs in the United States to 138,479,000 jobs, from January 2003 to January 2004. The unemployment rated dropped from 5.8 to 5.7. We would like to see it down at 2 or 3 percent, but it is dropping and it will probably continue to drop. So we feel that some folks that have lost their jobs have become entrepreneurs. Some have gone into business for themselves.

We understand the problems that the other side is trying to address. We simply do not believe this is the vehicle to do it. We would like to see the bill passed. We think that people need it, and we think that it is a well-written bill and I think will command widespread support, but this amendment certainly does not enhance the bill in any way.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Chairman, the majority says ''This is not the way'' when you stand in the way. You say, the majority, the jobs are the answer, when under your dominion we have lost 3 million jobs in this country. You talk about this being a political ploy. No. What it is is an effort to force your hand, to lose your iron grip on unemployment compensation.

In the 1991–1992 recession, just 10, 12 years ago, the program ended after the creation of 3 million jobs, so people could find a job. Now you have ended this program when there has been a loss of 2 million jobs.

So you say the READ Act. That $8 billion went to the States to pay regular State 26 weeks of benefits, not to extend the benefits program that is the Federal extended benefit program.

So let me just say to every Member here who votes no on this amendment, it will be interpreted appropriately as a vote ''no'' against the millions of unemployed people in this country, the 375,000 every month who are exhausting their benefits. Vote ''yes.''

Mr. OSBORNE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, I rise in strong opposition to this amendment.

Let me first of all thank the gentleman from Nebraska (Mr. OSBORNE) for his work on this very balanced measure that came forward from the committee chaired by the gentleman from Ohio (Mr. BOEHNER). It is a bipartisan measure. I am convinced at the end of this day that this bill itself will enjoy bipartisan support; but I have been told, I have not followed the debate completely, but I have been told that a number of people have been raising concern about the fact that we are not giving the minority an opportunity to have a chance to discuss the issue of unemployment insurance.

Well, I would ask rhetorically, what is it we are doing right now? Obviously, we are considering this measure under an open amendment process, allowing an opportunity for this issue to be addressed. Let me also say that as we look at the overall question of extending unemployment, it seems to me that we need to realize that during the Clinton administration, when we saw an

unemployment rate at 6.4 percent in 1994, we saw an end to the benefits that we are talking about right here. In years past, a 6-percent level of unemployment has traditionally been considered full employment.

Now obviously every single one of us is concerned about the fact that there are people in this country who are looking for a job, who have not been able to find a job. We want to do everything that we possibly can to encourage them. We want to do everything that we possibly can to help them. And, quite frankly, the Community Services Block Grant structure that is being put into place and extended through this legislation, I believe will go a long way towards providing assistance to those who truly are in need. But it is very clear, if you look historically at what a constant, blind extension of unemployment insurance often creates, it does in fact create a disincentive for many people who should be looking for job opportunities from doing just that.

I happen to believe that as we look at this measure today, we are in a position where the proposal before us does not even go under the structure that has existed in the past for unemployment insurance. This notion of taking this issue and transferring it to the Department of Health and Human Services I believe is misplaced, and I believe that there should, in fact, be an opportunity for us to take a closer look at this.

We are seeing very positive indicators of improved economic growth. Mr. Chairman, we are seeing very positive indications right now that good jobs are being created. Now, we know that the level has dropped from 6 percent down to 5.7 percent, again, many tenths of a percent below what it was in 1994 when we saw an end under the Clinton administration of these benefits being provided. But we also know that the gauge for determining unemployed is somewhat different. We need to look, I think along with the traditional level of job creation, we need to look at the Household Survey that is conducted by the Department of Labor. The Household Survey itself takes into consideration some very important factors: those who are self-employed. And, quite frankly, according to the Household Survey, since November of 2001 we have seen the creation of 1.9 million new jobs in this country.

Now, I believe there are other steps that can be taken which will help create greater opportunity. The issue of global trade, I know, is a hotly debated and often controversial one. This administration and many of us in a bipartisan way in this Congress are working hard to try to pry open new markets for U.S. goods and services worldwide. I believe that will help us in our quest to address this issue of unemployment that is there.

So we have a great opportunity to continue bold, strong, dynamic economic recovery. This amendment does not help us in that quest at all.

Let me say that I do believe as we look at this issue going down the road, it will be very important for us to sustain the economic growth that is there today. And the establishment of a new program, the establishment of a new program will do nothing but hurt our quest to get this economy going. And so I thank, again, my friend for his leadership and yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Chairman, the chairman of the committee comes out here and says he is confused. I will tell you what to do. Pick up the phone, call the President and tell him if he does not deal with this, he is going to meet it at Election Day.

There are millions of people who are losing their benefits, and what they are getting from this administration is, hey, everything is going well. The stock market is going up. What is the matter with you people? But the Labor Department says, 3 people looking for every job available in this day.

Now, we hear all kinds of dust thrown in the air. There is $5 billion sitting out there somewhere. The fact is that Illinois, Minnesota, Missouri, North Carolina, New York, and Texas are borrowing money in their regular unemployment program. Never mind the extension of benefits. They are borrowing. That is where that $8 billion went before. It is gone. And now you say, well, you know, geez, if things are getting better, now that people are off work, some of them are picking up bottles and they are taking them in and they are getting maybe a tenth of a cent for a can.

Yes, there are a lot of people out there, but the CBO says that when people do not get unemployment benefits, 50 percent of them go into poverty. Fifty percent. That is what our President wants.

Now, wait for those ads that come out in the fall. The compassionate conservative President of the United States said to the unemployed, Why do you not get a pointy stick and pick up garbage in the park or something?

Mr. President, we are looking for you to do something.

Vote ''yes'' on the Miller amendment.

Mr. Chairman, what has this President, what has this Administration, what has this Congress come to?

Ordinary Americans are being forced to beg for help.

Across this great country, ordinary Americans are drowning in the President's economic policies. They need a lifeline. That's all the extended unemployment benefits program provides.

Today, America faces a soaring budget deficit and a terrifying employment deficit. Average Americans can't find work and can't find compassion from this Administration.

The President wants to extend tax benefits to the rich, but won't extend unemployment benefits for average Americans.

Under this Administration, we've moved from an economy that includes all Americans to an agenda that precludes average Americans.

375,000 workers exhausted unemployment benefits last month, the highest single month number in history. What do we say to these people? Good luck.

In my home state of Washington, 82,000 people will lose all benefits by June. That's on top of the thousands of people who have already exhausted their benefits. What do we say to these people? Well, the stock market is up—what's your problem?

Under President George Bush a dozen years ago, this Congress and that President enacted a temporary federal unemployment program to help workers through the 1990–91 recession. The program lasted almost a full year after the job deficit created in the recession was erased.

Under President George W. Bush, America has a 2.5 million-job deficit, but the extended benefits program ended at Christmas by a President who believes in arrogance, not compassion.

The President and Republican leaders say the economy is growing and nothing needs to be done. Nothing could be further from the truth.

The economic growth that has occurred has been with few jobs and fewer prospects. One thousand jobs nationwide grown in December by the Bush economic debacle.

America needs to grow 175,000 jobs per month, every month, for the next year, just to get back to where we started. Just to shrink America's employment deficit to zero.

Without unemployment benefits while they find a job, the Congressional Budget Office found that almost half of the long-term unemployed would be in poverty. We are forcing Americans into poverty.

What has the President, what has this Administration, what has this Congress come to? I stand here and ask: What would a leader do?

A leader would have the courage to act. Would have the strength to act. Would set aside partisan politics to embrace the common good. And act on behalf of our fellow man.

Americans forced into poverty, crushed by a recession they did not create and struggling to survive—that is America today for too many people from Maine, to Washington, to California.

America needs leaders. This Congress has at least one. My distinguished colleague from California, Mr. GEORGE MILLER, has offered an amendment to extend unemployment benefits.

I ask that we stand together as Americans and unanimously pass this amendment and that the President sign it immediately. Let America have something to believe in. And someone to believe in—the people they elected.

I wonder if the gentleman who just spoke from the state of California knows that an estimated 314,000 residents in his state are likely to exhaust their state unemployment insurance compensation, leaving them and their families without a paycheck or benefits.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). Members are reminded to address their remarks to the Chair.

Mr. OSBORNE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

How can we possibly pass the Community Services Block Grant to aid the poor, and leave the people who are being made poor by the jobless recovery with nothing?

I agree with the gentleman from Arizona who said the remedy for this is jobs. Why do you think we are on the floor? Because this economy has not been forthcoming with jobs. Some of us cosponsored a bill for a $50 billion program for jobs creation, almost all of this in terrorism infrastructure. That never made it to the floor. That was paid for, ready to go, terrorism projects infrastructure. So what are we left with?

We have got to do something for those who do not have the jobs that the economy has not provided. Look, something very different has happened to our economy. This global economy is different. We do not understand it, but we do understand the unemployed. We have got to do something about the long-term unemployed. That is who we are talking about. And the way to do it is to make these benefits available to these people who comprise the largest number of people losing their unemployment in 30 years.

It provides a stimulus to the local community in which they live, where the businesses are going out of business as well because the people do not have jobs. We get 2 bangs for the buck. It is time to make it up to these people whom we left with no benefits when we went home for Christmas.

Mr. OSBORNE. Mr. Chairman, we reserve the balance of our time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

(Mr. WU asked and was given permission to revise and extend his remarks.)

Mr. WU. Mr. Chairman, recently I held town hall meetings across the congressional district that I am privileged to represent in Oregon. In Scappoose on Monday night, the first person to speak was a woman who told me that she had been unemployed for a long time. Her benefits had run out. She is terrified of losing her health care. And most galling for an Oregonian, she is thinking about moving to California and taking a job while leaving her children and family behind.

Oregon has a jobless rate of 7.2 percent. Scappoose, located in Columbia County, has an unemployment rate of 10.6 percent. But these are not just naked statistics. Each one of these unemployed people risks losing their car, their home, of being unable to afford college payments or vital health care for their family.

So today we are called upon to show some compassion and extend unemployment benefits. At the end of the same town meeting in Scappoose, a fellow got up and asked, ''Who can solve this? Who can make a difference in this?''

He asked a straight question and I gave him a straight answer. If the President of the United States picked up the phone and asked for a straight extension of unemployment benefits, it would happen this week. And I said that before I knew that the Miller amendment would be up for a vote today.

So today I would like to say to the President of the United States, it is time to phone home. It is time to phone home so that you feel the passion, the anger, and the pain of millions of Americans who have been without work for a long time and are now without unemployment benefits.

□ 1730

I ask for an ''aye'' vote on the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I agree with the gentleman from Washington. In my home State of Illinois, it is estimated that in the first half of 2004, 91,928 individuals will have exhausted their benefits, with no relief in sight.

We have heard about the unemployment rate going down, but what we have not heard is the way in which the rate is calculated. The real deal is that there are so many people not even looking for work, who have given up, until that makes it look as though the rate is going down.

The reality is unemployment is sky high. We need relief and we need it now. Vote for the Miller amendment.

Mr. GEORGE MILLER of California. Does the gentleman have any additional speakers?

Mr. OSBORNE. Mr. Chairman, we reserve the balance of our time.

Mr. GEORGE MILLER of California. How much time do we have remaining?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, we are in incredible denial on the other side of the aisle. Once again, it is not needed, not now, not this way.

Nationwide, 375,000 people will exhaust their unemployment benefits this month. In Oregon, by March, 43,000 will have lost all their benefits. We hear the unemployment rate is dropping. Yeah, the statistic is dropping. We are not creating jobs. People no longer qualify for benefits. Well, they do not count as unemployed anymore.

We heard this extraordinary statement that some have become entrepreneurs, some are the modern day equivalent of selling apples and pencils on the street corner. Yeah, the entrepreneurs in my district are picking up bottles and cans for the five cent deposits, and it is really ironic.

Unlike the tax cuts for the billionaires where we have to borrow money from average working people and the Social Security trust fund to give tax breaks to billionaires, we do not have to borrow money to extend unemployment benefits. Working people have already paid the tax. There is $17 billion in the unemployment trust fund. All we need is for the majority to allow us a vote to authorize spending that money that is on account to help these people in their time of desperation and the President to sign the bill.

Vote ''yes.''

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, this is an important debate. I appreciate that my colleagues on the Republican side of the aisle do not like this bill being used for this purpose; but let me say to them, this is the only vehicle we have because they will bring us nothing to address the unemployment problem in this country and the loss of unemployment benefits. We are trying. We are trying on this side of the aisle to use any vehicle we have to try to get this Congress to respond to the needs of millions of Americans who are at risk of losing or have already lost their unemployment benefits, millions of middle-class Americans who are working hard, who are about to go in a downward financial spiral that leads to chaos in their families, that leads to bankruptcies, that leads to the loss of assets, millions of working Americans who play by the rules, had a job, worked hard at it, and then through no fault of their own they lost it.

This Congress stands by as 375,000 people lost their benefits in the month of January. We knew it was going to happen. We went home for Christmas. What kind of Christmas did these people have when they knew that their benefits were going to run out? What kind of Christmas did these hard-working families have?

We have heard a lot over the last couple of months about two Americas. This is the other America. This is the America without stock options. This is the America without vacations. This is the America without jobs.

Most of them have worked their whole lives, played by the rules, tried to do it the right way, tried to raise their families; and now all of that is at risk, and we sit with $17 billion in the trust fund, and they say go to the States. The State of Illinois is out of money. The State of Minnesota is out of money. The State of Missouri is out

of money. North Carolina is out of money. New York's out of money. Texas is out of money. California's about out of money, and Arkansas is heading in that direction.

My colleagues do not have a solution, go to the States. What a cynical approach. The gentleman from Texas takes the well and says go to the States, and his State with 300,000 people in it is out of money, is out of money. So his answer apparently is nothing for these families.

I do not get it. I just do not get how this happens to people who work all year long, year after year; and then they find out they are closing the factory, they are closing the mill, their job has disappeared. They run out and try to find another job. They cannot find the job. They run from place to place. They send out resumes; they go through retraining. They cannot find a job, and then they run out of unemployment benefits, and they get to go home to their spouse and to their children and say we are going to have to sell the house, we are going to have to sell the car, we have lost our health insurance. What is this Congress for? What is this Congress for if we are not here to try and bridge those people across these troubled waters from unemployment to employment.

I know my colleague is going to say, these people want a job? You bet your buns they want a job. They just do not have one in the Bush economy. They just do not have the opportunity.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, we are debating the Community Services Block Grant reauthorization program that funds the community action agencies in all of our communities to help the poorest of the poor, Meals on Wheels, other coordination of social services, to help those that are very needy. It is a very important program and a program that needs to be reauthorized.

But out of nowhere, at the 11th hour, we get this cynical attempt to talk about extending unemployment benefits. It has no business on this bill. As I said before, this is an authorization. There is no money attached to it; and for goodness sakes, no unemployed worker in America ought to count on anything happening out of this bill because it never will be funded.

The gentleman from California, my good friend and colleague, although we do disagree and we are disagreeing today, knows that this has no chance of becoming law. We are here scoring political points today at the expense of unemployed workers, and I really do think that is a sad use for the U.S. House of Representatives, not that there is never politics played here, but they are not usually played on the backs of the unemployed. I think that is what causes me such distress as I stand here today in opposition to the gentleman's amendment.

Two years ago, when we sent this $8 billion out to the States for unemployment out of the Federal unemployment trust fund, we told the States they could do a number of things with that money. They could increase benefits. They could add additional workers. They could increase the amounts or they could extend unemployment benefits for those whose were expired.

As we have heard in the debate today, 45 States have almost all of the money that we sent them, 45 States; and so the money is there and the States, in my view, are acting to help those people. Why are we here?

Even if this were germane and it were in order, the money would go out to the States. The same States that already have the money, would they really help any more unemployed workers? The States ought to get off their rear ends and help those who need help. We know there are people out there whose benefits have run out, and those State legislators and those Governors ought to step up to the plate and use the money we sent them out of the Federal unemployment trust fund to help them.

In the meantime and back to this debate, this amendment does not deserve to be here. This amendment does not deserve our vote. I will not vote in a cynical way to try to tell unemployed workers we are going to extend their benefits when I know, when I know that this bill will never be funded, and this program, even if it were funded, would take years and years to actually implement the extension of benefits for these workers. It is not fair to them, and playing politics on the backs of unemployed Americans is beneath the dignity of this institution.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the Miller-Woolsey amendment to H.R. 3030 which ensures that Federal funds will not be used to support discrimination in hiring and I commend the authors for sponsoring it.

Mr. Chairman, I support and have always supported faith based organizations. They have played a major role in the delivery of social services in our country, in particular those who have been a part of the Congressional Black Caucus's Minority AIDS Initiative.

But what the White House and the Republicans are trying to do is relinquish government responsibility for the safety nets that millions of people rely on. More importantly, under cover of supporting the work of our faith-based institutions, they are attempting to unravel our civil rights by writing into the bill the right to discriminate.

Mr. Chairman, we need to call this egregious hand that they are trying to deal to the American public and say no to weakening our safety nets and a big no to discrimination.

Is there no shame?

Mrs. JONES of Ohio. Mr. Chairman, I rise to encourage my colleagues to extend unemployment insurance benefits for 6 months in an effort to prevent over 2 million workers from losing benefits. With the ending of the Federal Temporary Extended Unemployment Compensation (TEUC) program, jobless workers whose regular, state-funded unemployment insurance benefits run out before they can find a job no longer qualify for any federal unemployment aid.

Mr. Chairman, Congress rejected calls for a benefits extension before the December holidays, and job growth has since remained anemic. The previous unemployment insurance extension expired on December 20. Roughly 375,000 people exhausted their benefits in January, the largest number in a single month in 30 years, and these individuals are receiving neither a paycheck nor unemployment benefits.

According to an analysis of government data from the Center on Budget and Policy Priorities, nearly 2 million unemployed workers are expected to be in this situation during the first 6 months of 2004. The Center on Budget and Policy Priorities also projected that 2 million people will exhaust their benefits between January and June, a record for any 6-month period for which data are available, if benefits are not extended.

In no other month on record—and in no other 6-month period for which data are available—have so many unemployed workers exhausted their regular unemployment benefits without being able to receive additional aid. The unemployment rate is currently 6 percent in Ohio. In my congressional district, in the city of Cleveland, the unemployment rate is 13.1 percent—57,191 Ohioans are scheduled to lose their benefits over the next 6 months.

Dear Colleagues, how do you recommend I inform my constituents that Congress decided not to extend unemployment benefits? I ask my colleagues to join me and support the Democratic substitute.

The Democratic substitute provides for continued participation by faith-based organizations in Community Services Block Grant programs, but prohibits religious discrimination with Federal funds. Colleagues, Congress has worked to eliminate discrimination since 1964 through the enactment of Title VII of the Civil Rights Act of 1964, that prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment.

How dare we, Members of Congress, allow legislation that will discriminate against anyone come before the House floor. Have we forgotten what Title VII of the Civil Rights Act of 1964 prohibits under religious discrimination: My history reflects working toward the Dream that Dr. Martin Luther King had that, ''one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident: that all men are created equal.'' My work history exemplifies working toward bringing all races together for employment, education, and religious beliefs. I have worked with the U.S. Equal Employment Opportunity Commission. I will also remind all of you that under Title VII of the Civil Rights Act of 1964 for religious discrimination:

Employers may not treat employees or applicants less—or more—favorably because of their religious beliefs or practices. For example, an employer may not refuse to hire individuals of a certain religion, may not impose stricter promotion requirements for persons of a certain religion, and may not impose more or different work requirements on an employee because of that employee's religious beliefs or practices.

Employees cannot be forced to participate—or not participate—in a religious activity as a condition of employment.

Employers must reasonably accommodate employees' sincerely held religious beliefs or

practices unless doing so would impose an undue hardship on the employer. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his religion.

Flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers and modifying workplace practices, policies and/or procedures are examples of how an employer might accommodate an employee's religious beliefs.

An employer is not required to accommodate an employee's religious beliefs and practices if doing so would impose an undue hardship on the employers' legitimate business interests. An employer can show undue hardship if accommodating an employee's religious practices requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes coworkers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.

Employers must permit employees to engage in religious expression if employees are permitted to engage in other personal expression at work, unless the religious expression would impose an undue hardship on the employer. Therefore, an employer may not place more restrictions on religious expression than on other forms of expression that have a comparable effect on workplace efficiency.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on religion or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under title VII.

It is vital that Congress authorizes additional funds under Community Services Block Grants to be used to pay for a 6-month extension of unemployment benefits. Benefits paid under Community Services Block Grants that will be modeled after the Unemployment Insurance program that expired for workers exhausting regular unemployment benefits after the week of December 20, 2003.

Mr. Speaker, I ask my colleagues to join me and support the Democratic substitute, and vote to provide continued participation by faith-based organizations in Community Services Block Grant (CSBG) programs, but prohibits religious discrimination with Federal funds.

Mr. LANGEVIN. Mr. Chairman, in my home State of Rhode Island, and throughout the country, Community Services Block Grant (CSBG) funds play a critical role in food and clothing assistance for low-income families, access to quality child care and other programs to help families and individuals achieve self-sufficiency and find and retain meaningful employment. Support from such programs makes it possible for many adults to overcome the challenges of poverty, return to the workforce, provide for their children, and keep their families together.

Because I believe in the mission of the CSBG, to combat poverty in meaningful, measurable ways, I strongly support the amendment offered by Representative GEORGE MILLER to H.R. 3030. The Miller amendment, which would authorize a 6-month extension of unemployment benefits, promotes the antipoverty mission of the CSBG. Rhode Island's unemployment rate is near a 7-year high, and thousands of jobs have been lost over the last 3 years. I have heard from many of my constituents who have lost their regular unemployment benefits and are on the verge of selling their car or home just to provide food for their families. The President proclaimed that the economy is improving, but the paltry 1,000 jobs created in December 2003 are not nearly enough to keep up with those who wish to enter the job market. Until real job creation occurs, we must help those who wish to enter the job market. Until real job creation occurs, we must help those that are left behind by providing additional unemployment benefits.

Finally, I urge my colleagues to preserve these critical programs as we reauthorize the CSBG and to guarantee that employees of CSBG-funded organizations are not subject to employment discrimination. The Woolsey amendment will allow religious organizations to continue to participate equally in CSBG programs, while ensuring that organizations receiving these Federal funds do not engage in employment discrimination based on religion. I urge my colleagues to support the Woolsey amendment and recognize that discrimination in hiring in federal funded programs is fundamentally wrong.

Mr. HOLT. Mr. Chairman, on behalf of these Americans, who are constituents, our neighbors, and the people who have entrusted us with the care of our Nation, it is essential that we renew their unemployment benefits, and it is essential that we do it now.

Middle-class Americans cannot sustain the American dream while not receiving any income for 3 or 4 months, or even longer. We owe them this continued assistance until this economy can provide them with jobs they desperately want again.

An estimated 375,000 unemployed individuals are exhausting their regular unemployment benefits in January without qualifying for any further assistance—and are receiving neither a paycheck or unemployment benefits.

In New Jersey, the 99,000 unemployed workers expected to exhaust their regular benefits without being able to receive further assistance will be the second highest on record for the months of January through June.

Mr. Chairman, the Congress must make the plight of middle-class America its number one concern. Without the temporary extension of unemployment benefits under TEUC, Americans will continue to struggle to pay the bills in this still-weak job market.

By extending the unemployment benefits for an additional 6 months, it will grant more time for unemployed Americans to find new jobs. While experts could explain various aspects about the business and economic cycles and how companies will begin hiring again in the future, this does not solve the present problem of how bread winners are going to pay bills and how food is going to get into the stomachs of children so that when they go to school, their day is spent learning and not focusing on the pain in their gut.

Mr. Chairman, the American public needs the Miller amendment so I ask my colleagues to pass the Miller amendment.

Mr. DAVIS of Illinois. Mr. Chairman, in my home State of Illinois, it is estimated that in the first half of 2004, 91,928 individuals will have exhausted their benefits and will not qualify for additional aid. This places Illinois along side of nine other States as reaching the second highest on record for the number of unemployed workers expected to exhaust their regular benefits without being able to receive further assistance. We all have heard the news of the unemployment rate going down—but unlike the paper it is printed on, the unemployment rate is not clear as black and white but hazy and has a lot of gray. According to the Illinois Department of Employment Security, the Illinois unemployment rate dropped in December from 6.8 to 6.4 percent with the number of unemployed declining by 20,800. However, as the Illinois Department states, the declines in both the number of unemployed and the unemployment rate were largely due to people who just stopped looking for work and therefore not counted as unemployed. Even according to the U.S. Department of Labor, as unemployment declined from October 2003 to December of 2003 by 8,797 to 8,398 unemployed individuals, the number of individuals considered not in the labor force grew from October 2003 to December 2003 by 75,147 to 75,631.

Our real concern and focus should be on who is unemployed and on the growing number of individuals that are not in the workforce and are no longer looking for employment. In Illinois, the group of individuals unemployed and no longer looking for employment jumped by 15 percent between the third quarters of 2000 and 2002. Men accounted for a third of those counted as not currently employed along with a 20-percent increase in no longer seeking employment. Men are also on unemployment for a longer period of time. From the third quarter of 2000 to the third quarter of 2002, the duration of unemployment grew by more than 75 percent or from 7 weeks to just under 13 weeks. The racial minorities are also finding themselves unemployed for a longer period of time. The average unemployment period for African Americans in Illinois rose by more than 50 percent of 4.6 weeks. African Americans are dramatically unemployed more so than any other ethnic group. According to the Department of Labor, in December 2003, 10.3 percent of all unemployed workers were African Americans compared to 6.6 percent of Hispanic workers and 5 percent of White workers.

Mr. Speaker, thousands of Americans have already exhausted their benefits and approximately 2 million unemployed workers will exhaust their benefits in the next 6 months. To fully stimulate this economy, we must ensure we are assisting not the few at the top but the masses of workers, who keep this country moving. I am in full support of the Miller amendment to authorize additional funds under CSBG to be used to pay for a 6-month extension of unemployment benefits. Instead of contributing to our economy by buying school supplies, paying rent or a mortgage or going out to dinner, without this amendment and without an extension of unemployment benefits more of our constituents will be forced into poverty with the chance of losing their home, having no food to eat, no new shoes for their children, no way to pay for a doctor let alone over the counter medications and the list continues. The old saying remains clear—we either pay for it now—or we pay more for it later. I urge all my colleagues to support the Miller amendment.

Ms. MAJETTE. Mr. Chairman, I rise today on behalf of the over 51,000 Georgians who have exhausted their regular unemployment

benefits and still can't find a job. We must extend unemployment benefits for these Georgians and the estimated 2 million workers nationwide who will exhaust their benefits in the next 6 months. We must extend these benefits until the administration starts taking job creation seriously.

The administration's policies are not creating jobs and there is no plan to create jobs either. The Bush administration has presided over the worst job-loss record in half a century—we have lost almost 2.4 million jobs since Bush took office—and yet this Congress and the President are denying that jobless Americans even exist. That is unacceptable.

These Americans have worked hard and paid into the system, but now they are unemployed and they need a safety net for a few more weeks. Until we start creating jobs, we must show compassion for these hard-working Americans who lost their jobs through no fault of their own during the economic downturn.

My colleagues on the other side of the aisle continue to say that this unemployment extension is unnecessary because the Gross Domestic Product is back on the rise these days, and the stock market has turned the corner. The stock market rise might be helping the wealthy who benefit from Bush's tax cut, but it is not helping the over 51,000 Georgians who can't find a job.

These economic indicators are good news, but this has been a jobless recovery. Last month only 1,000 new jobs were created in this country. Until this economy starts creating jobs—and lots of them, these economic indicators don't mean a thing. These Americans need jobs—and until then, they need unemployment insurance.

These hard-working Americans expect and deserve our help. During past recessions, Congress habitually extended unemployment insurance until there were enough jobs to make it unnecessary. The numbers speak for themselves. There just aren't enough jobs—and until there are enough jobs, we need to meet our obligation to these workers and their families.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 179, not voting 27, as follows:

[Roll No. 18]

AYES—227

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Burr
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Harman
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Lampson
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Quinn
Rangel
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—179

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Manzullo
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Brown-Waite, Ginny
Calvert
Conyers
Culberson
DeGette
Dicks
Gephardt
Goss
Granger
Gutierrez
Kucinich
Langevin
Linder
Lipinski
Lucas (OK)
McCarthy (MO)
McCrery
McHugh
McInnis
Millender-McDonald
Napolitano
Ortiz
Pascrell
Rahall
Ruppersberger
Smith (WA)
Watson

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD) (during the vote). There are 2 minutes remaining in this vote.

□ 1805

Messrs. ROTHMAN, GOODE, JONES of North Carolina, BURNS, TAYLOR of North Carolina, NEY, FOSSELLA, TURNER of Ohio, SAXTON, SHAYS, MURPHY, WELDON of Pennsylvania, and Mrs. EMERSON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY. Mr. Chairman, on rollcall No. 18, I was unavoidably detained. Had I been present, I would have voted ''yes.''

Mr. MCHUGH. Mr. Chairman, due to the need for me to be out of town on official Committee business, I missed the following vote taken during consideration of H.R. 3030, Improving the Community Services Block Grant Act. Had I been present, I would have voted as follows: Rollcall No. 18, the Miller amendment on unemployment compensation: ''yes.''

Stated against:

Mr. GOSS. Mr. Chairman, this evening I had to depart early for a previously scheduled meeting. As a result, I was not able to be present for rollcall vote 18. Had I been present, I would have voted ''no'' on rollcall vote 18.

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Chairman, on February 4, 2004, I was not able to be in attendance during rollcall votes 15 through 18. I have deep concerns about H.R. 3030 which would permit organizations that receive public funds to discriminate in hiring based on religion. Had

I been in attendance, I would have voted ''yes'' for rollcall vote 15, ''yes'' for rollcall vote 16, ''yes'' for rollcall vote 17, and ''yes'' for rollcall vote 18.

The CHAIRMAN pro tempore (Mr. LAHOOD). Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements, pursuant to House Resolution 513, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3030, Improving the Community Services Block Grant Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3030, IMPROVING THE COMMUNITY SERVICES BLOCK GRANT ACT OF 2003

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3030, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2169

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2169.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the House next week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday, the House will convene at 10 a.m. We plan to consider the Senate amendment to H.R. 743, the Social Security Protection Act. In addition, we plan to consider H.R. 1561, the U.S. Patent and Trademark Fee Modernization Act and a short extension of the highway program as well. The current extension expires at the end of February, so we must consider a short-term extension while we are working actively on TEA–LU.

Finally, I would like to remind all Members that we do not plan to have votes on Friday, February 13. I will be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information he has given to the Members and for the schedule.

Mr. Leader, you indicate there will be a short-term extension of the highway reauthorization bill scheduled for next week. Can you tell us as to when the full reauthorization, the permanent reauthorization, will be ready for consideration on the floor?

Mr. DELAY. Mr. Speaker, I think that the committee should be prepared to mark up this very important legislation very shortly after the Presidents' Day district work period. The 4-month extension that we are talking about doing next week should not in any way indicate that we want to postpone the completion of this very important bill until June. The 4-month extension that we are talking about is simply to give highway administrators, especially in the northern States, the predictability that they need to let contracts for the spring and summer construction season.

In discussions with the chairman of the Committee on Transportation and Infrastructure, he informs me that he is working as hard as he can to get the TEA–LU bill up as quickly as possible. And once they get it marked up, it goes through the Committee on Ways and Means. After that, we will bring it to the floor as quickly as possible.

□ 1815

Mr. HOYER. I thank the gentleman for those comments. To reiterate, the extension will be until May 30 or 31?

Mr. DELAY. I have not seen the actual language. That is being consulted with your side. The last I was advised, it would probably be June 30.

Mr. HOYER. I thank the gentleman for that information.

For Members' planning purposes, does the gentleman expect to have votes next Thursday? I know we have it on the schedule, but I am wondering whether or not the leader has any insight into whether or not we will need next Thursday or not.

Mr. DELAY. We do not have a busy week on the floor for next week, but at this point we are inclined to work through Thursday, not through Thursday but at least Thursday morning to early afternoon. This will give committees an opportunity to hold hearings and get some markups completed so we will have legislation ready for the end of February and through March. But I do not expect to have a long day Thursday.

Mr. HOYER. Unemployment insurance, as the gentleman knows, has been a real concern, I think, of all of ours but particularly we have raised this issue in terms of the extension. When Congress adjourned last year, it failed to extend, as the gentleman knows, the emergency unemployment compensation program which left 90,000 American workers and their families every week, which now is approximately 375,000 workers by the end of last month, in the lurch, off of unemployment benefits.

We have just passed, in my perspective at least, a very significant amendment which will give some hope and relief to these folks whose families have lost at least some type of floor for their maintenance of their families, the purchase of food and payment of rent and mortgages and things of that nature. I know we just passed it, but I would be very interested in whether the leader has any thoughts as to whether or not it would be possible to accelerate this matter so that we could get it back here so that we could give relief to these families that we have been talking about for many months.

Mr. DELAY. My friend considers that amendment a very significant amendment. I have a different point of view. As the gentleman is surely aware, the provision that he refers to that just passed is a completely new, unfunded program in a new agency with no experience or competence to handle this issue. Frankly, it was a very clever political stunt and I have to hand it to

the gentleman, but if you look at the substance of this, I cannot imagine any member of the conference committee actually voting to allow that to come out of conference.

I would remind the gentleman that the unemployment rate today is lower than it was when President Clinton and a Democrat-controlled Congress cut off extended unemployment benefits, and in my opinion the way to help the working class is not to grow the government but to grow the economy and create jobs.

Mr. HOYER. Reclaiming my time, and I appreciate the leader's observation of my cleverness or the cleverness at least of the gentleman from California (Mr. GEORGE MILLER) and our side of the aisle. The most clever thing, though, that we did was to get 229 people in the House of Representatives to say, we need to give relief to these folks who have lost their unemployment insurance. That was the most clever. The gentleman did not vote on that side of the proposition, I understand that, but 229 Members did, Republicans and Democrats. I would respectfully suggest to the leader that his observation may be correct, that the way in which this was done, because the rules required us to do it this way, may not be the best way to do it. There is a best way to do it and it can be done immediately, hopefully even by unanimous consent; simply extend, as we have been requesting for the last 4 months, to extend unemployment benefits so that these folks, these 375,000 who have lost their unemployment benefits, would be covered. The gentleman and I may agree. This may not be the best way to do it. It may have been a clever way, as the gentleman observes, for us to get this issue up, but as I say, the more clever thing was to get 229 Members of the House, a majority of the House, to say that we ought to be doing this.

Mr. DELAY. If the gentleman will yield, he did not use all of my quote. I said it was a clever political stunt. Members do vote sometimes, without questioning anybody's motive, do vote for political reasons or whatever reason they may. But the truth still remains, and our side of the aisle feels very strongly that it is more important to provide jobs than unemployment. We understand the gentleman's point of view. We respect his point of view. We have a different point of view. If this was a substantive amendment that had real teeth in it, I do not think the vote would have been the same.

Mr. HOYER. Reclaiming my time, apparently the leader believes the 39 Republicans who voted for it voted for it as a political maneuver. I do not think that is the case. I do not think it was a political stunt.

Mr. DELAY. That is not what I said.

Mr. HOYER. There were 39 Republicans who joined over 190 Democrats to say that we need to give unemployment insurance to those families who have lost it. To assert that that was a political stunt, with all due respect, Mr. Leader, is incorrect. It was a conviction, a belief, strongly held, long advocated, that we give relief to those who have lost their unemployment insurance benefits, just as it has been our belief for a long period of time that we give that child tax credit to those 6.5 million families, those 12 million children, those 200,000 service personnel who are not covered by the child tax credit.

Mr. DELAY. If the gentleman will yield, I have to correct the gentleman. He says a long-held belief. I do not understand what the gentleman's definition of ''long-held belief'' is. When his party was in control in 1993 and the unemployment figures were higher than they are now, the economy was not as good as it is now, his party brought to this floor the cutting off of long-term unemployment benefits. Yet now when the economy is even better, when the unemployment rate is almost to full employment, the gentleman feels very strongly, and it is not for politics, I am sure, very strongly that now we have to extend. So long-held beliefs are in the eyes of the beholder.

Mr. HOYER. Reclaiming my time, surely the majority leader jests. Surely the majority leader knows that Secretary Snow said that the administration was going to create 200,000 jobs per month. Surely the gentleman knows that last month the economy created, in December, the last month we have figures for, 1,000 jobs. That is one-half of a percent of the performance that the Secretary of Treasury said was going to be accomplished, 1,000 out of 200,000. Surely the gentleman knows that during the time period in which he talks, the Clinton years, the 8 years, 22 million jobs were created. This administration has lost 2.5 million jobs over the last 3½ years.

Mr. Speaker, there is a commitment on this side of the aisle. There was the commitment in the Reagan recession, there was a commitment in the first Bush recession to extend. In fact, as the leader must know, we extended unemployment benefits more frequently with Democratic votes in the Reagan administration and in the first Bush administration than we have done in this recession, with Democratic not only support but leadership on those extensions. With all due respect, Mr. Leader, I would say that the assertion that somehow that Democrats are not for extending unemployment benefits when we have families in trouble is simply inaccurate.

I would be glad to yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding to me. It is not inaccurate to state that in 1993, before the Clinton administration took credit for an economy that was created by a Republican Congress, the Democrat-controlled House cut off extended benefits. The gentleman knows that we can use figures all over the place. The gentleman is right, only 1,000 jobs were created in December, but it was very interesting to note that 146,000 long-term unemployed went off the rolls and went to work in December alone. The trends are that jobs are going up, the trends are that unemployment is going down, that jobs are being available and the long-term unemployed will be able to find jobs.

Mr. HOYER. Reclaiming my time, Mr. Leader, I want to make this comment. I make it as an interesting comment, that during the Clinton years, the gentleman claims that it was the Republicans who created those jobs. Is it not ironic, Mr. Leader, that the Republicans cannot do that when they not only have the House, the Senate, but also the Presidency? Could it be that perhaps the difference was President Clinton? Because with total control, as your friend Dick Armey noticed last time, you own the town and have for the last 3 years. Is it not ironic that you claim credit for doing it before but you cannot do it now?

Mr. DELAY. I lived this history. I very much remember that the Balanced Budget Act of 1996 and 1997 was vetoed twice by President Clinton and then signed by President Clinton with very little changes. The restraint on spending through the whole process, the Welfare Reform Act that was vetoed two or three times if I remember, all of the issues that actually got to the President's desk in those years were resisted by the President while he took credit after he signed it for everything, including the economy.

Then we find ourselves coming into a new administration when the recession started in the old administration, and this administration was saddled with a recession as it came in and did exactly what needed to be done, along with the Republican House and Senate and, that is, give the types of tax relief and economic policies that now we see are working and a growing economy that the American people are experiencing, not the economy described by the other side of the aisle. Unemployment is going down, jobs are going up, people are finding jobs. I see no reason to extend after 26 weeks unemployment benefits.

Mr. HOYER. Reclaiming my time, I know that the leader believes that. He has said it before. He has voted that way. We understand that. There is very little confusion.

I noted that by the President's own admission when he spoke to the House and the Senate, he was saddled with a $5.6 trillion surplus. He has successfully turned that into a $4 trillion deficit, an almost $10 trillion turnaround the wrong way. So in terms of being saddled, Mr. Leader, the recession, by the admission of the administration, was over some many months ago and we still find ourselves in a place where not only do we have 2.5 million people unemployed but we have some 3 million people who are discouraged and are no longer on the rolls because they are no longer seeking employment.

I guess we could go on all night on this. We have a different view. But I really believe and would hope, as we did in the child tax credit, that we could certainly pass an extension to take care of those 375,000 people who have lost their unemployment insurance over the last 3 months.

ADJOURNMENT TO FRIDAY, FEBRUARY 6, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Friday, February 6, 2004.

The SPEAKER pro tempore (Mr. RENZI). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM FRIDAY, FEBRUARY 6, 2004 TO TUESDAY, FEBRUARY 10, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, February 6, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, February 10 for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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RECOGNIZING ACCOMPLISHMENTS OF UNIVERSITY OF SOUTHERN CALIFORNIA'S FOOTBALL, WOMEN'S VOLLEYBALL, AND MEN'S WATER POLO TEAMS

Mr. MCKEON. Mr. Speaker, pursuant to the order of the House of February 3, 2004, and as the designee of the majority leader, I call up the resolution (H. Res. 511) recognizing the accomplishments of the University of Southern California's football, women's volleyball, and men's water polo teams, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 511 is as follows:

H. RES. 511

Whereas the USC football team went 12–1 overall, its best record since 1978;

Whereas the USC football team won its second consecutive Pac-10 title;

Whereas five USC football players were selected as first team All-Americans;

Whereas nine USC football players were selected to the All-Pac-10 first team;

Whereas USC won the Rose Bowl, its 21st Rose Bowl victory;

Whereas USC scored at least 20 point in its last 26 games (a school record), had a stretch of 11 consecutive 30 point games (also a school mark) and 7 straight 40 point contests (a Pac-10 record), and scored 534 points during the season (also a Pac-10 record);

Whereas USC won the Associated Press national championship, its ninth national title, and first in 25 years;

Whereas USC women's volleyball team finished the season with an undefeated record of 35–0;

Whereas USC women's volleyball team won its last 47 matches, an NCAA record;

Whereas USC's women's volleyball team won its 6th national championship;

Whereas this year's USC's women's volleyball team is considered to be one of the greatest teams to have played the sport;

Whereas USC men's water polo team had a 24–3 record;

Whereas USC men's water polo team won its second-ever NCAA title;

Whereas 3 USC water polo team members were selected as first team All-Americans;

Whereas Coach Pete Carroll, USC football, Coach Mick Haley, USC women's volleyball, and Coach Jovan Vavick, USC men's water polo, each were honored as National Coach of the Year in their respective sports; and

Whereas in the span of less than 30 days, USC's football, women's volleyball, and men's water polo teams brought home national championships, the first time ever that USC won 3 national titles in the fall season: Now, therefore be it

Resolved, That the House of Representatives recognizes and congratulates the University of Southern California's football, women's volleyball, and men's water polo teams for their superior achievements.

The SPEAKER pro tempore (Mr. RENZI). Pursuant to the order of the House of Tuesday, February 3, 2004, the gentleman from California (Mr. MCKEON) is recognized for 1 hour.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 511.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 511, which would recognize the accomplishments of the University of Southern California's football, women's volleyball, and men's water polo teams. I want to thank my colleague and friend, the gentlewoman from California (Ms. WATSON), for introducing this important resolution.

Mr. Speaker, Los Angeles was little more than a frontier town in 1880 when the University of Southern California first opened its doors to 53 students and 10 teachers. Then, Los Angeles still lacked paved streets, electric lights, telephones, and a reliable fire alarm system. Today, USC is located at the heart of one of the biggest metropolises in the world and is home to nearly 30,000 students and 3,800 faculty.

The central mission of the University of Southern California is the development of human beings and society as a whole, through the cultivation and enrichment of the human mind and spirit. USC has worked to accomplish this mission through teaching, research, artistic creation, professional practice, and public service. As a result, USC has become world-renowned in the fields of communication and multimedia technologies, has received national acclaim for its innovative community, and has solidified its status as one of the Nation's leading research institutions. It is the largest private employer in the City of Los Angeles, and USC physicians serve more than 1 million patients each year.

Today, the House of Representatives is recognizing another exceptional facet of the University of Southern California, its world-class sports program.

House Resolution 511 is a resolution that recognizes the accomplishments of the University of Southern California's football, women's volleyball, and men's water polo teams.

This past year, the USC Trojans football team only lost one game, which was its best record since 1978; won its second consecutive Pac-10 title; won the Rose Bowl; and won the Associated Press national football championship, the University's ninth national football championship.

The USC women's volleyball team finished the season without a single loss, with a record of 35 victories and no defeats; won its last 47 matches, which is an NCAA record; won its sixth national championship; and is considered to be one of the greatest teams to have played the sport.

The USC men's water polo team finished the season with a record of 24 victories with only three losses and won its second NCAA national championship.

In addition, football coach Pete Carroll, women's volleyball coach Mick Haley, and water polo coach Jovan Vavick each were honored as National Coach of the Year in their respective sports.

That is why, today, the House is considering House Resolution 511, so we can congratulate the significant achievements of the University of Southern California's football, women's volleyball, and men's water polo teams. Their hard work and dedication to their respective sports is admirable and deserves to be recognized by the House of Representatives.

I congratulate the University of Southern California for their incredible victories and ask my colleagues to join me in recognizing their championship teams.

Ms. WATSON. Mr. Speaker, it is with great pride that I rise in support of House Resolution 511, which recognizes the accomplishments of the University of Southern California's 2002–2003 football, women's volleyball, and men's water polo teams.

The University of Southern California is a cornerstone of California's 33rd Congressional District. This institution is a magnet for diverse

people and ideas, attracting students from all 50 States and more than 100 foreign countries. In fact, USC is ranked as one of the most diverse private research universities in the Nation. As an educator, I am inspired by USC's commitment to academic excellence. The university's dedication to the highest standards is also reflected in its sports programs, which consistently produce some of the best student-athletes in the nation.

Mr. Speaker, today I rise to honor the first three teams in USC's history to win championships in the same fall season. Incredibly, all three squads also feature coaches who are National Coach of the Year honorees.

The USC Trojan football team has shown unique skill, charisma, dedication and love for the sport. The Trojans accumulated a 12–1 record while competing against some of the best programs in the country. The football team secured its second consecutive Pac-10 title, won the Rose Bowl, its 21st Rose Bowl win, and was awarded the national championship by the Associated Press, its ninth national title, and first in 25 years. Five USC football players were selected as first team All-Americans and nine team members were selected to the All-Pac-10 first team. Football coach Pete Carroll also received two more national championship trophies from the Football Writers Association of America (The Grantland Rice Trophy) and The Sporting News.

The Women of Troy volleyball team capped an undefeated (35–0) season to capture its second consecutive NCAA crown, the first time in the history of USC women's volleyball, and its sixth national championship. The team also became the first repeat champion to go undefeated. Many consider this year's women's volleyball team to be one of the greatest teams to have played the game.

The USC men's water polo team, with a 24–3 record, won its second-ever NCAA title. Three of the water polo team members were selected as first team All-Americans.

Mr. Speaker, I congratulate USC President Steven Sample, Athletic Director Mike Garrett, Coach Pete Carroll, USC football, Coach Mick Haley, USC women's volleyball, and Coach Jovan Vavick, USC men's water polo, for a season to remember.

Mr. MCKEON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Tuesday, February 3, 2004, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING GRAND VALLEY STATE UNIVERSITY LAKERS FOOTBALL TEAM FOR WINNING 2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP

Mr. HOEKSTRA. Mr. Speaker, pursuant to the order of the House of February 3, 2004, and as the designee of the majority leader, I call up the resolution (H. Res. 498) congratulating the Grand Valley State University Lakers football team for winning the 2003 National Collegiate Athletic Association Division II Football National Championship, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 498 is as follows:

H. RES. 498

Whereas on December 13, 2003, the Grand Valley State University Lakers football team won the 2003 National Collegiate Athletic Association (NCAA) Division II Football National Championship by defeating the University of North Dakota Fighting Sioux by a score of 10 to 3;

Whereas the 2003 Championship was the Lakers' second consecutive national title and third straight championship game appearance;

Whereas the Lakers are only the sixth team in NCAA Division II football history to win consecutive national titles;

Whereas the Lakers finished the season with a record of 14 wins and 1 loss;

Whereas the Lakers have compiled a total of 41 wins and 2 losses over the last three years;

Whereas 14 members of the Lakers football team earned All-Great Lakes Intercollegiate Athletic Conference honors, 8 of whom were selected to the first team;

Whereas Lakers football team members Scott Mackey, Keyonta Marshall, David Hendrix, Michael Tennessee, and Lucius Hawkins were honored as All-Americans for the 2003 season by the Internet website D2Football.com;

Whereas the Lakers set a Great Lakes Intercollegiate Athletic Conference single-season record for attendance, drawing 52,225 total fans in the 2003 season;

Whereas the Lakers won their 240th game in school history with their victory in the 2003 championship game; and

Whereas the Lakers' display of strength, ability, and perseverance this season has made the State of Michigan proud: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Grand Valley State University Lakers football team for winning the 2003 National Collegiate Athletic Association Division II Football National Championship;

(2) recognizes the achievements of the players, coaches, and staff of the Lakers football team and invites them to the United States Capitol to be honored in an appropriate manner;

(3) requests that the President recognize the accomplishments of the Lakers football team and invite the team to the White House for a ceremony in honor of their National Championship; and

(4) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Grand Valley State University for appropriate display.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 3, 2004, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 1 hour.

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 498.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the Grand Valley State University Lakers football team who, on December 3, 2003, defended their NCAA Division II national football championship by defeating the University of North Dakota Fighting Sioux 10 to 3.

The 2003 national champions fought through the playoffs with a tight defense that limited its final three playoff opponents to a field goal each. The title match-up was a close, dramatic contest that pitted the 14 and 1 GVSU Lakers against the 12 and 2 Fighting Sioux. Ultimately, the Lakers emerged victorious after intercepting North Dakota in the shadow of their own end zone with 20 seconds remaining in the fourth quarter, spoiling a last-minute, come-from-behind attempt.

Grand Valley State picked up its 240th win in school history with a victory over the Fighting Sioux. Before a national audience, Grand Valley State University avenged its heartbreaking 17–14 loss to the same Fighting Sioux in the 2001 title match-up.

Finally, I would like to congratulate the students, alumni, faculty, and nearly 5,000 fans of Grand Valley State who trekked to Braly Municipal Stadium in Florence, Alabama, to cheer on their Lakers during a cold and rain-soaked afternoon.

Mr. Speaker, I will include for the RECORD the full roster of this national championship team and their coaching staff.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of H. Res. 498, to honor the players, coaches, and staff of the Grand Valley State University football team, which won its second consecutive NCAA Division II national championship on December 13, 2003.

Rising to the top of one's field of endeavor, whatever that endeavor is, is an accomplishment worthy of praise in and of itself. However, repeating that accomplishment is an even more difficult achievement. When you attempt to maintain that top spot, everyone else has you in their sights. You are the focus of their efforts to wrest the trophy from your grasp. That is what makes the achievements of the 2003 Lakers football squad all the more impressive.

Coach Brian Kelly and his staff led their squad of young men through a difficult nonconference and conference schedule, then marched through the playoffs to face the University of North Dakota in the NCAA Division II championship game, a game they lost to the University of North Dakota just 2 years previously.

This time, the Lakers, led by All-American selections Scott Mackey, Keyonta Marshall, David Hendrix, Michael Tennessee and Lucius Hawkins,

defeated the Fighting Sioux 10 to 3, to complete what arguably could be called the most successful 3-year run for a college football team in the State of Michigan. GVSU has rolled up a 41–2 record in three seasons, reaching the national championship game each year and winning the championship twice.

Congratulations to the players, the coaches and staff, the students and the faculty of Grand Valley State University. This jewel of a school, with campuses in Allendale in the district of the gentleman from Michigan (Mr. HOEKSTRA), and Grand Rapids in my district, is a wonderful institution, not only for its athletic achievements, but also for its academic pursuits. Its contributions to the West Michigan community are too many and too far-reaching to enumerate here today, but we commend University President Mark Murray and the Grand Valley State University Board of Trustees for providing stellar leadership for this wonderful public institution.

Mr. HOEKSTRA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Tuesday, February 3, 2004, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING UNIVERSITY OF DELAWARE MEN'S FOOTBALL TEAM FOR WINNING NATIONAL COLLEGIATE ATHLETIC ASSOCIATION I-AA NATIONAL CHAMPIONSHIP

Mr. CASTLE. Mr. Speaker, pursuant to the order of the House of February 3, 2004, and as the designee of the majority leader, I call up the concurrent resolution (H. Con. Res. 355) congratulating the University of Delaware men's football team for winning the National Collegiate Athletic Association I-AA national championship, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 355 is as follows:

H. CON. RES. 355

Whereas on Friday, December 19, 2003, the University of Delaware Blue Hens men's football team won its sixth national title;

Whereas the University of Delaware won the championship game by defeating the Colgate University 40–0;

Whereas the Blue Hens swept through the Division I-AA playoffs, outscoring opponents by a combined score 149–23 in victories over Southern Illinois, Northern Iowa, and Wofford;

Whereas the Blue Hens captured their seventh Atlantic 10 Football Conference title, were named winners of the Lambert Cup as the top team in the East for the 18th time and were named Eastern College Athletic Conference (ECAC) Team of the Year for the 10th time;

Whereas the University of Delaware team was led by co-captains Mike Adams and Jason Nerys and All-American quarterback Andy Hall;

Whereas the roster of the University of Delaware team also included Dominic Santoli, Germaine Bennett, G.J. Crescione, Roger Brown, Antwan Jenkins, David Boler, Brian Ingram, Justin Long, Ryan McDermond, Ryan Carty, T.J. DiMuzio, Zach Thomas, Terry Kelly, Brad Michael, Dave Camburn, Joe Bleymaier, Mike Weber, Ryan Trask, Brad Shushman, Sean Bleiler, Leon Clarke, Brent Steinmetz, Ben Cross, Lawrence Jones, Jamie Rotonda, Nicos Chivis, Lonnie Starks, Drew Kisner, Kyle Campbell, Jeremy Kametz, Jeffrey Robinson, Maguell Davis, Bryan Tingle, Lou Samba, Andy Snapp, Anthony Cinelli, Niquan Lee, John Nauss, Rashaad Woodard, John Mulhern, KeiAndre Hepburn, Kevin Pulley, Sidney Haugabrook, Dominic Madigan, Antoinie McClure, Jeffrey Thompson, Blake Anderson, Mark Moore, Craig Browne, Marquez Davis, Nick Iarrobino, Mike Buchman, Mondoe Davis, Andrew Wilson, Marco Kristen, George Potts, Mike Bingnear, Mark Ciavirella, Greg Benson, Brett Wharton, Brendon Morfe, Rich Beverley, Tom Parks, Chris Edwards, Scott Conley, Chris Korkuch, Trip DelCampo, Brian Sims, Jared Wray, Paul Thompson, Bobby Delacy, Joe Cordrey, Jesse O'Neill, Brian Jennings, Vince Mumford, Michael Taylor, Steve Selk, Rick Lavelle, Richard Washington, Nat Bell, Chris Mooney, Shawn Johnson, Bubba Jespersen, Sean Sweeney, and Randall James;

Whereas second-year head coach K.C. Keeler enjoyed one of the most outstanding seasons in college football by setting a school record for wins in a season with a mark of 15–1;

Whereas Coach Keeler and his coaching staff, including Kirk Ciarrocca, Dave Cohen, Bryan Bossard, Kyle Flood, Paul Williams, Rob Neviaser, Rick Brown, Brian Ginn, Craig Cummings, Frank Law, Brandon Walker, Mike Marks, Russell Barbarino, Dr. Vincent Disabella, Keith Handling, Joan Couch, deserve much credit for the outstanding determination and accomplishments of their young team;

Whereas fans across the State of Delaware have supported the team over the course of the season and more than 6000 Delawareans traveled to Tennessee to watch the championship game;

Whereas the Blue Hen football program encompasses all the facets of university life, including growth of character, academic involvement, campus involvement, and graduation; and

Whereas the students, alumni, faculty, and supporters of the University of Delaware are to be congratulated for their commitment and pride in their national champion men's football team: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the University of Delaware men's football team for winning the 2003 National Collegiate Athletic Association Division I-AA football national championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff;

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Delaware for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 National Collegiate Athletic Association Division I-AA men's football national championship team.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 3, 2004, the gentleman from Delaware (Mr. CASTLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 355.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I rise today to pay tribute to some very impressive Delaware athletes, the University of Delaware Fighting Blue Hens football team, which on December 19, 2003, beat Colgate University to win the NCAA Division I-AA national championship at Max Finley Stadium in Chattanooga, Tennessee. As I was there, I can tell you it was about 28 degrees and blowing and snowing during the entire game.

This was the first national championship for the University of Delaware since 1979 and its very first in Division I-AA.

Throughout the season, the Blue Hen team impressed, inspired, and awed Delawareans by their dedication, hard work, and immense talent. In my opinion, this was a perfect ending to an absolutely stellar season, led by head coach K.C. Keller and his fine group of athletes. Each and every person who contributed to this win deserves to be recognized, obviously the coaching staff led by Coach Keller and all the others for their leadership and encouragement of these athletes. And, of course, the players who worked so very hard as a team, inspiring each other to reach the goal they set for themselves.

There are so many really great players on the team, so many great coaches, and the same is true of this whole division of I-AA football, and particularly the University of Delaware football team. I know all Delawareans join me, because I know all Delawareans follow this football team and join me in congratulating them on what they have done.

The families and friends, who come from as far as California and other places in the country to follow the team, also deserve a tremendous amount of credit. As one who attended practically every home game, the Navy game, when they beat Navy, and a few other games even away, I will tell you that it was a wonderful season of great significance to the people of my small State and to the wonderful University of Delaware.

And they won by big scores, Mr. Speaker. It almost looks like a dynasty in the making, by much bigger scores than anything else we have seen in the course of this year. For that reason, we have great hopes for next year and into the future for this great heartwarming experience of the University of Delaware Fighting Blue Hens football team.

Mr. Speaker, I urge swift passage of H. Con. Res. 355.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday February 3, 2004, the concurrent resolution is considered read for amendment and the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING WAKE FOREST UNIVERSITY DEMON DEACONS FIELD HOCKEY TEAM FOR WINNING 2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FIELD HOCKEY CHAMPIONSHIP

Mr. BURR. Mr. Speaker, pursuant to the order of the House of February 3, 2004, and as the designee of the majority leader, I call up the resolution (H. Res. 497) commending the Wake Forest University Demon Deacons field hockey team for winning the 2003 National Collegiate Athletic Association Division I Field Hockey Championship, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 497 is as follows:

H. RES. 497

Whereas on November 23, 2003, the Wake Forest University Demon Deacons field hockey team won the 2003 National Collegiate Athletic Association (NCAA) Division I Field Hockey Championship, the second consecutive National Championship for the Wake Forest University field hockey team;

Whereas the Demon Deacons defeated the Duke University Blue Devils by a score of 3 to 1 in the 2003 Championship match in Amherst, Massachusetts;

Whereas the Demon Deacons defeated the Pennsylvania State University Nittany Lions by a score of 2 to 0 in the 2002 NCAA Championship match in Louisville, Kentucky;

Whereas the Demon Deacons are only the third team in NCAA Division I Field Hockey history to win back-to-back National Championships;

Whereas the Demon Deacons began and ended the year as the number one ranked college field hockey team in the Nation;

Whereas the Demon Deacons finished the season with a record of 22 wins and 1 loss, outscoring their opponents 96 to 13 and winning 95 percent of their games, achieving the best record in the Nation and in Wake Forest University history;

Whereas the field hockey team is the only team in the history of Wake Forest University athletics to win the Atlantic Coast Conference regular season and tournament championships and the NCAA Championship in the same year, accomplishing the feat in both the 2001–02 and 2002–03 seasons;

Whereas Wake Forest University field hockey team members Kelly Dostal, Kelly Doton, Katie Ridd, and Lucy Shaw were honored as All-Americans for the 2002–03 season by the National Field Hockey Coaches Association;

Whereas the Wake Forest University field hockey team had more members honored as All-Americans than any other collegiate field hockey team in the Nation;

Whereas Head Coach Jennifer Averill was named the Field Hockey Coach of the Year for 2002 and 2003 by the National Field Hockey Coaches Association;

Whereas the Wake Forest University field hockey team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate field hockey's highest honor; and

Whereas the Demon Deacons have brought pride and honor to the Wake Forest University community and to the State of North Carolina: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Wake Forest University Demon Deacons field hockey team for winning the 2003 National Collegiate Athletic Association (NCAA) Division I Field Hockey Championship;

(2) recognizes the achievements of all the field hockey team's players, coaches, and staff and invites them to the United States Capitol to be honored in an appropriate manner;

(3) requests that the President recognize the field hockey team's accomplishments and invite the team to the White House for a ceremony in honor of their National Championship; and

(4) directs the Clerk of the House of Representatives to make available a copy of this resolution to Wake Forest University for appropriate display.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 3, 2004, the gentleman from North Carolina (Mr. BURR) is recognized for 1 hour.

GENERAL LEAVE

Mr. BURR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 497.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a proud alumni and as a former athlete of Wake Forest University, it is my privilege to bring before this House this resolution.

On November 23, 2003, the Wake Forest University field hockey team won the NCAA Division I–A field hockey championship by a score of 3 to 1 over the Duke Blue Devils. Having also won the 2002 championship, the Lady Deacons became only the third school in Division I history to have won back-to-back championships.

The team was led by 2002 and 2003 Coach of the Year, Jennifer Averill, and 2003 All-Americans Kelly Dostal, Kelly Doton, Katie Ridd, and Lucy Shaw.

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The Deacons started and finished the season ranked number one by the National Field Hockey Coaches Association. They outscored their opponents 96 to 13, and they finished the year with a record of 22 and 1. The seniors finished their careers with an overall 88 and 12 record, 2 NCAA championships, 4 final-4 appearances, and 2 ACC championships. The team won the 2003 ACC regular season, ACC tournament, and the NCAA tournament, only the second time any athletic team at Wake Forest has achieved such an accomplishment. The only other team in school history that shares its distinction with last year's field hockey team was in fact the famous golf team of Jay Haas, Curtis Strange, and Lanny Wadkins who won back-to-back NCAA championships for Wake Forest.

Mr. Speaker, this resolution is but one of many awards and accolades these young ladies will receive this year. As true student athletes, though, they will all receive the most valuable award after completing their studies: a degree from one of the most prestigious and respected universities in the country.

I want to also congratulate the athletic director, Ron Wellman, and the school president, Tom Hearn, and the entire Wake Forest community and wish the field hockey team the best of luck as they seek their third consecutive title next fall.

Mr. Speaker, before I relinquish my time, since we will in a few minutes acknowledge the great success of the New England Patriots and their victory in the Super Bowl, let me take this opportunity to say as a football fan and as a Carolina Panthers fan that I congratulate the Patriots, and I also think that for football fans across this country, regardless of their allegiance, it was one of, if not the best, Super Bowls in history.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BURR. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding. As the Member who has the honor of representing the district in which the Patriots play their home games, I very much appreciate, as I know the team does, the graciousness of the gentleman's remarks.

Mr. OLVER. Mr. Speaker, western Massachusetts has long been known to all in the sport of field hockey as a place to look for the rising stars of the game. Wake Forest University was lucky to get two of our best, Kelly Doton of Greenfield and Kelly Dostal of Hatfield.

I have no doubt that the successes both Kelly Doton and Kelly Dostal accomplished at Greenfield High School and Smith Academy paved their way for winning the NCAA Division I Field Hockey Championship. Their contributions to the Wake Forest team earned them both All-American honors.

In December, the United States National Field Hockey Association named Kelly Doton National Player of the Year. This award came after an exceptional career at Wake Forest that included being named to the NCAA All-Tournament team four consecutive years and receiving the ACC Player of the Year award for 2002 and 2003.

Kelly Dostal has enjoyed similar success at Wake Forest. The Hatfield, MA, native was the

country's leading field hockey scorer this past season. Kelly is also the youngest player to have ever been named to the U.S. National Team. There is no doubt that Kelly will continue her long list of accomplishments in her last season this fall.

I extend my congratulations to both Kelly Doton and Kelly Dostal for their individual and team accomplishments. Greenfield, Hatfield, and all of the First District of Massachusetts are proud of their acomplishments.

Mr. BURR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RENZI). Pursuant to the order of the House of Tuesday, February 3, 2004, the resolution is considered as read for amendment and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING ST. JOHN'S UNIVERSITY ON WINNING THE 2003 NCAA DIVISION III FOOTBALL NATIONAL CHAMPIONSHIP

Mr. KENNEDY of Minnesota. Mr. Speaker, pursuant to the order of the House of February 3, 2004, and as the designee of the majority leader, I call up the resolution (H. Res. 493) congratulating the St. John's University, Collegeville, Minnesota, football team on winning the 2003 NCAA Division III Football National Championship, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of House Resolution 493 is as follows:

H. RES. 493

Whereas St. John's University defeated Mount Union College of Alliance, Ohio, by a score of 24–6 in the 2003 Amos Alonzo Stagg Bowl on Saturday, December 20, 2003;

Whereas St. John's finished the season 14–0 and is the winningest football program all-time in Division III at 508–213–24 in their 93 seasons;

Whereas this is St. John's first national championship since 1976 and fourth in school history;

Whereas this football championship capped a season in which St. John's Coach John Gagliardi became the all-time winningest football coach in NCAA history;

Whereas Blake Elliott, St. John's senior wide receiver, was the recipient of the 2003 Gagliardi trophy as the outstanding Division III college football player;

Whereas the St. John's University Johnnies snapped Mount Union's NCAA-record 55-game winning streak in the championship game; and

Whereas three chartered planes full of loyal St. John's fans were among the 5,073 people who watched the Stagg Bowl in the freezing cold of Salem, Virginia, and many more watched the nationally televised game: Now, therefore, be it

Resolved, That the United States House of Representatives congratulates the St. John's University, Collegeville, Minnesota, football team on winning the 2003 NCAA Division III Football National Championship.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 3 of 2004, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 1 hour.

Mr. KENNEDY of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor and congratulate the St. John's University football team from Collegeville, Minnesota on their NCAA Division III National Championship.

The Johnnies were underdogs in the championship game against Mount Union College of Alliance, Ohio on December 20, 2003, because Mount Union entered the game with an NCAA record, a 55-game winning streak, and had won 109 of their 110 previous games.

But as senior wide receiver Blake Elliott, winner of the Gagliardi Trophy said, all it took was 52 guys believing, and believe they did, and so did the other players, students, professors, monks, alums like myself and my family, and proud parents in Minnesota scattered throughout the country and on that frigid field in Virginia.

The Johnnies put on quite a show for the fans of all ages. For the 3 chartered planes full of St. John's faithful who braved the Minnesota-like weather on the East Coast and the many more watching on nationally televised TV, St. John's put on a great game. They finished a perfect 14 and 0 season with a 24–6 victory in the 2003 Amos Alonzo Stagg Bowl, the Division III championship game. This team victory capped off a season that also saw Coach John Gagliardi become the all-time winningest football coach in NCAA history, earning him a trip to the White House. This is St. John's fourth national championship in school history, and highlights the tradition that has brought national attention to St. John's and its partner school, the College of St. Benedict in west central Minnesota. They are both exceptional liberal arts schools with a proud Catholic Benedictine tradition.

I am proud to have been able to have followed closely each of the last two St. John's championship seasons. I was a student for the most recent championship in 1976 and now am proud to represent St. John's in my congressional district. As an alum and a fan of St. John's football, I try to make as many games as possible. The alums, professors, monks, local fans, and students alike watched the Johnnies play football in the recently renovated Clemens Stadium, set in a beautiful natural bowl that seats about 5,000 fans; although many more attend the games, like the 13,000 fans that attended the game against Bethel College to break the all-time coach and win record, as anybody who comes to the stadium can get in.

The St. John's tradition is woven into these games, which can become more of a reunion than a mere football game, where fathers and grandfathers who played for St. John's come to watch their sons and grandsons play. Before the game begins, the St. John's men's chorus sings the National Anthem and the Johnny Fight Song, and all former men's chorus singers, including me, get a chance to come down and join in. Every player that goes out for the football team dresses for home games and the sidelines are filled with over 150 players. John Gagliardi joked to me that St. John's is the only team that gets penalties for having 2 players with the same number on the field at the same time, because John plays everyone he can.

But the tradition at St. John's goes well beyond the football team. It extends to the classrooms and to the monastery. Players are expected to be student athletes and many of them go on to success in a wide variety of their chosen careers. In fact, during John's 51 years coaching at St. John's, no player has failed to graduate, and most do so in 4 years.

Student life at St. John's is intertwined with the monastery life, as many of the resident directors and the professors are monks living at the on-campus monastery. Monks attend the games and are said to, on more than one occasion, tell the coaching staff that if the players just get the ball close enough, they will pray it in. This partnership shows the camaraderie, team spirit, and drive that leads to the success that is alive and the students that play football for St. John's year after year, and it is one we celebrate here today.

Therefore, I once again congratulate the players, coaches, parents, and all of those associated with St. John's on the team's national championship and encourage the House to pass this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 3, 2004, the resolution is considered as read for amendment and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE NEW ENGLAND PATRIOTS FOR WINNING SUPER BOWL XXXVIII

Mr. BRADLEY of New Hampshire. Mr. Speaker, pursuant to the unanimous consent request of February 3, 2004, I call up the Resolution (H. Res. 512) congratulating the New England Patriots for winning Super Bowl XXXVIII, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of House Resolution 512 is as follows:

H. RES. 512

Whereas, on February 1, 2004, at Reliant Stadium in Houston, Texas, the New England Patriots defeated the Carolina Panthers 32–29 in Super Bowl XXXVIII;

Whereas this victory is the second world championship for the Patriots in the last three years, the first being a 20–17 victory over the St. Louis Rams in Super Bowl XXXVI;

Whereas the Patriots' victory over the Panthers is the fifteenth straight victory for New England, setting franchise records for consecutive wins and most wins in a season;

Whereas Coach Bill Belichick, stressing teamwork and determination, led his players to the best record in the National Football League through the regular season with a 14–2 mark;

Whereas the Patriots' ability to win despite serious injuries is a testament to the coaching staff and the team's desire to once again hoist the Lombardi Trophy;

Whereas quarterback Tom Brady was selected as the Super Bowl's Most Valuable Player for the second time, becoming the youngest quarterback to win two Super Bowls and two Super Bowl MVP awards; and

Whereas all of New England is proud of the accomplishments of the entire Patriots organization and the dedication of the ever faithful New England fans throughout the 2003–2004 NFL season, Now, therefore, be it

Resolved, That the House of Representatives commends the World Champion New England Patriots for their extraordinary victory in Super Bowl XXXVIII.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 3, 2004, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 1 hour.

Mr. BRADLEY of New Hampshire. Mr. Speaker, before I yield myself such time as I may consume, for purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank my colleague and friend from New Hampshire for his graciousness in yielding to me, and I yield myself such time as I may consume. I am glad to be along with him and many of our colleagues from New England cosponsoring this resolution congratulating the New England Patriots on their second Super Bowl title in 3 years.

I have said this before, Mr. Speaker. In the profession which we have chosen and are lucky enough to have had some success in, we sometimes find ourselves being blamed for things that are not our fault. But those occasions are offset by those times when we can bathe in entirely unearned glory.

The New England Patriots, as they now are, are an excellent team that did a superb job, well coached; they dealt with injuries, they held together, compiled a superb record. And those who represent New England in Congress get to stand up here and bathe in their glory. I am grateful to them for winning the championship and for the fact that we can do that.

I do not think politicians ought to insinuate ourselves into professional sports. It has been my experience that at professional sports events, the needed ones are the fans. So we are not trying to do that. What we are doing jointly is to pay our respects to a group of very dedicated, hardworking young men.

Let us be clear. To do what any professional football team does, particularly to do what the Patriots do, requires a degree of discipline and dedication and willingness to do hard physical work in very adverse weather conditions. They are very well coached. The ownership of the team deserves credit.

I will make just one political point. I am very proud to note that the stadium in which they won so many of their games and from which they went out to win the Super Bowl championship, in the town of Foxborough, Massachusetts that I represent, was not built with public money. This is an indication that there is no need to go to the taxpayers to get money to build public stadiums. There is an ability to do that when a team is well-run and well-managed and well-owned by private capital.

So I really want just again to say how proud the people, not just of the town of Foxborough or my district or northern Massachusetts are, but all over New England, as my colleague from New Hampshire makes clear, because as the team is the New England Patriots, we had to import somebody from New Hampshire, because Massachusetts is incapable at this point just technically of bipartisanship on our own. But I really appreciate the gentleman from New Hampshire's cooperation, and congratulations to the New England Patriots for doing an important thing so well.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Massachusetts (Mr. FRANK) for sponsoring this resolution saluting the New England Patriots in their second Super Bowl championship in the last 3 years, and I yield myself such time as I may consume.

It is indeed an honor to be able to stand here tonight, Mr. Speaker, and talk not only as a fan but as a person from New England about what it means to our region to be able to salute these New England Patriots. We are always grateful in New England, having rooted for the Red Sox for so long and witnessed so many heartbreaking seasons, for well-coached, well-run, well-organized teams that win and bring home the ring.

So many individuals need to be saluted, but it is important to note that when we talk about the New England Patriots, we talk about teamwork. We talk about cooperation. We talk about individuals in high-profile positions subverting themselves to the greater good of the team, and that has always been the history of this team that had to recover from injuries, that had to recover from the loss of major free agents at the beginning of the season and still, despite those setbacks, were able to win.

But it is also important for us to note several individuals that have made not only this season possible, but others in the past. It starts with the ownership of the New England Patriots. Mr. Bob Kraft and his sons have just done a tremendous job bringing back first-class football to New England and keeping the franchise in Massachusetts. And were it not for the Kraft ownership and all of the things that they have done to make this possible, we would not be seeing that success today.

The coaching staff led by Bill Belichick has done just a stupendous job of putting together unique individuals and making the team function as something that is greater than the sum of all of the parts.

But Bill Belichick cannot do it by himself. He has a tremendous staff in the front office all the way down to the trainers and the people that work in public relations. From the top to bottom, the Patriots' organization is a tremendously well-run organization. The players are, bar none, the best team in the league. And when Adam Vinatieri kicked that field goal, even though he had missed 2 already that afternoon, you knew that he was going to kick the third one and that we would win again.

□ 1900

Also, in need of being saluted are long time announcers Gil Santos and Gino Cappelletti, the voices of the New England Patriots who for many, many years kept the faith alive.

And perhaps the most important people that need to be celebrated are the fans of New England who have never given up on their team not only this year but for the last several years and braved the coldest of cold weather, the snowiest of snowy days, and were outnumbering the Carolina fans in Houston last week by 100 to 1.

But as we celebrate the Patriots, let us also not forget the fine teams that they beat all year, starting with the Carolina Panthers who no one gave a chance to be successful in the Super Bowl last week who played a tremendous game. It was one of the greatest games in the history of the National Football League.

The Patriots also beat two other fine teams in the playoffs: the Indianapolis Colts and the Tennessee Titans and had a tremendous regular season where they won 12 in a row and then three playoff games. Hopefully, we will continue this next year and do it one game at a time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank the gentleman from New Hampshire (Mr. BRADLEY) for yielding. And when I was over at my office and you were praising the fans who had braved the cold weather those two playoff games, I said he must be talking about me. I have been a season ticket holder since 1986. So I wanted to come to the floor and join you in giving credit to this outstanding organization.

And the interesting thing about it is when Robert Kraft and his family bought this franchise, they were literally headed to St. Louis. In fact, the Kraft family could have made a lot of money simply by allowing a group of investors from St. Louis to buy out his interest in the stadium and in the contract that the team had with the stadium at that time.

I also want to congratulate the Kraft family for the outstanding organization that they have set up, and also Coach Belichick. It is interesting there are a lot of people that criticize Bob Kraft, who went out and gave up draft choices in order to get Bill Belichick away from the New York Jets. And a lot of my colleagues who were Jets fans thought they had gotten a great deal because they got draft choices.

And Bill Belichick has done an outstanding job in terms of fostering team work. This is a team that gets introduced before games as a team. I think all of us see in professional sports a lot of things that we do not necessarily like, the sort of ''me generation'' of individuals getting all the credit. That does not happen on this team. And I think that sports leagues across America could learn a lot by looking at the success of this team, the fact that so few players made the Pro Bowl.

And, finally, the individual players on that team, starting with their quarterback, they exemplify the best. I know I had an opportunity to be at the White House when Tom Brady was there. A lot of people thought it was a political thing. It was not a political thing. The Patriots players contribute to the community. They are involved in the community day in and day out. And I was proud that Tom Brady was here that evening for the State of the Union.

And I am looking at next year. As my colleague acknowledged, we have two picks in the first round, two picks in the second round, one pick in third round, and two picks in the fourth round. It seems to me that we have the opportunity to have a top-notch team each and every year.

I probably have more information that we could go on. But I am glad that this resolution is before the House.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield myself such time as I may consume and thank my colleague from Massachusetts (Mr. MEEHAN) for giving that wonderful description of the Patriots and the fact that he was one of the brave 70,000 people that braved well below zero weather to root on the Patriots against the Tennessee Titans.

Once again, Mr. Speaker, one of the greatest games in Super Bowl history. We all from New England, fans, everyone all across the spectrum of New England salute our Patriots.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I want to make the point that one of the reasons why I was able to brave the cold weather was because I was wearing Malden Mills Polar Tec, which is a great product that you and I have worked together to try to help that company. That is why I was so warm during those games because I had Malden Mills Polar Tec, manufactured right in Lawrence, Massachusetts.

Mr. BRADLEY of New Hampshire. Mr. Speaker, he is very right. I wear it all the time as I climb 4,000-foot mountains. I urge passage of this resolution.

Mr. MCGOVERN. Mr. Speaker, I would like to thank the gentleman from Massachusetts, Mr. FRANK, and the gentleman from New Hampshire, Mr. BRADLEY, for bringing this resolution honoring the New England Patriots for their Superbowl victory to the floor today.

Mr. Speaker, I want to offer my own congratulations to the Patriots for winning Superbowl XXXVIII, their 2nd championship in 3 years. The team has come together again this year, and proven to us that they truly are World Champions.

While some around the Nation may know of our quarterback, Tom Brady, the majority of players on our team are not the superstars found in other cities across the country. However, we in New England know Troy Brown, Tedy Bruschi and Ty Law, not just for their individual accomplishments but for what they are a part of—a team.

Mr. Speaker, Coach Bill Belichick said it best when he reminded the faithful fans that the players ''gave up a little of their individuality'' for the greater goal. ''That's what they did, and that's why they're champions.'' They have demonstrated to us and the rest of the world that winning a title isn't about statistics and breaking records, but instead about team work and focus.

In addition to the Patriots' coaches and players, the team is guided by a terrific management team. Robert and Jonathan Kraft have worked tirelessly to build a strong organization and they also deserve praise today.

I want to thank each and every player and coach on the team for showing their fans, the country and the world, that old-fashioned teamwork comes out ahead. Congratulations to the New England Patriots and to their fans.

Mr. LANTOS. Mr. Speaker, I am delighted to rise in support of H. Res. 512, congratulating the New England Patriots for winning Super Bowl XXXVIII. The Patriots victory is again cause for celebration on both coasts as fans in San Mateo, California and the San Francisco Peninsula join in celebrating native son Tom Brady, the MVP Quarterback for the Super Bowl champion Patriots.

Under the glaring lights of Reliant Stadium in Houston, and before an estimated worldwide audience of one billion viewers, Tommy Brady, as he is known in San Mateo, showed the remarkable poise and the expert leadership that his teammates and Patriot fans have come to expect. He calmly guided his team down the field toward Super Bowl victory in what may have been the greatest Super Bowl of all time.

In fact, during the game's final drive, with the game tied, and under what must have been great pressure, Tom Brady rose to the task by completing four out of five passes to set up the game-winning field goal.

Mr. Speaker, I am delighted to support this legislation as well as to pay tribute to Tom Brady, who from his days of flag football on Portola Drive in San Mateo, to the fields at Juniperro Serra High, to the University of Michigan, to the National Football League and being named Most Valuable Player of Super Bowl XXXVI and XXXVIII, has always played with confidence and charisma and found success at every level. It is obvious from watching Tom Brady play that he truly loves the game of football. He always smiles, and his enthusiasm and confidence is infectious to his team. As one of his wide receivers said, ''You can't say enough about that kid. He has a tremendous amount of confidence, and it rubs off on everyone else.''

Now, only 26 years of age, and the youngest quarterback to have two Super Bowl MVP awards and two Super Bowl Championship rings, fans around the league anxiously await his future accomplishments. His stellar performances as well as uncanny ability to guide his teams to come from behind victories has reminded many of another quarterback with Bay area ties, former San Francisco 49er and Hall of Famer, Joe Montana.

On behalf of the city of San Mateo and football fans everywhere, I wish him continued success in his already remarkable career and strongly urge my colleagues to vote in favor of H. Res. 512.

Mr. OLVER. Mr. Speaker, on Sunday, February 1st, the New England Patriots won their second Super Bowl in 3 years. The Patriots' season was a testament to teamwork, dedication, and determination in the face of adversity. Bouncing back from an opening day loss, the Patriots came together to put forth a season that will be remembered as one of the greatest in New England history.

At no time in the season did any member of the Patriots profess to be more important than any other, and at no point did the loyal fans' support wane, even in the harshest conditions. The New England Patriots are a shining example of all that is good in sports: teamwork, sacrifice, and humility. They are deserving champions, and I am proud to join my New England colleagues in co-sponsoring this resolution honoring the Super Bowl XXXVIII Champion New England Patriots.

Mr. CAPUANO. Mr. Speaker, I rise today to offer my enthusiastic congratulations to the New England Patriots, Super Bowl Champions for the second time in three years.

When the Patriots celebrated their first Super Bowl title in team history two years ago, the excitement that we all experienced was unparalleled. This year, with the team's second victory, we may have surpassed the joy of that first win. I think every New Englander was filled with pride yesterday, as a crowd of over 1.5 million fans turned out in chilly temperatures to fill the streets of Boston. We watched the fans on City Hall Plaza cheer as the Patriots, led by their team owner Bob Kraft, gifted Head Coach Bill Belichick, and players now known on a first name basis—such as Tom, Ty, and Adam—took to the stage.

These fans were cheering more than just a Super Bowl victory. This team of New England Patriots exemplified hard work, determination, and humility. They worked together as a team above all else, and respected all of their opponents, regardless of their records. It was this dedication that led to their amazing streak of 15 straight wins, the longest winning streak in the NFL in more than 30 years. Throughout it all, they had a keen awareness of what their quest meant to the fans of New England who

have supported them through the good years and bad ones. They were a source of joy, hope, and inspiration. We admire the Pats for their achievements and look forward to win number three.

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate the New England Patriots on their thrilling victory in Super Bowl XXXVIII. In a season of tremendous adversity marked by difficult early-season losses and numerous injuries, this team displayed the values of hardwork and determination that so epitomize the region from which they hail. After beginning their season with a heart-breaking defeat at the hands of the intra-division rival Buffalo Bills, the Patriots went on to win all but one of their next fifteen games, including a franchise-record twelve-game winning streak. Ignoring the seemingly relentless skeptics, the Patriots defeated a hard-nosed Tennessee Titan team and halted the high-octane Indianapolis Colts to gain a spot on the world's biggest stage in Super Bowl XXXVIII.

One again relying on the leadership of quarterback Tom Brady and the steady foot of kicker Adam Vinatieri for last-second heroics, the Patriots defeated a stubborn Carolina Panther team to earn their second Super Bowl victory in the past three years. Abiding by the values of teamwork and perseverance instilled by head coach Bill Belichick, the New England Patriots are an example to all Americans of what it means to be a true champion. In addition, I would particularly like to congratulate Mike Cloud, a resident of Rhode Island, on being part of a team that makes all of New England proud.

I hope our colleagues will join me in congratulating the Super Bowl champion New England Patriots.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 3, 2004, the resolution is considered read for amendment and previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OVERTIME REGULATIONS AND VETERANS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as one of the chairmen of the two labor committees here in the House and as a veteran, I am here to denounce an effort by Big Labor to scare our Nation's veterans and service men and women into thinking the Department of Labor is out to take away their overtime. The Department of Labor is working on revisions to the regulations governing overtime pay. These regulations would provide 1.3 million more Americans with overtime and help millions of hard-working people in this country.

Let me be absolutely clear, the Department of Labor's proposed overtime regulations do not apply to the military, and nothing in existing law or the proposed regulations suggest that being a veteran would have any effect on overtime pay. It is a sad day indeed when the men and women of our forces are exploited for political gain. Opponents of these regulations ought to be ashamed.

SECRETARY OF LABOR,
Washington, January 27, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I write to provide you with the facts to correct the record following last week's Senate floor debate on the Consolidated Appropriations Act with regard to the Department of Labor's proposed revision of the Fair Labor Standards Act's overtime exemption regulations. I also would like to thank you for your support and leadership on this important issue.

The recent allegations that military personnel and veterans will lose overtime pay, because of proposed clarifications of the Fair Labor Standards Act (FLSA) ''white-collar'' exemption regulations, are incorrect and harmful to the morale of veterans and of American servicemen and women. I want to assure you that military personnel and veterans are not affected by these proposed rules by virtue of their military duties or training.

First, the Part 541 ''white collar exemptions'' do not apply to the military. They cover only the civilian workforce.

Second, nothing in the current or proposed regulation makes any mention of veteran status. Despite claims that military training would make veterans ineligible for overtime pay, members of Congress should be clear that the Department of Labor's proposed rules will not strip any veteran of overtime eligibility.

This has been one of many criticisms intended to confuse and frighten workers about our proposal to revise the badly outdated regulations under the FLSA ''white collar'' exemption regulations. It is disheartening that the debate over modernizing these regulations to meet the needs of the 21st Century workforce has largely ignored the broad consensus that this rule needs substantial revision to strengthen overtime protections.

The growing ambiguities caused by time and workplace advancements have made both employers' compliance with this rule and employees' understanding of their rights increasingly difficult. More and more, employees must resort to class action lawsuits to recover their overtime pay. These workers must wait several years to have their cases adjudicated in order to get the overtime they have already earned. In fact, litigation over these rules drains nearly $2 billion a year from the economy, costing jobs and better pay.

I hope that this latest concern will be put to rest immediately. Once again, I assure you that military duties and training or veteran status have no bearing on overtime eligibility. We hope that future debate on this important provision is more constructive. If we can provide further assistance in setting the record straight, we would be pleased to do so. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ELAINE L. CHAO.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. RENZI). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ASSOCIATION HEALTH PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS asked and was given permission to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I wanted to come to the House tonight and talk about the Republican agenda for taking care of the uninsured. The uninsured remain a major problem in this country, and I think we have a unique opportunity in front of us this year for actually reducing significantly the number of uninsured in this country.

The President actually gave mention of this in his State of the Union address here a little over a week ago. There are three Republican bills out there right now that would significantly impact downward the number of uninsured of this country.

Mr. Speaker, my colleagues recall we passed in this House as part of the Medicare bill the bill that would allow expansion of health savings accounts. This is an issue that is near and dear to my heart because I had an Archer MSA for a number of years back when I was in my private medical practice, and I know the power of these accounts in being able to allow an individual to build wealth and build wealth that is dedicated to their health care needs.

This is the single best way to enhance the consumer aspect of health care in this country, which I believe is an aspect that is absolutely critical.

With a health savings account, an individual can choose their own doctor. There is nothing more fundamental in this country in the private practice of medicine than being able to choose your own physician. One can consult with your physician about services that one needs. One is not consulting with an HMO board somewhere. You are actually making these decisions yourself with your physician in the treatment room. There is no question that health savings accounts allow the

maximum amount of portability because one is not relying upon some program or some insurance benefit. The individual owns the money.

As Republicans, we hear it over and over again: we like to own things. In this case, one keeps control of that money. If a person loses their job, that money stays with them. It is there for the purchase of COBRA benefits should they need it or to tide you over until one obtains health insurance benefits with another job.

This is an important point that I do not think a lot of people understand. I had a medical savings account for my last 5 years in the private sector. I came to Congress. A medical savings account is not available to Members of Congress, or at least it was not last year when we were sworn in. That money that I had in the medical savings account remains for me in that account. It is growing year by year through the miracle of compound interest.

And should I go back to the private sector at some time, I fully would expect to use that money to once again join another medical savings account somewhere else.

Another program that the President spoke to the other night when he was here, and this is an extremely important point, and, realistically, Mr. Speaker, we cannot get this one done fast enough. In fact, the House has already passed association health plans. We did this last June. This proposal would give small businesses the ability to band together across State lines, if need be, to purchase health insurance as part of a larger group. This gives small businesses greater bargaining power when it comes to the health coverage needs of their employees.

In addition to that, it lowers administrative costs. The other body has this bill. Of course, I encourage them to take this up and pass needed relief for Americans working for small businesses.

Association health plans will decrease the number of uninsured and give small businesses the ability to offer health insurance to their employees that they previously might not have been able to afford or in subsequent years would have to abandon because of the cost.

This is a win-win situation for the employee and for the business owner. Finally, the President spoke to the issue of tax credits for the uninsured. This is probably one of the most powerful ways to really reduce the number of uninsured in this country. The gentlewoman from Texas (Ms. GRANGER) has offered this bill. I am happy to be a cosponsor of this bill. I look forward to us moving this bill forward in the House this year. I was glad the President spoke to that.

Mr. Speaker, one might ask how many people will be helped with these three proposals that are out there now. You get a number of estimates around from different people, some more optimistic, some more pessimistic. I think we would all agree as Republicans one probably could not get a more pessimistic estimate than from Roll Call. Mr. Morton Kondracke in his Pennsylvania Avenue column from January 26, that was a week ago Monday, Mr. Kondracke was actually critical of the President's State of the Union address about not doing more for the uninsured.

But by Mr. Kondracke's own figures, we would reduce the number of uninsured in this country by 10 million over this next year simply by doing these three proposals which are all easily within our grasp.

Medical savings accounts have been done; association health plans have been done in the House awaiting action over in the other body; finally, tax credits for the uninsured, something we can take up and do with a minimum of heavy lifting this year.

Mr. Kondracke goes on to say that the association health plans would provide relief for 2 million workers. Health savings accounts would benefit an additional 4 million people, and the tax credits would benefit another 4 million people. This is 10 million. This is one quarter of the uninsured in this country done in this year.

So, Mr. Speaker, I think we have got a message in front of us that is just too powerful to ignore. And I look forward to working with my friends on both sides of the aisle to get these three things done this year and get them working for the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEPARTMENT OF VETERANS AFFAIRS BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker and colleagues, I was truly sad when today in the Committee on Veterans' Affairs hearing I saw the figures in the administration's budget request for the Department of Veterans Affairs for the coming fiscal year.

Last year in an effort that was actually just completed a couple weeks ago, many Members of Congress, both Republicans and Democrats, worked with the support of our Nation's veteran service organizations to finally arrive at a budget, while not completely adequate, at least addressing many of the needs of our veterans.

So I was very disheartened to find ourselves in the same place we were a year ago. We were faced with the same tired old proposals to raise the copayments on prescription drugs at the VA, a proposal that Congress soundly defeated probably many times.

We are faced with a proposal for a $250 annual fee for many veterans, which Congress also has defeated. So we are faced with a VA policy of continuing to suspend enrollments for the so-called priority 8 veterans. These are veterans, but they cannot be enrolled because we cannot handle them.

□ 1915

And this budget request from the administration cuts the VA nursing home program and cuts funding, if you can believe this, for medical research. Imagine how our veterans must feel. Actually, we know how they feel. The Paralyzed Veterans of America has issued a press release entitled. ''Another Year, Another Inadequate Budget Request for Veterans' Health Care.''

They go on to point out that this request includes the lowest appropriation request for VA health care made by any administration for a decade. Although the VA Under Secretary for Health has testified that an average yearly medical care increase of 12 to 14 percent is needed to meet the cost of inflation and mandatory salary increases, there is less than 2 percent more than last year's appropriation recommended in the President's budget.

Likewise, the leaders of the Veterans of Foreign Wars and other veterans organizations have expressed dismay, if I can say the least, at the proposed VA medical care funding. In fact, I feel I should just pull out the old tapes and old speeches from last year and rerun them, except it is not last year. And since the last budget request from this administration, the Nation has sent our young men and women to a war in Iraq, and they will be coming home as, guess what? Veterans.

Caring for our veterans is one of the costs of war, and the budget request does not take note of this fact.

I have enormous respect for Secretary Principi, who I believe does a great deal with inadequate budgets. But even this Secretary, or should I say especially this Secretary, needs a Congress that will pass a budget that is worthy of our veterans.

So sign me up for the battle again this year. Whatever is needed we will do to fill the budget holes that the President has left in this fiscal year.

Most of all, let us take note that this budget request points out the need for mandatory funding for VA health care. Let me repeat, mandatory funding of VA health care. It is now called discretionary, so we have to go through this battle every single year. Let us pass mandatory funding for VA health care so we will not have to rerun the same tapes next year and the next year and the next year.

CONGRESS MUST DECLARE WARS

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of

the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, there is plenty of blame to go around for the mistakes made in going to war in Iraq, especially now that it is common knowledge that Saddam Hussein told the truth about not having weapons of mass destruction and that al Qaeda and 9/11 were in no way related to the Iraqi Government.

The intelligence agencies failed, for whatever reason this time, but their frequent failures should raise the question of whether or not this secret spending of $40 billion annually of the taxpayers' money is a good investment. The administration failed in making the decision to sacrifice so much life and limb by plunging us into this Persian Gulf quagmire that will surely last for years to come. But before the Congress gets too carried away with condemning the administration or the intelligence gathering agencies. It ought to look to itself.

A proper investigation and debate by this Congress, as we are now scrambling to accomplish, was warranted prior to any decision to go to war. An open and detailed debate on a declaration of war resolution would certainly have revealed that the U.S. national security was not threatened and the whole war could have been avoided. Because Congress did not do that, it deserves the greatest criticism for its dereliction of duty.

There was a precise reason that the most serious decision made by a country, the decision to go to war, was left by our Constitution, to the body closest to the people. If we followed this admonition, I am certain that fewer wars would be fought, wide support would be achieved for the sacrifices, there would be less political finger-pointing when events go badly, and blame could not be placed on one individual or agency. This process would more likely achieve victory, which has eluded us in recent decades.

The President has reluctantly agreed to support an independent commission to review our intelligence gathering failures and that is good. Cynics said nothing much would be achieved by the commission studying the pre-9/11 failures but it looks like some objective criticisms will emerge from that inquiry. We hope for the best in this newly named commission. But we already hear that the inquiry will be deliberately delayed, limited to the failure of the agencies, and may divert into studying intelligence gathering related to North Korea and elsewhere.

If the inquiry avoids the controversy of whether or not there was selective use of the information or undue pressure put on the CIA to support a foregone conclusion to go to war by the administration, the inquiry will appear a sham.

Regardless of the results, the process of the inquiry is missing the most important point, the failure of Congress to meet its responsibility on the decision to go or not go to war. The current mess was predictable from the beginning. Unfortunately, Congress voluntarily gave up its prerogative over war and illegally transferred this power to the President in October of 2002. The debate we are now having should have occurred here in the halls of Congress on a declaration of war resolution. Indeed, the Congress chose to transfer this decisionmaking power to the President in order to avoid the responsibility of making the hard choice of sending our young people into harm's way against a weak Third World country. This the President did on his own, with Congress' acquiescence. The blame game has only emerged now that we are in a political season. Sadly, the call for and the appointment of the commission is all part of this political process.

It is truly disturbing to see many who reneged on their responsibility for declaring or rejecting war in Congress by voting to give the President the power he wanted are now his harshest critics.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

(Mr. FEENEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE VALUE OF INVESTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

Mr. HONDA. Mr. Speaker, I would like to start out my comments with a quote. ''See, I ran for office to solve problems, not to pass them on to future Presidents and future generations.'' President Bush at a fund-raiser in Oregon, August 21, 2003.

Mr. Speaker, I believe our national budget should reflect a community's values and priorities. It should reflect the needs of the American people, including good jobs, safe community, quality education, and access to affordable health care.

In my home district in Silicon Valley, we understand the value of investment. This means crafting budgets based on right choices. Do we fund a trillion dollar tax cut or do we provide after-school programs for our children? Do we give away billions to HMOs or do we help seniors afford their prescription drugs? Do we increase tax breaks for the businesses that ship jobs overseas, or do we work to recover the 2.6 million manufacturing jobs lost in the past 3 years?

Unfortunately, the budget submitted by President Bush fails to fund priorities important to middle-class Americans. President Bush's budget has a different set of priorities: budget-busting tax cuts, fiscal irresponsibility, overpayments to HMOs, and reduced funding for important domestic programs.

President Bush's budget lays out $1 trillion for tax cuts but provides $9.4 billion less for education than was promised in the No Child Left Behind Act. In California alone, this will result in $897 million less for school districts through the title I programs and $105 million less for children with disabilities through the IDEA program. President Bush is eager to make his tax cut permanent and even make new ones. But he cannot seem to deliver the funds promised when he signed the No Child Left Behind Act nearly 3 years ago.

President Bush's budget includes $46 billion in overpayment for HMOs as a part of the Republican Medicare plan but it does nothing to lower the price of senior citizens' prescription medication.

President Bush has claimed for 3 years that his economic program would create jobs. But in that time the U.S. has lost nearly 3 million jobs. The President asserted in the State of the Union address that additional tax cuts would create jobs, but the numbers do not support this claim. This is not even a true budget because it will miss the costs of ongoing military operations in Iraq.

The budget also avoids long-term reform of the alternative minimum tax, even though the AMT will soon force millions of middle-class families to pay more taxes. And this is in direct contrast to the original intent of AMT. A recent estimate by the Congressional Budget Office put the full price tag of AMT reform at over $500 billion, a cost not factored in by the President's budget.

If this budget reflects President Bush's priorities, then it is clear where his priorities lie. President Bush has chosen the interest of an elite few over the needs of the many. I urge my colleagues to align their priorities with those of the American people and oppose the budget proposed by President Bush. That budget reminds me of Swiss cheese. It is full of holes.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

(Mrs. BLACKBURN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

MUSHARRAF'S ROLE IN NUCLEAR EXCHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to again discuss Pakistani government transfer of nuclear technology to rogue nations such as North Korea, Iran and Libya.

Pakistan's behavior has been publicized for months and months, but all of the blame for nuclear exchange has thus far been placed on the scientists involved, particularly Abdul Qadeer Khan at the Khan Research Laboratories. Although criminal action has been pursued against Khan, I have remained very concerned over President Musharraf's and his senior advisors' direct role in assisting covert nuclear weapons programs in North Korea, Iran, and Libya.

In the past few days, scientists involved in the Pakistani nuclear program as well as opposition leaders in the Pakistani Parliament have charged that Musharraf, in fact, had knowledge of the nuclear exchange, and the Pakistani military was directly involved. Mr. Speaker, I am simply outraged. Musharraf likely knew that the exchanges took place, and is not being honest about his connection to the activity at the Khan Research Laboratories. He is stretching the truth in order to protect himself as well as his relationship to the United States, and to guarantee the continued flow of military funding from international sources, including the United States.

In the past, I have requested that President Bush reimpose Symington sanctions on Pakistan. Under the 1977 Symington amendment, these sanctions were imposed banning Pakistan from receiving economic and military assistance as a result of importing uranium enrichment technology. After 9/11, this ban was waived by President Bush. Given the evidence, in combination with Musharraf's intent to deceive us about his knowledge of Pakistan's exports of nuclear technology, I feel that it is more important than ever for President Bush to reimpose Symington sanctions. Furthermore, it is imperative that the United States stop providing military assistance to Pakistan until democracy is restored and terrorist violence in Kashmir comes to an end.

Mr. Speaker, Pakistan has been an ally in the war against global terror, but the United States and Pakistan are at a crossroads. Pakistan's government's participation in nuclear exchange, under Musharraf, has helped to create a nuclear black market in Iran, Libya and North Korea to thrive. I shouldn't even have to mention the devastating effects of uranium enrichment materials falling into the hands of terrorist groups, but this in fact is a concern that has been facilitated by Pakistan.

The Bush administration has been praising Musharraf for removing Dr. Khan from his position as advisor to the Pakistani Prime Minister, but it is high time that the administration open its eyes to the reality of the situation and take immediate action against Pakistan.

WHERE IS THE COMPASSION?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today the majority of Republicans in this House voted against extending unemployment benefits. Every single Democrat voted to extend unemployment benefits. Let me say that again. Today the majority of Republicans in this House, which is supposed to be the people's House, voted against extending unemployment benefits. Every single Democrat voted to extend unemployment benefits.

How hopelessly out of touch with reality these House Republicans and their majority leader, the gentleman from Texas (Mr. DELAY) are. Have they not noticed the jobless recovery?

The gentleman from Texas (Mr. DELAY) said he would not support extending unemployment benefits. Let me remind him, unemployment benefits are earned benefits.

Every day our office gets phone calls from constituents asking whether Congress will extend their unemployment benefits, earned benefits. We are getting so many calls because hundreds of thousands of Americans have exhausted their unemployment benefits and they have not been able to find new jobs.

In our community Sunoco advertised for 10 jobs, and over 2,000 people applied. This week in my district another company is shutting down, Georgia Pacific, Dixie Cups, over 207 more jobs gone.

The good jobs just are not coming on line. The President says, bring it on. Well, I say, bring on the jobs. Where are they? So through no fault of their own, 9.1 million Americans are out of work. And with each passing month more and more of these unemployed Americans take a step closer to the brink as they find themselves not only out of work but also out of unemployment benefits which they have earned. No pay check coming in, bills to pay, no new jobs on the horizon, trying to hang on, and now no unemployment check. That is due to a Republican Congress that does not care.

Mr. Speaker, we all heard President Bush back when he was running as a moderate talking about compassionate conservative. Mr. Speaker, where is the compassion? People are getting desperate, but the Republicans in Congress are turning a deaf ear to their cries. Look what the Republican leadership did here today, voting no, the majority of Republicans voting no to extend unemployment benefits.

House Republican leaders said here tonight, there is no problem with no jobs. Just go out and try to find some. That is right. The Republican line is that the economy is back and there is no reason to pass unemployment benefits. They are so hopelessly out of touch.

George W. Bush is the first President since Herbert Hoover who has lost more jobs than he has created. Where is the compassion for the 395,000 workers who exhausted their regular unemployment benefits on December 22, just before Christmas? Or what about the 400,000 workers who exhausted their benefits last month, the largest number of workers ever to exhaust unemployment benefits this past January?

The pain inflicted by the Bush administration's economic policies has spread from coast to coast. Hardest hit is North Carolina. More unemployed workers are expected to exhaust their jobless benefits than any other State, over 61,000 workers.

□ 1930

In nine States, the number of unemployed workers who will exhaust their regular benefits will set a new record. North Carolina, Michigan, Pennsylvania, Oregon, Indiana, South Carolina, Idaho, Vermont, Arkansas, where is the compassion for people in these States?

In 10 other States, the number of unemployed workers who will exhaust their regular benefits by summer will be the second highest on record: California; New York; Texas, where the majority leader is from; Ohio; Illinois; New Jersey; Wisconsin; Connecticut; Arizona; Nevada.

More than half the unemployed workers cut back on spending for food and more than half postponed medical or dental appointments. Without unemployment benefits, almost half the long-term unemployed workers would be in poverty. With unemployment benefits, only 19 percent would fall into poverty. Why is there not a resounding number of Republican Members who see extending unemployment benefits, which are earned benefits, as a matter of compassion?

They are so hopelessly out of touch. I hope that the American people will write the Members of the other body, the Senators, and tell them to pass an extension of unemployment benefits. That is our hope now that the majority of Democrats in this House have sent that bill for their approval.

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE NATION'S PROGRESS IN THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Mr. Speaker, I rise this evening with my fellow colleagues in the Congressional Black Caucus to discuss our Nation's progress in the war in Iraq.

First and foremost, Mr. Speaker, I would like to honor those soldiers who have paid the ultimate price of war through the sacrifice of their own lives. I continue to pray for their families and friends who are struggling to cope with their grief and loss.

I also pay tribute to the soldiers who have returned from Iraq, forever changed as a result of injuries sustained during their tour of duty. Just a week or so ago, I visited Walter Reed Army Hospital and looked into the faces of young 19 and 20 year olds as they told stories as to how they lost their legs or lost their arms or lost their hands. I said to one young man, How do you handle this? I mean, looking at your life and where you go from here, how do you handle this? He said, Well, I simply look at it as a day's work. As I stood there, I could not help but think about the fact that this young man, if he were to live another 50 years, will be living without a leg and without an arm. So we pay special tribute to these young people, many of whom just came out of high school, fighting a war.

So often, Mr. Speaker, the stories of the men and women performing their daily operations in Iraq get lost as we debate the merits of the war and our post-war intelligence, and I want to make it very clear that the Congressional Black Caucus has and will continue to support our troops. We see them as some very brave men and women who every day go out in sometimes 130 degree heat, in difficult circumstances, in many instances not having the proper equipment that they need although we paid for it; and yet and still they go out, and they give the best they have. So we honor them.

We read newspaper accounts here and television reports of another soldier killed in Iraq by a roadside bomb, and we are momentarily touched; but, ultimately, Mr. Speaker, after the moment has passed, our lives continue on. Unfortunately, the lives of the five soldiers who are reported to have died in Iraq from my home State of Maryland will not continue on. The families of Command Sergeant Major Cornell W. Gilmore, 45 years old; Lieutenant Kylan A. Jones, 31 years old; Corporal Jason David Mileo, 20 years old; Specialist George A. Mitchell, 35 years old; and Staff Sergeant Kendall Damon Waters-Bey, 29 years old. He was one who was either the second or third person to lose his life in Iraq, and we just want it made very clear that our prayers are with the families and friends of these strong and wonderful people.

Mr. Speaker, please do not mistake my intentions. I am not invoking the names and memories of our troops to fulfill any political purpose. Whatever the political affiliation of these soldiers and their families, they deserve to be remembered and honored for swearing to protect our freedoms and for laying down their lives in the pursuit of their mission.

Mr. Speaker, it is because of these courageous Americans that so many of my colleagues and I in the Congressional Black Caucus vehemently opposed launching war on Iraq. As elected representatives, we realize that the decisions we make here in the Congress of the United States of America reach far beyond these hallowed halls. We understand that the price of war cannot be captured in any budget.

Speaking of moneys appropriated by the Congress, just today we read in the news reports that Halliburton will be returning some $27 million to the Government of the United States because it overcharged our government; and I tell my colleagues, Mr. Speaker, it bothers me because I shall never forget that when the Congressional Black Caucus and others got up before this war started and began to talk about this war and began to address the issues of why we were going to do this preemptive strike when it seemed that inspections were working, when we talked about it was so important and we emphasized that we not lose lives if we could avoid it, when we asked the question how all of this would be paid for and we could not get the President to meet with us or even talk to us, but here and then we were called by some unpatriotic, unpatriotic. I ask the question, if that was unpatriotic, what is it when we have a corporation during a time of war that turns around and has to return some $27 million to the Treasury of the United States of America? That is a key question, and is that patriotic? I would submit to my colleagues that it is not.

The key is that as we debate over and over again the 9 million people who are unemployed in this country, when we debate over and over again the fact that there are 44 million people who have no health insurance, when we debate over and over again the fact that so many of our people are going through so many difficult circumstances, and then we think that as April 15 approaches people will be making sure that they write those checks out to the Government of this United States and then we turn around and find out that we have been overcharged $27 million, something is absolutely wrong with that picture.

Mr. Speaker, something is wrong with our auditing and oversight if a company like Halliburton can be paid that much for something they did not provide. The price of war is far greater than the original $79 billion funding request and even greater than the $87 billion supplemental request that Congress doled out to support the war effort last year.

The price of war is the human blood spilled in Iraq's deserts. The price of war are the tears of children shed over flag-draped caskets. The price of war are the widowed wives and husbands working a second job or collecting government assistance to support their families. The price of war is the young man who I ran into at BWI Airport the other day who said that he was a Reservist and because of the war he was not getting the type of money that he would normally get and he and his wife not only were getting divorced but the fact is that he was trying to find a way to file for bankruptcy.

War and death are inextricably linked, Mr. Speaker. Therefore, in our considerations to authorize war, we must decide whether the cause is great enough to die for. Mr. Speaker, I believe that fighting for freedom is always a worthy cause. As Martin Luther King once said, ''An injustice anywhere is a threat to justice everywhere.''

However, Mr. Speaker, that is not how the urgency of this war was communicated to the American public. President Bush did not initially come to the American people and say that we must engage our military forces to remove Saddam Hussein because he is a bad dictator and is oppressing his people. Rather, the President very clearly, time and time again, told the American people that Saddam Hussein had weapons of mass destruction and must be disarmed.

On October 16, 2002, the President said, ''The Iraqi regime is a serious and growing threat to peace. On the commands of a dictator, the regime is armed with biological and chemical weapons, possesses ballistic missiles, promotes international terror and seeks nuclear weapons.''

On January 16, 2003, President Bush, as the Commander in Chief, said, ''In the name of peace, if he does not disarm,'' talking about Saddam Hussein, ''I will lead a coalition of the willing to disarm Saddam Hussein.''

The message was clear and the stage was set. The United States had to deploy our troops and disarm Saddam Hussein.

But early last year, Mr. Speaker, we noticed a rather curious phenomenon. As the polling numbers for American approval of the war adjusted, so did the rationale the administration used to convince the American public that this war was not necessary.

Former Treasury Secretary Paul O'Neill is quoted as saying that he was surprised that no one in a National Security Council meeting ever asked why Iraq should be invaded. He was shocked, when he probably could have predicted that there would be so much death, that there would be so much harm not only to our American soldiers but to innocent Iraqi people by the thousands. He sat there shocked that no one asked the question why are we going to invade Iraq.

In a recently published book describing the operations of the Bush White House, Secretary O'Neill says, ''It was all about finding a way to do it. That was the tone of it. The President saying go find me a way to do this.''

Mr. Speaker, the conscience of the Nation should be shocked and awed by

this sort of back-door and backup policy-making. The lives of our American soldiers should not have been bartered away in closed-door meetings between people whose own children are not asked to stand in harm's way.

Mr. Speaker, I cannot help but think of Staff Sergeant Kendall Waters-Bey. The family of United States Marine Staff Sergeant Kendall Damon Waters-Bey is from my district. In fact, his family used to live about five blocks away from my home. Mr. Speaker, the words of his father will forever be ingrained in the DNA of my memory. As he held a picture of his son, Michael Waters-Bey, he said, ''I want the President to get a good look at this, really good look here. This is the only son I had, only son.''

□ 1945

I ask, Mr. Speaker, was Mr. Waters-Bey's son at the forefront of the National Security Council's consciousness as they made their decision to take this country into war? I would think not, because otherwise I am sure they would have come to a different conclusion.

Mr. Speaker, if you remember, in November of 2002, the United States called for U.N. weapons inspectors to comb Iraq in search of hidden weapons of mass destruction. After 4 months, the weapons inspectors found nothing. Then, the United States concluded that it was our responsibility, our right to invade Iraq forcibly and disarm Saddam Hussein. During that time, Mr. Speaker, many of my colleagues and I came to this House floor urging, begging, pleading, and petitioning this President to give the inspections process a chance. We asked the President to work with our international allies to exhaust every diplomatic option possible before deploying American troops to disarm Hussein. Yet our letters and pleas went unanswered.

Now here we are today, almost a year later, Mr. Speaker. It has been almost a year since we declared the U.N. inspections process to be ineffective, almost a year after the first soldier died in Iraq. Almost a year later and we still have not found any weapons of mass destruction. Yes, we have found Saddam Hussein but, no, we have not found any weapons of mass destruction. It is interesting that Saddam Hussein is still alive and over 500 of our bravest men and women in uniform are not.

Now, Mr. Speaker, we have the Secretary of State, Secretary Powell, in a recent Washington Post interview, saying that if he had been told that Iraq did not possess stockpiles of banned weapons, he is not sure that he would have supported the Iraq invasion. Almost a year to this day, Mr. Speaker, Secretary Powell told the U.N., and I quote, ''Our conservative estimate is that Iraq today has a stockpile of between 100 and 500 tons of chemical weapon agents. That is enough to fill 16,000 battlefield rockets.'' Yet just last week, former chief U.S. weapons inspector David Kay told a Senate committee that, and I quote, ''Iraq's large-scale capability to develop, produce, and fill new chemical weapons munitions was reduced, if not entirely destroyed, during Operation Desert Storm and Desert Fox. Thirteen years of U.N. sanctions and inspections.''

Considering these facts, Mr. Speaker, we must ask ourselves if the ultimate goal of this preemptive war was to disarm Saddam Hussein, was our mission really accomplished? Could we have reached the same end by utilizing a different means? If we had enough intelligence to determine that Saddam was hiding chemical and biological weapons from the U.N. inspectors, then why has the Intelligence Community not been able to lead us to those weapons? Mr. Speaker, something is wrong with this picture.

I am glad the President has finally agreed that there should be a commission to look into the apparent intelligence failures, but the Congress should have a role in that selection process. In the name of the over 500,000 troops that were deployed in Iraq, I call on the President to ensure that this process remains immune from election year politics, and I call on the President to hold himself and his administration accountable for the findings of any commission report.

Mr. Speaker, last year, around this time, the President addressed a group of Governors and said, and I quote, ''The country expects leaders to lead.'' I would agree with President Bush on that point. The country expects leaders to lead and not to mislead the American people blindly down a path of war.

Mr. Speaker, I wish now to yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding to me.

Mr. Speaker, I wish to ensure that this evening is a somber occasion because it is a dialogue with our colleagues and one we hope will not be mired in politics but in truth. I stand somewhat, Mr. Speaker, with tears in my eyes. The chairman of the Congressional Black Caucus has convened this Special Order, and I am grateful to him for his continued leadership, and I look forward to working with the caucus to provide a voice and a message not only to the American people but to our colleagues.

As I said, Mr. Speaker, I rise with a heavy heart and tears in my eyes because we are talking about life-and-death matters; peace and war. I almost wish, Mr. Speaker, I could turn back the hands of time, turn back the clock, and find ourselves on the floor of the House on that fateful fall of 2002. Out of respect for their families, I will just call them by their first names, but maybe Private Ray David, out of San Antonio, who died during the Christmas holiday would still be alive; and maybe Armando, who was a private in the United States Army, who died just 12 hours ago, might still be alive; or maybe Irving, who died just about 5 or 6 days ago, from Fort Worth, Armando being from Houston and Irving being from Fort Worth Texas, might still be alive.

This is not a frivolous discussion, Mr. Speaker. It is a very serious discussion. I think I would like to raise with my colleagues a discussion of what do we do next. There are families whose pain will never leave them, the pain of the loss of their young child, son or daughter, will forever be with them. Our respect and admiration for those brave young men and women will forever be a mark on our souls. We will honor them each Memorial Day, we will cite them year after year, some 500 and growing.

There are names that many of us will never know. Included in that, of course, are the loss of civilian lives in Iraq, lives for which the leaders of our government have said were innocent lives, some even have been children. The turmoil in Iraq speaks to the fact that this is a somber and sobering time. So I rise today because my challenge is whether or not the Congress will perform its duty.

Let me also acknowledge a veteran and friend and respected member of this House who we will hear from shortly, the gentleman from New York (Mr. RANGEL). I would like to say to him that I look forward to joining him in commemorating the fallen soldiers as we proceed in this session, because I think that is extremely important.

But I rise this evening for a different challenge of this Congress. Yes, the President has accepted the constant request and inquiry for a commission. He has done so by embracing it and putting it close to the bosom of the administration. It is one appointed by the administration, dominated by the administration, run by the administration. And I ask my colleagues, does the Constitution, in establishing three branches of government, want us to abdicate our congressional duty of oversight over the executive branch? They are independent branches, judiciary, executive and legislative, but just as we have the responsibility of the purse strings in the House, we also have the responsibility of oversight over operations and policies of the President and the administration.

So I believe it is imperative that this Congress, whether it is a parallel duty, an action, or whether or not it substitutes for this commission, I believe it is imperative that this Congress wage its own investigation as to the reasons and the basis of the use of intelligence that generated a unilateral preemptive strike against Iraq.

So I intend to offer the Protect America's National Security Act of 2004 that will call on full congressional hearings, no holds barred, if you will, to use a phrase that we often utilize, questioning what intelligence was used in the decision of the administration to go to war, how that intelligence was

analyzed, and on what basis was it utilized to convince the Congress, the representation to Members of Congress, that weapons of mass destruction existed. How was that intelligence gathered, who gathered it, who analyzed it, and how was it presented to Members of Congress for the decision to be made in a resolution that a preemptive unilateral attack should be made? I believe also that the American people need to know.

Finally, included in this bill, I want to ensure that the general amount, the bottom-line figure utilized by this government in intelligence gathering, the budget of the CIA, should be produced to the American people. Mr. Speaker, not the line-by-line item, not to give them an excuse that we are now intruding on secured matters, but to give the American people the lump sum as to how much is being utilized. They deserve to know and we would not be violating any security for doing so.

This legislation will also include more resources for more trained intelligence analysts, more analysts trained in Arabic, more recruitment of diverse analysts, if you will, and then it would have a provision that would enhance the checks and balances on the use of intelligence that would be placed as a basis for going to war with any country in any Nation. The Protect America's National Security Act of 2004.

It is imperative that for the lives lost, for the tears shed, for the mothers crying, for the fathers' broken hearts, for the wives in complete confusion, for the children without fathers, sisters without brothers, brothers without sisters, aunts and uncles that are missing, we need and owe this to the American people.

I simply would say, Mr. Speaker, that we can now look at language from the Vice President of the United States on August 26, 2002: ''Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction.''

''Right now Iraq is expanding and improving facilities that were used for the production of biological weapons.'' President Bush, September 12, 2002.

''The Iraqi regime possesses and produces chemical and biological weapons and is seeking nuclear weapons.'' President Bush, October 7, 2002.

On what basis were they making these statements? This cannot be left to a bipartisan commission selected by the President, even if it is represented to be bipartisan. Congress must do its duty.

''We have also discovered through intelligence that Iraq has a growing fleet of manned and unarmed aerial vehicles that would be used to disburse chemical or biological weapons across broad areas. We are concerned that Iraq is exploring ways of using UVAs for missions targeting the United States.'' Again, President Bush, October 7, 2002. Yet the Carnegie report of just a few months ago, and David Kay has indicated there are no weapons of mass destruction. There were no weapons of mass destruction at the time that the President and the administration represented to this Congress and the American people that they existed.

□ 2000

Mr. Speaker, why is this important? It is important because we have to go on. Now the President comes to us with a budget that has a deficit of over $500 billion. He offers to the American people $4.1 trillion in tax cuts because he is asking to make his tax cuts permanent for 1 percent of Americans. Then he provides a gift to the American people, $10,368, a burden for each family of four, making tax cuts permanent. At the same time he increases the burden on veterans by increasing their copayments, closing veterans hospitals, and denying access to health care.

I believe this Special Order tonight is so crucial because it raises for the American people a challenge to them standing up for their destiny, their destiny as to whether or not we remain in Iraq and lives continue to be lost. But more importantly is the question of whether or not we have now a road map that will lead us to war with other countries around the world unilaterally and preemptively. That is why I believe it is crucial for the American public to stand up and be heard on the Protect America's National Security Act of 2004, demanding this House and Senate to do its job with a full and comprehensive investigation.

Lives that were lost, those willing to go into harm's way, did not for a moment stop and ask the question why. They were called to duty. They took an oath of office. They were National Guard, Reservists, and enlisted personnel; and they went willingly on behalf of the United States of America. They died on the fields of battle, their blood shed because of us. We in this Congress who still live owe them not only a debt of gratitude but we owe them the truth. We owe our Reservists an extension of their benefits, the ability to retire at 55, and we owe them the greatest understanding of the sacrifice that they have made.

In closing, as my colleague indicated, we have all visited the young men and women in our hospitals, Bethesda Naval and Walter Reed. Their faces are bright with a sense of hope and duty. They talk about the tragedy of their loss, lost limbs, lost spirit; but they remain undaunted, willing to serve again.

I cannot imagine that this Congress, many of whom stood on the floor of this House and cried as they debated the resolution to make the choice of giving the President unfettered authority to go to war, I cannot now imagine that this Congress would refuse its duty for finding out the truth on behalf of those who were sent to war by our vote, by those who voted for it, and then of course then sent these young men and women off to war and refuse to now stand to find out the truth. We hope that that will occur.

Mr. Speaker, I ask that we make sure that this occurs as we move forward in this year.

Mr. CUMMINGS. Mr. Speaker, in the Congressional Black Caucus I have often said that many of us are truly honored to have two of our founders of the Congressional Black Caucus, the gentleman from Michigan (Mr. CONYERS) and the next gentleman, to speak. That we are able to serve with them is a tremendous honor because they bring so much wisdom and history to us and so much excellent guidance. Certainly the gentleman from New York (Mr. RANGEL) is one of those gentlemen. I say to the gentleman that as he has consistently pressed on this war in trying to make this President and this Nation look at war as something of last resort, we appreciate it. We will join you as you salute all of our soldiers who have given so much.

Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL).

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for giving some of us an opportunity to show what patriots we really are and how much we love this country, which has given us one of the highest opportunities, and that is to serve in this House of Representatives.

On November 30, 1950, I found myself shot by the Communist Chinese on the northern border of North Korea. When it was all over, I thanked God I had my life with the Purple Heart and the Bronze Star and came home and felt I was a patriot. That fighting was to give all Americans the opportunity, some that had been denied my forefathers, to participate fully, to support our government when we thought she was right and to be patriotic enough to be able to criticize our government when we thought she was wrong.

I think we in the Congressional Black Caucus have even a higher responsibility than a lot of Members of Congress because our constituents believe in us so much that they give us the latitude to express their concerns and to talk about their aspirations as well as their fears. That is one of the reasons why we do not have to take polls, we do not have to get on the phone and ask them what do you think about the war. But we know that as great as this country is, that one of our responsibilities is to make certain that she is all that she can be; and it is our responsibility, as our forefathers before us, to take it to that higher level, and we cannot do that if the resources of this country are depleted or we find our youth are not there to pick up the baton and take it to a higher level.

If this country can decide because we do not like somebody or we think that person is a threat or because they have demonized their own people or they have talked in a way that we do not like against the United States, that we can have a preemptive strike and remove that person, and then we find out

later as we find every day that the information we relied on was faulty, what happens if next time the information is reliable but just no one believes us? What happens when the President says that there is an imminent threat against the United States of America, and then we find that Americans and the Congress say, yes, we have heard that before.

It just seems to me that those people who voted to give the President this authority felt in their hearts that there was an imminent threat to the United States of America. But I listened carefully to the President changing all of the reasons that he had given for why he asked this Nation to send its young people to Iraq in a unilateral preemptive strike against Iraq and Saddam Hussein. There used to be a time when he would talk about the relationship to al Qaeda. There used to be a time when he talked about weapons of mass destruction. There used to be a time that he talked about an imminent threat to the United States of America.

But if I hear him correctly now, he is saying, what difference does it make, we got rid of Saddam Hussein. What difference does it make? It makes the difference if the President had come here to the House of Representatives and said, do you want to get rid of Saddam Hussein. We probably would have had a unanimous vote, yes, we do. But what if the next question was: Are you prepared to give us 532 lives of young people in order to do it?

Suppose he said the price to get rid of this international terrorist was to have 2,000 men and women maimed and crippled and in our hospitals. Suppose he said in this war the Secretary of Defense would report to the American people, albeit by a leak, that he did not know if we were winning this war or not even after these losses. Suppose, further, Mr. Rumsfeld would say he had no clue whether or not we were creating more terrorists than we were killing. Suppose he said that he was just thinking out of the box, but in his opinion the whole thing was a slog.

Suppose he said that in addition to having our young men and women who love this country and salute the flag every time it goes up, that enlisted into the Army coming from our inner cities and rural areas in order to get a better education and better handle on life, or like some of us who volunteered, that we could not make it economically and this was an opportunity to get better training. Suppose he said even though they had 3-, 6-, and 9-year enlistments, that they would give them additional time to serve because it was a national emergency, suppose the President had told us when he asked the Congress to take out Saddam Hussein that 20 percent of the soldiers over there would be men and women from the Reservists and the National Guard.

Suppose he said they would not be all young people, they would be 30, 40, 50, even 60 years old. They would have to give up their civilian jobs, and some have already served the military. Suppose he said they would have a drop in their income from their civilian pay, and these people who go away for weekends and 2 weeks to train would now have to be separated from their wives and families for over a year. Suppose he had said that they would have to go to Iraq two and three times and that soon these civilian soldiers will be 40 percent of the occupation of Iraq.

Mr. Speaker, suppose he had said that we are running out of people and that we would have to consider a draft, that we are talking about our Nation will have to make a sacrifice in order to remove terrorism from this region of the world, and everybody had to share in the sacrifice. Members of Congress, their children and grandchildren would be drafted, members of the cabinet would be drafted. Suppose he said in order to get rid of this demon, all of these things would be necessary, I wonder whether or not the President would have gotten the vote if we knew all of these facts.

Mr. Speaker, that is why I am saying it is so important for us to be able to alert America that this whole idea of removing Saddam Hussein had absolutely nothing to do with the terrible strike that the terrorists had in my beloved City and State of New York. The President, by the admission of Secretary O'Neill and other competent writings, had already planned to remove Saddam Hussein, that the whole concept of a preemptive strike was a part of our foreign policy, and it was the tragic event of 9/11 that allowed him to connect an idea that they already decided to do, taking advantage of the emotion of the Members of Congress who thought they were reflecting the emotion of the people in the United States.

If we just allow this to go by, if we do not have competent outside investigations and if our Secretary of State said he did not know if he would have gone to the U.N. and supported this invasion if that information had been there, then what happens if we do have another crisis and that is the situation that is before us?

So I ask the Congress to do this, please do not forget our true fallen heroes. It is not the ones that just return home; it is those that come home in the darkness of night. We do not even know whether we have a flag over their coffin because the press are forbidden to be there. We ask that those of us in the Congress form a caucus for these fallen heroes to be there for their families and kids and to make certain that we are treating them not like we are treating the veterans in the budget today, but that we make a commitment that even though they are not our kids in terms of being our biological kids or grandkids, they are the children of our Nation and we have made a commitment that we are going to protect them.

□ 2015

And we are going to raise the standard before we go to war to make certain that our Nation is being threatened. Going over there and having people being killed by land mines, just standing up as sitting ducks or falling helicopters, that is not what you call fighting for America. That is being put in a no-win position and we are losing the life of one American a day.

I am asking Republicans and Democrats, liberals and conservatives, be patriotic, be patriots. Sometimes it takes a little courage and we have to explain to our voters and our constituents what we are talking about. But we do not have a draft. Some Members do not know the pain the families are going through, and the President says that some Americans do not even know we are at war. Mr. President, the families of those that have been struck in Iraq, they know we are at war. We in the Congressional Black Caucus would like to educate the American people that war is hell and we should never, never, never go to war if we can negotiate a peace.

Mr. CUMMINGS. I want to thank the gentleman from New York. I really appreciate what he has said. We thank him for his service to this country in so many, many ways.

Mr. Speaker, it is my honor to yield to the gentlewoman from California (Ms. WATERS) who night after night and day after day before this war started came to this floor and laid out a brilliant case, over and over again, as to why we should not be going to war. If there was anybody in this entire Congress, Mr. Speaker, who could say I told you so, it would be the gentlewoman from California. I have absolutely no doubt that this is an issue that tears at her heart every time she hears about another person being harmed in Iraq.

Ms. WATERS. Mr. Speaker, I would like to thank the chairman of the Congressional Black Caucus for organizing this Special Order and I too commend him for taking so much of his time to organize us to come to this floor to help shed light on what is going on in this Congress and in this world. I look forward to every opportunity that he affords me to participate.

The massive costs of the war and how they will affect Americans in their everyday lives is an incredibly important issue that we must continue to discuss. This past Monday, the President sent his fiscal year 2005 budget to Congress. We found out that under this President's guidance, the Nation's debt has grown to record numbers. This year alone, the deficit is expected to be at least $521 billion. And the national debt has grown by $1.7 trillion since 2001. Yet instead of taking the necessary steps to bring our fiscal house into order, the President has proposed more of his failed policies.

I am having an interesting time, Mr. Speaker, discussing this with my friends. They say to me, MAXINE WATERS, I thought that you were the one

that has been accused of being one of those tax-and-spend liberals but now your President has outdone you. He is spending money like a drunken sailor. How can you explain it?

I say to him, I cannot explain it, but it falls into that category of misdirection, of tales that are being told that just do not hold up when you place them under scrutiny.

The President's budget is extremely dangerous. It calls for eliminating 38 education programs and cutting funding for dozens of others. It does virtually nothing for the 43 million Americans who have no health insurance. It cuts $1.6 billion from HUD's section 8 voucher program and an additional $130 million from public housing. The President's budget even cuts, by 7 percent, programs designed to protect our drinking water, keep our air clean and other important environmental programs.

The budget even calls for imposing copayments and enrollment fees for our veterans in order to receive health care for their injuries sustained while protecting our Nation. I find it appalling that our President would require our veterans to pay up to $250 enrollment fees in order to receive the care they need. But these are just a few examples of the administration's policies that penalize working Americans. The war in Iraq is a continuation of these policies. It is the working American that is fighting, dying and paying for this war. The wealthiest of Americans, on the other hand, are not being asked to make any of these sacrifices. None are serving themselves, and few if any have sons or daughters in the U.S. Armed Forces. And they are the beneficiaries of hundreds of billions of dollars in tax cuts which makes it increasingly difficult to pay for this war.

To date, the President has asked for and received $157 billion for this war in Iraq. Amazingly, recent press reports suggest that the President will ask for another additional $50 million shortly after the next election for military activities in Iraq and Afghanistan. This will bring the total to $206 billion. What is so disappointing, though not surprising, is the difference between what we were told the costs would be for this war and what the costs are turning out to be. Throughout the buildup to the war, and even during the early stages, the American people were assured that the costs would be minimal. Who can forget Deputy Secretary of Defense Wolfowitz' statement in March of 2003 when he said, ''We're dealing with a country that can really finance its own reconstruction and relatively soon.'' But the sad reality is that it is the American people who are paying for this war.

Mr. Speaker, as we look at this administration and this war, we cannot help but now understand why the American people are finally waking up to how they have been misled and misdirected by this President and this administration. Of course, we heard references tonight to the reason we were told we were going into this war and we must say it over and over again; we did a preemptive strike because Saddam Hussein and Iraq had weapons of mass destruction and we were in imminent danger. We were told this over and over again and Colin Powell even had some maps. He pointed to some sheds where chemicals were being made and the weapons of mass destruction were being developed.

But we have been misled on many things by this President and now we find ourselves in a terrible situation in Iraq. We are not in control. Our soldiers are dying, being picked off one by one. Suicide bombings are taking place. Soldiers are losing their lives. I am sure their families are asking, why? Or what does this all mean? Not only are they losing their lives, we were told after the President could no longer support or justify the weapons of mass destruction that we really needed a regime change, that we had to be about the business of creating democracy in Iraq. Now we are at the point where our President has said they are going to turn over governance to the Iraqis, only to find out that this President does not want free and fair elections, he does not want free and fair elections because, oh, somebody may win that he does not like. And I want you to know that the protests are growing in Iraq about the fact that this President now wants to select and choose who will be in charge of Iraq. He wants to put in a council through some kind of caucuses to avoid the Shiites being in control, because they may be the ones that get elected in this war as opposed to the Sunnis that they would like to have elected. But whether we are talking about Iraq or Afghanistan, we really did not have a plan. We really thought we could just bomb everybody into submission, take over the oil fields and chop up the spoils. And are we disappointed.

My goodness, how much more insult do the American people have to take from this administration? Here we have the Vice President of the United States of America, Mr. DICK CHENEY, who is still receiving paychecks from his old company, Halliburton. And what have we found out about Halliburton? They are cheating us right and left. Not only have they overcharged us for the oil they are importing from Kuwait to Iraq, we find out they are cheating us on the amount of the food that they are serving to our soldiers. They are giving us extraordinary numbers, only to find out that they are not really serving the numbers that they represent.

I talked about some of this last night, but it goes on and on and on. We are paying for a war that we should not have been in in the first place. We are paying contractors who are cheating us like Halliburton, who are getting no-bid contracts, and there is no end to all of this. This administration is going to have to pay a price for what it has done. I am glad that we are here talking about it this evening.

Mr. Speaker, the administration's rhetoric does not support the situation we find ourselves in today. We were not welcomed as liberators, there are no weapons of mass destruction, hundreds of U.S. soldiers are dying, and taxpayers are paying billions of dollars for a war that need not be fought. Meanwhile, our responsibilities here at home are being neglected.

The Senate's ricin scare yesterday reminds us that our homeland is not as secure as it should be. Our schools continue to be in disrepair and hundreds of thousands of workers are losing their jobs.

Mr. Speaker, we need to reassess our priorities. Unfortunately, this budget does not do any of these things. There is so much more we can say, but I am going to yield my time to our leader here so that he can wrap this up tonight. But we have more to say and we will be back again because the American public wants to hear from us.

Mr. CUMMINGS. I want to thank the gentlewoman for her statement. I also want to thank her for her compassion. And so it is tonight, Mr. Speaker, the Congressional Black Caucus, which has earned the title of being the conscience of the Congress, but I often say the conscience of the Nation, has come together to try to address these issues. As the gentleman from New York and as the gentlewoman from California stated very clearly, what we are about this evening is trying to make sure that we let the American people know what is going on, because we believe that they need to know and they need to understand what goes on in this Congress and how it affects them on a daily basis.

But the fact still remains that there are families tonight who are sitting watching this, and they are asking the question, as the gentlewoman from California said, of why is it that my son is no longer with me? Or why is it that my mother is no longer with me, a child may say.

But the fact is that we must be clear. We have asked this President over and over again to meet with the Congressional Black Caucus which represents over 26 million people. And as I have often said, they are not just African American people. As a matter of fact, more than a third of them are white. The fact is that we believe very strongly that when we come to this floor, we are speaking for America. And so it is, Mr. Speaker, the Congressional Black Caucus urges our constituents and urges the Nation to pay close attention to all that is going on with regard to this war and all that is not.

Mr. PAYNE. Mr. Speaker, last year, I led the opposition to a pre-emptive war in Iraq—which, according to testimony given this week by former top U.S. Weapons Inspector David Kay, wasn't even pre-emptive. If Saddam Hussein had no weapons of mass destruction program, what potential harm were we pre-empting?

President Bush has led our country further and further away from the fold of the international community, ignoring the United Nations Security council's findings, and virtually demolishing the international support we had received following September 11th. He has challenged Americans to a ''you're either with us or against us'' agenda, which leads to the most dangerous kind of patriotism—where questioning and dissent are considered un-American. Well I, as an American and a patriot, am now standing again to ask questions about the cost of this war.

We spent $396 billion in military spending alone for 2003. As big as this number is, it does not even include the cost of the Iraq war, which was funded through two additional supplemental requests; the first for $79 billion, the second was another $87 billion. Together, that amounts an amazing $562 billion. For 2003, that amounts to almost $11 billion dollars spent ever week, and more than $1.5 billion spent every day. Compare that to this year's Department of Education budget of $54 billion, which works out to less than 150 million dollars per day, which averages out to less than $3 million per day in education spending in each state. $1.5 billion on the military, $3 million on education: so where are our priorities?

Here at home, 9 million Americans are unemployed, 35 million live under the official poverty line, 44 million have no health insurance, and millions more are unable to make ends meet. States face their worst fiscal crisis since the Great Depression, and the yearly federal budget deficit is passing $500 billion and growing rapidly. My own state, New Jersey, is facing a projected $5 billion budget deficit for 2004.

And this administration doesn't intend to change course anytime soon. According to the 2005 budget released this week, they are planning to spend $2.2 trillion on the military over the next 5 years.

For 2004 alone, they plan to spend $399 billion on the military (which does not include any possible future supplemental funding requests for Iraq or Afghanistan) which is more than the combined spending that year for education, Health, Justice, Housing Assistance, International Affairs, Veterans Benefits, Natural Resources & Environment, Science & Space, Transportation, employment, Employment Training, Social Services, Income Security, Economic Development, Social Security, Medicare, Agriculture, and Energy.

Where we spend our money is a telling sign of where our priorities lie. We have abandoned our children, our teachers, our laborers, our homeless, our veterans, and our seniors in order to fund these regime-changing, unilateral military actions. We are under funding No Child Left Behind, IDEA, after-school programs, and family literacy programs. We have not extended unemployment benefits for those without jobs. We have offered our seniors a Medicare program that does almost nothing to cut their prescription drug costs, and we're threatening to destabilize their Social Security through privatization.

I am very concerned about the direction in which our country is headed. We're sliding further and further down a slippery slope where our county's basic needs are not being met. That is why this year's presidential election is so key. We need a leader that can mend the relationships broken by this unnecessary war and its ill-administered aftermath. We need to bring home the tens of thousands men and women whose lives have been placed on the line for no good reason. We must see change for the better.

More numbers:

For the cost of every cluster bomb, we can enroll 2 children in Head Start.

For the cost of every minute of the war on Iraq, we could have paid the annual salary and benefits for 15 registered nurses. For every hour of the war on Iraq, we could improve, repair, and modernize 20 schools. For the cost of one day's war on Iraq, we could have prevented all of the budget cuts to education programs in 2003. For the amount of money we spend ever week in Iraq, we could build 142,857 units of affordable housing. For the amount of money we spend to buy one stealth bomber, we could pay the annual salary plus benefits for 38,000 teachers. We might be able to give a few of them a raise—image that!

Each day the Pentagon spends $1.7 billion, which is enough to build 200 new elementary schools, house 136,000 homeless, or provide Pell grants to one million college students (per day!).

With less than the cost of ONE of the Iraq supplementals, we could do all these things: Provide basic health and food to the world's poor: $12 billion. Rebuild America's public schools over 10 years: $12 billion. Reduce class size for grades 1–3 to 15 students per class: $11 billion. Reduce debts of impoverished nations: $10 billion; Provide health insurance to all uninsured American kids: $6 billion; Increased federal funding for clean energy and energy efficiency: $6 billion; Public financing of all federal elections: $1 billion; Fully fund Head Start: $2 billion.

Other countries military spending: Russia—$65 billion; China—$47 billion; Japan—$42.6 billion; U.K.—$38.4 billion.

These combined are a total of $193 billion, which is less than half our FY '03 or FY '04 military spending—not including the cost of Iraq and Afghanistan.

Please don't confuse military spending with the safety and security of our Nation. It is a common misconception that higher military enhances homeland security. However, many of these responsibilities fall onto our struggling, under funded State and local government agencies, whom we know as ''first responders,'' and to agencies outside of the Defense Department, such as the FBI, FEMA, and the Coast Guard. This massive military spending budget addresses none of these programs.

Another matter of concern to me is not only how much money we're spending on our military, but how that money is being spent. The President's $87 billion supplemental contained an astronomical waste of taxpayer dollars. These are just some of the administration's requests:

$100 million for several new housing communities, complete with roads, schools, and a medical clinic; $20 million for business classes, at a cost of $10,000 per Iraqi student; $900 million for imported kerosene and diesel, even though Iraq has huge oil reserves; $54 million to study the Iraqi postal system; $10 million for prison-building consultants; $2 million for garbage trucks; $200,000 each for Iraqis in a witness protection program; $100 million for hundreds of criminal investigators; and $400 million for two prisons, at a cost of nearly $50,000 per bed.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore (Mr. KING of Iowa). Is there objection to the request of the gentleman from Maryland?

There was no objection.

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REPORT ON TRIP TO LIBYA, IRAQ, AFGHANISTAN, UZBEKISTAN, AND MILITARY HOSPITAL IN GERMANY

The SPEAKER pro tempore (Mr. KING of Iowa). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, the topic of my Special Order this evening, and I think I will be joined by other Members from both sides, is our recent trip to Libya, Iraq, Afghanistan, Uzbekistan, and our military hospital for our troops in Germany. But before I get into my comments about the trip, let me put some specific quotes from Dr. Kay, who has just been referred to by a previous speaker, who made the allegation that Dr. Kay said there was no basis for our activity in Iraq.

Mr. Speaker, let me put the actual quote in the RECORD, not something that is paraphrasing, but the actual quote. In an interview that Dr. Kay conducted on NBC TV, he was asked to comment on whether it was prudent to go to war. Dr. Kay said, ''I think it was absolutely prudent. In fact, I think at the end of the inspection process, we will paint a picture of Iraq that was far more dangerous than we even thought it was before the war.''

Mr. Speaker, that is not me paraphrasing; that is not me summarizing or putting my own spin on what Dr. Kay said. That is a direct quote from Dr. Kay, and the American people and our colleagues need to understand that as we analyze what has been said in the findings of the Kay report, that we actually look at those statements, as opposed to trying to spin them. Some of our colleagues on the other side, especially those running for the Presidency, have tried to put a spin on what Dr. Kay said. It is more important for the American people and for our colleagues to look at in actuality what he said.

But, Mr. Speaker, there is one more point I want to make on this whole effort of the spin of Dr. Kay, which ties into our trip, because of the 45 meetings that we held over the 7 days, visiting eight different countries and traveling 25,500 miles in military aircraft, including a military aircraft to get over, a Navy plane, C–130s and

Blackhawk helicopters in Iraq, I think the most significant meeting we had was in Iraq, and that meeting was with the individual who is actually responsible for the Iraqi Survey Group, which is actually doing the search for weapons of mass destruction.

Now, Mr. Speaker, many of our colleagues in this room and many of the people around America have been convinced by the media that Dr. Kay was in charge of the investigation for weapons of mass destruction. Mr. Speaker, that is wrong. Dr. Kay was a consultant to the general who was in charge of the Iraq Survey Group, and that general is a two star general by the name of Keith Dayton.

On our trip to Iraq, in Baghdad we were taken to the Fusion Center, where all of the intelligence is brought for the Iraqi Survey Group to do their work, and for 90 minutes members of the Republican Party and the Democrat Party who were a part of my bipartisan delegation had a chance to listen to the actual leader of the inspection process in Iraq give us an update.

I want to share with our colleagues, Mr. Speaker, what General Dayton said. First of all, he was perplexed. He was frustrated. He could not understand why David Kay came back to America and made this public report when he had not yet, first of all, talked to the individual who was responsible for the Iraqi inspection process, General Dayton. In fact, all of the individuals that we met who were overseeing the 1,500 people who are involved in the Iraq survey team were equally frustrated.

We learned, for instance, that when David Kay left Iraq, he was not entirely happy, because he was dissatisfied that General Dayton had other missions besides the search for weapons of mass destruction and actually had troops assigned to efforts like looking for our POW–MIA Scott Spiker, and also were involved in the antiterrorism efforts on the ground. David Kay became upset and told this to General Dayton, that there were assets being diverted away from his efforts to look for weapons of mass destruction. That was one of the reasons why David Kay left the Iraqi theater to come back to America.

Mr. Speaker, I have not seen that in the American media. I have not heard that story yet brought forward. But the individual in charge of the Iraq Survey Group, General Keith Dayton, told us that when we had our meeting with him in Baghdad.

Mr. Speaker, we also learned that Dr. Kay had not been in Iraq for the last several months, during which time he could have had an exchange, an update of the work that was being done by the Iraq Survey Group. So, Mr. Speaker, I think it is essentially important that we take an additional step here.

Now, Dr. Kay has issued a report that I think stands on its own and speaks for itself. It does not help when Members of this body or the media or candidates for the Presidency misinterpret what David Kay said. But we need to go beyond that, Mr. Speaker. We need to bring over the individual who was actually responsible for the weapons of mass destruction search in Iraq. That is not Dr. Kay; that is General Keith Dayton. General Dayton has that responsibility, and it is he who oversees those 1,500 people.

General Dayton told us that they are in fact enthusiastic about the work they are doing. He explained to us the process now under way to send teams into the rivers of Iraq, the lakes of Iraq, the bodies of water where they have leads that perhaps weapons of mass destruction were dumped, and they are now conducting that search.

They also told us, General Dayton and his colleagues, that there are literally millions of pages and volumes of documents that have yet to be searched that can provide leads as to where weapons of mass destruction might be.

I can tell you after visiting the ''spider hole'' up in Takrit where Saddam Hussein was holed up for a number of days, that our military personnel went over top of that site a dozen times and never found Saddam Hussein. Now, that hole was rather large. So if we could not find a hole with Saddam in it for 8 or 9 months, then I think we certainly owe it to General Dayton to give him the time to continue the search for the evidence that he thinks in fact his team can come up with.

So the point is, Mr. Speaker, that on this meeting in Iraq with the general in charge of the survey team for weapons of mass destruction, we got a clearly different picture from that that is being portrayed by the American media, both in terms of Dr. Kay's report and the spin that has been made on that report.

Today, Mr. Speaker, Secretary Rumsfeld appeared before our Committee on Armed Services in the House, and I was the first Member of Congress that was invited to ask questions of Secretary Rumsfeld. I laid all of this out to him, and I asked him if he did not think it was time to do what the famous media person, Paul Harvey, used to say at the end of his stories: and now we will hear the other half of the story.

Mr. Speaker, today I requested of Secretary Rumsfeld that Major General Keith Dayton be brought back to America to testify before the Congress about the work that he is directing right now on looking for weapons of mass destruction. Then Members of Congress can ask him about the conditions under which David Kay operated, that he was in fact a consultant to General Dayton. Then we can ask the questions about the circumstances under which Dr. Kay left Iraq. Was there friction? What was that friction? Then we can ask the most important question for the American people of a two star general who is apolitical and is not going to put any kind of a spin on his statement, What is your current effort in Iraq and do you expect and do you anticipate the ability to find weapons of mass destruction over the next several months?

I can tell you, Mr. Speaker, what he told us unconditionally is that they are very much into this search. It has not ended; it is not winding down. In fact, they have placed more in the way of assets and resources into the search for weapons of mass destruction.

Now, oftentimes in this city we do not pay attention to the facts. We try to spin things. So I think it is extremely important that we bring over General Keith Dayton to give us a firsthand accounting of the search for weapons of mass destruction and to give us the other half of the story to the findings of Dr. Kay, who was a consultant to General Dayton.

Mr. Speaker, let me get back to the trip that we took, the bipartisan trip, which in fact was the first trip to Libya by Americans since 1969.

My job as a member of the Committee on Armed Services for the past 17 years has been to make sure that we give our military the best equipment, the best technology, and the best training to allow them to continue to be the best military on the face of the Earth, and we have done that. I am a self-described hawk in terms of supporting our military.

But, Mr. Speaker, as the vice chairman of the Committee on Armed Services, I consider my number one priority to be the avoidance of war, because war has always got to be the last choice, because when we commit our troops to war, then we put America's sons and daughters into harm's way, knowing full well that some or perhaps many of them will not return to their families.

So over the past 17 years, while serving on the Committee on Armed Services, making sure our military has the equipment they need, is properly trained, and has the financial support that they deserve, I have spent an equal amount of time on the proliferation of weapons of mass destruction technology and trying to find ways to take those enemies of ours and those would-be enemies of ours and turn them into, if not allies, at least countries that we can work with.

My primary focus has been with the former Soviet states, where I have traveled almost 35 times and established a relationship with the parliaments of all of those former nations that were once a part of the Soviet Union. For the past 13 years, with my colleague, the gentleman from Maryland (Mr. HOYER), we have co-chaired a formal effort with the Duma in the Russian Government, the legislative body of that country, to establish a close relationship of friends and partners. We have had some ups and downs, but the fact is that we are still working aggressively together.

We have done the same thing with Ukraine, with the Rada; with Moldova, with the Parliament; with Georgia,

with their Parliament; with Azerbaijan and with Armenia. We have done it with Uzbekistan, and we are now reaching out to other countries that were once a part of the Soviet Union to bring all of those countries into a level of cooperation and understanding with us.

Mr. Speaker, the Soviet Union and its republics were the source of much of the technology that ended up in the hands of the Libyans, the Iraqis, the Iranians, the North Koreans and the Syrians. In fact, Mr. Speaker, during the 1990s, I must have given 100 speeches on what we saw occurring on a regular basis, the transfer of technology from Russia and China and those former Soviet states into the hands of those five countries that I just mentioned. Time and again there were violations of arms control agreements. But the response of the administration in the nineties was to pretend we did not see it, because the administration was more concerned with keeping Boris Yeltsin in power, even when the people of Russia had come to believe that he was no longer a credible leader for their nation.

Mr. Speaker, we did the same thing in reaching out to other countries, like China, that in fact were heading towards a course of perhaps being an enemy of the U.S.; leading six delegations to that Nation; being the only elected official asked to speak two times at the National Defense University of the People's Liberation Army in Beijing.

Finally, Mr. Speaker, last May, after 2 years of planning, I was proud to take the first delegation of Members of Congress, again a bipartisan delegation, into Pyongyang, North Korea, the goal there being to support the President and continuing the dialogue of the six nations to eventually resolve the conflict between North Korea, South Korea and the rest of the world.

In fact, Mr. Speaker, following the next round of six-way talks at the end of this month, I will again lead a delegation back into North Korea to continue a positive effort to support our President in finding a peaceful solution to the Korean nuclear crisis, again to avoid war, because of the consequence of putting America's sons and daughters into harm's way.

□ 2045

Now, I also fully realize, Mr. Speaker, that that is not always possible, and one case in point was Iraq. We gave Saddam Hussein 18 chances to abide by U.N. resolutions, 18 opportunities to come clean, to basically come forward and tell the world what he had been doing. And the response of Saddam Hussein was to thumb his nose at us and at the rest of the world and to defy the world community. As a result, the President was left with no choice when he asked us to support him in a resolution of war.

For the life of me, Mr. Speaker, I cannot understand the logic of those in this body and the leader of France, Jacques Chirac, and the leader of Germany Gerhard Schroeder who criticized President Bush for going into Iraq to remove Saddam Hussein. Because what is interesting is, just 4 short years ago, many of these same people criticizing President Bush from this body, as well as Jacques Chirac and Gerhard Schroeder, were the very individuals pushing Bill Clinton into a war in Yugoslavia to remove Milosevic from power. And guess what, Mr. Speaker? When Schroeder and Chirac and some of the Members of this body who are criticizing President Bush pushed Bill Clinton into an armed conflict, they did not go to the U.N. for a resolution, because they knew full well that Russia would veto any such resolution of the Security Council. So what did they do? Bill Clinton, Gerhard Schroeder, and Jacques Chirac, supported by many of those in this body who have been criticizing President Bush, did not go to the U.N. as George Bush did, they went to NATO.

Now, Mr. Speaker, NATO is a defensive body. It was organized as a defensive entity to defend Europe and the NATO countries from an attack by a nation like the Soviet Union. NATO was never meant to be an offensive organization. But in 1999, many of those same people, including many of those Democrat candidates for President today, were out there supporting Jacques Chirac and Gerhard Schroeder and Bill Clinton in using NATO for the first and only time ever in its history as an offensive invasion force into a non NATO country.

So we invaded Yugoslavia. We bombed Serbia. We removed Milosevic, who was a war criminal. But what is so confusing to me, Mr. Speaker, is that those same people who were on Bill Clinton's band wagon to invade Serbia and Yugoslavia because Milosevic was a war criminal, all of a sudden, having supported George Bush, even though he went to the U.N. for the 17th and 18th time, even though Saddam Hussein has been characterized by everyone, from Max Vanderstadt, the U.N. Human Rights Advisor, to Amnesty International as the worst human rights abuser since Adolf Hitler, did not want to support the effort in Iraq. Sounds like politics to me, Mr. Speaker. It does not sound like much consistency or substance.

How can you be for removing a war criminal like Milosevic from power and not going through the U.N., but using NATO as an offensive force, and then 4 years later, criticize President Bush after having gone to NATO for the 17th and 18th time, after having given Saddam Hussein every opportunity, and then, in the end, who decided we had to remove this war criminal, this user of weapons of mass destruction, as he did against the Kurds, as he did against the Iranians, from power. It does not make sense to me, Mr. Speaker, unless, of course, you add in the political equation.

But again, in that case, I thought the military action was justified, but I would say in the case of North Korea and Libya and perhaps Iran, if we can avoid conflict, we should take every opportunity to explore that to its end.

That is why, Mr. Speaker, almost a year ago, at a conference on world energy issues in Houston, Texas, I challenged major international energy corporations to come together and establish an International Energy Advisory Council, to specifically focus on the use of energy as a mechanism to avoid war and as a mechanism to help us solve regional conflicts that could lead to major escalations of war. That group, headed up by Jeffrey Waterers, had an initial meeting in Washington, D.C. in July in the Rayburn Office Building, where Chalabi came over from Iraq and spoke to the energy leaders about Iraq postwar. We had major leaders from the State Department and DOD came into speak, and allowed the energy corporations, including those from Iraq and Iran, to come together and see if energy could not provide a partial solution to the crisis both in Iraq as well as other crises around the world.

In October, a second forum was held in London, again attended by all of the major leaders around the world in the energy industry, which I could not attend. But following that meeting, I set up a private meeting with Colonel Gadhafi's son, Saif al Saleem al Gadhafi, a 34-year-old, London-educated, Ph.D. candidate at the London School of Economics, who today is apparently, according to some pundits, in line to succeed his father as the leader of Libya.

I wanted to meet this individual, because we had mutual interests, to see whether or not there was a possibility of breaking new ground with Libya politically, of seeing whether or not there would be a movement away from the policies of the past, which I had heard to be rumored back in the middle part of last year, unaware of what was happening with our own private discussions within our government. In January of this year, the meeting with Saif al Gadhafi took place. He and I had a long discussion. We talked about Libya's past relationship with the U.S. and the West. We talked about the horrible bombings, the terrible tragedy of Lockerbie, the bombings in Berlin, the linkage of Libyan state-sponsored terrorism, and I told Saif, we can never forgive and never forget. Likewise, he told me it was difficult for he and his father to forget that we had bombed their home and in fact killed his 1½ year old sister. But we both said it was time to look to the future as opposed to the past.

But Saif was one who was looking to settle the past problems with the Lockerbie victims' families, to look at putting to rest those issues where Libya had done horrible things, and that perhaps it was time to move into a new direction. So he invited me to

bring a delegation of our colleagues to Tripoli. I said I would gladly take that invitation. Two days later, a formal written invitation came to my office in Washington from the chairman of the People'S Congress in Libya, inviting me to bring a delegation in. We secured a military plane and we decided our trip would involve not just Libya, but a trip that the White House had been encouraging me to take with Members to Iraq and Afghanistan.

So the plane was secured, and from the Speaker's list of Members who were asked to go to Libya and Afghanistan, we assembled a delegation, a bipartisan delegation, including my good friend, the gentleman from Texas (Mr. ORTIZ) who would have been here tonight, but he had a death of a close friend and is down back in his district; the gentleman from New York (Mr. ISRAEL), a Democrat; the gentleman from Louisiana (Mr. ALEXANDER), a Democrat; the gentlewoman from Michigan (Mrs. MILLER), a Republican; the gentleman from California (Mr. GALLEGLY), a Republican; the gentleman from Indiana (Mr. SOUDER), a Republican; and the gentleman from California (Mr. ISSA), a Republican. The gentlemen from California (Mr. GALLEGLY) and (Mr. ISSA) joined us the day before we left. They were not a part of the delegation going on to Iraq and Afghanistan; they only joined us for the Libyan portion of the trip.

And I would say, Mr. Speaker, any Member of Congress could have come with us on that trip into Libya. We had over 100 empty seats on our aircraft. So any Member of Congress could have joined us if they had just called and expressed an interest, as the gentlemen from California did the day before we left.

Mr. Speaker, our trip to Libya and the other countries was exhausting. As I mentioned earlier, we traveled 25,500 miles, we visited 8 countries, and we had 45 meetings. Members of our delegation on some nights got less than 2 hours sleep. When we arrived in Kuwait, before going into Iraq, we arrived at 4 o'clock in the morning from our plane, got to our hotel and had to be up at 6 o'clock in the morning for the military to take us into Baghdad. So I want to congratulate the members of the delegation that were on this trip because of their outstanding service to the country in performing an extremely difficult task, completing the mission that we set out for ourselves.

But I want to talk specifically about what we actually did and, in the end, I will ask to put our trip report in the CONGRESSIONAL RECORD.

We did not know what to expect in Libya, Mr. Speaker, because no one had been there from our country for the past 35 years. We were not sure what the response would be. In fact, we were told by the White House and the National Security Council that the Libyans did not want any presence of the U.S., they certainly did not want to see the flag flown, and they did not want America in any way displayed because it would upset the people of the country. In fact, up until the 11th hour, they did not want us to land our military plane at the Tripoli Airport. How wrong they were.

When we arrived in Tripoli, Mr. Speaker, and our plane pulled up to the tarmac, the number one spot in front of the air terminal at the main Tripoli Airport, there was a whole core of individuals from the leadership of Libya waiting to meet us. Officials from the government of the country, the foreign ministry, the people's Congress, all out there welcoming the Americans back to their nation. In fact, there was a huge media entourage, TV cameras, reporters who were there to ask us questions about why we were there and to follow us through our initial meeting which was held in the lobby of the Tripoli Airport.

The welcome was unbelievable; unbelievably positive. As we sat down and talked about our agenda for the 2 days we were going to be there, I had asked for less than a dozen meetings. Mr. Speaker, not only was every meeting that I asked for granted to us, but they even went beyond and gave us meetings we had not asked for. We met with the Prime Minister, the Deputy Prime Minister, the Vice Prime Minister, the Foreign Minister, the minister in charge of removing weapons of mass destruction from Libya. We met with the foundation established by Saif al Gadhafi, the same foundation overseeing the refunding of the money that is owed to those victims' families of the Lockerbie disaster. We met at the largest university in Libya, Al Fateh University, which has 75,000 students. We met with the leaders of the Libyan-American Friendship Society, which was started in 2000, where 400 people waited for 3 hours for us to arrive in this large tent to welcome us openly with American flags flying outside of the tent and inside of the tent, with children dressed up in colorful costumes to sing for us, with young people reciting poetry for us and speeches welcoming America back to Libya.

Everyplace we went, Mr. Speaker, every person we met, every group we talked to was hungry and starving for a new positive relationship with America.

In fact, during our first day in downtown Tripoli, I asked the delegation to break away with me to go on an unplanned event, to walk 3 or 4 blocks away from the hotel, and to go into the marketplace, the old city, the shopping district, where hundreds of shops and local stores are there for the Libyan citizens to buy their materials, their clothing, their housewares, their pots and pans, and the things that they need for their own lives. The delegation walked together, without any preannouncement, without guards around us, without any advanced alert, and we went through the marketplace. Every person we met in the Libyan marketplace in downtown Tripoli was positive. They came up to us, they shook our hands. A young 10-year-old, when the gentlewoman from Michigan (Mrs. MILLER) said, Hi, how are you, said back to her, I am fine, how are you? And she said, You speak excellent English. He said, I have been practicing in school.

We met shopkeepers, an elderly gentleman who was pounding the copper, making pots, who looked up and said, We are glad to have you in our country. We hope it is a new beginning. Everyone we met on the streets of Tripoli, Mr. Speaker, were positive toward America. It overwhelmed us. It was not what we expected, it was not what we were told to expect by our own government back here in our country.

In fact, Mr. Speaker, Members sitting around the table at the university with the President of the Al Fateh University and about 25 of his department heads; and remember, this is a 75,000 student university, they have major programs in medicine, in law, in health care, in science, in technology, in education, in environment and agriculture. As he went around the room, each of these department heads, all of whom spoke excellent English, give us their background and what department they headed. It was unbelievable, Mr. Speaker. All but two of them were educated here in America. They told us what schools they attended: UCLA, Princeton, Colorado, Michigan, University of Pennsylvania, Louisiana, Georgia, all the major schools of our country.

□ 2100

And they told us of their longing to once again reestablish ties with the American educational system and with the American people. In fact, one of the professors at the University, professor of English, Dr. T. T. Tarhuui, wrote a poem entitled ''Members of Congress,'' which I will enter into the RECORD when I place our trip report in at the end so the American people and our colleagues can read the poem he wrote for our visit.

So the response by the people and the leaders of Libya was unbelievably and overwhelmingly positive. In fact, we asked to see a weapons of mass destruction site. Not only did they take us to their nuclear complex but we had full access to their 10 megawatt research reactor which they opened to look into and to understand what they were doing with radio isotopes and discuss with them their nuclear program; but before we went to that site, they had us sit down with the minister who was in charge of the entire program to allow the IAEA and the U.S. and Great Britain to remove the weapons of mass destruction from that nuclear site and from Libya. In fact, much of that removal took place the same week that we were in Libya on a separate military aircraft.

But perhaps the most interesting meeting in Libya was with Colonel Qadafi. We did not know what to expect. We were taken to his residence

that we had bombed in 1986. We saw the devastation still evident. We saw the lessons and the stories about his daughter who was killed. And we were then brought to another part of the complex where there was a large outdoor tent. We were led in and sat down on the sofas arranged in a semi-circle manner and awaited the arrival of Colonel Qadafi. About 5 minutes later, he came into the tent in his glowing purple robed outfit with his hat on, shook our hands, smiled and sat down. And for 2 hours we had a discussion among the group. And then I had a private session with him for 30 minutes.

In the trip report, Mr. Speaker, are the very quotes that Colonel Qadafi made to our group as transcribed by both our staff director, Doug Roach, and our military escort. We had two separate note takers in that meeting.

It was a very solemn meeting with Qadafi. For the first 25 or 30 minutes he talked to us in a very low tone, a very deliberate tone. And he said, You know, I am so happy that you are here, he said, but my question is why has it taken over 30 years for someone from your country to sit down with me and talk to me? I could understand if you met with me and you had problems because I had done something wrong, some terrible act, but if you would have met with me and talked with me and then felt that I was lying, you would have been justified in bombing me. But you did not talk to me for over 30 years.

He said, You do not understand the Libyan people. We understand America. We studied all about it. And I would ask you to help me in my effort to reestablish that relationship with your country.

Now, Mr. Speaker, we made no apologies to Colonel Qadafi. We let him and his leaders know that the past actions of his government and some of his people were outrageous and will never be forgiven nor forgotten. But we also said it is time to move into a new direction.

We praised him personally for the public statements that he has made about his willingness to remove his weapons of mass destruction and about his willingness to turn over a new page in a relationship with the West.

He talked about his country's coming into the arms control regimes that for decades they have not been a part of. And for that we thanked him. And we said to Colonel Qadafi, Your words are important and we praise them, but words will not carry the day. You must show us with your actions that you truly are serious with removing the weapons of mass destruction, about changing the ways of the past, about working with us on the problem of terrorism, about rooting out those cells that exist in your country, and about laying down a new foundation for the future.

We told him that we would judge Libya and their colonel's comments based on substance as opposed to words and dialogue. But we also told him that if that process continued that we were sure that one day a normalization of relations would occur. And when that day came, we in the Congress, Democrats and Republicans, were prepared to help our President establish a new relationship with the people and the institutions of Libya.

Our meetings with Qadafi were productive, were candid, and were designed to convey a positive message of support for the leadership of our President in stating that Libya has become a model of moving in the right direction away from terrorism.

One of the things that Colonel Qadafi said to us was that he was taking tremendous heat from the other Arab leaders in the region who were making fun of him, who were criticizing him and calling him because of his decision to renounce weapons of mass destruction. And his concern was that America not abandon him if, in fact, he continues to do the kinds of things that have happened over the past several weeks with both the IAEA, Great Britain, and the United States.

So, Mr. Speaker, I think our trip to Libya was extremely positive. We were not there to become a patsy for anyone. We were not there to try to brush over what has happened in the past. We were there to do what I said earlier is my top job as the vice chairman of the Committee on Armed Services, to avoid another war, to find a way not to appease anyone, but to continue on the path that our President has laid down, to turn a former terrorist nation, a nation that has been involved in state-sponsored activity in a new direction to becoming friends with the U.S.

The second part of our trip moved us to Iraq. We had amazing meetings with the troops. We had time with Ambassador Bremer, with General Sanchez. We asked them to give us updates on the troops' activities, on the stability inside of that country.

We had a meeting with Dr. Pachachi, who is the leader of the governing council. We had several of his colleagues there with us as we talked about the plan to hand Iraq over to his people. And he thanked us for that support. We assured him that America was there for the long haul; and that even though the political rhetoric of this election year will cause Democrats and Republicans to criticize each other, that we were not going to as Americans abandon what we had started in Iraq.

We then went out with the troops, Mr. Speaker. I mentioned we talked at length with the Iraq survey team. I will not review that because I did it at the beginning of my Special Order. But we went out and had other meetings as well in Iraq. In fact, we traveled up to Tikrit. We went in a C–130, and we saw the terrible trauma that our C–130 pilots are under as they have to evasively fly into airports to do unbelievable maneuvers so they can avoid the surface-to-air missiles that still exist in Iraq.

On the ground up in the Tikrit area, we were able to take Blackhawk helicopters out into the troop areas to meet with troops, to go to the spider hole where Saddam had been holed up, to visit with our Special Forces. In fact, we were able to be a part of a ceremony as one of our young Special Forces, Mr. Reyes, Sergeant Reyes, reenlisted. We became a part of that ceremony to honor him for his commitment to our country.

We had a tremendous interaction with the general in charge of the 4th Infantry Division, General Odierno, who gave us a personal update as to the encounters that were taking place on a daily basis. In fact, I had a very moving experience there with General Odierno because one of my constituents, a 24-year-old young man who I had nominated to West Point, was killed in an attack back in the latter part of 2003.

As General Odierno was describing to us some of the attacks on his troops, he talked about a young 24-year-old that he had come to know, an outstanding leader whose convoy was attacked, whose troops came under heavy fire, who himself was hit, and in spite of his own injuries, continued to protect and save the lives of at least one and possibly two other soldiers before his life was snuffed out.

As the general talked, and as I described to him the 24-year-old that I had nominated to West Point, the general asked me his name. And I said Bernstein. He said Congressman, that is who I was talking about. He went to school with my son at West Point. I happen to have a 3-page letter with me from Lieutenant Bernstein's parents thanking me for the praise we had acknowledged for him to his family, including comments from those who knew the lieutenant, who had been touched by him during his brief life. I gave a copy of that letter to the general. He was very moved and presented me with the unit coin which I will present to the Bernstein family in remembrance of their son, a brave American hero.

Our visit with the troops in both Iraq and Afghanistan, Uzbekistan was to assess what they needed. We came back with the idea that they need more linguistic support, they need more UAVs, and we need better benefits and support for our Guard and Reservists who are serving so well. And that message was conveyed throughout the trip.

In leaving Iraq, we went to Islamabad and then flew into Afghanistan into the capital city of Kabul where we met with King Zahir Shah to assess his continuing role as the leader of that country, someone who helped us get the Afghanis to convene Aloya Jirga to bring together the leaders to establish a constitutional government.

In following the meeting with King Zahir Shah, we met with the leader of the government of Afghanistan, Hamid Karzai. He talked to the success only made possible by the leadership of the

United States. In between we met with more of our troops.

Then we flew from Kabul up to our K2 base in Uzbekistan, a former Soviet military site where we spent a day and a half with the troops. Each member of our delegation walked through the wards. We went to the bedsides of those soldiers, some who had shrapnel wounds, some who had been shot in the leg, some who had piercings of the eyes, some who had skin diseases. And we told them that they were our heroes.

We met with those that were on the way out in transition, that were coming back to the States. In fact, we offered seats to 12 of those young soldiers who came back with us to America and then were taken to the Army medical facility here in Washington, D.C. for further treatment and eventual transport back to their districts.

We had two town meetings in the military base in K2. As we stayed overnight, we had dinner one night and breakfast the next morning with the troops. And during the evening and the morning, we had town meetings to allow the troops to tell us what was on their minds. They told us the good things and bad things; but without any question, Mr. Speaker, the morale of our troops in every visit we made was overwhelmingly positive. They knew why they were there. They were positive for being there. And they were happy that we came.

We delivered 10,000 Valentine's cards, made by schoolchildren all over America. We delivered 25 cases of Tasty Cakes so the troops could get a fresh taste of America and the treats that come from my hometown city of Philadelphia. We even brought over shirts from the Philadelphia Eagles. Unfortunately, not many wanted them because the Eagles had lost a terribly embarrassing game before in the playoffs, but we gave them out anyway.

Mr. Speaker, our trip was an overwhelming success. I am proud of those Members of Congress that went on this journey to try to improve relations with these nations, with these emerging democracies, and the conversion of this former arch enemy of ours.

Now, Mr. Speaker, I would like to yield to the gentleman from Indiana (Mr. SOUDER) for whatever time he would like to consume, one of the stars on this trip. He was the only member of the delegation not on the Committee on Armed Services, the other five were; but he is a strong supporter of our military and, more importantly, he is the chairman of the oversight committee that oversees all of our antinarcotics and abuse efforts worldwide. He has been a leader in helping the President and the administration deal with the problems of narcoterrorism, and he and his staff were there to specifically focus on that issue, and he did it extremely well at every stop. But it was a pleasure to have him with us. He has traveled in the past with me to Russia. And I was proud to have him as a colleague on this trip.

□ 2115

Mr. SOUDER. Mr. Speaker, I first want to praise the gentleman for his continuing efforts in this often, and previously, ignored region of the world. He has been an expert in Russia for a long time. I believe he said 33 different trips to Russia, someone who is a familiar face there, who will go nose to nose with the Russians, and at the same time the Russians know he will be back again and again and again. He is our friend while he is also arguing with us.

I have watched the gentleman practice that in tough negotiations with Russia and prepare himself for the other types of things that he has been working with in this troubled region of the world.

He has spent time in the Ukraine, in Georgia. His commitment to Uzbekistan and Kazakhstan and the so-called ''Stans'' was there long before we had the focus in the recent post-9/11 issues. The gentleman was interested in this for a long time since the Republicans came into control in Congress and even before that in his career.

His efforts in North Korea. He has been in the world hot spots before they were known as the world hot spots; therefore, the particular trip that we were able to do, as the gentleman has explained tonight, we cannot overstate the gentleman's role and the connections and how these things are connected.

Because the gentleman is involved in the energy, he got to know Mohammar Khadafi's son, who would enable us to get into places we were never able to get in and help facilitate the breakthrough that we are having in Libya. The gentleman deserves that credit. No matter how many times it is said, the fact remains that we were able to get into places that we were not able to get into, that Americans would not have been able to get into had the gentleman not been spending a lot longer than just the most recent time, but time way before that. I thank the gentleman very much for that.

Let me kind of reinforce a couple of things that the gentleman said. First, I would like to start with Libya because there were many of us, and let me just in my little piece that I got to say to the leader, Mr. Khadaffi, it was very clear. I said, look, I am a fundamentalist Christian. I am a strong supporter of Israel. I am one of your critics. But at the same time, and I did not particularly like some of the things he was claiming to be, this great democracy and how great socialism was working. We did not agree. But he said it in a debating type of way, probably a little nicer than some of the debate we had here earlier this evening. It was a good discussion. He seems to want to start to communicate.

While I found some of the things he said offensive or in disagreement, the bottom line is he took a huge step to open up a country that was previously and still is on our terrorist list, that may be networking; and those of us who have seen all sorts of classified things know we have Libyan suspects all over the world for potential networks suspects. If he shuts this down, if he shuts this nuclear development down, look, I am willing to sit through a few lectures. I am willing to talk. If somebody can be moved off the terrorist list, if somebody can be moved off the nuclear list, we can sit down and talk. It does not mean that we are apologizing or that we are agreeing with past things. Okay. What is done is done.

If we have a chance at a time when we are under assault all over the world to find a friend who wants to fight al Qaeda, who wants to take on bin Laden, who wants to dismantle, and on the whole I would just as soon they did health research and tried to figure out how to put their nuclear research into desalinization of water. They want our help to try to figure out how to get more water in Libya so they can irrigate. And that is a lot better than developing bombs to blow up our people.

His comment that you referred to where he said, we do not know much about Libya, partly we will never know that much about Libya. And some of it was rhetoric and frustration we hear all around the world. But you know what, we did just not know much about Libya. I love to study history. We did not know hardly anything about Libya. Apparently, our government does not either.

They were telling the gentleman from Pennsylvania (Mr. WELDON) that we cannot land there. We do not know how we will be received. They will be hostile. There will be no press coverage. And we landed, and there is not any other way to state this, it was the friendliest place I've even been on a CODEL.

Everybody was so excited to see us. Once the leader said, this is okay, all this Americanism is pouring out. The gentleman mentioned the university. They want to get our education. The 38 of the top 40 people have been educated in America. The U.S.-Libyan Friendship Society, there is hundreds of people waiting 3 hours to have lunch with a few Congressmen.

The excitement of the whole trip there, you go, something is a disconnect. We do not understand. And at one of the dinners where the Libyan husband of an American citizen asked me, Are you guys over here just to tick off the French? And I said, What? I said, I hate to be an ignorant American here, but why would we be ticking off the French? He said, You do not understand. In North Africa, Libya, Tunisia, Algeria, the French and the Italians are viewed as the occupiers. The Americans came in in World War II and liberated us. We like America. And I am thinking, no, no, these are the guys that hate us.

It is not that we just do not know much about Libya; we do not know anything. We had it backwards. If they

are willing to work with us, hey, look, it is trust but verify. They could have taken us into a nuclear facility.

The gentleman from Pennsylvania (Mr. WELDON) knew more than I did because he has been to Russia so many times, he goes, oh, that is a Russian system. Were you working with this university? Were you working with that university? It is clear that the pressure that President Reagan put on communism to get the fall of the Berlin Wall and the change in Russia meant that it also dried up a lot of the assistance they were getting in Libya. And then they had to go into the market to pick up a few things. That knowledge, while the gentleman knows a lot, quite frankly, he said repeatedly, look, there is only so much we can do. The President makes these decisions. We can input. We can help once it goes through, how to put these plans together, but the bottom line is we want nuclear scientists to look at their nuclear facilities. We want experts to verify what we have heard.

What we see is they need it economically. His son, who is the next potential leader, wants to change the country. He is being schooled at the London School of Economics. When you go into Tunisia, you can see the differences between there and Libya. So can all their people next door. They have reasons to want to change. He does not want to be caught in a spider hole like Saddam was.

All the evidence suggests that this is real. What the chairman said, to go up to Libya, was a huge breakthrough. The administration is moving rapidly and this may be one of the biggest things in our life time that saves lots. And it is much to the gentleman's credit, and it was a great stop in Libya.

I only want to mention one thing about Iraq because I agree with everything the gentleman has stated about that, from everything to morale to others; but I supported and the gentleman mentioned about getting General Dayton in here and the weapons of mass destruction, trying to understand that the consultants somehow got more high profile than the people that are actually running the weapons of mass destruction program, that there are multiple directions here; but what I wanted to comment on particularly was the spider hole itself.

It taught me something else with this that I have been trying to communicate back home as well. That hole was not very big. I am not a particularly big person, maybe a little overweight but not that much, but I did not fit into the hole very well. The bigger you were, the tighter it was. The taller you were, the tighter it was. It was a very small hole.

What we heard was that there was inside information, we had already been to that farm twice looking for it, looking for him. Saw nothing. Then inside information, not voluntarily given, told them where it was. They went in with Special Forces and still did not find it. Found a different hole. Then they had to go back and get a drawn map to go.

First off, if you think of the hole as very small and the part where he would go down into basically like a casket with a higher ceiling, there was not much room when you got down in there. You could not move barely at all.

No wonder he was disoriented. If he had American troops tromping around above him while they are making several visits with a little tube going down, he was probably getting very little oxygen, it was dark, there was no food, it is not like it is a lighted well-structured cell. It was a little dirt box that he was in. And if it is that hard by the time they put the grass over the top of it and something over the top of that, there was no way even Special Forces with a map could find it. Put this in the context of weapons of mass destruction.

If you cannot find Saddam when you have a map from his top staffers, and you have your top forces searching for it with a map and it takes you two runs, we may never find some of this stuff. Just because we do not find it does not mean it does not exist. We have already proven it was worthwhile to go in there because they were clearly developing.

The other thing was in going down to the Believer's Palace at the bottom, when we went down and saw the supposed place where he would feed back all this stuff to us and we were one of the first groups, I believe they had just opened up the basement there, and you saw the ability to put 200 of his special guards and his cabinet and himself in there. What we saw was not only the masks that you always hear about, chemical and biological masks, but they had controls on the wall for different types of chemical and biological weapons to control the air systems and other things. This guy was not preparing for conventional war.

Whether he was preparing now or a year from now or 2 years from now may be debated, but he was getting ready to fight an unconventional war.

In Afghanistan, which was one of my primary goals to talk again to President Karzai, who I met here as well as the former King, about narcotics. Afghan heroin is again flooding the market. We have major obligations here with Afghanistan. As the King said in Rome, the gentleman from Pennsylvania (Mr. WELDON) took the first delegation in. We followed shortly after that, and the King told me at that time, we used to grow all sorts of crops where they now do poppy, and Afghanistan is often remembered when there is trouble, but then you forget us because we are a poor country that gets run over by all the major powers. My people are hungry.

I have never seen a country without a middle class or even nice hotels. It was a suburb of hell, quite frankly, in Kabul. They need help. Yet at the same time, I think 85 percent of the people turned out in a recent election even though al Qaeda was threatening to kill them. They are excited. They have a multiparty system, multicandidates running.

We have to figure out how to get them off the heroin because their farmers are not making that much from heroin. It is going to middle men. And these middle men that are making the money are often tied to the terrorist networks. They use narcotics, human trafficking and other illegal substances to fund it. So what I was trying to explain and President Karzai has been helpful, the general, the nephew I think of the King, said that we need Special Forces, Afghani Special Forces to go in after the heroin because the RPGs and the bombs and the suicide bombers are getting funded in Afghanistan largely by the fact that when the heroin poppy goes into market, that money then gets to middle men who take that money to buy armaments and to build al Qaeda and other terrorist networks around the world.

It is a very close link between drugs and terrorism, a very close link to reestablishing the control in Afghanistan. They have the will. They are turning out to vote at greater rates than we are. They are excited about the freedom. Women have their first freedom. We have an American-educated leader who really is dynamic in what he wants to do in Afghanistan, a King who has shown his commitment for 40 years and then transferring it to democratic power there.

I was hopeful for Afghanistan even though it is a very tough country that has been abused by every major power through world history for hundreds and hundreds of years. This was an eye-opening trip. It was a tremendous privilege to be allowed on it.

I commend the gentleman for leading a breakthrough in Libya, major steps in Iraq, and showing the courage to go into Afghanistan even when people were telling us, the day we were still going in, do not go in there. It is not safe right now; we went in. President Karzai was able to go in front of his media and say, look, the Americans are here. They are backing us up. They are not bailing out just because two suicide bombers hit us in the last few days and somebody hit an ammunition dump. We are not retreating. This is real. It is not just the President; it is the Congress that is behind you.

I thank the gentleman for his leadership.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to add a comment about the role of this body and members of foreign policy.

There are some who say that Members of Congress should not travel overseas or travel to countries that we are having problems with.

I will say that is absolutely, totally wrong. There are some within the State Department who take offense to the fact that Members of Congress will

travel to countries like this. Let me say to my colleagues in this body, many of you will be here for 10 years or 20 years. If you focus on one country or a group of countries, you will have far more opportunities to specialize in that country than a State Department official who spends 3 years in one post and moves on someplace else.

There is a very real and substantive role for Members of Congress to play, and we must play it. This is not a case where the executive branch controls everything and we are just subservient to them. We are an equal part of the Federal Government, and we have the responsibility because we appropriate the dollars, we levy the taxes, and we oversee the way the money is spent, to travel to these countries, to open doors, to look for new ways to establish relationships, and to support the administration, which we did on this trip as we have on every major trip. But there is a role for the Congress to play.

I am convinced that Members of Congress can play an extremely constructive role because we do not have to act as diplomats. We do not have to watch how we sit, how we sip our tea, what words did we use, because we are not representing the President. We are not representing the Secretary of State. We are representing ourselves. The members of Congress on this CODEL, as it has been on every CODEL that I have been a part of, did a fantastic job on behalf of America.

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Mr. Speaker, I would like to at this point in time place the trip report in the RECORD, filed as a part of our process as we do for every trip that gives the American people and our colleagues a complete, factual understanding of what we did, where we went and how we represented our country.

I am proud of this delegation, Democrats and Republicans alike, opening new doors to help in the security of not just America but of all those countries that want peace around the world.

CONGRESSIONAL DELEGATION (CODEL) WELDON TO LIBYA, TUNISIA, KUWAIT, IRAQ, PAKISTAN, AFGHANISTAN, UZBEKISTAN, AND GERMANY—JANUARY 25–31, 2004

SUMMARY

A bipartisan congressional delegation (CODEL) led by Representative Curt Weldon (R-PA), traveled to Tripoli, Libya; Tunis, Tunisia; Kuwait City, Kuwait; Baghdad, Balad Air Base, and Ad Dawr, Iraq; Islamabad, Pakistan; Kabul, Afghanistan; Karshi Kharnabad (''K2''), Uzbekistan; and Ramstein Air Base and Landstuhl Regional Medical Center, Germany January 25–31, 2004. The delegation met with the leadership of Libya, Afghanistan, and Iraqi Governing Council representatives, the former Kuwaiti Ambassador to the United States, reviewed U.S. military operations and visited personnel supporting Operation Iraqi Freedom (OIF) in Kuwait and Iraq and Operation Enduring Freedom (OEF) in Pakistan, Afghanistan and Uzbekistan. The delegation included:

Representative Curt Weldon (R-PA)
Representative Solomon Ortiz (D-TX)
Representative Steve Israel (D-NY)
Representative Rodney Alexander (D-LA)
Representative Candice Miller (R-MI)
Representative Elton Gallegly (R-CA)
Representative Mark Souder (R-IN)
Representative Darrell Issa (R-CA)

A listing of the complete delegation and key personnel contacted at each location is provided at attachments 1 and 2, respectively.

Libya, January 25–26

The delegation was the first bipartisan congressional delegation to meet with Colonel Moammar Gaddafi in 35 years. Fourteen other meetings were held with senior ministry, legislative, educational, and charitable foundation officials. The discussions with Colonel Gaddafi and all other senior leaders were extraordinarily positive regarding the potential for normalized relations between Libya and the U.S. The delegation encouraged the Libyan leader to follow through on his encouraging public statements regarding elimination of Libyan weapons of mass destruction (WMD) programs, with swift, verifiable elimination of those programs. Further, the delegation spoke with Libyan leaders regarding numerous public and private cooperative science, technology, environmental, health care, economic development, and energy-related programs that could be developed and instituted immediately upon normalization of relations. The delegation also delivered introductory letters from American University students to students of Al Fateh University in Tripoli.

Colonel Gaddafi thanked Chairman Weldon for making the visit possible: ''coming at a very critical time''—observing that he wished that ''such a meeting could have taken place thirty years ago'' and stating his hope ''to be able to compensate for what we missed.'' He commented at length on the need for countries to communicate and engage in dialogue before taking up arms against one another. He denied any responsibility for the night club bombing in 1986 that led to the U.S. bombing of Libya and the death of his step daughter:

''For 30 years we haven't discussed anything with each other . . . taking the wrong approach right from the beginning, with wars, losses, damage, loss of valuable time, without a good, specific reason for doing so . . . The picture of Gaddafi (in the U.S.) is not a real one. When I took the decision on elimination of weapons of mass destruction, I did it for my people, out of conviction . . . If I had the atomic bomb I would put it on the table. There is no reason for Libya and the United States not to have good relations. The right course is the one you have taken: to come here and meet . . . the policies were wrong in the past. We can't rectify such wrongs . . . We have to compensate for what we have missed. . . I highly value your visit because it is necessary that you know us very well. Because once you know us well, then you will take the appropriate policy decisions.''

He further commented regarding what he believed to be a lack of knowledge in the U.S. about Libya's government:

''Americans don't even know the governing system in Libya. We know the governing system in the U.S.: the White House, the NSC (National Security Council), Congress . . . We know about the Pentagon. We know about the newspapers, one by one. We even know the writers. We know names of companies and specializations. Nevertheless, Americans don't know anything about our congresses, peoples' committees, revolutionary committees, social structure, leadership, or anything about the Green Book.''

Colonel Gaddafi also mentioned criticism from Arab countries he said was aimed at Libya for deciding to eliminate its WMD programs:

''In the past year there have been bad mediators. Tunisia, Egypt and other Arab countries see it as not in their best interest for Libya and the United States to have good relations. These countries are benefiting from the embargo and seek a continuation of the embargo for their own interests. How would you expect them to work for good relations between Libya and America? The Arabs are waging a fierce campaign against us for deciding to get rid of WMD. I hope they are not successful in taking revenge against us. I hope that even Libyans are not sorry for taking such a step. It all depends on your supporting us. It does deserve support and encouragement so that Libyans won't be disappointed.''

Chairman Weldon stated that before coming to Libya the delegation had been told by U.S. officials of the positive attitude taken by Libyans in cooperating with the survey of Libyan WMD programs and initial steps to eliminate WMD programs:

''There is no doubt in my mind that your policies and leadership will lead to normalized relations between our countries. Even President Bush, in his recent State of the Union message, mentioned Libya as a model for other countries. You have to understand that President Bush has been criticized by elements of our society for calling Libya a model, just as you have been criticized by Arab leaders who want to see Libya and America stay apart.''

Chairman Weldon indicated that normalization of relations between the two countries would permit initiatives to be undertaken between the Libyan General Peoples' Congress and the U.S. Congress, much like has been done with the Russian Duma and other parliaments, to further governmental and non-governmental cooperation between peoples of the two countries, leading to better understanding, peaceful cooperation, and providing for a better quality of life for all peoples: ''The path forward will not be easy, good things have to be worked for . . . I am convinced that if we work as hard on our side as you have on your side, we can start a new chapter in our relationship, without make judgments about your country or your culture, but to work together, as partners.''

Kuwait-Iraq, January 26–28

The delegation traveled to Baghdad to meet with and receive updates from L. Paul Bremer, Administrator of the Coalition Provisional Authority; General Sanchez, Commander, Joint Task Force Seven; the Iraq Survey Group, responsible for the search for weapons of mass destruction; representatives of the primary factions of the Iraqi Governing Council; and the Deputy Commanding General, 1st Armored Division, responsible for the security of Baghdad.

Four members of the delegation met with Sheik Saud al Sabah, former Kuwaiti Ambassador to the United States, to renew acquaintances and discuss the general political, economic, and military situation in the region. Sheik Sabah has personally established a fund for families of U.S. military personnel killed in the 1991 Gulf War.

Coalition Provisional Authority

Ambassador Bremer indicated that work continues on formulating the strategic framework for Iraqi security, its economy, and political transition. He noted that while the security situation had improved, there still exists a major terrorist threat. He further stated that the ''consumption economy'' is working well, but structural problems exist, largely due to the distorting economic effects of five cents a gallon gasoline. The focus is in getting capital into the economy. Work continues, as well, on the transition to a National Assembly by July 1, 2004.

Differences within the Governing Council and among the general populace on the selection of delegates by caucus or direct election continue to cause significant debate and public demonstrations. Ambassador Bremer noted that an announcement is due in the near future from the United Nations on its recommendations on elections in Iraq based on the results of a study completed by a visiting United Nations team.

CJTF–7

General Sanchez indicated that the number of attacks by former regime elements, foreign terrorists, and others had continued to decline since the capture of Hussein, now averaging less than 20 per day, down from a high of 50 per day.

Iraqi Governing Council

The delegation met with four members of the Iraqi Governing Council (IGC), representing the primary political and religious factions within Iraq. The President of the IGC, Dr. Adrian Pachachi, a secularist, indicated the Council was in the final phase of establishing basic laws, establishing the details of a provisional government, and completing the constitution. Dr. Pachachi further indicated his belief that the draft constitution covers every conceivable right: freedom of speech, freedom of assembly, the rule of law, etc. Three of the four council members—Dr. Pachachi, the Sunni, and Shia IGC Members—were unanimous in stating their views that it is an oversimplification to conclude that individual Iraqi religious affiliation dictates the views of the Iraqi people on various policy issues: ''the reality is that the fanatics are a tiny minority, but very vocal and very well organized.'' The Sunni IGC member indicated that Sunni and Shia will vote on the issues, not on the basis of religion, but on the substance of the issues under consideration—''the educated middle class in Iraq is much more open minded.''

The Kurdish member stated that the Kurds live under a different system and different culture, observing that they have suffered under Iraqi rule, and ''have the right to establish their own way.'' Dr. Pachachi, acknowledged that ''from the beginning we have recognized that the Kurds are distinct, that their special status will be maintained. We are in the process of agreeing to that arrangement.'' Dr. Pachachi further indicated that the problem at hand is deciding the best way to select members of the legislature: ''The problem is that it will be difficult to have credible elections in such a short period . . . If the UN doesn't believe elections are possible, they will likely propose other possibilities.''

Iraq Survey Group

Major General Keith Dayton, Director of the Iraqi Survey Group, provided a classified update on the search for weapons of mass destruction and counter terrorism programs. A common misperception is that Dr. Kay headed the hunt for WMD. While Dr. Kay has been a very valuable advisor in the hunt for WMD, General Dayton has headed the group responsible for the hunt for WMD since its inception in June 2003, and with Dr. Kay's departure, will continue to head the group.

What can be said about the delegations' discussions is that there, the people in the trenches actually doing the day-to-day searches, collecting, and analyzing the data and material, expressed a sense of ''frustration and dismay'' over ''what Dr Kay is doing''—or at least some of the media's characterizations of ''what Dr. Kay is doing,'' as he exits from his high visibility role in the hunt for WMD.

The ISG has responsibilities beyond the sole search for WMD. Although not the Commander of the ISG, but responsible as the special advisor for WMD, apparently Dr. Kay sought total control of all the assets under the ISG for the sole purpose of the hunt for WMD. It was a matter of ''all or nothing.'' And when he didn't get all of the assets—even when those assets were increased to provide additional funds for areas other than the search for WMD, Dr. Kay objected, ultimately being a factor in his departure.

Those responsible for the search for WMD in Iraq believe that while no large stockpiles of WMD have yet to be uncovered, no shortage of leads exist—with literally tens-of-millions of documents remaining to be fully examined and considerable leads and circumstantial evidence to be pursued—''with much remaining to be done.''

General Dayton believes the declared failure by some to yet find large stockpiles of nuclear, chemical, or biological weapons is premature and ignores the significance of the evidence that has been found about the undisputed activities in each of these areas providing evidence of future intentions and breakout capabilities being pursued and proven to have existed. In the nuclear area, Dr. Kay said as recently as January 28 that, ''Look, the man had the intent to acquire these weapons, he invested huge amounts of money in them. The fact is he wasn't successful.''

In the end, Dr. Kay's judgment, regardless of the disappointment resident in the ISG, came down on the side of the continued search. In an interview on NBC in which he was asked to comment on whether it was prudent to go to war, Dr. Kay said ''I think it was absolutely prudent. In fact, I think at the end of the inspection process we'll paint a picture of Iraq that was far more dangerous than we even thought it was before the war . . .''

Balad Air Base-Ad Dawr

At Balad Air Base, the delegation met with the Commanding General of the 4th Infantry Division, Major General Mike Odierno and the Commander, Third Brigade, 4th ID, Colonel Fred Rudesheim. The delegation also visited the capture site of Saddam Hussein at Ad Dawr. At each stop the Members had an opportunity to meet with military personnel from their home states and districts.

Afghanistan, January 29

The delegation met with President Hamid Karzai and the former King of Afghanistan, Zahir Shah. President Karzai expressed his appreciation to the delegation for the many sacrifices made by America to further political stability, economic progress, and increased employment in Afghanistan and for America's continued war on terrorism . . . ''Our people know what America has done.'' He described the Loya Jirga process, the adoption of the Afghan Constitution, patterned after the U.S. Constitution, and the anticipated general elections.

President Hamid Karzai

President Karzai cited the key importance of Pakistan to stability in Afghanistan, by not interfering in Afghan affairs, yet assisting in elimination of the Taliban threat. The President and the delegation discussed the significant problem of continued high levels of poppy cultivation in Afghanistan. President Karzai acknowledged. Afghanistan's failed efforts to eliminate poppy cultivation and described the government's plan to destroy poppy fields, while assisting farmers in alternative crop cultivation, interdiction of drug routes, and destruction of heroin production labs. The President concluded that for Afghanistan to emerge as a nation-state it has to destroy the poppy crop: ''to destroy terrorism, we must destroy poppies.'' The delegation cited its support and commitment to Afghanistan, ''for the long haul.''

His Highness, Zahir Shah

The former King, Zahir Shah, thanked the delegation for U.S. assistance in establishing peace and security in Afghanistan. He observed that the political process in Afghanistan is based on a tribal structure—a democracy that functions within a tribal structure—with the same goals as the people in America.

Uzbekistan, January 29–30

Following meetings in Kabul, the delegation traveled to Karshi-Kharnabad (''K2''), Uzbekistan, to visit U.S. military personnel supporting OEF. In addition to being able to speak informally at the evening and breakfast meals with personnel from their districts, the delegation received mission orientated briefings, toured a mission aircraft, and viewed a static display of a Uzbek Air Force SU–27.

Germany, January 30–31

Commander, USAF Europe and U.S. Consul General

General ''Doc'' Foglesong and Consul General (CG) Peter Bodde discussed NATO-related military and regional political issues. General Foglesong described the challenges posed by making the NATO Response Force (NRF) viable given the current limited expeditionary capabilities of the NRF. He also described the efforts at re-sizing NATO and U.S. operations—''mining manpower positions''—and the use of ''reach back capabilities'' to allow functions in the U.S. such as intelligence to support the European theater instead of having to have the capability resident in Europe. General Foglesong further described efforts to develop niche capabilities among NATO partners to preclude all nations from having to have all military capabilities with some developing expeditionary capabilities for billeting, some with medical, others with civil engineering, etc.

Representative Souder expressed his deep concern regarding Austria's, France's, Turkey's and Germany's various degrees of lack of support for U.S. operations in Iraq. He also commented on the cumbersome rules of engagement within NATO in the war in Kosovo. General Foglesong indicated his ''cautious optimism'' about relations and support in dealing with the countries within NATO: ''They recognize that terrorists don't recognize borders.''

Representative Ortiz, expressing frustration, observed that ''it would be nice if the State Department would consider us (Congress) equal players,'' indicating the both State and Defense Departments frequently take action without consultation or regard for the views of Congress.

Chairman Weldon concluded that regardless of the some troubling aspects in the execution of foreign policy and some military operations, ''the American peoples' support and the support of Congress for the troops are solid and unequivocal—and the troops need to know that.''

Contingency Aero-medical Staging Facility & Lanstuhl Regional Medical Center

The delegation visited with injured military personnel from Afghanistan and Iraq at the Landstuhl Regional Medical Center and Aero-medical Staging Facility at Ramstein Air Base. The delegation was pleased to provide transportation for ten soldiers, awaiting transportation to the U.S. to continue their treatment at Walter Reed Army Medical Center for injuries suffered in Iraq.

Political, Economic, and Security Environment

The CODEL visit to Libya came shortly after Libyan leader Moammar Gaddafi's pledge to rid his country of weapons of mass destruction.

The Iraq visit took place six weeks after the capture of Saddam Hussein near Ad Dawr and nine months after the declared end to major combat operations in Iraq. In October 2003, Congress had approved President Bush's $87 billion fiscal year 2004 supplemental request for military, intelligence, and reconstruction costs in Iraq and Afghanistan. Acts of terrorism being conducted by former regime elements, fundamentalist extremists, foreign terrorists, and common criminals against coalition forces and Iraqi civilians continued to cause casualties, although at a reduced rate since Hussein's capture and the end of Ramadan. The Iraqi people, particularly the police, have increasingly become the target of the random terrorist attacks.

The Afghanistan visit came shortly after the adoption of the Afghanistan constitution by the ''Loya Jirga.'' Lingering Taliban elements and Al Qaeda continued efforts to threaten the evolution of democratic Afghanistan through intimidation and sporadic terrorist attacks against coalition forces, non-governmental international aid organizations and Afghans.

OVERVIEW

A bipartisan congressional delegation (CODEL) comprised of eight Members of Congress, led by Representative Curt Weldon (R-PA), traveled to Tripoli, Libya; Tunis, Tunisia; Kuwait City, Kuwait; Baghdad, Balad Air Base, and Ad Dawr, Iraq; Islamabad, Pakistan; Kabul, Afghanistan; Karshi Kharnabad (''K2''), Uzbekistan; and Ramstein Air Base and Landstuhl Regional Medical Center, Germany January 25–31, 2004. The delegation met with the leadership of Libya and Afghanistan, representatives of the Iraqi governing Council (IGC), the former Kuwaiti Ambassador to the U.S., reviewed U.S. military operations and visited personnel supporting Operation Iraqi Freedom (OIF) in Kuwait and Iraq and Operation Enduring Freedom (OEF) in Pakistan, Afghanistan and Uzbekistan. In addition, thousands of Valentines Day cards from U.S. school children as well as other gifts were presented to U.S. troops serving in OIF and OEF in Iraq, Afghanistan, and Uzbekistan in the war against terrorism.

Tripoli, Libya, January 25–26

The delegation was the first bipartisan congressional delegation to visit Libya and meet with Colonel Moammar Gaddafi in 35 years.

Arrival Meeting

The delegation was met by a delegation led by Abdullatife Aldali, Chairman of the Tripoli Conference, who welcomed the delegation: ''We look forward to a new relationship between Libya and America.''

Following an introduction of the delegation, Chairman Weldon indicated the delegation was in Libya to open a new chapter in U.S.-Libyan relations, to listen and learn from its Libyan counterparts: ''There are strong U.S. interests in both political parties to be friends with Libya, to work to resolve common concerns. We don't come here to represent the Secretary of State or the President, but as representatives of a co-equal branch of the United States Government, looking forward to normalized relations between our countries.'' Chairman Weldon described many of the inter-parliamentary relationships Congress has with the parliaments in Russia, Ukraine, Uzbekistan, Azerbaijan, and the European Parliament and indicated his hope that there would one day be a similar relationship with the General Peoples' Congress Great Jamahiriya of Libya.

Representative Ortiz indicated that there is much to be gained by both countries by being friends and thanked the hosts for their warm welcome.

Overview of Ministry, Legislative, Educational, & Foundation Meetings

The delegation met with Colonel Gaddafi for two hours and had fourteen other meetings with senior ministry, legislative, educational, and charitable foundations. The delegation spoke with the Libyan leaders about cooperative governmental and non-governmental programs that could be developed and instituted, much like has been done with the parliaments of other countries. Chairman Weldon noted that discussions regarding such programs could be started immediately upon normalization of relations.

Chairman Weldon prefaced each of the discussions with Libyan leaders with an explanation of the congressional role in the U.S. federal system of separate, but equal branches of government: ''We are not here to negotiate, that is the responsibility of the executive branch of our government. But after you take the necessary steps to follow through on your stated intention to eliminate your WMD programs, Congress can encourage our President and Secretary of State to expedite normalization of relations with your country. Following that, we can work with you, like we have with a number of other parliaments around the world, to establish governmental and non-governmental programs to bring our two countries closer together and improve the welfare of both our peoples.'' The discussions with Colonel Gaddafi and all other senior leaders with whom the delegation met were extraordinarily positive regarding the potential for normalized relations between Libya and the U.S.

Colonel Gaddafi

Colonel Gaddafi thanked Chairman Weldon for making the visit possible: ''coming at a very critical time,'' observing that he wished that ''such a meeting could have taken place thirty years ago'' and stating his ''hope to be able to compensate for what we missed.'' He commented at length on the need for countries to communicate and engage in dialogue before taking up arms against one another. He denied any responsibility for the night club bombing in 1986 that led to the U.S. bombing of Libya and the death of his step daughter:

''For 30 years we haven't discussed anything with each other . . . taking the wrong approach, right from the beginning, with wars, losses, damage, loss of valuable time, without a good, specific reason for doing so . . . The picture of Gaddafi in the U.S. is not a real one. When I took the decision on elimination of weapons of mass destruction, I did it for my people, out of conviction . . . If I had the atomic bomb I would put it on the table. There is no reason for Libya and the United States not to have good relations. The right course is the one you have taken: to come here and meet . . . the policies were wrong in the past. We can't rectify such wrongs . . . We have to compensate for what we have missed. . . .I highly value your visit because it is necessary that you know us very well. Because once you know us well, then you will take the appropriate policy decision.''

He further commented at length at what he believed to be a lack of knowledge in the U.S. about Libya's government:

''You don't even know the governing system in Libya. We know the governing system in the U.S.: the White House, the NSC (national security council), Congress. We know about the Pentagon. We know about the newspapers, one by one. We even know the writers. We know names of companies and specializations. Nevertheless, Americans don't know anything about our congresses, peoples' committees, revolutionary committees, social structure, leadership, or anything about the Green Book.''

Colonel Gaddafi commented on the criticism he said was aimed at Libya for deciding to eliminate its WMD programs:

''In the past there have been bad mediators. Tunisia, Egypt and other Arab countries see it as not in their best interests for Libya and the United States to have good relations. They are benefiting from the embargo and seek a continuation for their own interests. How would you expect them to work for good relations between Libya and America? The Arabs are waging a fierce campaign against us for deciding to get rid of WMD. I hope they are not successful in taking revenge against us. I hope that even Libyans are not sorry for taking such a step. It all depends on your supporting us. It does deserve support and encouragement so that Libyans won't be disappointed.''

Chairman Weldon stated that before coming to Libya the delegation had been told by U.S. officials of the positive attitude taken by Libyans in cooperating with the survey of Libyan WMD programs and initial steps to implement the WMD program elimination.

''There is no doubt in my mind that your policies and leadership will lead to normalized relations between our countries. Even President Bush, in his recent State of the Union message, mentioned Libya as a model for other countries. You have to understand that President Bush has been criticized by elements of our society for calling Libya a model, just as you have been criticized by Arab leaders who want to see Libya and America stay apart.''

Chairman Weldon indicated that normalization of relations between the two countries would permit initiatives to be undertaken between the Libyan General Peoples' Congress and the U.S. Congress, much like has been done with the Russian Duma and other parliaments, to further government and non-governmental cooperation between peoples of the two countries, leading to better understanding, peaceful cooperation, and providing for a better quality of life for all people: ''The path forward will not be easy, but most good things you have to work hard for . . . I am convinced that if we work hard on our side as you have on your side, we can start a new chapter in our relationship, not to judge your country, your culture, but to work together, as partners.''

The delegation encouraged the Libyan leader to follow through on his encouraging public statements regarding elimination of Libyan weapons of mass destruction (WMD) programs, with swift, verifiable elimination of WMD programs.

General Peoples' Congress Great Jamahiriya

Zinati Zinati, Speaker of the General Peoples' Congress Great Jamahiriya, welcomed the delegation and expressed his appreciation for the ''extraordinary effort'' the delegation took to be in Libya: ''This is evidence of the great will on your part to develop, promote and enhance relations between our two countries.'' The Speaker provided the delegation with a general overview of the structure of the ''basic congresses'' and the General People's Congress, the annual legislative agenda, and the Libya legislative procedures.

Chairman Weldon noted that the delegation was the first U.S. bipartisan delegation to visit Libya in over 35 years. He expressed his appreciation for the warm reception and how this portended very productive discussions. The Chairman also cited the gratifying experience of the delegation shortly after the official arrival when the delegation had been able to take advantage of a short period before the beginning of the official itinerary to visit the nearby souq (market). There, the delegation had an opportunity to meet several Libyans, including small children, shopping and tending their stores, who

in each and every case warmly greeted the members of the delegation, often in English.

Chairman Weldon indicated that the delegation had come to Libya to praise Col Gaddafi for the ''bold steps he had taken to begin to bring our countries back together.''

''The positive steps Libya has taken in settling international claims against Libya; agreeing to rejoin international non-proliferation organizations and treaties; and declared intentions to deal with weapons of mass destruction have been very well received around the world. In fact the focus of the world is on Libya. It is a positive focus, that can lead to normalized relations between our countries. We came to let your Congress know that once normalized relations can be established, that our Congress can work with you, like we have done with the parliaments of Ukraine, Russia, Europe, and other parliaments to establish cooperative programs for the benefit of both our peoples.''

Chairman Weldon further described the detailed program established with the Russian Duma outlined in A New Time, A New Beginning, as described in attachment 3, prepared by members of the U.S. Congress, that was promulgated for the purpose of providing a catalyst for Russia and the U.S. to work together to benefit the peoples of both countries. He explained that a similar program and process for implementation could be established between Libya and the U.S. once normalized relations could be achieved. He further states ''that, something more fundamentally important that can occur is to change the image of Libya in America, and the world. The American people have a limited knowledge of Libya. By enhancing our formal relationship between our parliaments we would have an opportunity to further understanding between our peoples.''

Representative Ortiz commented that ''someone has a vision to get us together and I want to thank my Chairman for his vision.'' Mr. Ortiz quoted LBJ (Lyndon Baines Johnson):

''Let's sit down and reason together.'' Adding, ''that is what we are here to do today. There have been incidents that have caused us to drift apart. We can't change history, but we don't want to repeat it . . . We have taken the first step. I come from Texas and we have had a great relationship with Libya in the past. We have only been here a few hours, but I like what I see and I like what I hear. For the sake of the future generations, we need to give them a chance to hope, to dream, and to plan. We pledge we will do everything to strengthen the bonds between our two countries.''

Chairman Weldon thanked the Speaker for the efforts of Saif al Saleem al Gaddafi, Colonel Gaddafi's son, and Abdulmagid Mansouri, a member of the International Energy Advisory Council for their efforts in facilitating the visit of the delegation. Chairman Weldon further stated that: ''I am happy we are opening a new door between our countries and I want to keep that door open and not repeat the tragedies of the past.''

Suleiman Al Shahoumi, Secretary of Foreign Affairs of the General Peoples' Congress, observed that:

''Libya is a small country that inherited an ancient system with people living in poverty and experiencing starvation. The revolution in 1969 sought to bring up the level of life for the Libyan people. The Libyan people have chosen a political system—a direct democracy—in harmony with Libya's culture and principles in life . . . A system based on placing all authority in the hands of the people, distributed through 450 Peoples' Basic Congresses. This system is independent and balanced . . . The policies of these congresses support national liberation for states and nations and call for the respect of human rights and condemns all forms of terrorism. This policy also believes that the only way to resolve conflicts is through dialogue, calling for peace, stability, and order and cooperation between peoples and states. This policy believes that prosperity is achieved through democracy and development. Therefore Libya, thanks to the revolution, has been able to provide all types of rights to the people: utilities, education, human resources, housing, fresh water—all related to mankind. In spite of the term human rights not being precisely defined, my country has signed onto all treaties related to human rights.''

Secretary Shahoumi, commenting on terrorism, cited the difficulty in ''differentiating between terrorism and the legitimate right of nations and peoples to fight for their freedom and human rights.'' He added that, ''we deny and refuse the ways of connecting terrorism and Islam because we believe terrorism has no religion, has no state or country or home, and has no nationality.''

In commenting on weapons of mass destruction, the Secretary noted that ever since the 1969 Revolution, Libya has been calling for making the Middle East a region free of weapons of mass destruction, including nuclear weapons:

''But nobody has ever responded to this initiative. Therefore because of no response to our initiative, we thought as a small country, a modest way to protect ourselves was to establish WMD as part of our defense policy. However, after breakthroughs in resolving conflicts like UTA and Lockerbie and because of serious thoughts of the international community to get rid of WMD, Libya decided to formally announce its decision to dismantle its WMD programs. In this regard, we wish to express our deep appreciation for the positive international response to our initiative and we again call for making the region a WMD-free zone. As a step to that end, Libya has signed all relevant treaties and conventions related to this topic, including treaties banning all types of experiments related to WMD . . . And we call on your support to make the Middle East a WMD-free zone.''

The Secretary further provided his view that the people of Libya believe and have in fact published a White Book on the topic of peace in the Middle East. He indicated the White Book makes a ''practical and persuasive case'' for making Israel and Palestine a ''bi-state country,'' modeled after South Africa, with Muslims, Jews, and Christians all living together with ''all rights and duties.''

Representative Issa observed that Libya's stated intent to eliminate its WMD programs represents a ''huge step'' toward the goal of a WMD-free Middle East: ''Your offer made in Beirut two years ago to normalize relations with Israel was also a huge step . . . I will have to admit that I am a little cynical that Palestinians and Jews should join into one country so readily. Your dream is still a good one. Either option is acceptable to me. I hope you will join us in seeking either option as an acceptable approach to achieving peace in the Middle East.''

Prime Minister

Prime Minister Shokri Ghanem observed that strained relations between Libya and the U.S. existed due to ''misunderstandings or misfortunes,'' and Libya wishes to change that.

Representative Issa stated that it is important to sustain the momentum that has developed in normalizing relations: ''Momentum is like magic when it works . . . it is about expectations. Colonel Gaddafi turned on a dime in an amazing way. With no missteps, the U.S. could have an Embassy here in 300 days.''

Prime Minister Ghanem stated that ''with good intentions, with each party trying to understand one another,'' differences can be worked out: ''When we talk we understand one another. You are a big country—a super power—we are a small country, yet neither of us has a monopoly on wisdom. We have a duty to one another, and should not listen to a third party. We are very interested in going the whole way. We suffered from terrorism more than you. We failed to communicate. We need to talk.'' Chairman Weldon added: ''Honesty and candor are critical.''

Representative Gallegly mentioned the change that has taken place in American attitudes and the high level of apprehension that exists since 9/11. He further commented on the ''extremely warm welcome'' the delegation had received. He added that ''the press can often become the wedge, frequently seeing the glass as half empty. We can't let the press control the debate on this issue.'' Prime Minister responded that: ''the people are open and warm and have no grudges whatsoever.''

Prime Minister Ghanem concluded that after 9/11 the whole world is different: ''We can work together. Libya is a small country. When we talk and listen you can find wisdom in a small country. You will find us a good ally. The United States was the number one place we sent our students. We would like to do that again.''

Foreign Minister

Foreign Minister Abdulrakman Shalgam stated: ''it is an honor for us to start a new era of relations with the U.S. . . . I believe this is a chance for you to learn about our people. Our expectation, our ideas and thoughts can benefit from international peace . . . In the past there was a joint misunderstanding. It is the mission for both of us to clear up that misunderstanding . . . Certain circumstances caused a misunderstanding. We started a bit late, but better late than never. It is an honor to be receiving the first delegation from America.''

Chairman Weldon stated that the delegation didn't know what to expect in coming to Libya: ''Your people have overwhelmed us with their warm greetings—in your markets and in all of our meetings . . . The eyes of the world are on Libya because of what you have done. Your decision to rid your country of WMD and rejoin related treaties has caused Libya to become the centerpiece for discussion all over our country. The highest respect we can give is coming here personally . . . As you know, we are not here to negotiate, that is not our job. But if you continue the path you have chosen, as an equal branch of our government, we believe we can institute a process that will benefit both of our peoples. We have spoken with your Congress about that day and talked to them about the work we have done with other parliaments. We are excited, optimistic, and with your leadership, we believe normalized relations can be established.''

Representative Ortiz observed that he never believed that one day he would be in Tripoli. He also spoke of the warm greetings extended to the delegation.

Gaddafi International Foundation for Charitable Associations the Gaddafi Human Rights Foundation & The Libyan Red Crescent

The delegation visited with officials of the Gaddafi International Foundation for Charitable Associations, the Gaddafi Human Rights Foundation, and the Libyan Red Crescent to discuss their programs.

Al Fateh University

The delegation met with the President of Al Fateh University, department heads, and

delivered introductory letters from American University students to students of the University. Professor Tarhuui read a poem that he had prepared to celebrate the delegation's visit, attachment 4.

Baghdad, Iraq, January 27

The delegation traveled to Baghdad to meet with and receive updates from L. Paul Bremer, Administrator of the Coalition Provisional Authority; General Sanchez, Commander, Joint Task Force Seven; the Iraq Survey Group, responsible for the search for weapons of mass destruction; representatives of the primary factions of the Iraqi Governing Council; and the Deputy Commanding General, 1st Armored Division, responsible for the security of Baghdad.

Coalition Provisional Authority

Ambassador Bremer indicated that work continues on formulating the strategic framework for Iraqi security, its economy, and political transition. He indicated that while the security situation had improved, there still exists a major terrorist threat. He further indicated that the ''consumption economy'' is working well, but structural problems exist, largely due to the distorting effects of five cents a gallon gasoline. The focus is in getting capital into the economy. Work continues, as well, on the transition to a National Assembly by July 1, 2004. Differences within the Governing Council and among the general populace on the selection of delegates by caucus or direct election continue to cause significant debate and public demonstrations. An announcement is due in the near future from the United Nations on its recommendations on elections in Iraq based on the results of a study completed by a visiting United Nations team.

CJTF–7

Lieutenant General (LTG) Ricardo Sanchez, the senior U.S. military officer in Iraq (Commending General V Corps and Coalition Joint Task Force 7), provided an update on combat, security, and U.S. military personnel issues. General Sanchez indicated that the number of attacks by former regime elements, foreign terrorists, and others had continued to decline since the capture of Hussein, averaging less than 20 per day, down from a high of 50 per day.

Iraqi Governing Council

The delegation met with four members of the Iraqi Governing Council (IGC), representing the primary political and religious factions within Iraq. The President of the IGC, Dr. Adnan Pachachi, a secularist, indicated the council was in the final phase of establishing basic laws, establishing the details of a provisional government, and completing the constitution. Dr. Pachachi indicated his belief that the draft constitution covers every conceivable right: freedom of speech, freedom of assembly, the rule of law, etc. Three of the four members—Dr. Pachachi, the Sunni, and Shia IGC Members were unanimous in stating their views that it is an oversimplification to conclude that religious affiliation dictates the views of the Iraqi people: ''the reality is that the fanatics are a tiny minority, but very vocal and very well organized.'' The Sunni IGC member indicated that Sunni and Shia will vote on the issues, not on the basis of religion, but on the substance of the issues under consideration—''the educated middle class in Iraq is much more open minded.''

The Kurdish member stated that the Kurds live under a different system and culture, that they have suffered under Iraqi rule, and ''have the right to establish their own way.'' Dr. Pachachi acknowledged that ''from the beginning we have recognized that the Kurds are distinct, that their special status will be maintained. We are in the process of agreeing to that arrangement.'' Dr. Pachachi further indicated that the problem at hand is deciding the best way to select members of the legislature: ''The problem is that it will be difficult to have credible elections in such a short period . . . If the U.N. doesn't believe elections are possible, they will likely propose other possibilities.''

Iraq Survey Group

Major General Keith Dayton, Director of the Iraqi Survey Group, provided a classified update on the search for weapons of mass destruction and counterterrorism programs. A common misperception is that Dr. Kay headed the hunt for WMD. While Dr. Kay has been a very valuable advisor in the hunt for WMD, General Dayton has headed the group responsible for the hunt for WMD since its inception in June 2003, and with Dr. Kay's departure will continue to head the group.

What can be said about the delegation's discussions is that there, the people in the trenches actually doing the day-to-day searches, collecting, and analyzing the data and material, expressed a sense of ''frustration and dismay'' over ''what Dr. Kay is doing''—or at least some of the media's characterization of ''what Dr. Kay is doing,'' as he exits from his high visibility role in the hunt for WMD.

The ISG has responsibilities beyond the sole search for WMD. Although not the Commander of the ISG, but responsible as the special advisor for WMD, apparently Dr. Kay sought total control of all the assets under the ISG for the sole purpose of the hunt for WMD. It was a matter of ''all or nothing.'' And when he didn't get all of the assets—even when those assets were increased to provide additional funds for areas other than the search for WMD, Dr. Kay objected, ultimately being a factor in his departure.

Those responsible for the search for WMD in Iraq believe that while no large stockpiles of WMD have yet to be uncovered, no shortage of leads exist—with literally tens-of-millions of documents remaining to be fully examined and considerable leads and circumstantial evidence to be pursued—''with much remaining to be done.''

General Dayton believes the declared failure by some to yet find large stockpiles of nuclear, chemical, or biological weapons is premature and ignores the significance of the evidence that has been found about the undisputed activities in each of these areas providing evidence of future intentions and breakout capabilities being pursued and proven to have existed. In the nuclear area, Dr. Kay said as recently as January 28 that, ''Look, the man had the intent to acquire these weapons, he invested huge amounts of money in them. The fact is he wasn't successful.''

In the end, Dr. Kay's judgment, regardless of the disappointment resident in the ISG, came down on the side of the continued search. In an interview on NBC in which he was asked to comment on whether it was prudent to go to war, Dr. Kay said ''I think it was absolutely prudent. In fact, I think at the end of the inspection process we'll paint a picture of Iraq that was far more dangerous than we even thought it was before the war . . .''.

1st Armored Division

Brigadier General Mark Hertling, Deputy Commanding General, 1st Armored Division, provided an update on security and Iraqi police training programs within Baghdad.

Kuwait, January 27

Four members of the delegation met with Sheik Saud al Sabah, former Kuwaiti Ambassador to the United States, to renew acquaintances and discuss the general political, economic, and military situation in the region. Sheik Sabah has personally established a fund for families of U.S. military personnel killed in the 1991 Gulf War.

Balad Air Base & Ad Dawr, January 28

Major General Ray Odierno, Commanding General, 4th Infantry Division, and Colonel Frederick Rudesheim, Commander, 3rd Brigade Combat Team, 4th ID, escorted the delegation to the site of Saddam Hussein's capture near Ad Dawr and briefed the delegation on operations and reconstruction efforts in his area of responsibility.

Islamabad, Pakistan January 29

AMB Nancy J. Powell briefed the delegation on issues relating to the bilateral relationship between the United States and Pakistan, and responded to members' questions.

Chairman Weldon asked if Usama Bin Ladin were in Baluchistan (the southern tribal area bordering Afghanistan), and if he were being protected by Pakistani government officials. AMB Powell responded that she does not believe there are Al Qaeda sympathizers among the Pakistani leadership, but the question of Taliban supporters is ''trickier.'' She noted that in general, Pakistani cooperation has been excellent: Khalid Sheikh Mohammed was taken down by Pakistani elements, and that another high value target was captured within 90 minutes of transmitting U.S. intelligence to Pakistani forces.

Chairman Weldon followed up with a question concerning the likelihood of assassination of President Musharraf AMB Powell responded that it is always a danger—he recently survived two attempts on his life, which Musharraf blames on Al-Qaeda. AMB Powell pointed out that the 1988 plane crash that claimed the life of President Zia is still surrounded by questions.

Chairman Weldon asked how extensive our contacts with Pakistani officials were. AMB Powell responded that we lost contact with an entire generation of Pakistani officers when Pakistan was under sanctions between 1990–2001, but just this last year we brought 75 junior officers into our training programs. Chairman Weldon also asked about the F–16s that Pakistan bought but were denied under sanctions, and AMB Powell replied that they had been paid back.

Chairman Weldon suggested that Chairman Souder lead an effort to create a tripartite interparliamentary exchanges with Pakistani, Indian, and U.S. legislators. AMB Powell remarked that this would be particularly helpful to Pakistani parliamentarians: they passively await legislation drafted by the government; they have no staff; no working committee system.

Kabul, Afghanistan January 29

The delegation met with President Hamid Karzai and the former King of Afghanistan Zahir Shah. President Karzai expressed his appreciation to the delegation for the many sacrifices made by America to further political stability, economic progress, and increase employment in Afghanistan and for America's continued war on terrorism . . . ''Our people know what America has done.'' He described the Loya Jirga process, the adoption of the Afghan Constitution, patterned after the U.S. Constitution, and the anticipated general elections.

President Hamid Karzai

President Karzai cited the key importance of Pakistan to stability in Afghanistan by not interfering in Afghan affairs, yet assisting in elimination of the Taliban threat. The President and the delegation discussed the significant problem of continued high levels of poppy cultivation in Afghanistan. President Karzai acknowledged Afghanistan's failed efforts to eliminate poppy cultivation

and described the government's plan to destroy poppy fields, while assisting farmers in alternative crop cultivation, interdiction of drug routes, and destruction of heroin production labs. The President concluded that for Afghanistan to emerge as a nation-state it has to destroy the poppy crop: ''to destroy terrorism, we must destroy poppies.'' The delegation cited its support and commitment to Afghanistan, ''for the long haul.''

His Highness, Zahir Shah

The former King, Zahir Shah, thanked the delegation for U.S. assistance in establishing peace and security in Afghanistan. He observed that the political process in Afghanistan is based on a tribal structure—a democracy that functions within a tribal structure—with the same goals as the people in America.

Karshi-Kharnabad, Uzbekistan, January 29–30

The delegation remained overnight at Karshi-Kharnabad (''K–2''), Uzbekistan following meetings in Kabul to visit U.S. military personnel supporting OEF. In addition to being able to speak informally at the evening and breakfast meals with personnel from their districts, the delegation received mission orientation briefings and visited unit assigned aircraft and a static display of a Uzbek SU–27 provided by the Uzbek Air Force.

Ramstein and Lanstuhl Medical Center Germany, January 30–31

General ''Doc'' Foglesong and Consul General Bodde

General ''Doc'' Foglesong and Consul General (CG) Peter Bodde discussed NATO-related military and regional political issues. General Foglesong described the challenges posed by making the NATO Response Force (NRF) viable given the current limited expeditionary capabilities of the NRF. He also described the efforts at re-sizing NATO and U.S. operations—''mining manpower positions''—and the use of ''reach back capabilities'' to allow functions in the U.S. such as intelligence to support the European theater instead of having to have the capability resident in Europe. General Foglesong further described efforts to develop niche capabilities among NATO partners to preclude all nations from having to have all military capabilities with some developing expeditionary capabilities for billeting, some with medical, others with civil engineering, etc.

Representative Souder expressed his deep concern regarding Austria's, France's, Turkey's and Germany's various degrees of lack of support for U.S. operations in Iraq. He also commented on the cumbersome rules of engagement within NATO in the war in Kosovo, ''when eight foreign ministers were involved in approving target lists.'' General Foglesong cited need for ''balance'' in each of these relations and for future planning, the need to assess our abilities to deploy into and out of various countries and determine which countries will allow the U.S. to ''kinematically execute'' from their bases.

The delegation also discussed the status of relationships with the French and German governments. General Foglesong and CG Bodde highlighted a number of efforts by Germany to assist the U.S., e.g., providing air base security to permit U.S. security personnel to be deployed to support operations like OIF and OEF. General Foglesong indicated his optimism in dealing with the countries within NATO: ''They recognize that terrorists don't recognize borders.''

Representative Ortiz, expressing frustration, observed that ''it would be nice if the State Department would consider us (Congress) equal players,'' indicating that both DOD and DOS frequently take action without consultation or regard for the views of Congress. Chairman Weldon also noted what seems to be apparent ''disconnects'' between the State Department, DOD, and NSC on foreign policy issues.

Chairman Weldon concluded that regardless of the many troubling aspects in the execution of foreign policy and some military operations, support for the troops is solid and unequivocal and the troops need to know that.

Contingency Aero-medical Staging Facility & Lanstuhl Regional Medical Center

Colonel Brenda McEleney provided the delegation a tour of the Contingency Aero-medical Staging Facility where they were able to visit with a number of troops awaiting transportation to Walter Reed Medical Center.

Colonel Steven Older and Colonel Carol Gilmore provided the delegation a tour of the Landstuhl Regional Medical Center where the delegation was able to meet with a number of military personnel recovering from injuries sustained in Iraq.

The delegation provided transportation from Ramstein Air Base to Andrews Air Force Base for ten soldiers en route to Walter Reed Army Medical Center where they were to receive further treatment for injuries sustained in Iraq.

DELEGATION

MEMBERS

Representative Curt Weldon (R–PA), Representative Solomon Ortiz (D–TX), Representative Steve Israel (D–NY)*, Representative Candice Miller (R–MI), Representative Rodney Alexander (D–LA), Representative Elton Gallegly (R–CA)**, Representative Mark Souder (R–IN), Representative Darrell Issa (R–CA)**.

PROFESSIONAL STAFF

Doug Roach, Harald Stavenas, Richard Mereu**, Marc Wheat***.

U.S. ARMY ESCORTS

Lt Colonel Craig Collier, Lt Colonel Gregg Blanchard, Sgt Thai Kov, Sgt Hugh Griffin.

*Kuwait-Iraq only.
**Libya only.
***29–31 Jan.

KEY PERSONNEL

LIBYA

Colonel Moammar Gaddafi
Shokri Ghanem, Prime Minister
Abdulrakman Shalgam, Foreign Minister
Zinati Mohammad Zinati, Speaker of the General Peoples' Congress
Matoug M. Matoug, Deputy Prime Minister for Service Affairs (weapons of mass destruction)
Honorable Suleiman Al Shahoumi, Secretary of Foreign Affairs at the General Peoples' Congress
Dr. Abdulhafed M. Jaber, Director, Technical Cooperation Office, Ministry of Service Affairs (weapons of mass destruction)
Abdulatife Aldali, Chairman of Tripoli Conference (Mayor of Tripoli)
Abdulmagid Mansuri, Member, International Energy Advisory Council
Tajura Nuclear Research Center
Professor E.F. Ehtuish, Chairman, Board on the Environment
Saleh Saleh, General Manager, Gaddafi International Foundation for Charity Associations
Dr. Giuma Atigha, Gaddafi Human Rights Foundation
Dr. Mohamed Lutf Farhat, President, Al-Fateh University
Dr. Muftah M. Etwilb, Director of International Relations, Libyan Red Crescent
Libyan-American Friendship Association

BAGHDAD

Ambassador L. Paul Bremer, Administrator of the Coalition Provisional Authority (CPA) (c/o CPA Legislative Affairs, 1401 Wilson Blvd, Floor 5, Arlington, VA 22209–2306)
Dr. Adnan Pachachi, President, Iraqi Governing Council (secularist)
Dr. Roj Schaways, Iraqi Governing Council Member (Kurd)
Dr. Muwaffak A1 Rubuic, Iraqi Governing Council Member (Shiia religious leader)
Samir Sumaidaie, Iraqi Governing Council Member (Sunni)
Ambassador Richmond, UK Special Representative to Iraq
Lieutenant General (LTG) Ricardo Sanchez, the senior U.S. military official in Iraq (Commanding General V Corps and Coalition Joint Task Force 7) (HQ CJTF–7 CPA Command Group, Unit 91400, APO AE 09342–1400)
Major General Keith Dayton, Commander, Iraqi Survey Group (c/o CPA Legislative Affairs, 1401 Wilson Blvd, Floor 5, Arlington, VA 22209–2306)
Brigadier General Mark Hertling, Deputy Commanding General, 1st Armored Division (Unit 93054 APO AE 09324–3053)
Robert Kelley, Legislative Counselor to Ambassador Bremer (c/o CPA Legislative Affairs, 1401 Wilson Blvd, Floor 5, Arlington, VA 22209–2306)
Lt Colonel Richardson, Distinguished Visitors Bureau (Security detail) (c/o CPA Legislative Affairs, 1401 Wilson Blvd, Floor 5, Arlington, VA 22209–2306)

KUWAIT

Sheik Saud al Sabah, former Kuwaiti Ambassador to the United States
Joe Porto, U.S. Embassy Control Officer (US Embassy, Unit 69000, APO AE 098809000)

BALAD AIR BASE

Major General Ray Odierno, Commanding General, 4th Infantry Division (ID) (APO AE 92628)
Colonel Frederick Rudesheim, Commander, Third Brigade, 4th ID, APO AE 09323

ISLAMABAD, PAKISTAN

Nancy Powell, U.S. Ambassador to Pakistan, (Unit 62200, APO AE 09812–2200)
Joel Reifman, economic section/control officer, U.S. Embassy

KABUL, AFGHANISTAN

Hamid Karzai, President of Afghanistan
Zahir Shah, former King of Afghanistan
Sardar Abdulwalij, General, retired (nephew and associate of H.E. Zahir Shah)
Zalmay Khalilzad, U.S. Ambassador to Afghanistan
Hank Tucker, political-military section/control officer, U.S. Embassy

KARSHI-KHARNABAD, UZBEKISTAN

Jon R. Purnell, U.S. Ambassador to Uzbekistan (pouch address: 7110 Tashkent Place, Dulles, VA 20189–7110)
Colonel Scott Wagner, Installation Commander (Unit HHC 213 ASG APO AE 09311)
Lt. Colonel Hosil Mirzaev, Uzbekistan Air Force, (SU–27 display)

RAMSTEIN AIR BASE AND LANDSTUHL REGIONAL MEDICAL CENTER, GERMANY

General Robert (Doc) H. Foglesong, Commander, U.S. Air Forces Europe
Lt General Arthur J. Lichte, Vice Commander, U.S. Air Forces Europe
Peter W. Bodde, Consul General, U.S. Embassy, Frankfurt (American Consulate General, Siesmayerstrasse 21, 60323 Frankfurt, Germany)
Brigadier General Rosanne Bailey, Commander, 435th Air Base Wing
Colonel Philip Lakier, Deputy Surgeon General, USAF, Europe
Colonel Brenda McEleney, Deputy Commander, 435th Medical Group

Colonel Steven Older, Acting Commander, Landstuhl Regional Medical Center
Colonel Carol Gilmore, Landstuhl Regional Medical Center
Larry Wright, Vice Consul, U.S. Consulate, Frankfurt

C–40 AIRCRAFT CREW (FLEET LOGISTICS SUPPORT SQUADRON-VR 59, 1050 BOYINGTON DR. FT WORTH, TEXAS 76127–5000)

Commander Bill Snyder, Aircraft Commander
Lt. Commander Benjamin White, Copilot
AE2 Michael Marr, crew chief
AK2 Lyndal Crow, Loadmaster
AD1 James Davis, flight attendant
HM2 Letty Owour, flight attendant
AM2 Shawn Smith, maintenance technician
MAI Daniel Topper, security
MA2 John Eagles, security
MA2 Jason Stafford, security
MA3 Daniel Vecchola, security

A New Time; A New Beginning

A New Time, A New Beginning was published in 2001 under the leadership of Representative Curt Weldon (PA–7), co-chairman of the Duma-Congress Study Group, to provide a comprehensive bipartisan program for cooperation between the United States and Russia. It was endorsed by nearly one-third of the members of Congress and provides 108 recommendations for U.S.-Russia cooperation in the following 11 major subject areas: Agricultural Development, Cultural/Education Development, Defense and Security, Economic Development, Energy/Natural Resources, Environmental Cooperation, Health Care, Judicial/Legal Systems, Local Governments, Science and Technology, and Space and Aeronautics.

MEMBERS OF CONGRESS

Welcome, men of Congress.
To the land of bless.
Here, peace is the belief.
And love is man's relief.
We are a nation of norms.
Disbelievers in terror of all forms.
Destructive arms is not our goal.
We are for peace, body and soul.
Our guide is sweetness and light,
First in beauty, first in might.
Think not of terror
Man's imposed horror.
Such sickly deeds
Are but evil seeds
That cause man to fall
And end the universe for all.

Dr. T.T. Tarhuui
Professor of English,
Al Fateh University
Tripoli Libya

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today on account of illness.

Mr. CULBERSON (at the request of Mr. DELAY) for February 3 and today on account of attending to official business in his district.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for February 3 and today on account of illness in the family.

Mr. MCHUGH (at the request of Mr. DELAY) for today beginning at 5:30 p.m. on account of official committee business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HONDA) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found a truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2264. An act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on February 4, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 2264. An act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Friday, February 6, 2004, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6618. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the Virginia Class submarine multiyear FY 2004 through FY 2008 program, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

6619. A letter from the Acting Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting notification regarding the Department's report for purchases from foreign entities for Fiscal Year 2003, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

6620. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

6621. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting the Bank's FY 2003 annual report for the Sub-Saharan Africa Initiative; to the Committee on Financial Services.

6622. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports containing the 30 September 2003 status of loans and guarantees issued under the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

6623. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Mexico (Transmittal No. DTC 127-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6624. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Jordan (Transmittal No. DDTC 128-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6625. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 129-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6626. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting a report on the audit of the American Red Cross for the financial year ending June 30, 2003, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

6627. A letter from the General Counsel, General Accounting Office, transmitting a copy of the report on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during fiscal year 2003, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Reform.

6628. A letter from the Secretary, Department of Agriculture, transmitting the Department's Annual Performance and Accountability Report for FY 2003; to the Committee on Government Reform.

6629. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2003 Annual Financial Report where the Commission received for the second year in a row an ''Unqualified Opinion''; to the Committee on Government Reform.

6630. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the Commission's report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6631. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the Board's Performance and Accountability Report for Fiscal Year 2003, including the Office of Inspector General's Auditor's Report, Report on Internal Control, and Report on Compliance with Laws and Regulations; to the Committee on Government Reform.

6632. A letter from the Director, Trade and Development Agency, transmitting the Agency's annual financial audit for FY 2003, pursuant to 22 U.S.C. 2421(e)(2); to the Committee on Government Reform.

6633. A letter from the Acting Chief, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2004-05 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AI89) received January 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6634. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Rota Bridled White-Eyed (Zosterops rotensis) from the Commonwealth of the Northern Mariana Islands (RIN: 1018-AI16) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6635. A letter from the Deputy Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revision to the Management of ''Other Species'' Community Development Quota [Docket No. 031009255-3302-02; I.D. 092503A] (RIN: 0648-AQ88) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6636. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Halibut Fisheries in U.S. Convention Waters Off Alaska; Management Measures to Reduce Seabird Incidental Take in the Hook-and-Line Halibut and Groundfish Fisheries [Docket 030130026-3323; I.D. 121202B] (RIN: 0648-AM30) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6637. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No.021212307-3037-02; I.D. 120403B] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6638. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Bering Sea and Aleutian Islands [Docket No. 031126295-3295-01; I.D. 011304A] received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6639. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral Lottery in Areas 542 and 543 [Docket No. 031126295-3295-01; I.D. 011304B] received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6640. A letter from the General Counsel, National Science Foundation, transmitting the Foundation's final rule — Government-wide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) — received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6641. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 85th annual National Convention of the American Legion, held in St. Louis, Missouri from August 26, 27, and 28, 2003 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 108—157); to the Committee on Veterans' Affairs and ordered to be printed.

6642. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Gains and Losses from Short Sales (Rev. Rul. 2004-15) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6643. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Restriction and valuation of distributions. (Rev. Rul. 2004-10) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6644. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Minimum covergage requirements (after 1993) (Rev. Rul. 2004-11) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6645. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Special Rules for Top-Heavy Plans (Rev. Rul. 2004-13) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6646. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2004-15) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6647. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Qualified Pension, Profit-Sharing, and Stock Bonus Plans (Rev. Rul. 2004-12) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6648. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income affected by treaty (Rev. Rul. 2004-03) received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MILLER of Florida (for himself, Mr. BILIRAKIS, Mr. TURNER of Ohio, Mr. SNYDER, Mr. RODRIGUEZ, Mr. BACHUS, Mr. BERRY, Mr. DEFAZIO, Mr. HOLDEN, Mr. ISAKSON, Ms. KILPATRICK, Mr. BARTLETT of Maryland, Mr. ACEVEDO-VILA, Mr. HINCHEY, Mr. LAMPSON, Mr. BISHOP of Georgia, Mr. WILSON of South Carolina, Mr. BOYD, Mr. QUINN, Mrs. MCCARTHY of New York, Mr. EVANS, Mr. MICA, Mr. KING of Iowa, Mr. MCGOVERN, Mr. LAHOOD, Mr. SIMMONS, Mr. VITTER, Mr. GRIJALVA, Mr. EDWARDS, Ms. GINNY BROWN-WAITE of Florida, Mr. RUPPERSBERGER, Mr. FATTAH, Mr. SCOTT of Georgia, Mr. SMITH of New Jersey, Mr. FOLEY, Mr. VAN HOLLEN, Mr. CRANE, Mr. GOSS, Mr. LATOURETTE, Mr. PAUL, Mr. NEAL of Massachusetts, Mr. BAKER, Mr. DUNCAN, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. SCHROCK, Mr. FRANKS of Arizona, Mr. ALLEN, Mr. COLLINS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GOODE, Mr. MURTHA, Mr. MATHESON, Mr. MICHAUD, Mr. STRICKLAND, Mr. MCINTYRE, Mr. REYES, Mr. FILNER, Mr. MEEKS of New York, Mr. PEARCE, Ms. HART, Mr. PUTNAM, Mr. NEY, Mr. FORBES, Mr. KING of New York, Mrs. MYRICK, Mr. BURGESS, Mr. HAYES, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. COOPER, Mr. BALLANCE, Mr. FORD, Mr. ROGERS of Michigan, Mr. SMITH of Washington, Mr. FROST, Mr. JENKINS, Mr. GUTIERREZ, Mr. TAYLOR of Mississippi, Mr. TURNER of Texas, Mr. PALLONE, Mr. MEEHAN, Mr. SANDLIN, Mr. GILLMOR, Mr. SANDERS, Mr. MENENDEZ, Mr. WICKER, Mr. OWENS, Mr. ALEXANDER, Ms. BORDALLO, Ms. HOOLEY of Oregon, Mr. BURTON of Indiana, Mr. WHITFIELD, Mr. ENGLISH, Mr. BURR, Mr. BROWN of Ohio, Mr. MILLER of North Carolina, Ms. DELAURO, Mr. CUNNINGHAM, Mr. CROWLEY, Mr. KELLER, Mr. HOEFFEL, Mr. GIBBONS, Mr. SHERMAN, Mr. KUCINICH, Mr. SPRATT, Mr. THOMPSON of California, Mr. STENHOLM, Mr. KENNEDY of Rhode Island, Mr. OTTER, Ms. HARMAN, Mrs. MUSGRAVE, Mr. JOHN, Mr. MOORE, Mr. PETERSON of Minnesota, Mr. LYNCH, Ms. NORTON, Mr. ISRAEL, Mr. MARKEY, Mr. KILDEE, Mr. UDALL of New Mexico, Mr. BISHOP of New York, Mr. MEEK of Florida, Mr. JOHNSON of Illinois, Mrs. NAPOLITANO, Mr. ROSS, Mr. ORTIZ, Mr. KIND, Ms. LEE, Mr. BONNER, Mr. TERRY, Mr. MCINNIS, Mr. UDALL of Colorado, Mrs. BLACKBURN, Mr. ENGEL, Mr. OLVER, Ms. MAJETTE, Mr. HOSTETTLER, Mr. DICKS, Mr. MCDERMOTT, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. PICKERING, Ms. MILLENDER-MCDONALD, Mr. BOSWELL, Mrs. BONO, Mr. MORAN of Virginia, Mr. JEFFERSON, Ms. WATERS, Mr. MURPHY, Mr. ANDREWS, Ms. CARSON of Indiana, Mr. CARDOZA, Mr. ROTHMAN, Mr. BOUCHER, Mr. LANGEVIN, Mr. DEUTSCH, Mr. TANNER, Mr. LARSON of Connecticut, Mr. CRAMER, Ms. JACKSON-LEE of Texas, Mr. BOOZMAN, Mr. WELDON of Pennsylvania, Mr. BAIRD, Mr. LOBIONDO, Ms. BERKLEY, Mr. SOUDER, Mrs. MILLER of Michigan, Mr. LEWIS of Georgia, Mr. PORTER, Mr. HONDA, Mr. GERLACH, Mr. COSTELLO, Mr. KIRK, Mr. DOYLE, Mrs. CAPITO, Mr. MANZULLO, Mrs. DAVIS of California, Mr. BRADLEY of New Hampshire, Mr. LARSEN of Washington, Mrs. LOWEY, Mr. BERMAN, Mr. LIPINSKI, Mr. ROGERS of Alabama, Mr. TIBERI, Mr. CONYERS, Mr. PETERSON of Pennsylvania, Mr. OBERSTAR, Mr. HAYWORTH, Ms. SLAUGHTER, Mr. SERRANO, Mr. JACKSON of Illinois, Mr. DOGGETT, Mr. BARRETT of South Carolina, Mr. TOWNS, Mr. CLYBURN, Mr. EVERETT, Mr. RYAN of Ohio, Mr. GALLEGLY, Ms. WOOLSEY, Mr. HALL, Mr. SESSIONS, Mr. MCCOTTER, Mr. BELL, Mr. DEMINT, Mr. KANJORSKI, Mr. CASE, Mr. SHUSTER, Mr. OSE, Mr. KINGSTON, Mr. GEORGE MILLER of California, Mr. DAVIS of Tennessee, Mr. INSLEE, Mr. NEUGEBAUER, Mr. BACA, Mr. MARSHALL, Mr. SAXTON, Mrs. CAPPS, Mr. DELAHUNT, Mr. WEINER, Mr. ROYCE, Mr. SHAW, Mr. SCHIFF, Mr. STUPAK, Mr. GREEN of Wisconsin, and Mr. SULLIVAN):

H.R. 3763. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes; to the Committee on Armed Services.

By Ms. HART (for herself and Ms. MILLENDER-MCDONALD):

H.R. 3764. A bill to provide effective training and education programs for displaced homemakers, single parents, and individuals entering nontraditional employment; to the Committee on Education and the Workforce.

By Mr. CALVERT:

H.R. 3765. A bill to require the Secretary of the Treasury to mint coins in commemoration of the recipients of the Congressional Medal of Honor; to the Committee on Financial Services.

By Mr. HOUGHTON (for himself and Mr. PAYNE):

H.R. 3766. A bill to provide for tax-exempt financing for United Nations facilities; to the Committee on Ways and Means.

By Mr. BERRY (for himself, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. PALLONE, Mr. HINCHEY, Mrs. MCCARTHY of New York, Ms. SOLIS, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. BOUCHER, Mrs. TAUSCHER, Mr. ROSS, Mr. TAYLOR of Mississippi, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. SERRANO, Mr. STARK, Mr. MEEHAN, Mr. CUMMINGS, Mr. WAXMAN, Mr. CONYERS, Mr. BISHOP of New York, and Ms. DELAURO):

H.R. 3767. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRENSHAW (for himself and Ms. CORRINE BROWN of Florida):

H.R. 3768. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; to the Committee on Resources.

By Mr. DUNCAN (for himself, Mr. JENKINS, Mr. WAMP, Mr. DAVIS of Tennessee, Mr. COOPER, Mr. GORDON, Mrs. BLACKBURN, Mr. TANNER, and Mr. FORD):

H.R. 3769. A bill to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''; to the Committee on Government Reform.

By Ms. DUNN:

H.R. 3770. A bill to amend the Internal Revenue Code of 1986 to exempt certain transportation provided by seaplanes from the excise tax imposed on the transportation of persons by air; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. SHAYS, Mr. HINCHEY, Mr. EMANUEL, Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. COOPER, and Mrs. MALONEY):

H.R. 3771. A bill to extend the date for the submittal of the final report of the National Commission on Terrorist Attacks on the United States, to provide additional funding for the Commission, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. GOODE:

H.R. 3772. A bill to include Nelson County and Franklin County, Virginia, in the Appalachian region for purposes of the programs of the Appalachian Regional Commission; to the Committee on Transportation and Infrastructure.

By Mr. HULSHOF (for himself and Mr. RYAN of Wisconsin):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 and to repeal scheduled reductions in tax benefits provided by the Jobs and Growth Tax Relief Reconciliation Act of 2003; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. WELDON of Pennsylvania, Mr. TURNER of Texas, Mr. SMITH of New Jersey, Mr. FROST, and Mr. THOMPSON of Mississippi):

H.R. 3774. A bill to improve homeland security by providing for national resilience in preparation for, and in the event of, a terrorist attack, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM:

H.R. 3775. A bill to impose a ban on the importation of soybeans and soybean meal that are products of Argentina or Brazil; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mrs. BLACKBURN, Mr. TANNER, Mr. FOLEY, Mr. MCINNIS, Mrs. BONO, Mr. CONYERS, Mr. FORD, Mr. JENKINS, Mr. DUNCAN, Mr. WAMP, Mr. COOPER, Mr. GORDON, Mr. DAVIS of Tennessee, Mr. ROGERS of Kentucky, and Mr. WHITFIELD):

H.R. 3776. A bill to amend the Internal Revenue Code of 1986 to provide capital gains tax treatment for certain self-created musical works; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. WALDEN of Oregon, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. ISTOOK, Mr. ISAKSON, Mr. FROST, Mr. CASE, Mr. GOODE, Mr. SIMPSON, Mr. SANDLIN, Mr. HASTINGS of Washington, Mr. GREEN of Wisconsin, Mr. PETERSON of Minnesota, Mrs. CAPITO, Mr. KING of Iowa, Mr. PEARCE, Mr. FILNER, Mrs. MUSGRAVE, Mr. BOUCHER, Mr. PAUL, and Mr. MARSHALL):

H.R. 3777. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to enter into contracts with community health care providers to improve access to health care for veterans in highly rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERSON of Pennsylvania (for himself and Mr. SHERWOOD):

H.R. 3778. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned mine reclamation program, promote remining, authorize the Office of Surface Mining to collect the black lung excise tax, and make sundry other changes; to the Committee on Resources.

By Ms. SLAUGHTER (for herself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3779. A bill to amend the Servicemembers Civil Relief Act to prevent the disruption of the education of children who change residence based on the military service of their parents; to the Committee on Veterans' Affairs.

By Ms. WOOLSEY (for herself, Mrs. JONES of Ohio, Ms. DELAURO, Mr. KUCINICH, Ms. MILLENDER-MCDONALD, Mr. SERRANO, Ms. LEE, Mr. CONYERS, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. LAMPSON, Mr. TOWNS, Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Mr. LANTOS, Ms. KILPATRICK, Mr. PAYNE, Ms. CARSON of Indiana, Mr. OWENS, and Ms. LINDA T. SANCHEZ of California):

H.R. 3780. A bill to improve the lives of working families by providing family and medical need assistance, child care assistance, in-school and afterschool assistance, family care assistance, and encouraging the establishment of family-friendly workplaces; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H. Con. Res. 357. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to award a Congressional Gold Medal to Dr. Dorothy Height; to the Committee on House Administration.

By Mr. LARSON of Connecticut (for himself and Mr. NEY):

H. Con. Res. 358. Concurrent resolution authorizing the printing of ''History of the United States Capitol''as a House document; to the Committee on House Administration.

By Mr. LATOURETTE (for himself, Mr. LARSON of Connecticut, Mr. CANNON, Mr. CANTOR, and Mr. LANTOS):

H. Con. Res. 359. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. BELL:

H. Res. 515. A resolution expressing the sense of the House of Representatives that Congress and the States should act to end racial profiling; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. BURNS, Mr. ROGERS of Michigan, Mr. MANZULLO, and Mr. DINGELL):

H. Res. 516. A resolution supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector; to the Committee on Energy and Commerce.

By Mr. MCINTYRE (for himself, Mr. HAYES, and Mr. ETHERIDGE):

H. Res. 517. A resolution honoring the County of Cumberland, North Carolina, its municipalities and community partners as they celebrate the 250th year of the existence of Cumberland County; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 518. A resolution recognizing the efforts of the American Dental Association and the Nation's dentists, dental hygienists, dental assistants, and thousands of volunteers to improve the dental health of disadvantaged children; to the Committee on Energy and Commerce.

By Mr. THOMAS (for himself, Mrs. CAPPS, and Mr. GALLEGLY):

H. Res. 519. A resolution expressing the sense of the House of Representatives with respect to the earthquake that occurred in San Luis Obispo County, California, on December 22, 2003; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. KUCINICH.

H.R. 173: Ms. LEE, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. MICHAUD, Mr.

KIND, Mr. ISTOOK, Mr. FEENEY, Mr. MCDERMOTT, Mr. TANCREDO, Ms. ROS-LEHTINEN, Mr. CARDOZA, Mr. BARTLETT of Maryland, Mr. BRADLEY of New Hampshire, Mr. MOORE, Mr. COSTELLO, and Mr. KING of Iowa.

H.R. 284: Mr. CARSON of Oklahoma and Mr. FILNER.

H.R. 466: Ms. KAPTUR.

H.R. 490: Mr. VITTER.

H.R. 584: Mr. NEUGEBAUER.

H.R. 645: Mr. KOLBE.

H.R. 687: Mr. CAMP.

H.R. 785: Mrs. BIGGERT.

H.R. 806: Mr. SABO, Mr. BASS, and Ms. DUNN.

H.R. 814: Mr. BROWN of Ohio.

H.R. 839: Mr. HINOJOSA and Mr. GOODE.

H.R. 857: Mrs. NORTHUP.

H.R. 870: Mr. CULBERSON and Mr. LARSEN of Washington.

H.R. 871: Mr. STENHOLM.

H.R. 876: Ms. WOOLSEY and Mr. KIRK.

H.R. 879: Mr. ISAKSON, Mr. BAIRD, and Mr. BRADLEY of New Hampshire.

H.R. 882: Mr. BERRY.

H.R. 962: Mr. GILCHREST.

H.R. 968: Mr. RANGEL and Mr. OWENS.

H.R. 1061: Mr. CALVERT.

H.R. 1227: Mr. STEARNS, Mr. MOORE, and Mr. KENNEDY of Minnesota.

H.R. 1231: Mr. PETERSON of Pennsylvania.

H.R. 1267: Mr. PLATTS.

H.R. 1285: Ms. ROYBAL-ALLARD, Ms. SOLIS, and Mrs. LOWEY.

H.R. 1292: Mr. BOEHLERT, Ms. JACKSON-LEE of Texas, and Mr. WELDON of Pennsylvania.

H.R. 1345: Mr. MCDERMOTT.

H.R. 1421: Mr. WEXLER.

H.R. 1426: Mr. MEEKS of New York.

H.R. 1470: Mr. ACEVEDO-VILA.

H.R. 1480: Mr. MILLER of North Carolina.

H.R. 1513: Mr. LARSEN of Washington and Mr. GREENWOOD.

H.R. 1563: Mr. UPTON and Mr. PAYNE.

H.R. 1608: Mr. GOODLATTE, Ms. LORETTA SANCHEZ of California, and Mr. BISHOP of Georgia.

H.R. 1633: Mr. WYNN and Mr. OWENS.

H.R. 1639: Mr. JACKSON of Illinois and Mr. GUTIERREZ.

H.R. 1717: Ms. LORETTA SANCHEZ of California.

H.R. 1726: Mr. BRADLEY of New Hampshire.

H.R. 1731: Mr. NEUGEBAUER, Mr. OWENS, Mr. NUNES, Mr. SHERMAN, and Mr. GREEN of Texas.

H.R. 1746: Mr. DELAHUNT and Ms. WATSON.

H.R. 1769: Mr. SCOTT of Georgia, Mr. EVANS, Mr. FILNER, Ms. MAJETTE, Mr. KIND, and Mrs. NAPOLITANO.

H.R. 1782: Mr. EMANUEL.

H.R. 1824: Mr. HOLT, Mr. EVANS, Mr. ACEVEDO-VILA, and Mr. MCCOTTER.

H.R. 1886: Mr. STUPAK.

H.R. 1914: Mr. MCGOVERN.

H.R. 1933: Mr. CUMMINGS.

H.R. 2103: Mr. MEEHAN.

H.R. 2131: Mrs. MYRICK, Mr. FALEOMAVAEGA, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURR, Mr. BUYER, Mr. CAMP, Mr. CANTOR, Mr. CHABOT, Mr. COX, Mr. HOSTETTLER, Mr. ISTOOK, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mr. LINDER, Mr. MCINNIS, Mr. MILLER of Florida, Mrs. NORTHUP, Mr. OXLEY, Mr. PICKERING, Mr. PORTMAN, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SMITH of Washington, Mr. TAYLOR of North Carolina, Mr. THOMAS, Mr. UPTON, Mr. VITTER, Mr. WHITFIELD, Mr. WOLF, and Mr. LEWIS of California.

H.R. 2227: Mr. EHLERS, Mr. FROST, and Mr. OWENS.

H.R. 2239: Mrs. NAPOLITANO, Mr. ISSA, and Mrs. LOWEY.

H.R. 2256: Mr. SANDERS and Mr. EHLERS.

H.R. 2283: Mr. BARTLETT of Maryland.

H.R. 2323: Mr. RODRIGUEZ.

H.R. 2366: Mr. BERRY, Mr. FILNER, Ms. MILLENDER-MCDONALD, Mr. PALLONE, and Mr. TAYLOR of Mississippi.

H.R. 2404: Ms. SLAUGHTER.

H.R. 2505: Mr. HILL.

H.R. 2527: Mr. MILLER of North Carolina.

H.R. 2566: Mr. SANDERS.

H.R. 2582. Ms. SLAUGHTER.

H.R. 2625: Mr. LIPINSKI.

H.R. 2662: Mr. PAUL.

H.R. 2719: Mr. BLUMENAUER.

H.R. 2735: Mr. BURNS, Mr. LOBIONDO, and Mrs. KELLY.

H.R. 2743: Mr. KOLBE.

H.R. 2768: Mr. FRANKS of Arizona, Mrs. EMERSON, Mr. GILCHREST, Mr. MEEK of Florida, Mr. JOHN, Mr. BOSWELL, Mr. TIERNEY, Mr. THOMPSON of Mississippi, Mr. BRADY of Texas, Ms. ESHOO, Mr. SENSENBRENNER, and Ms. SOLIS.

H.R. 2816: Mrs. TAUSCHER.

H.R. 2818: Mr. EMANUEL.

H.R. 2821: Mr. LEWIS of Georgia, Mr. SABO, and Mr. SHUSTER.

H.R. 2824: Mr. VISCLOSKY.

H.R. 2891: Mr. UDALL of Colorado.

H.R. 2900: Mr. FORBES.

H.R. 2916: Mr. SHAYS.

H.R. 2950: Mr. TERRY.

H.R. 2967: Mr. CUNNINGHAM.

H.R. 2968: Mr. CAMP.

H.R. 3039: Mr. SULLIVAN.

H.R. 3063: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. STRICKLAND.

H.R. 3069: Mr. EHLERS.

H.R. 3103: Mr. FROST, Mr. PAUL, and Mr. VAN HOLLEN.

H.R. 3119: Mr. WICKER.

H.R. 3191: Mr. PLATTS and Mr. DEMINT.

H.R. 3213: Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. BAKER, and Mr. CASE.

H.R. 3238: Ms. NORTON and Mr. CLYBURN.

H.R. 3243: Mr. WALSH, Mr. BISHOP of New York, Mr. QUINN, and Mr. SERRANO.

H.R. 3285: Mr. SCOTT of Georgia.

H.R. 3361: Mr. UDALL of Colorado and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3371: Mr. WAXMAN.

H.R. 3412: Mr. GILLMOR.

H.R. 3429: Mr. LOBIONDO.

H.R. 3446: Mr. UDALL of Colorado, Ms. KILPATRICK, Mr. HONDA, Mr. SMITH of New Jersey, Mr. GREEN of Wisconsin, Ms. BERKLEY, Mr. KIND, and Mr. MILLER of North Carolina.

H.R. 3458: Mr. RANGEL and Mr. HALL.

H.R. 3474: Mr. JOHNSON of Illinois and Mr. WELDON of Florida.

H.R. 3522: Mr. DEAL of Georgia.

H.R. 3527: Mr. STARK, Mr. ENGLISH, Mr. WALSH, Mr. TOOMEY, Mr. FROST, and Ms. SLAUGHTER.

H.R. 3546: Mr. STUPAK and Ms. MCCOLLUM.

H.R. 3550: Mr. GREEN of Texas, Mr. KANJORSKI, and Mr. OWENS.

H.R. 3569: Ms. LEE and Mr. FROST.

H.R. 3574: Mr. CARTER, Mr. SOUDER, Mr. MCINTYRE, Mr. CAPUANO, and Mr. FLAKE.

H.R. 3605: Mr. PASTOR, Mr. TOWNS, Mr. GRIJALVA, Mr. INSLEE, Mr. FILNER, Mr. PALLONE, Mr. RANGEL, Mr. FROST, and Mrs. MALONEY.

H.R. 3674: Mr. GOODE, Mr. SMITH of New Jersey, Mr. GALLEGLY, and Mr. SMITH of Texas.

H.R. 3676: Mr. ISRAEL.

H.R. 3678: Mr. RANGEL, Mr. GILLMOR, Ms. MILLENDER-MCDONALD, Mr. EHLERS, and Mr. GREEN of Texas.

H.R. 3684: Mr. VAN HOLLEN, Ms. LEE, Mr. PRICE of North Carolina, Mr. EMANUEL, and Mr. SNYDER.

H.R. 3695: Mr. PALLONE.

H.R. 3704: Mr. ENGLISH and Mr. DOOLITTLE.

H.R. 3707: Mr. HOLDEN, Mr. MANZULLO, Mr. KLECZKA, Mr. BOEHLERT, Mr. RANGEL, Mr. SMITH of Michigan, Ms. SOLIS, Mr. BEREUTER, Mr. MICHAUD, Mr. SIMPSON, Mr. BISHOP of New York, Mr. BERRY, Mrs. CHRISTENSEN, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. CASE, Mr. PALLONE, Mr. BOYD, Mr. FRANK of Massachusetts, Mr. LAMPSON, Mr. GALLEGLY, Mr. GONZALEZ, Mr. ACKERMAN, Mr. HILL, Ms. HOOLEY of Oregon, Mr. OLVER, Mrs. DAVIS of California, Mr. BAIRD, Mr. LARSON of Connecticut, Ms. BERKLEY, Ms. ESHOO, Mr. MCNULTY, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. MCDERMOTT, Ms. HARMAN, Mrs. MCCARTHY of New York, Ms. VELAZQUEZ, Mr. CUMMINGS, Mr. KANJORSKI, Mr. COSTELLO, Mr. SANDERS, Mr. SCHIFF, Mr. WYNN, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GORDON.

H.R. 3708: Mr. SOUDER.

H.R. 3711: Mrs. NAPOLITANO, Mr. KUCINICH, and Mr. SANDERS.

H.R. 3714: Ms. SLAUGHTER and Mr. GEORGE MILLER of California.

H.R. 3716: Mr. MCHUGH.

H.R. 3717: Mr. GARY G. MILLER of California, Mr. CAMP, Mr. MCINTYRE, Mr. HOEKSTRA, Mr. TAYLOR of North Carolina, Mr. BURGESS, Mr. OLVER, Mr. KNOLLENBERG, Mr. LATHAM, Ms. ESHOO, Mr. NEY, and Mr. BOEHLERT.

H.R. 3728: Mr. SIMPSON.

H.R. 3743: Mr. DUNCAN.

H.J. Res. 87: Mr. OLVER, Mr. LANGEVIN, Mr. STARK, Mr. BERMAN, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mrs. TAUSCHER, Mr. MCNULTY, Mr. MOORE, Mr. EVANS, Mr. SNYDER, and Mr. PRICE of North Carolina.

H. Con. Res. 3: Mr. WATT.

H. Con. Res. 218: Mr. LOBIONDO.

H. Con. Res. 247: Mr. HOLDEN.

H. Con. Res. 312: Mr. WAXMAN.

H. Con. Res. 332: Mr. POMBO, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. GREEN of Texas, and Mr. CARSON of Oklahoma.

H. Con. Res. 348: Mr. MCCOTTER, Mr. EMANUEL, Mr. MCHUGH, and Mr. HALL.

H. Res. 101: Mr. FRANK of Massachusetts, Ms. NORTON, Mr. OWENS, Mr. FROST, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. BERMAN, and Mr. CLYBURN.

H. Res. 381: Mr. COOPER, Ms. NORTON, Mr. OWENS, Mr. FROST, Mr. WYNN, Mr. MCDERMOTT, Mr. GREEN of Texas, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. WATT, Mr. CLYBURN, and Mr. MEEKS of New York.

H. Res. 446: Mrs. BLACKBURN and Mr. JOHNSON of Illinois.

H. Res. 466: Mr. LUCAS of Kentucky, Mr. BECERRA, Mr. FROST, Mr. UDALL of New Mexico, Mr. HONDA, Mr. BOEHLERT, Mr. DEFAZIO, Ms. WATERS, Mr. BACA, Mr. OLVER, Mr. HASTINGS of Florida, Mrs. LOWEY, Mr. LANTOS, Ms. MCCOLLUM, and Mrs. JOHNSON of Connecticut.

H. Res. 499: Mr. PRICE of North Carolina, Mr. GONZALEZ, Mr. INSLEE, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. PASTOR, Mr. DEFAZIO, Mr. DAVIS of Florida, Mr. OWENS, Mr. ACKERMAN, Ms. WATSON, Ms. WATERS, Mr. BACA, Ms. JACKSON-LEE of Texas, Ms. CARSON of Indiana, Mr. WEXLER, Mr. EMANUEL, Mr. PALLONE, Mrs. CAPPS, Mr. PAYNE, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2169: Mr. SANDERS.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, FEBRUARY *4*, *2004* *No. 12*

Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, clothed in dazzling splendor, we bow our hearts in Your presence. You have decreed the seas' boundaries and provided limits for the oceans' shores. We glorify Your Name because of Your wonderful works. Your greatness is beyond comprehension.

Lord, in this dangerous world, we sometimes forget that You control all things. After seeing the schemes of evil and the criminal conduct of hatred, we sometimes look away from You. Remind us that You are our Helper, our Defender, and our refuge. You are our hope for years to come.

Lord, thank You for the miracle of one more day, for friends who grow dearer through the passing years, and for all who lift their voices in prayer for this great land. Strengthen our Senators for today's challenges. Direct their thoughts and enable them to hear Your voice. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1072, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1072) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THANKING PRESIDENT AZNAR OF SPAIN

Mr. FRIST. Mr. President, this morning the Senate and House were privileged to conduct a joint meeting—a wonderful meeting—to hear a powerful address by President Aznar of Spain. I again thank President Aznar, who left here just moments ago, for his visit and for his remarks today.

Spain, through this President, has been a true ally in every sense of the word. He did a wonderful job in articulating the great friendship that our two countries have demonstrated, as he said, over the last two administrations of this country.

SCHEDULE

Mr. President, this afternoon we have resumed consideration of S. 1072, the highway bill. We notified Senators last night that it is our intention to work to complete action on this bill before the February recess. We have made some progress on the bill thus far this week. The chairman modified the committee substitute yesterday and is ready to work with Senators on their amendments today. Rollcall votes should be anticipated during today's session as we begin the amendment process. I, once again, encourage Senators to come to the floor and to work with the bill managers to schedule floor time.

In addition to the highway bill amendments, the Senate may act on available judicial nominations today. We will alert all Members of these votes as they are scheduled.

UNANIMOUS CONSENT AGREEMENT—COMMITTEE MEETINGS

Mr. President, I have three unanimous consent requests for committees to meet during today's session of the Senate. They all have been approved by the majority and minority leadership. I ask unanimous consent that these requests be agreed to, en bloc, and that these requests be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Senator from Florida.

Mr. GRAHAM of Florida. Reserving the right to object, I would like to ask a question. I was under the impression that I had an opportunity today to complete a series of statements I was making on intelligence reform, and that was to begin at 1 o'clock.

Mr. FRIST. Mr. President, the managers are here. I know we had not locked in any time. I would like to defer to the managers for that because, as we had said before, we would like to proceed with the consideration of the bill itself.

Mr. GRAHAM of Florida. If I could add to your unanimous consent request a time certain that I could present my third statement on intelligence reform; and Senator FEINSTEIN also wishes to make a statement on the same subject.

Mr. INHOFE. Yesterday, we had several occasions where we were trying to stay on the bill, and we kept saying: All right, one more person, one more person, one more person.

As manager of the bill, I am going to do everything I can parliamentarily to stay on the bill and not get into other subjects.

Mr. GRAHAM of Florida. Well then, I would have to object to the unanimous consent request.

The PRESIDENT pro tempore. Objection is heard.

Mr. FRIST. Mr. President, we will proceed with the regular order here then.

RICIN UPDATE

Mr. President, let me just say, in reference to the incident, the criminal investigation that is underway because of the attack here with ricin now 2

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days ago, I will, sometime in the next hour, be coming back to the floor for a very brief announcement so our colleagues will know of a proposed schedule for the reopening of the Senate office buildings. I will be working on that over the course of the next 40 minutes or so. I mentioned to the Democratic leader that I will plan to come back.

I know there is a lot of concern and anticipation, and some frustration, not knowing exactly when Senators will have access to their offices and to their records. We are working on that. We have been working on it over the course of the morning. We made real progress yesterday. It was a very successful day in terms of laboratory testing.

But again, let me come back and say that it is the safety and welfare of our employees and our staff that is fundamental. The science of this particular agent is uncertain and new, but we have a lot of certainty that we are gaining with each minute. So I plan on coming back to the floor in about 30 minutes.

ORDER OF PROCEDURE

Mr. REID. Mr. President, if the Senator will yield, I think we could probably work this out. Why don't we go ahead and get rid of the Bond amendment—all they want is a time certain—and have them come and talk after that?

I say to Senator INHOFE, through the majority leader—we are anxious to have an amendment on this bill—maybe Senator BOND could lay down his amendment. We could finish the debate on that, and I assume the leader wants a vote on it today. When that vote is completed, they could be recognized.

Mr. REID. It is my understanding Senator WARNER is not going to be here today.

Mr. INHOFE. At 2:30.

Mr. REID. Maybe we could lay the amendment down and vote on it at some subsequent time.

Mr. INHOFE. To do everything to accommodate the Senator from Florida, what I would like to do is stay on the bill until later on this afternoon, and at that time I am sure we are going to come to a point where, because of other things that are happening, there are not going to be Senators who want to speak on the bill, and then we could go to this so the Senator would have the time he requested.

Mr. REID. How much time would the Senator from Florida need?

Mr. GRAHAM of Florida. Thirty minutes. I would like to have it commence no later than 3:30 because I have previous commitments.

Mrs. FEINSTEIN. I would like a half hour.

Mr. REID. So there is an hour here being requested. I have an idea what they are going to talk about, and that means there will be time requested on the other side to respond to it.

Mr. INHOFE. I have no objection if he changes his 3:30 to 5 o'clock. There are some things happening that affect every Senator in here tonight having to do with the National Prayer Breakfast, and I would like to accommodate them as well.

Mr. GRAHAM of Florida. I wish I could do that, but I have a request that it be no later than 3:30. Frankly, if I had started when we began this debate over parliamentary procedure, I would have been a third of the way through the speech.

Mr. DASCHLE. Mr. President, if we have an impasse about scheduling this afternoon, I wonder if it would be appropriate to ask consent that we have morning business tomorrow immediately after we commence Senate business to accommodate the request made by the distinguished Senator from Florida and the Senator from California. Could we do that?

Mr. GRAHAM of Florida. If I may ask, when will we commence the session tomorrow?

Mr. DASCHLE. That is a matter to be determined by the majority leader, but I would suggest that normally we have Senate business in the morning. We could either come in a little bit earlier or figure out our schedule. But it would not then interfere with the understandable desire on the part of the manager to stay on the bill once we are on the bill. Technically we are on the highway bill right now. Tomorrow morning we could certainly accommodate the Senator's request with the time allotted for his comments and those of the Senator from California.

Mr. GRAHAM of Florida. Mr. Leader, may I make one request, that morning business begin no later than 9:30 in the morning?

Mr. DASCHLE. That would be up to the majority leader.

Mr. INHOFE. The majority leader will have to get in on this, but I would say even earlier than that. We are going to have amendments. In fact, we have some amendments that will be ready today. We need to get to those and get this bill moving.

Mr. DASCHLE. Mr. President, I would say to the Senator from Florida that I will talk to the majority leader. I would be surprised if he would have any difficulty coming in prior to 9:30.

The PRESIDENT pro tempore. Does the Senator withdraw his request?

Mr. GRAHAM of Florida. I withdraw my request.

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. I will use my leader time prior to the time we move to the bill itself. I wish to comment on a couple of things this afternoon.

Mr. REID. Mr. Leader, if I could interrupt, I wonder if the majority leader's request could now be granted, the committees meeting and all that.

The PRESIDENT pro tempore. Does the Senator withdraw his objection to the request for committees to meet?

Mr. DASCHLE. The majority leader had made a unanimous consent request. On his behalf, I make it again. I don't think there will be an objection.

The PRESIDENT pro tempore. Is there objection to the request?

Without objection, the request of the majority leader is granted. The Democratic leader is recognized.

CONFERENCE ON H.R. 3108

Mr. DASCHLE. Mr. President, I was criticized by some Members of the House yesterday or today with regard to the pension bill. Their criticism was that I was holding the bill. Let me make sure people understand: I have not held the bill. I have no desire to hold the pension bill. I would like to get on with it. I would like to complete our work on the pension bill.

It is, of course, the prerogative of the majority leader and the majority to send the bill to the House once we have completed our work. That has not been done. They are certainly within their rights to make decisions with regard to the disposition of the bill, but it would be in error to say that in any way I am holding the bill.

I am withholding our consent to go to conference on the bill, which is a different matter. I will talk about that in a moment. Obviously, Senator FRIST and I have had some conversations about how we proceed with regard to conferences this year.

We are unwilling to commit to a process that brought about the unacceptable circumstances in conference last year, especially on the energy bill as well as the Medicare bill. But there are three approaches.

First, of course, on any bill, we are certainly within our rights to ask for a conference with the House. What we have simply asked is that if there is a conference, all the conferees be present when deliberations take place. That isn't too much to ask. That is all we are asking—our presence at conference meetings once those conference meetings have been called. We don't think a conference can truly be a conference if only one party is represented. That is my simple request. Until I have the assurance that that request is be granted, we are unable to provide consent to go to conference.

We are not asking for any predetermined outcome. We are not asking for a certain set of expectations with regard to the legislation itself. We are simply saying: If you are going to have a conference, don't call it a conference unless you have the conferees present.

There are two other approaches. I have just alluded to the second approach, which is to send the bill to the House. We have done that on a number of occasions. There is nothing that precludes us from sending the pension bill to the House, allowing them to work their will. Perhaps they will accept the changes made by the Senate. That certainly is within their right.

There is a third option. This is a tested, tried and true option that I can say with some authority has happened on countless occasions in past years and conferences. Last year we preconferenced the forest health bill. And once successfully preconferenced,

we agreed in conference to the provisions and the bill passed almost unanimously. In the 108th Congress, we passed 19 bills by preconferencing them first, including the AIDS Assistance Act, the Military Family Relief Act, the Veterans Benefits Act. And in the 107th Congress, we passed 51 bills by preconferencing the agreements: Railroad Retirement Survivors Improvement Act, the Veterans Benefit Act, Nurses Reinvestment Act, the Homeland Security Act, the Native American Settlements and Indian Financing Act Amendments. Those and 40-plus more bills were preconferenced.

I ask unanimous consent that the list of bills preconferenced and agreed to successfully in the 108th Congress to date and the 107th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BILLS ENACTED INTO LAW WITHOUT USING A CONFERENCE TO NEGOTIATE DIFFERENCES IN LANGUAGE BETWEEN THE HOUSE AND SENATE

108th Congress (as of February 2, 2004—19 bills)

H.R. 1584, Clean Diamond Trade Act
H.R. 1298, AIDS Assistance
H.R. 733, McLoughlin House National Historic Site Act
H.R. 13, Museum and Library Services Act
H.R. 3146, TANF Extension
H.R. 659, Hospital Mortgage Insurance Act
H.R. 1516, National Cemetery Expansion Act
H.R. 3365, Military Family Tax Relief Act
S. 313, Animal Drug User Fee Act
S. 1768, National Flood Insurance Program Reauthorization Act
H.R. 1828, Syria Accountability and Lebanese Sovereignty Restoration Act
S. 459, Hometown Heroes Survivors Benefits Act
H.R. 2297, Veterans Benefits Act
S. 877, CAN–SPAM Act
H.R. 100, Servicemembers Civil Relief Act
H.R. 1006, Captive Wildlife Safety Act
H.R. 1012, Carter G. Woodson Home National Historic Site Act
S. 686, Poison Control Center Enhancement and Awareness Act Amendments
S. 1680, Defense Production Act Reauthorization

107th Congress (51 bills)

H.R. 428, Taiwan—World Health Organization
H.R. 1696, World War II Memorial
H.R. 801, Veterans' Opportunities Act (insurance coverage)
H.R. 2133, 50th Anniversary Commemoration—Brown v. Board of Education
H.R. 2510, Defense Production Act Extension
H.R. 768, Need-Based Educational Aid Act
H.R. 10, Railroad Retirement and Survivor's Improvement Act
H.R. 2540, Veterans Benefits Act
H.R. 2716, Homeless Veterans Assistance Act
S. 494, Zimbabwe Democracy and Economic Recovery Act
S. 1196, Small Business Investment Company Amendments Act
H.R. 1291, Veterans Education and Benefits Expansion Act
H.R. 2199, D.C. Police Coordination Amendment Act
H.R. 2657, D.C. Family Court Act
H.R. 2336, Redact Financial Disclosure—Judicial Employees and Officers
H.R. 2884, Victims of Terrorism Relief Act
H.R. 700, Asian Elephant Conservation Reauthorization Act
H.R. 3090, Temporary Extended Unemployment Compensation Act
H.R. 2998, Radio Free Afghanistan Act
H.R. 1892, Family Sponsor Immigration Act
H.R. 1499, D.C. College Access Improvement Act
H.R. 3525, Enhanced Border Security and Visa Entry Reform Act
H.R. 169, Notification and Federal Employee Antidiscrimination and Retaliation Act
H.R. 4560, Auction Reform Act
H.R. 3275, Suppression of the Financing of Terrorism Convention Implementation
H.R. 327, Small Business Paperwork Relief Act
H.R. 3487, Nurse Reinvestment Act
H.R. 1209, Child Status Protection Act (immigration)
H.R. 4687, National Construction Safety Team Act
H.R. 2121, Russian Democracy Act
H.R. 4085, Veterans' Compensation Cost-of-Living Adjustment Act
S. 1533, Health Care Safety Net Amendments
H.R. 3801, Education Sciences Reform Act
H.R. 3253, Department of Veterans Affairs Emergency Preparedness Act
H.R. 4015, Jobs for Veterans Act
S. 1210, Native American Housing Assistance and Self-Determination Reauthorization Act
S. 2690, Pledge of Allegiance
H.R. 5005, Homeland Security Act
H.R. 2546, Real Interstate Driver Equity Act
H.R. 3389, National Sea Grant College Program Act Amendments
H.R. 4878, Improper Payments Reduction Act
H.R. 1070, Great Lakes and Lake Champlain Act
H.R. 3394, Cyber Security Research and Development Act
H.R. 2621, Product Packaging Protection Act
H.R. 3908, North American Wetlands Conservation Reauthorization Act
H.R. 3833, Dot Kids Implementation and Efficiency Act
H.R. 5469, Small Webcaster Settlement Act
S. 2237, Veterans Benefits
S. 2017, Native American Settlements and Indian Financing Act Amendments
H.R. 3609, Pipeline Safety Improvement Act
H.R. 4664, National Science Foundation Authorization Act

Mr. DASCHLE. Mr. President, we have three options. First, whether it is the pension bill or any bill, we can go to conference and do what the institution requires, and that is have Members of the Senate and House, Republicans and Democrats, present at conferences and resolve our differences in the traditional manner.

Second, we can certainly pass the bill over to the House, send it over to the House at any time. We can do that on the pension bill this afternoon.

The third thing we can do is what I have just suggested has been done successfully on 19 occasions so far in the 108th Congress and 51 occasions in the 107th Congress; that is, to preconference and ultimately then to confirm our agreements in a formal conference once the negotiations have been completed.

We stand ready, once again, to do whatever it takes to pass the pension bill and ultimately put it on the President's desk. There is an urgency to this legislation. We will not, on any legislation this year, tolerate the unacceptable experience we had on several occasions in the first session of this Congress.

Mr. President, I wish to take a moment to talk further about the transportation bill. As I said yesterday, getting this bill to the floor has been too long a process. I won't dwell on that other than to say the Congress and the administration have not been successful in bringing this bill to conclusion, and because of that we have already lost 90,000 jobs.

For too long our economy has been slowed by outdated and inadequate transportation infrastructure. Nothing expresses the urgency of this bill better than the fact that we have lost 3 million private sector jobs over the last 3 years. It is time to get this bill done.

Make no mistake, not only will this bill create jobs all across the country but it will address our Nation's infrastructure deficit as well.

If passed, this bill will improve the more than 30 percent of our roads and highways that are in poor and substandard condition today. It will help improve the more than 30 percent of our Nation's bridges that are functionally obsolete or structurally deficient.

As I said yesterday, the managers of the bill, Chairman INHOFE and Senators JEFFORDS, BOND, and REID, have done a remarkable job in bringing us a fine product to the Senate floor. This is a difficult, complicated issue, with an extraordinary number of different interests to balance.

The Finance Committee, led by Chairman GRASSLEY and Senator BAUCUS, has also done a fine job of ensuring that there is symmetry in how we deal with highways and transit.

Senator FRIST and I met on Monday to discuss the bill and we had a very productive conversation. In essence, we both agreed that now the Senate has begun debate on the transportation bill, we need to ensure it goes forward in a cooperative, bipartisan fashion. That is how the Environment and Public Works Committee has approached this bill, and we have a fine work product because of that bipartisan, cooperative approach. That is how the Finance Committee has approached this bill, and we have a fine work product because of the bipartisan, cooperative approach there as well.

That is how the Banking Committee has approached the bill as it relates to transit issues, and this morning the Banking Committee reported, by a voice vote, a fine work product because of the work Chairman SHELBY and Senator SARBANES have demonstrated in their cooperative approach.

That is why I find it so troubling that the administration appears to be lagging behind—why they seem to be putting up roadblocks to the highway bill instead of paving the way for improved infrastructure and more jobs.

As I said, the Finance Committee reported a bill on Monday. Then Tuesday, yesterday, Transportation Secretary Mineta and Treasury Secretary Snow sent a letter about those very same financing provisions.

First of all, it would have been helpful to have had such a letter before the Finance Committee met, not a day

after. Second, based on the letter, many have claimed the Finance Committee does not meet the administration's test with regard to the financing provision and have suggested the President may even veto the bill.

Now some of my colleagues disagree. They say the Finance Committee bill does meet the administration's test, and I hope they are correct. But at this point, we simply don't know the administration's position on the bill we are now considering on the floor.

It is important that the administration make its position clear. This bill deserves their unequivocal support. Chairman GRASSLEY and Senator BAUCUS and the other committee members put together an excellent and balanced package and showed courage in taking on corporate tax loopholes. Most importantly, this bill makes real investments in our future in a fiscally responsible way. Every dollar in this bill is paid for with a crackdown on corporate tax shelters, which has been a bipartisan priority in the Senate for years.

The package is a rare accomplishment—a bipartisan, fiscally responsible one that invests in our future and creates jobs today. It is a win for highways, a win for transit, a win for fiscal responsibility, and a win for honest taxpayers. The only losers are tax cheaters.

It is inexplicable to me why there is even discussion about the administration threatening to veto this bipartisan package. Opposing the financing provisions would raise troubling questions about the administration's priorities.

Would they rather protect corporate tax cheaters than repair our roads and bridges and provide jobs?

Would they rather help wealthy people renounce their citizenship and avoid paying their fair share of taxes than cut down on the traffic and congestion that puts a drag on our economy and inconveniences our citizens?

Would they rather protect corporations that engage in shady manipulations than create a modern transportation system for America's future?

I hope those who say yesterday's administration letter is a veto threat are wrong. The Finance Committee has done an exceptional job of providing for the needs of our economy, while cracking down on tax cheats.

With a $521 billion deficit this year, we cannot afford to let corporate tax cheaters continue to pass along their bills to the rest of us. We have an opportunity to bring new life to our economy, and old-fashioned accountability to our Tax Code. I urge the President to make their position clear on this bill soon.

If we do what the Environment and Public Works Committee has done, if we do what the Finance Committee has done, if we do what the Banking Committee has done, if we do what Leader FRIST and I have agreed to do and go forward in a bipartisan, cooperative fashion, if we go forward as soon as possible to get this long overdue bill done, we will make progress not only for our Nation's infrastructure, but for our Nation as a whole.

This legislation will impact people all across our country every day. It will provide jobs. It will make us more competitive in the world. Let's get on with passing the bill, and let's do it as thoroughly, as completely, but as much in keeping with the bipartisan spirit already established in three committees, as has been demonstrated thus far.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I yield to the Senator from Nevada.

Mr. REID. I thank the Senator.

Mr. President, first of all, I appreciate the statement of the Democratic leader. We have worked hard on this bill. As I have said before, it is an imperfect piece of legislation, but we have done the best we can and we have been as fair to everybody as we could. We will certainly be responsive to requests people have that will improve the bill.

I hope people who want to offer amendments will do so. We are going to have a mad rush next week. We are going to either finish this bill next week or go off the bill next week. It would be a terrible disservice to the country if we don't finish the bill next week. I hope people, even though it is inconvenient and they are not in their offices, would do what they can to offer amendments if they want to change the bill.

Also, I direct this to Senator INHOFE. It is my understanding the statements from the administration yesterday regarding highways did not deal with our bill but, rather, what is contemplated in the House. I believe everyone should understand that the administration has signed off on the bill reported out of the committee. They support what they have done in financing this bill. The tax provisions that make up about $30 billion of the $255 billion have been supported by the administration. My personal feeling—and I have said this before—is I wish we had more money. We are not going to get more. The President said if there is a bigger bill than what we have, he is going to veto it. The reason I asked the chairman to yield is to say it is my understanding the President supports our legislation.

Mr. INHOFE. Yes. I have a letter I read yesterday. It is dated February 2, 2004. I have not heard anything either way about whether or not they are supporting this legislation. But they outlined a set of principles yesterday to which our bill complies. I think the minority leader covered the three criteria that were used that would keep them from opposing the bill, and I believe they have been met. We talked about it yesterday. One is to not increase gas taxes. Second, it would not have any kind of bonding arrangement. Third, that it would not get in the general fund.

The third one is where there is some debate. I trust the Senate Finance Committee. I talked to both sides, Democrats and Republicans, and they came up with something I think meets the criteria. I am satisfied it does.

Mr. REID. Mr. President, the other thing I wanted to say is, there has been a statement made, and at least two statements made on this floor, about the ''pork'' in this bill. First of all, pork is not a bad term with me. I think the things we do for our States, whether a new bridge or repairing a road, has nothing to do with anything that connotes being bad when it needs to be done in the State. If they are referring to that, there is no pork in a negative sense in this bill.

The vast majority of money in this bill comes from the highway trust fund. People, when they buy gas for their car, pay into a trust fund we use every 5 or 6 years to fund highway projects around the country. That is what we are doing today. People who talk about this bloated bill with too much money—this bill is paid for. There are no new taxes, and the vast majority of the moneys coming out of the highway trust fund is to fund the most important projects around the country.

I hope people understand this bill, as the Democratic leader said, is not a bill for Democrats or Republicans; it is a bipartisan bill that has the foundation of the programs of President Dwight D. Eisenhower. He, with a Democratic Congress, passed this legislation. We have to work together to pass this bill. This is important legislation.

I repeat to everyone within the sound of my voice, the majority leader said we are going to finish this bill a week from Friday. Finishing doesn't mean we complete this bill. I hope we do that. It would be a disservice to the people of this country if we did not finish this bill.

We are here waiting to do business. If anyone doesn't like the bill, let them come and try to change it. If they change it, more power to them. But waiting around is not going to help whatever concerns people have with this legislation.

Mr. BOND. Will my friend from Nevada yield for a question?

Mr. REID. I will be happy to yield to my friend from Missouri.

Mr. BOND. Mr. President, I appreciate very much my distinguished copartner on the Transportation Subcommittee talking about the need to get this bill through quickly. He was discussing the difference between the bill we have now and the original bill.

I was wondering if it is correct that the original highway bill really didn't have any formulas; it was what one would have to call pork because it had various projects in it. It was an effort by the Congress to outline where money is needed. Is that not basically the form of the original highway bill?

Mr. REID. Yes. I outlined, as the Senator knows, when we took this matter

up Monday, the history of the last 20 years with these highway bills. This bill is so much more fair to all 50 States than the bill in 1982, and the three subsequent bills. Some States prior to 1982 didn't even get 80 cents of every dollar they paid into the trust fund. This bill took a gigantic step, and now every State gets a minimum of 95 cents on every dollar they pay into the fund. This is a very fair program. It is imperfect, as I said before, but we are doing much better.

Mr. BOND. Mr. President, if the Senator from Nevada will yield for another question, isn't it true that the scope of this bill, the size of it, reflects programs that Congresses in previous years decided are good for the national transportation policy? In other words, we are not creating a new formula; we have taken the formula, the apportionment that existed. Is it not true that we have attempted to construct this bill so that, working with the formula, every State gets up to 95 cents?

My State of Missouri was one of those States, when I got here in 1987, that was only getting back 77 cents. Every State will get up to 95 cents on the dollar. Every State, at a minimum, will get a 10-percent increase. Some States that would be getting much more money will only get a 40-percent or 40-plus-percent increase, which some may object to and say is not enough. But in this day and age, with a tight budget, it seems to me a 40-percent increase is not bad to take home from a compromise bill. Is that a fair assessment?

Mr. REID. Mr. President, I respond to my friend, he is exactly right. This bill is not some new invention. We have worked over the last several years to develop different programs. One is interstate maintenance, which is self-explanatory. We have an interstate system that has been completed, and we want to make sure that system is in a good state of repair. It is a never-ending job to keep it up the best we can. A large amount of this $255 billion goes to interstate maintenance. We also have something called the National Highway System. We have to make sure there is funding in the bill to take care of that program. It is what we have done in the past.

We also have other programs, such as the Bridge Maintenance Program, which is so important. One Senator came to the floor and said that 29 percent of the bridges are in a state of disrepair. We know that. That is why we are working in this bill to try to keep up with this never-ending system.

Also in this bill, rather than just building roads and pouring more asphalt—and this is something we focus too much attention on, but certainly everyone in the country is concerned about the environment and the air we breathe—we have a program dealing with congestion mitigation and air quality. This is basically the brainchild of Senator Moynihan and Senator CHAFEE. Those are programs in this bill that we have found work well.

The directors of the transportation departments in every State like the program we have. We are not, as I said before, sending a new set of blueprints to all the Governors saying: Try to figure this out. They already figured this out, and we are trying the best we can to fund these programs.

Mr. BOND. I thank the Senator.

Mr. INHOFE. Mr. President, if the Senator will yield, let me make an observation. We talked about this bill for several hours. Almost everyone who came down was objecting to what their State would get from this formula. When you compare this, starting with the same basic structure of a formula as we did in TEA–21—and remember, in TEA–21, we had the minimum guarantee.

Mr. REID. Mr. President, 90.5 percent.

Mr. INHOFE. What that did was take arbitrary political percentages and apply them in order to get votes. We have done far more. This takes into consideration the streamlining provisions about which we haven't even talked. We spent months on this in the committee, as our committee members know.

Safety and freight areas have not really been addressed before. This is something of which we can be proud. I have to say, when we put together the charts of all 50 States, there isn't one State that is not treated fairly, doesn't have an increase and doesn't have some kind of logic balancing the donee-donor, balancing the fast-growing States and the low-population States.

All these points are considered, and I think it is a very good bill. I agree with all on the committee.

Mr. REID. Mr. President, if I may respond to my friend, I don't carry with me a card that includes what happens to the States that are all Republican, but I am carrying with me during consideration of this bill a card that lists every State that has a Democratic Senator representing it and what they get. It is right here. It is hard to find anything that is wrong with it.

I recognize there are some States that for many years have been getting—I want to say this in a way that I will still be a gentleman—far more than what they are entitled to under the formula. When you go to the gas pump and you fill your tank, so much money goes into the fund. There are some States getting far more than they are putting in. There are a few States still getting more than they are putting in. We are balancing this out. As the Senator from Oklahoma said, when we did this in the past—this is my fourth highway bill—we put the numbers together, found out where the votes were, and jammed it through. We have not done that this time.

This is a fair bill. You could take this to a high school civics class and explain what we have done and they would say this is fair. We have been as fair as possible. There are some people, who were driving around in a Lincoln they couldn't afford, who are upset because maybe they are going to have to drop back to a Lexus or something such as that.

The point is, we have tried to be fair. You can't have the program going on the way it was in the past and still recognize basic fairness. I repeat, what happened in decades past was we would find out where the votes were and just jam the bill through: If Missouri was getting 77 percent, there are only two Senators from Missouri, we don't need their votes. We haven't done that this time.

I think the American public will see this legislation is fair and reasonable. I am dumbfounded by some of the people who have come to this floor and complained about what they have gotten in the bill because they have really done extremely well.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, yesterday we started through this bill. It is a rather lengthy bill. It covers a lot of provisions that haven't even been discussed, and I think a lot of Members are not really aware of some parts of this bill.

As the chairman of the committee, I thought it an obligation to go through this section by section, and I did go through sections 1104 through 1204, where we talked about how this was put together, how the formulas were put together. I also spent about an hour talking about the environmental improvements that are made in this bill.

I confess there are many things in this bill that I would rather have done in a different way, and I am sure Senator REID and Senator JEFFORDS would say the same thing. In fact, they have said the same thing. Since we will have to get through this today at some point, I would like to go ahead and start with section 1205 and finish what we started yesterday. I hope any Members who are interested in making comments or offering amendments will come and do so, because I will be doing this in order to get through the bill.

Section 1205 is one in which I was particularly interested. Senator REID yesterday talked about Daniel Patrick Moynihan and the contributions he made over the years. I felt compelled to stand up and remind him that Daniel Patrick Moynihan was a Tulsa boy. He was from Tulsa, OK, and was one of my very favorite people.

I think it is very appropriate that section 1205 is the designation of the Daniel Patrick Moynihan Interstate Highway as a part of the bill. Interstate Highway 86 in the State of New York is specifically designated as the Daniel Patrick Moynihan Interstate Highway in memory of our late colleague.

There are several others who have said good things about him. In fact, in the years I have been in the Senate, Senator Moynihan is the only Senator

about whom I have never heard one negative thing.

Section 1301 is the Federal share section. It continues the statutory provisions that lay out what the Federal share for the highway project will be for different States based on the amount of Federal land within their State. The Federal share provisions of current law use a sliding scale. This scale permits States with large portions of Federal land to match Federal funds with fewer State dollars. That is only reasonable because they are not collecting taxes off of these lands and they should not have to pay the same match.

Due to the decreased taxing ability of the States with a higher percentage of Federal lands, these States are given access to a higher Federal contribution for highway projects within their State. The bill before us today modifies this provision slightly to simplify the calculation used to determine the Federal share rates that apply to each individual State.

I might add that in this bill there are certain things my colleagues will see consistently throughout. One is simplification. One is to put it in language that we can all understand, that the public can understand, that our people back home can understand, and so that the departments of transportation in the various States will have a clear understanding as well, and they will take all of these complicated interpretations.

Another thing my colleagues will find all the way through is a streamlining effort to try to get more roads for the dollar. I think we have successfully done that, reaching a lot of compromises. So this is what my colleagues will see as we go through the bill section by section.

Section 1302 is the transfer of highway and transit funds. There is a technical fix that was requested by the Federal Highway Administration that clarifies that title 23 funds, that is the highway dollars, can be transferred to the transit administration from State to State or from State to another Federal agency as long as the project to be funded is eligible under title 23. I think that is a very reasonable approach.

An example of when this authority could be used is a State that has a congestion problem at or near a border crossing. They may determine that the problem is caused in part by inadequate parking facilities for the Customs Service to conduct truck inspections. To solve their larger congestion problem, it makes sense to provide money to the Customs Service to build parking lot facilities for truck inspections. This has been done administratively in the past, but section 1302 provides very clear guidance so they do not have to sit around and guess what in fact is going to come up.

Section 1303, the Transportation Infrastructure Finance and Innovation Act, which is referred to as TIFIA, was established for the first time in TEA–21 to provide Federal credit assistance to major transportation investments. The TIFIA program has proven to be an innovative and successful addition to the conventional grant and reimbursement highway program.

After watching the TIFIA program succeed as a funding device for a few large projects during TEA–21 and after receiving input from stakeholders and recommendations from the administration, the committee bill has made a few changes to the TIFIA program to expand its scope and increase its usability.

The amount of the Federal credit assistance cannot exceed 33 percent of a total project cost. TIFIA offers three different types of financial assistance to the large projects: One, direct loans; two, loan guarantees; and, three, standby lines of credit. The bill also lowers the threshold cost for eligible projects from the TEA–21 level of $100 million down to $50 million to make it available to more people and more projects, making TIFIA accessible to a greater number of large highway projects.

Projects are also eligible for TIFIA assistance when costs are anticipated to equal or exceed 20 percent of Federal highway funds apportioned to that particular State. With the increased emphasis this bill places on freight mobility, the definition of eligible freight-related projects is expanded.

Mr. BOND. Mr. President, I ask my colleague to yield about a matter.

Mr. INHOFE. Yes.

Mr. BOND. We have a number of technical amendments. There is a question about whether we want to move to that. We are preparing a technical amendment. I have discussed this with both sides. Basically, this is a technical amendment that accomplishes a number of things. In essence, it achieves the original goal of an amendment offered by Senator WARNER, which was to increase the metropolitan planning share or takedown from 1 percent to 1.5 percent. We are getting a technical amendment copied, and as soon as we get the copies, if there is no objection from the managers, I thought we would do that.

Mr. INHOFE. I think the Senator was out of the Chamber when I said I eventually wanted to get through this section by section, but I can do this at any time. As soon as the Senator has anything ready, certainly I am interested in taking that up.

Mr. BOND. Mr. President, might we inquire of the managers on the Democratic side if they are ready to take this up?

Mr. REID. If the Senator would withhold offering that for just a few minutes.

Mr. BOND. I will be happy to withhold on that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Reclaiming my time, I think he had stated he was not prepared to do that right now, but perhaps one will be coming along in a short while.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I think probably the best thing to do is to have the Senator lay down the amendment. It is my understanding from the majority and minority that there are a couple of Senators with whom we have to clear it, and we should be able to do that shortly.

Mr. INHOFE. I have no objection to that. I think it is a good idea, and we will so inform Senator BOND.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri.

AMENDMENT NO. 2265

Mr. BOND. Mr. President, I am very pleased to announce there is an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for himself, Mr. INHOFE, Mr. JEFFORDS, and Mr. REID, proposes an amendment numbered 2265.

Mr. BOND. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under ''Text of Amendments.''

Mr. BOND. Mr. President, I offer this amendment on behalf of Senators INHOFE, JEFFORDS, and REID. This is one small step for mankind toward a highway bill.

There had been some concern about offering amendments. This is a technical amendment. This changes a number of items that, when crafting the bill, were erroneous. Normally we would adopt these technical amendments without objection. But there may be some discussion on it. I wish to explain the one perhaps significant change in this technical amendment so everybody knows what we are doing.

In the previous bill, TEA–21, the metropolitan planning organizations received 1 percent from the Surface Transportation Program to do the work that these agencies are required to do in approving transportation plans, conforming them to air quality plans. This 1 percent takedown, as it is called, amounted to about $1.7 billion over the life of the bill.

In drafting the underlying bill, we increased spending on planning for metropolitan planning organizations by $800 million, almost a 50 percent increase.

When Senator WARNER proposed making the takedown of the share for the metropolitan planning organizations 1.5 percent rather than 1 percent,

it was on the assumption that the total of the previous amount plus what we did in committee would amount to 1.5 percent. But as it was drafted and printed in the committee report, it wound up adding what we had previously put in the equity bonus on top of the 1.5 percent.

I believe this amendment restores the MPO portion to that originally proposed and adopted, i.e., a 1.5 percent share, which is what we have all agreed is needed for metropolitan planning organizations.

We have a letter that I will submit, signed by the executive director of the American Association of State Highway and Transportation Officials, the president and chief executive officer of the American Highway Users Alliance, the chief executive officer of Associated General Contractors of America, the executive director of American Road and Transportation Builders Association, and the executive director of the National Conference of State Legislatures.

The letter says, in substance—and I will submit the full letter—that we write on behalf of the organizations to express concerns over the size of the total, the 1.5 percent-plus, the additional equity bonus. Their point is that the large increase results from a combination of adjustments, growth in the overall highway program, an increase in the percentage set-aside, and broadening of the program base subject to the metropolitan planning set-aside.

They believed that adding an additional $2.2 billion for planning would make that much less available for improving, constructing, maintaining, and operating a safe and efficient highway system.

They come out strongly in support—as we all are—of increasing the metropolitan planning funds. The number of MPOs has increased 340 to 378, and many more are looking at the prospect of being designated as nonattainment for the new ozone and fine particulate standards. They recommend an increase more comparable to the growth in MPOs, but they do not think tripling it is wise. So they have asked us to reconsider.

The purpose of this technical amendment, among other things, is to bring it back to the 1.5 percent increase, upon which we have previously agreed.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 28, 2004.

Hon. CHRISTOPHER BOND,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOND: We are writing on behalf of the national organizations listed below to share our concerns about the size of the increase in metropolitan transportation planning funds agreed to by the Senate Environment and Public Works Committee—from $1.121 billion over six years in TEA 21 to at least $3.3 billion and possibly as much as $3.9 billion if the set aside of planning funds is applied to the new equity bonus program.

This large increase is a result of a combination of adjustments—(1) growth in the overall highway program; (2) an increase in the percentage set aside for metropolitan planning from 1 percent to 1.5 percent; and (3) a broadening of the program base subject to the metropolitan planning set aside. The combination of the adjustment produces an increase of at least $2.2 billion additional for metropolitan planning and that much less available for improving, constructing, maintaining and operating a safe and efficient highway system.

Some increase in metropolitan planning funds is justified. The number of MPOs increased from 340 to 378—an 11 percent increase, and more metropolitan areas will be designated as non-attainment for the new ozone and fine particulate matter standards. An increase more comparable to the growth in MPOs is understandable, but tripling the set aside for metropolitan planning funds is excessive when our highway needs are so great.

We, therefore, urge you to reconsider the manner in which the MPO set aside is calculated.

Sincerely yours,

JOHN HORSLEY,
Executive Director, American Association of State Highway and Transportation Officials.
DIANE STEED,
President and Chief Executive Officer, The American Highway Users Alliance.
STEPHEN SANDHERR,
Chief Executive Officer, Associated General Contractors of America.
PETER RUANE,
Executive Director, American Road and Transportation Builders Association.
WILLIAM T. POUND,
Executive Director, National Conference of State Legislatures.

Mr. BOND. Mr. President, I see the majority leader is in the Chamber. We will not act on this amendment at this time. If somebody wishes to object to it after the majority leader speaks, we would ask that they come to the floor and make an objection. Otherwise, I propose that at 3 o'clock we ask that the amendment be adopted or, if we need a recorded vote, we will be happy to do that. One way or another, I hope we can have action on this by 3 o'clock.

With that, I yield the floor.

The PRESIDING OFFICER. The distinguished Senate majority leader.

REOPENING SENATE OFFICE BUILDINGS

Mr. FRIST. Mr. President, for several minutes I want to give our colleagues an update and make several announcements which will have a direct impact on their schedules for the next several days. I begin by thanking my colleagues for their patience as we work through these uncertain times. I assure them, we are progressing as rapidly as we can, as rapidly as is humanly possible. We are on course to be back in complete functioning operation here. That plan I will lay out shortly.

I do want to make a couple of quick points though. First, everybody is doing well. There are a number of people who have been in very close contact to the poisonous substance which was identified in my office. They are all doing well. The emergency responders are all doing well. That is my primary focus; that is, the safety and well-being of our extended Senate family here. We are continuing to monitor the health of all people who were potentially exposed and we have identified and spoken with each of those. They have had the appropriate counseling. Everybody is doing well.

As the world knows by now, the impact of inhaled ricin, to the best of our knowledge, is over a very short period of time and we are well beyond that window, now 48 hours after the time of exposure. I do commend and applaud my staff because they were astute in noting the powder and responded appropriately and quickly, and that could have, and in fact I am sure did, avert a serious and potentially life-threatening matter for others.

The incident, as I mentioned, is 48 hours old. We were able to move aggressively and rapidly to isolate that affected area in my mailroom. The monitoring of health effects has gone very smoothly. I appreciate the Capitol Physician's Office, as I mentioned this morning and last night, being with all people exposed and have counseled people since that point in time.

We were able to implement plans which had been carefully laid out and coordinated among many different groups, agencies here on the Capitol Grounds, and that results in protection of Members and protection of staff and the reaction in a very sophisticated way to this discovery.

After consultation with appropriate officials and reflecting upon the excellent coordination with the Sergeant at Arms and the Capitol Hill police, I have made a decision this morning, in consultation with the Democratic leader and others, that we can accelerate our efforts to open our Senate office buildings. It is still not going to be as quickly as most people would like, but we can accelerate the initial proposal and plans. This proposal is consistent with safely removing mail and continuing to review data, which literally comes back every 30 minutes to an hour, as teams move through the complex, the very large complex of the Senate office buildings, but also a response on the House side and in the Capitol itself.

Thus, barring any unforeseen discoveries—and I put that provision in there because you don't know an hour later that something may be discovered. But barring any unforeseen discoveries, the time schedule for opening the buildings will be the following:

The Russell Senate Office Building, tomorrow, Thursday, at noon, February 5. We will be able to open that office building at 12 noon. Again, Thursday noon, February 5, Russell Senate

office building. Friday at 9 a.m., February 6, we will reopen the Hart Senate office building. The Dirksen Senate office building, which is the crime scene itself, will open on Monday at 7 a.m., February 9.

A lot of people thought it would be days and days to reopen. Initially we did not know how long. People pointed out with the anthrax, the buildings were closed for weeks and weeks. We made a decision to accelerate this schedule based on increased manpower that has been offered by various agencies, our continued understanding about the exposure to ricin, the understanding and information that has placed this in one room at this juncture based on the findings to date, and that in all of the monitoring equipment, the HEPA filters throughout the area that have been examined, and we continue to examine them throughout the complex, of all the monitoring and filtering equipment employed, the filters have all been demonstrated to be clean and therefore there has not been aerosolization of this agent.

I do also want to tell Members they can have access to their offices—they, themselves—after assessing the risk, and our counseling will be directly to them. If they want to go to their office and remove essential papers or documents—not mail; mail should not be touched—they can do that. We do ask that they talk to the Secretary of the Senate's office where the control room is—they have that telephone number—if they plan on going into their office building to access important information to allow them to carry out the essential functions of their office.

We will continue to work with all the Members to ensure a smooth and safe reopening of the Senate complex consistent with this schedule.

Again, Thursday noon, February 5, the Russell Senate office building will open. Friday, 9 a.m., February 6, the Hart Senate office building will reopen. Monday, 7 a.m., February 9, the Dirksen Senate office building will reopen.

Let me close and simply again thank the Capitol police, Chief Gainer, who has done a tremendous job, the EPA, the United States Marines, the FBI, the Department of Homeland Security, the Attending Physician's office, the CDC, the Sergeant at Arms, the Secretary of the Senate, and so many others involved in response to this incident.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for his report and for the announcement regarding the opening of offices. He also ought to be commended for his work and leadership in expediting the opening of the offices themselves. This has been a difficult matter because his office has been directly affected, but this is a very good piece of news that we should be back and up and running with all cylinders by the early part of next week.

I share, as well, his expressions of gratitude for all of those who have been involved in this effort to date, having recalled very vividly the nightmares of 2 years ago. It is fair to say we have come a long way in our ability to deal effectively with matters such as these. While this one is different, it is also indicative of the progress we have made in allowing the institution to respond more quickly and successfully and, hopefully, that will be in evidence as we continue our work.

Again, I thank the majority leader for his report. I know this will be good news for all Members.

I yield the floor.

Mr. FRIST. Mr. President, I appreciate the Democratic leader's comments and will turn the floor back to the managers. We will have continued announcements. One of the real efforts we have tried to fulfill and missions we put forward is to stay in touch and communicate as best we can. We will continue to do that. There will be a press conference by the Capitol police with an update later this afternoon and they will sit down and announce more about that to give a technical update in terms of the progress that has been made.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise again as we proceed on the bill to present my concerns about where we are in the process relative to the highway bill and relative to the management of the Federal budget.

The bill before the Senate with the proposed amendment which I believe has been offered, the substitute, creates a significant increase in funding and spending in the area of highways. Many Members support transportation improvements. I have always supported having a strong transportation program because it is critical to our infrastructure. But in doing that, we have to do it within the context of managing the budget correctly. We cannot simply put money into programs because we like them without doing it in the context of what the budget limitations are and what the various income is in the trust fund that would pay for these activities.

The highway bill has always been a trust fund—not always—a trust fund-generated event, where the gas tax and other taxes that are highway related and transportation related are collected and spent for the purposes of building infrastructure. That is the way it should be. That is the way most States do it, too, by the way. I don't think any States use general fund revenues for the purposes of managing their highways, although I am not aware of that. As Governor of New Hampshire, when I had the honor and privilege to serve in that position, this was a very big issue that we not use the general funds for the purposes of managing our highways.

However, what is happening in this bill, unfortunately, is that we are, through a series of accounting mechanisms which are, in my opinion, illusory in some ways and inappropriate in other ways, basically raiding the general fund for the purposes of funding highway construction activity and at the same time we are dramatically expanding the spending levels above what the levels are that are part of the budget process for the highway fund. That is inappropriate. It is inappropriate that we should be going outside the highway fund for the purposes of funding highways and that we should be exceeding the budget levels for the purposes of funding highways. Rather, we should have the fiscal discipline to recognize when you are in a difficult fiscal situation, as we are as a country, when you are running deficits, which we are, unfortunately, as a country, you must, in all accounts, including those which you are strongly committed to, have fiscal discipline. That involves staying within the budget and that involves being sure that in something where you are using a trust fund, you have the funds in place in that trust fund before you spend it.

That is why I am concerned about this bill. It is my opinion if we allow this bill to go forward in its present form we will be significantly aggravating the deficit, we will be dramatically adding to the deficit, and we will be creating a precedent of using the general fund for the purposes of funding the highway accounts. That is bad policy. The underlying policy and having a strong transportation program can still be accomplished, but we should do it within the context of staying within the budget and staying within the highway bill. I have spoken on this before. This is not one item that stands alone on this issue. I suppose if we were running a surplus, or a deficit which was not so large or was not growing, I would probably tolerate this type of spending. This is, rather, an additional straw on the camel's back, and specifically our children. Our children have to pay the debt which we run up in the Government. It is passed on to the next generation. If we are going to be fair to our children and our children's children so they can have the quality of life we have, then we have to give them a government and a fiscal house that is in order.

Unfortunately, within the last 2 years we have not necessarily followed that course of action as a Congress. We have passed a series of bills which have dramatically aggravated the situation relative to the budget, deficit spending, and long-term structural deficits—mostly on the entitlement side, and mostly in the area of programmatic activity that has to be spent, or programmatic activity that is locked in place on a flight path of expenditure. It occurs in the Medicare accounts and it occurs in the agricultural accounts. There is an attempt to do it in the energy accounts. It could potentially

occur in this account, if it passes in its present form.

That is why I have such reservations about this bill. I especially have reservations about the substance of it. I am not absolutely sure how it is structured because I haven't had time to look at it yet. But it appears to me that in its present form it does take money out of the general fund and move it into the highway fund through a variety of mechanisms which at best would be called playing fast and loose with the budget rules of this Congress. It is probably, therefore, subject to a budget point of order and is, therefore, inappropriate.

In addition, if we are going to take up this bill, it is our first opportunity to have a bill which could address a variety of other issues we have concerns about as a government.

There is a bill that was passed out of my committee which I had the good fortune to chair, the Health, Education, Labor and Pension Committee, which deals with the rights of public safety officers, specifically firemen and police officers, who work in one of the most dangerous jobs in our country. It deals with fair treatment of them in the area of how they protect their rights in employment. It is a bill which has passed my committee a couple of times. It was being brought to the floor last year, and regrettably it didn't come through the entire process. But it does create an opportunity for fire and police personnel, and public safety personnel—who are very important, and who obviously use our transportation system rather aggressively—to protect the transportation system when there are violations of law relative to the operation on roads, or protecting it when there are hazardous events on the road, or when people are injured and fire rescue personnel respond, or even if there are fires involving transportation vehicles. So it is tied into this whole bill—the protection of police and fire personnel and their rights to have a reasonable workplace and a workplace where they feel they are getting what they need.

It is something which I have been greatly involved in and committed to for many years.

Thus, it is my intention at this time to send an amendment to the desk in the nature of a second degree to the amendment which is the pending substitute.

I send an amendment to the desk.

AMENDMENT NO. 2266 TO AMENDMENT NO. 2265

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2266 to amendment numbered 2265.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2003''.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(a) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' means any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICERS.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code,

shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORTIY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act;

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(4) to permit parties subject to the National Labor Relations Act (29 U.S.C. 151 et seq.) and the regulations under such Act to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours; or

(5) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full time employees.

For purposes of paragraph (5), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, might I ask the Senator from New Hampshire what his substitute does?

Mr. GREGG. This amendment deals with the rights of police officers to have the right to collective bargaining and firemen to have the right to collective bargaining.

Mr. BOND. Mr. President, this obviously is a very important issue the Senator has raised. Having this as an amendment to a technical amendment raises questions that I think perhaps should be answered.

First, I point out to my friends who are concerned about it that the number we have chosen for the highway portion of the bill was a number adopted by a 79–21 vote on the floor of this body. In addition, we understand the need to provide funding for highways. The Finance Committee has worked very hard to come up with the funding measures. I don't serve on the Finance Committee, but they have adopted fuel tax compliance measures. They have reformed the provisions for the ethanol exemption. It is a very valuable agricultural fuel that improves the environment. They will not charge the highway trust fund with that. They will pay down the existing interest owed to the highway trust fund and spend down the balance. They will clarify mobile machinery exemptions and transportation taxes, and discontinue refunds going from the trust fund into the general revenue fund for fuel tax exemptions. These are generally related to the highway trust fund.

Further, I will point out for those of us who said we want the trust fund used for highways, the trust fund right now is being used for other things that are not highway related, such as automobile, bus, and truck drivers. Some $36 billion will go to mass transit, a very valuable adjunct to the transportation system but not something that

people who pay highway trust fund taxes are using because they are putting the gas and diesel in their own vehicles.

There are also valuable environmental benefits in there such as CMAQ—congestion mitigation for air quality. There are also rails and trails and other easements in there that are a significant diversion of highway trust fund dollars from the direct highway trust fund purposes.

I hope my colleagues who have problems with strict application of highway funds being raised on highway uses deal with that in an amendment that is directly related to the highway bill transportation which is before us.

Obviously, one of the things one can do in the Senate is to offer amendments that are more properly the jurisdiction of other committees, which certainly collective bargaining is, I would say, such an effort. But this bill is so important to the United States, to our economy, and the safety and well-being of the people who use our highways and use our bridges in the United States that I hope we can get back to the main purpose of this measure, which is to continue the highway program, which builds better roads, better bridges, and provides jobs—47,000 jobs for each $1 billion of highway contracts—and provides the future for economic growth in our States.

As I have said on many occasions on this floor, I can tell you jobs are going to be located in the States where they have good transportation systems, and good highways are essential for that.

Finally, in my State it is a matter of saving lives. So I hope we can get back to dealing with the important measures in this bill. I hope we can deal with the specific needs, make the technical amendments that are normally permitted on such a bill, and debate the major provisions.

With that, I yield the floor.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, we have been trying to get through the explanation of this bill section by section. We have done so now all the way up to section 1304. It seems most people were concerned yesterday about the formula. Now we are addressing another problem. But we have not gotten into the full explanation of the bill. We have gone from section 1104 through section 1303.

I am going to go ahead and proceed. If anyone either has an amendment or wants to be heard on the bill, of course, I will give them that opportunity.

Section 1304 is in regard to the facilitation of international registration plans and international fuel tax agreements.

In response to issues surrounding commerce from Mexico, S. 1072 gives the Secretary of Transportation discretion to provide financial assistance to States participating in the International Registration Plan and the International Fuel Tax Agreement. These States incur certain administrative costs resulting from their service as a home jurisdiction for motor carriers from Mexico.

The International Fuel Tax Agreement and the International Regional Plan are agreements among various U.S. States and Canadian Provinces that facilitate the efficient collection and distribution of fuel taxes and apportioned registration fees among each member jurisdiction.

Under both programs, each motor carrier designates its home State or Province as the jurisdiction responsible for collecting fuel use taxes and fees. Since the implementation of NAFTA, the Mexican Government imposes and collects fuel taxes and registration fees differently from the United States and Canada. The National Governors Association is currently evaluating Mexico and its participation in the IFTA and IRP programs. In the interim, Mexican motor carriers may use individual U.S. States or Canadian Provinces as their home jurisdiction. So we are talking about something that is in the interim until the problem is resolved but is necessary.

Section 1305 is in regard to the National Commission on Future Revenue Sources to Support the Highway Trust Fund and finance the needs of the surface transportation system.

As many of you know, I am personally not one to support expansions of bureaucracy or the creation of innumerable review boards, committees, and commissions. However, this bill creates, and I have found good reason to support, a new temporary—temporary—national commission on future revenue sources to support the highway trust fund and finance the needs of the surface transportation system.

Funding the highway program has already become increasingly more challenging. Even as we debate the funding of this bill, we are confronted with the task of finding innovative and efficient funding methods to capture user fees lost to the fuel tax evasion and a host of other issues that the Finance Committee has done a great job in addressing.

However, one issue that has not been addressed, but must be before the next reauthorization cycle, is Federal incentives for the purchase of hybrid and other fuel-efficient vehicles. Fuel efficiency is a goal I support, but I do not believe it should come at the expense of the highway trust fund. So we have these exemptions, which has the result of reducing the revenues that would otherwise come in, even though the goal or the policy we are trying to establish is, perhaps, an inevitable policy.

We run the risk of making economic and environmental advances at the cost of jeopardizing our primary funding source for the highway trust fund—gas taxes. In recent years, the highway trust fund has seen a decrease in revenues. Constant changes in the automotive industry and the economy as a whole impact user fee revenues. We must continue to identify new and reliable revenue sources to sustain the program.

Most recently, we have seen the increase in the cost of fuel and the spiking that has been going on. That has a direct effect on the amount of revenues that are generated from fuel taxes.

In response to these changing and growing challenges, the new commission created in this bill is established to conduct a comprehensive study of the alternatives available to replace or supplement the existing fuel tax as the principal source of supporting the highway trust fund. We may find that this is going to still remain the principal source, but we do not know because we have never had any central place where we were trying to put together something this creative to replace it.

Specific factors which the commission will examine include, one, the effects of each major tax that goes into the highway trust fund; two, the ability to increase taxes if there are future revenue shortfalls; and, three, potential new sources of revenue to support highway, transit, and other surface transportation programs.

In regard to the scope of the study, the commission is charged with suggesting new or alternative revenue sources to fund the needs of the surface transportation system over the next 30 years or the next 40 years—the next long period of time. It is something we should have done before. This bill might have been easier if we had addressed this in TEA–21.

Now we have, in section 1306, the State infrastructure banks. TEA–21 established a State infrastructure bank pilot program that authorized participation among the States of Missouri, Rhode Island, California, and Florida. This bill reauthorizes the program to allow all States to enter into cooperative agreements with the Secretary of Transportation to set up infrastructure-revolving funds eligible for capitalization with Federal transportation dollars.

The SIB program gives States the capacity to increase the efficiency of their transportation investment and to significantly leverage Federal resources by attracting non-Federal public and private investment.

The program provides greater flexibility to the States by allowing other types of project assistance in addition to the traditional reimbursement grant. States utilizing SIBs are able to provide various forms of nongrant assistance to eligible projects, including at or below market rate subordinate

loans, interest rate buydowns on third party loans, and guarantees and other forms of credit enhancements. Any debt that the SIB issues or guarantees must be of investment grade caliber. The SIB program represents one more innovative financing option. We believe, after having done this with three or four States, that it is something that should be expanded to other States. This is a very positive thing.

Section 1401 is the Highway Safety Improvement Program.

Along with the new equity bonus program, the bill's new core Safety program is one of the crowning pillars of this legislation. It is both devastating and deplorable that motor vehicle crashes are the leading cause of death among American's between the age of 1 and 34-years-old. In 2002 alone, nearly 43,000 people died on our Nation's highways. Although the fatality rate has decreased when compared to the growing number of vehicle miles traveled, the total number of fatal crashes has gradually increased over the life of TEA–21. Through a reorganization of existing safety programs and a significantly increased Federal investment, S. 1072, appropriately referred to as SAFETEA, strives to combat one of the greatest threats faced on our roads today. Not only is the loss of life to unsafe roads and conditions tragic, but vehicle crashes have a huge economic effect manifested in medical costs, property damage, insurance, and the effects of congestion.

In response to the need for safer roads and road conditions, this bill gives heightened attention to improving traffic safety by creating a new core Highway Safety Improvement Program. Under TEA–21 States were required to set-aside 10 percent of their funds apportioned under the Surface Transportation Program for safety projects to eliminate hazardous locations and improve safety at highway-railway crossings. The new Highway Safety Improvement Program preserves the ability of States to continue funding these important projects, while giving the States even greater flexibility to identify and address other traffic safety issues such as work zone safety, traffic enforcement activities, lane and shoulder widening, use of safety warning devices, safety-conscious planning, and improved traffic data collection.

This is just one more effort to recognize that the States are all different. The same shoe does not fit all. We are giving them an expanded role to determine the best way to handle the problems in Vermont as opposed to Oklahoma or any other State.

Recognizing the various and changing safety needs in each State, the bill provides significant flexibility to the States in order to determine how the Federal safety dollars can best be spent to address the areas of greatest need. These are not always the same in each State.

Section 1402 is Operation Lifesaver. Among the existing safety programs that this bill reauthorizes is Operation Lifesaver. This program has proven effective as a national education and awareness campaign dedicated to reducing fatalities and injuries at highway-railway crossings. Operation Lifesaver has utilized various means to educate both drivers and pedestrians about making safe decisions at railroad crossings and has encouraged better engineering to improve safety at rail crossings. Due to the valuable service this program renders and the cost-benefit effectiveness it has sustained, this bill increases funding for the program from $500,000 per year to $600,000 per year and moves the source of funding for Operation Lifesaver from the Surface Transportation Program, STP, to the new Highway Safety Improvement Program.

Section 1403 is license suspension. Another area of concern in regards to highway safety is the intoxicated driver and especial repeat offenders. Current law imposes penalties on States that have not enacted statutes punishing repeat intoxicated drivers with a hard one-year driver's license suspension. However, as the States have reviewed data and adapted their sentencing structures for repeat offenders in this area, they have found that habitual drunk drivers whose license has already been suspended frequently choose to drive without a license, minimizing the effectiveness of the current State of the law. In the interest of public safety, some States have actually accepted the consequences of the Federal sanction and foregoing available Federal funding in order to impose more effective sentencing of these repeat offenders. This bill recognizes the reality of repeat drunk drivers driving on roads with a suspended license and the wisdom of more effective alternative sentencing schemes. Thus, the bill updates the ''repeat offender'' sanction in title 23 of the code to allow States to incorporate ignition interlock or similar devices when sentencing repeat intoxicated drivers.

At this point we have come through all the way to section 1404. I would like to see if the minority leader of the committee, who has been so great to work with, the ranking minority member, Senator JEFFORDS from Vermont, has any comments to make about these sections.

Mr. JEFFORDS. I thank the chairman. As has been pointed out already by one of our members, the bill we are talking about is rather extensive. But it was not done quickly or without the tremendous work of staff and many people who have contributed outside of the staff in listening to people from all over the country before we put the final touch on the bill.

The highway bill provides us with an opportunity every 6 years to give our communities, our businesses and our citizens a real boost by renewing our commitment to the world's most extensive transportation system. I am proud to be a leader in that effort this year.

Through the bill before us today, we will improve the condition and the performance of our roads and bridges, thousands and millions of them. That means both safer travel today and lower maintenance costs tomorrow.

I am particularly pleased that our work continues the transportation partnership established under President Eisenhower during the Interstate period and expanded with passage of ISTEA 12 years ago. That means that local leaders, stakeholders and citizens will continue to work with State and Federal officials to set spending priorities and define project scope.

I am also proud that we have maintained the linkage between transportation and the environment in our bill. Investments in transportation must build strong, healthy communities. Through advanced planning and early coordination we can ensure better results.

I urge my colleagues to work with those of us responsible for this bill so that we may complete our work in a timely way. America's communities are relying on us. The States are relying upon us. All people using the transportation system are depending upon us. I am sure we will produce this document in a way that will make us all very proud.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First, I agree with the ranking member of the committee. We have come a long way. We are ready shortly and will be prepared to deal with some amendments. In the meantime, let's wade through this thing a little bit more.

Section 1404. Bus axle weight exemption. SAFETEA holds over-the-road buses and intrastate public transit buses to the same standards that inner-city transit buses must meet with regard to axle weight, air quality, and requirements under the Americans with Disabilities Act. Specifically, the bill exempts any over-the-road buses or intrastate public transit bus from the maximum gross weight limitations imposed by the State.

Section 1405 is the Safe Routes to School Act. This was a provision that handled a number of compromises. It is one we are all concerned about. It has a continuing emphasis on safety. The bill introduces a new program that directly deals with safe routes to school, a safety improvement program established in SAFETEA. Projects eligible under the Safe Routes to School Program are already eligible under the larger Highway Safety Improvement Program.

However, Safe Routes to School provides a dedicated and protected funding source for pedestrian and bicycle safety projects near schools. The program is limited to projects and activities that will impose safety within 2 miles of primary and secondary schools. It sets aside $70 million per year for infrastructure and behavioral activities, such as sidewalk improvements, traffic-calming measures, speed reduction,

bicycle facilities, pedestrian crossings, traffic signal improvements, public awareness campaigns, and traffic education and enforcement.

I think that is significant. We have noticed, between the time we have been dealing with ISTEA and TEA–21, there have been increased fatalities in our young kids. We expanded this program during the course of our committee consideration. I think it was a good compromise to make on the purchase of equipment.

When conducting projects under the Federal program's authorization under this bill, some States will occasionally find the equipment necessary to complete the project may be cheaper to purchase than it would be to rent for the duration of the project. In such cases, this bill instructs them to conduct a cost-benefit analysis for the purchase of expensive equipment above specified levels in order to evaluate the savings associated with purchasing the equipment compared to renting the equipment for the duration of the project.

Everything we are doing here is trying to get the very most out of the dollars we are spending in terms of safety and equipment and road construction and the other things we are dealing with in S. 1072.

Section 1407 is work zone safety. Over a thousand deaths occurred in work zones during 2002 due to traffic crashes alone. There has been a lot of awareness in the public about this fact and States are trying to deal with it. We felt it appropriate to have some language in this bill. Although work zones represent a critical component of infrastructure development, they also pose a unique safety challenge for those on the road, and to road workers in particular.

S. 1072 attempts to minimize the injuries and fatalities in work zones by imposing insurance requirements, requiring the use of ITS technologies and safety budgeting in construction and contracting. The Secretary of Transportation is directed to encourage States to choose contractors that carry general liability insurance of at least $15 million. Transportation projects costing more than $15 million are encouraged to include continuously monitored work zone intelligent transportation systems, or ITS systems.

Section 1408. Worker injury prevention and free flow of vehicular traffic. In addition to the provision relating to the safety of workers in work zones just mentioned, SAFETEA also directs the Secretary to promulgate regulations requiring road workers to wear high-visibility clothing, with the goal of decreasing worker injury and maintaining a free flow of traffic.

In section 1501, regarding the integration of natural resource concerns into State and metropolitan transportation planning, my counterpart, the ranking minority member, was very interested in a lot of the parts of the bill that deal with natural resource concerns and State and metropolitan transportation planning. If the Senator from Vermont would like to go over some of these sections, starting with section 1501, it might be appropriate since he had a lot to do with these particular areas.

(Mr. SUNUNU assumed the Chair.)

Mr. JEFFORDS. Mr. President, I am most pleased to assist in this regard.

The environmental provisions contained in this bill reflect a bipartisan compromise reached among the members of the Environment and Public Works Committee. Although there are a number of additional changes I would like to have made in these provisions, I believe the bill deals fairly in regard to these sections, given the variety of strong opinions on environmental subjects.

Several stakeholders have argued any early identification of potential environmental concerns may help reduce or avoid delays during the environmental review. Therefore, this bill specifies factors that may be considered during the transportation planning process.

Current law already requires transportation planners to consider projects and strategies that will protect and enhance the environment and improve quality of life.

The items added by this bill simply provide more direction as to what these concepts mean. These items do not constitute a checklist of items, whereby every item listed must be considered by each State and metropolitan planning organization, or MPO.

Section 1502. As another means of providing for early consideration of environmental concerns, this bill requires transportation planners to consult with appropriate resource agencies.

Interagency consultation should facilitate comparison of transportation plans to conservation plans or maps and inventories of natural or historic resources, where those plans or maps and inventories already exist and are in use.

The long-range transportation plan will also include a discussion of potential mitigation activities and sites that may help compensation for issues due to the transportation plan. This requirement is intended to get States to think strategically about mitigation. It is not to add new mitigation requirements or to require a level of detail better handled at the individual project review stage.

Section 1503. Integration of natural resource concerns into transportation project planning. Additionally, the highway bill contains provisions to incorporate the principles of context-sensitive design into current design standards. These principles involve consideration of the environmental context of a project and encouragement of design that minimizes impact on the project's surroundings. These provisions aim to integrate natural resource concerns into the transportation project planning process.

Section 1504. Public investment in transportation planning and projects. Current law provides an opportunity for the public to be involved to some degree in the development of transportation plans. This bill includes specific ideas for making public involvement opportunities more meaningful, such as making publicly available documents available on the Internet.

Section 1506. Federal and State laws often require habitat, stream, or wetland mitigation to compensate for direct adverse environmental impact caused by transportation projects. To provide additional flexibility and certainty in meeting these requirements, this bill authorizes the establishment of State mitigation funds, using moneys received from the Surface Transportation Program and National Highway System programs.

The State mitigation fund operates as a planning and project management tool available to the States. States can even use the mitigation funds to undertake larger mitigation efforts based on the total impact of a multitude of projects combined rather than project-by-project mitigation. This enables the States to more effectively plan for and provide the mitigation that is or likely will be required for transportation projects under other environmental laws.

The next section, 1511, transportation project development process. TEA–21 directed the Department of Transportation, DOT to ''develop and implement a coordinated environmental review process for highway construction and mass transit projects.'' Unfortunately, this was never achieved. It took almost 2 years for DOT to even propose rules, and those proposed rules were roundly criticized by many interested stakeholders and many in this Chamber.

That proposal has since been withdrawn. So it was necessary for us, obviously, to take the next step legislatively.

This bill sets up a process for complying with current environmental laws. In establishing a process for compliance, the bill does not venture to amend any current environmental laws. It does not venture to amend any current environmental laws.

Under this process, DOT is the lead agency with authority to set work plans and schedules, determine the purpose and need for a project, and determine which alternatives must be considered. This process also includes more public participation than currently required and continues to authorize DOT to provide funds to resource agencies to assist them in expediting project environmental reviews.

Section 1512. Assumption of responsibility for categorical exclusions. Under the National Environmental Policy Act, NEPA, some types of projects can be categorically excluded from lengthy analysis. Qualifying projects are those projects that ''do not individually or cumulatively have a significant impact on the human environment.''

Approximately 90 percent of all surface transportation projects are processed as categorical exclusions, or CEs, under NEPA. Since this is such an overwhelming percentage of the projects, even a small improvement in processing time for each CE can result in a large improvement systemwide.

The bill before us today attempts to make that improvement by allowing States to assume the Secretary's responsibility for completing the environmental review process for projects classified as CE under current regulations.

This assumption of responsibility will be limited to those States that have adequate capabilities and would remain subject to Federal oversight to maintain proper accountability.

Section 1513. Surface Transportation Project Delivery Pilot Program. Often a State will do much of the work involved with the preparing and environmental review of a surface transportation project. Then the Federal Department of Transportation must review and approve the State's work, the applicable documentation. Some stakeholders have argued that allowing States to complete the NEPA review, regardless of whether the project requires a categorical exclusion, environmental assessment, or even an environmental impact statement, could result in significant time savings and speed up project delivery.

The highway bill sets out to explore this idea by establishing a pilot program that allows up to five States to assume the Secretary's responsibility for the environmental review of a transportation project.

Under this pilot program, States will have to meet several criteria before and after selection to participate. These requirements include soliciting public comment prior to applying for participation, verifying adequate capabilities to carry out the responsibilities to be assumed, entering into a written agreement with the Secretary, submitting to the jurisdiction of the Federal courts, submitting to periodic compliance audits, and complying with the same procedural and subsequent requirements under Federal environmental law as would apply if the Secretary were conducting reviews.

Section 1514. In keeping with the new environmental changes, the bill directs the Department of Transportation to promulgate new regulations within 1 year to implement the planning and project delivery sections of the bill.

Section 1521. Critical real property acquisition. The committee bill enables States to use Federal funds to expeditiously acquire a limited number of parcels of land that may be needed for future transportation development but are threatened by imminent economic development.

The early acquisition of property keeps future transportation options open and provides States with an important opportunity to reserve future alignment alternatives while allowing timely and cost-saving acquisitions.

In limited circumstances and with the Secretary's approval, States can use the Federal funds to cover the cost incurred in acquiring parcels of land that are considered to be critical for any transportation project under title 23. Federal land may be used to acquire property prior to the completion of the environmental reviews for proper acquisition. Environmental reviews and approvals are still required before physical construction, demolition, or clearing is commenced. If a parcel is later sold or leased, States cannot retain the Federal share of the proceeds.

Section 1522. Planning capacity building initiative. Focusing on the importance of comprehensive and integrated planning, S. 1072 establishes a planning capacity building initiative to strengthen metropolitan and statewide transportation planning and to enhance tribal capacity to conduct joint transportation planning.

The bill gives priority to planning practices that support the transportation elements of homeland security planning, performance-based planning, safety planning, operations planning, freight planning, and the integration of environment and planning. The planning capacity building initiative will be administered by the DOT's Federal Highway Administration in cooperation with the Federal Transit Administration.

Section 1601. Environmental restoration and pollution abatement control of invasive plant species and establishment of native species. Storm water runoff from highways has a direct impact on the Nation's waterways, carrying with it pollutions such as brake linings, oils, heavy metals, road salts, nutrients, et cetera. To address these waterborne pollutants, current law already allows States to use STP funds to address water pollution or environmental degradation caused or contributed to by transportation facilities currently undergoing reconstruction, rehabilitation, resurfacing, or restoration so long as the environmental project does not exceed 20 percent of the overall project cost.

This bill extends eligibility for those types of mitigation projects from the States' STP funds to include their funds under the NHS program as well. It further allows the funds to be used for environmental restoration projects not associated with an active construction project.

The stormwater project must address runoff from an existing Federal-aid highway but not necessarily one undergoing reconstruction, rehabilitation, resurfacing, or restoration.

Invasive species are a growing problem both economically and environmentally. These harmful plants plague thousands of areas of rangelands and croplands and have been cited as a staggering problem by such organizations such as the National Cattlemen's Beef Association and the American Farm Bureau Federation. By making both NHS and STP funds available to mitigate invasive species along roadways, we provide States with the flexibility to minimize the impact of vehicles as vectors of these problematic plants.

Section 1602 relates to the National Scenic Byways Program. TEA–21 continues the National Scenic Byways Program authorizing the Secretary of Transportation to designate roads that have outstanding scenic, historic, cultural, natural, recreational, and architectural qualities as all-American roads, or national scenic highways.

This bill amends the current program to recognize that the Secretary already is promoting the collection of ''national scenic byways'' and ''all-American roads'' under the designation of ''America's byways.'' If State and Federal representatives reach consensus on establishing a single designation category, then these amendments will provide the Secretary with the authority to use any of the three terms, national scenic byways, all-American roads, or America's byways, as the single designation.

The bill also authorizes the Secretary for the first time to form public/private partnerships to carry out technical assistance, marketing, market research, and promotion with respect to national scenic byways.

Section 1603 is the Recreational Trails Program. This bill continues the Recreational Trails Program allowing Federal funds to be used to provide and maintain recreational trails for motorized and nonmotorized recreational trail uses. New eligible uses of funds permit trail assessment for accessibility and maintenance, and to hire trail crews or youth conservation or service corps to perform recreational trails activities. Current activities eligible under the program educational funding already include nonlaw enforcement trail safety, trail use monitoring patrols, and trail-related training.

Since projects under the Recreational Trails Program are much smaller than typical highway projects, this program is relieved of several normal requirements which, although appropriate for large highway projects, would be excessively burdensome for small trail projects.

Section 1604 covers exemption of interstate systems. SAFETEA establishes an exemption for the interstate system from consideration as a ''historic site'' regardless of whether the interstate system or portions of the interstate system may be eligible for listing on the National Registry of Historic Places. However, a portion of the interstate system that possesses an independent feature of historic significance, such as a bridge or a uniquely significant architectural feature, may still be considered a historic site individually.

Section 1605 of this bill changes current law to place greater emphasis on the need to consider the preservation of human and natural resources in the

decisionmaking process of developing highway projects. Consideration of a variety of highway project impacts has been part of the design process for many years. However, the transportation community has demanded improvements in project delivery and in the makeup of the product that is delivered. Compatibility with the surrounding environment and improved safety for the motorist and the pedestrian are critical.

The bill also directs the Secretary to ensure that the plans and specifications for proposed highway projects have considered preservation, historic, scenic, natural environment, and community values. However, States can use existing processes for demonstrating that they have considered these subject factors.

Section 1606 covers use of high-occupancy vehicle lanes which has been a topic of great interest to both States and stakeholders. This reauthorization bill clarifies existing law and provides more flexibility to State and local agencies for effective management of high-occupancy vehicle, or HOV, facilities. Certain types of vehicles are exempt from meeting the general occupancy requirements for HOV facilities. The bill further identifies the possible operational strategies that responsible agencies may select from to maximize the use of HOV facilities, manage highway capacity, mitigate congestion, and reduce fuel consumption.

Motorcycles continue to be allowed use of HOV facilities. Responsible Government agencies choosing to meet additional requirements may also allow low-emission and energy-efficient vehicles, such as hybrid vehicles, to use HOV facilities. These agencies are also given the authority to toll the use of an HOV facility by vehicles that do not otherwise meet the normal minimum capacity or other exemption requirements.

Section 1607 relates to bicycle transportation and pedestrian walkways. The highway authorization bill makes minor changes regarding pedestrian walkways, specifically allowing the use of the Surface Transportation Program, STP, funds and congestion mitigation and air quality improvement programs, CMAQs, funds for the nonconstruction pedestrian safety programs where current law only mentions bicycle safety.

We also explicitly mention the pedestrian use on bridges, whereas current law only mentions safety programs for bicycle use. The practice of charging user fees for shared-use paths is also permitted so long as the fees collected by a State are used for maintaining and operating the shared-use paths within the State.

User fees may not be collected on shared-use paths that are not within a highway right-of-way nor make user fees be charged for the use of sidewalks or bicycle paths.

I would like to stop at this point and pass the description to my good friend, Senator BOND. Thank you.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, picking up with the description of this bill, which we think is extremely important, I am going to share some other views. But I want to continue with this description of the bill.

Under the current law, there is a general prohibition against placing commercial establishments in recreation and safety rest areas on interstate rights-of-way. This bill creates a small exception to this prohibition by allowing States to place either electrification or other idling facilities that can be used for heating, air-conditioning, electricity, and communication. This will enable truck operators to receive services without continuing to run their engines, thereby reducing vehicle emissions. States, other public agencies, and private entities are already allowed to operate on the interstate system and may charge for the services provided under this new authority.

Why is this important? This is tremendously important. If you travel in your State along an interstate, you will find now that the new hours-of-service regulations require truckers to take more frequent breaks. There are rest areas in my State which are crowded with trucks. There are entrances to and exits from interstate highways where significant numbers of trucks are parked. This is to make sure that the drivers get the rest they need. There has been some controversy over it, but this is the rule and they are abiding by that rule. But when they are shut down and idling, particularly in bitter cold weather so they can get heat in their cab while they get the necessary rest, No. 1, it is causing dangerous situations along the roadway, on the exit and entrance ramps to interstate highways, and they are needlessly burning fuel, polluting the atmosphere, and causing excessive use of imported petroleum at a time when we face a real energy crisis.

So while this is a small part of the bill, it is one which responds to very significant needs to maintain safety for the traveling public, especially the truckers, and also to eliminate air pollution that comes from idling trucks.

Another program that I think is vitally important to empower the improvements in tolling, section 1609, deals with tools for toll programs. One of the effective things that has been used in many highway locations for raising revenue and regulating the flow of traffic is tolling. This bill modifies the Interstate System Reconstruction and Rehabilitation Program, the ISRRP, and establishes a new variable toll pricing program. This variable pricing program replaces the pilot program which was authorized in the previous TEA–21.

The new variable toll pricing program enables the use of variable toll pricing on congested facilities in order to increase mobility and improve air quality. This says that the Secretary can permit a State or public authority to toll any highway, bridge, or tunnel, including facilities on the interstate system, to manage high levels of congestion or reduce emissions in a nonattainment area or maintenance area.

This is extremely important when you look at the kinds of congestion we have in many areas during high traffic time. If there are tolls imposed when there would otherwise be heavy congestion, then those who must necessarily travel at that time can continue to do so by paying a toll. This is the ultimate market-based system for assuring that people who do not have to travel at high congestion times will not. Obviously, this means better traffic flow, this means less congestion, and therefore less pollution. So I think this is extremely important.

The Secretary may permit a State or public authority to manage the levels. The States must provide the Secretary with a description of the congestion and air quality problems, and the goals. Any State or public authority already operating under a cooperative agreement under the existing pricing pilot program of TEA–21 can continue under the existing laws.

We also have included some changes in the tolling requirements because in some States there are interstates which are badly out of date and in need of substantial rehabilitation. In the current laws, the provision for establishing tolls on existing interstates has been limited to replacement. If you have ever traveled I–70 in the State of Missouri, which is the lifeline for our State and for much of the Nation for east-west traffic going from coast to coast, certainly traveling between Kansas City and St. Louis, you will find that there are tremendous delays occasioned because the roads are inadequate. They are two-lane roads that are like driving in city traffic, they are so filled with cars and congestion.

In addition, when there are accidents on these roads, it is not uncommon for us to experience an hour or 2-hour delay. In one instance, I managed to miss a 7-hour delay by taking some back roads which I knew about to get around a major disaster.

This measure expands the ability to say if it is substantial rehabilitation or reconstruction, the State, if it chooses, could use tolls to improve an interstate.

Right now, Interstate 70 has the distinction of being the first toll road in the United States. But it also means it is a half a century old and it is at least 20 years out of date. The total cost for repairing it and replacing it is about $3 billion.

Some of my colleagues will be surprised to know that I have not asked in this bill for $3 billion to replace this vital national link. But I do believe we need to provide options for States to deal with problems such as this one. Whether they do it is going to be up to them. In the State of Missouri, there would have to be a vote of the people.

They would have to authorize the issuance of bonds and a tolling authority. This does not by any means say we are going to put tolls on it. It provides an option for the legislature, the Governor, the Department of Transportation to consider as they look at how they want to deal with one of these very significant highway corridors, which has become far too often a parking lot rather than a means of facilitating transportation between our two major cities and for people traveling from far beyond, going east to west through the heartland of the Nation, through the State of Missouri.

I think this is a very important provision and one which will provide States reasonable flexibility, not allowing them, willy-nilly, to take roads already financed through the interstate program, to impose tolls on them to finance other activities, but to make sure that we continue to realize the dream of those who initially formulated the interstate highway program to make sure that we can see traffic continue to proceed.

Let me move to another provision in the bill. It is section 1610, which merely directs the EPA to study the ability to monitor differentiation between fine and coarse particulate matter.

As we find out more about the dangers of pollutants, we find they are greater risks in the fine particulates in many instances which can cause far more significant harm than a coarse particulate because of the impact on the lungs.

Section 1611 adds particulate matter areas to the Congestion, Mitigation, and Air Quality Program. The funds under this provision are apportioned on the basis of a ratio of total weighted population of a State's nonattainment or maintenance areas to the total weighted population of all nonattainment or maintenance areas in the Nation.

If you didn't follow me on that, if a State has air quality problems in an area which is one-twentieth of all of the areas in the Nation, then they would get one-twentieth of the total funds available.

It sounds convoluted, but it really targets the CMAQ funds to the areas with greatest needs. Since many areas will need assistance to meet the new 8-hour ozone standard and the new fine particulate matter standard, the CMAQ formula is modified to include those areas. Adjustment factors are used to account for the number of pollutants for areas in nonattainment or maintenance. Section 1611 says CMAQ funds can be used for alternative fuel infrastructure under TEA–21. This bill goes further and encourages the use of CMAQ funds by listing the purchase of alternative fuel and the purchase of biodiesel fuel as eligible activities under CMAQ.

Due to some confusion in some DOT and EPA field and regional offices, we have also clarified that projects to control the extended idling of vehicles are indeed eligible for funding under the CMAQ program.

The bill also fixes oversight under current law that prevents States that do not have any nonattainment or maintenance areas from using CMAQ funds for CMAQ projects. Frankly, this allows us to get more homegrown clean fuels used with the assistance of CMAQ funds.

I happen to know something about soy diesel and about biodiesel. I am a great champion of it, because if you have followed a bus or a truck down the road that is burning straight diesel, you know what an unpleasant smell that can cause and what damage that can do to the environment. Biodiesel is a soybean-based or other biomass-based fuel which operates in a much cleaner burning environment. Several years ago we started a pilot project at the great training facility at Fort Leonard Wood, MO that needed to train soldiers to fight in smoke conditions on the battlefield. They had been burning diesel to provide that smoke. We felt that was not necessarily a good idea to be burning diesel and exposing our finest troops to the diesel pollution and the smoke that was caused. We worked with the Department of Defense to switch that to soy diesel. There was smoke. I asked them after they implemented what the byproducts were. They said, Obviously, we are not polluting the environment with petroleum-based diesel. We are burning a much cleaner soy-based fuel. It is much less harmful to the soldiers. The only problem is it smells like French fries and they get hungry. But given the alternative, that seems to be a good idea.

To the extent we get more buses and trucks using biodiesel, we are going to have greater benefits.

Let me give you two areas where soy diesel or any biodiesel can be a great improvement.

No. 1, firehouses: The fire men and women who live and stay in firehouses have complained for years. When they fire up the firetrucks, they get the diesel fumes coming up into the rest area. Sometimes, our valiant firefighters have to live and sleep in heavily polluted diesel-fuel-soaked areas. This is not only unhealthy, but it is very unpleasant. Fire stations have been some of the first places where we have used biodiesel. It has been extremely popular. Certainly when we are trying to talk about taking care of our first responders and the valiant firefighters who are on the line making sure the engines and the firetrucks below them are burning a clean-burning feel, it is a step in the right direction.

Another important area we have talked a lot about is school bus safety. When you have kids on school buses, the fumes from petroleum-based diesel come into that school bus. Do you know where they are the most dangerous? They are most dangerous when they are at low levels—where the small children are. The smallest children are likely to be exposed to petroleum-based diesel fumes.

We are working to encourage more and more school buses to use soy diesel, and put aside the fact that kids are going to get hungry when they smell something that smells like french fries. But it is vitally important that we lessen the danger to our schoolchildren as well as lessening the use of diesel fuel and providing a significant benefit to those who produce soybean and other biomass.

I see a couple of our colleagues are here. Senator THOMAS wishes to speak. We have lots more to talk about, but I will discontinue at this point and thank the Chair and thank my colleagues for coming to the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank my friend from Missouri. I am glad this conversation is going on. Certainly there isn't anything before us that is more immediate in need and more important than this highway bill. Not only is it a matter of infrastructure, of course, that we necessarily need, but it is also a matter of providing more jobs more quickly than anything we can possibly do.

Someone said this morning at one of our meetings that they will wait until next year to use the money. Not at all. I think many of the highway departments similar to Wyoming where I am from are ready to go. They are ready to contract. They can move very quickly.

I think it is terribly important that we move forward on this. I hope before we are through that we have a thorough discussion of the bill. But I hope we don't get off into a bunch of irrelevant amendments that really do not belong in here but are simply trying to be used as a carrot and a stick. That is not the way it ought to be.

In any event, this is a very large bill and it is very detailed. We have talked a lot about the details. I want to talk a little more generally about it.

This bill, of course, has gone through several committees. The EPW Committee, of which I am a member, is the basic committee where a great deal of work was done. This is the same committee that dealt with the previous bill 6 years ago, a bill, as it turned out, that worked very well. There is a great deal of detail here, but the detail has to be done in committee, and we need to now talk about the principles and to move forward with it.

The bill as reported by the Environment and Public Works Committee would authorize $255 billion over 6 years beginning in 2004 to fund the Federal aid for highways, highway safety programs, and other transportation projects. The last surface transportation authorization was the Transportation Equity Act, called ISTEA. We are moving forward one more time. As I said, it replaces an older one, and indeed actually even before that in the early 1990s, we had this same kind of approach with a gas tax. Each of us pays 18.5 cents a gallon of Federal gas tax when we buy gas. That goes into

the fund for the purpose of upkeep of the infrastructure.

This bill makes significant progress in streamlining the environmental review and delivery process which, as always, is part of the problem.

It encourages communities and project sponsors to consider environmental concerns earlier so things can go together and it comes out as a manageable package.

It increases the oversight on the expenditure side. There is a great deal of money here. The highway funds are spent by requiring project management plans and annual financial plans of Federal programs. That is as it should be. Accountability is necessary.

Actually, when the Finance Committee then received the bill, the funding from the gas tax was not complete enough to cover what we hoped to do. It happened to be about a 6 percent reduction that had to be filled after it came to the Finance Committee. So we have heard a great deal about that, and I understand most want to fund the highway bill with funds that come from related sources instead of the general fund.

I will say a few words about how we are paying with that in the highway bill. The Finance Committee reported out a mechanism for paying for this bill. This mechanism retains the integrity of the highway trust fund. These are truly transportation-related taxes that are now deposited in the highway trust fund. Some of the taxes were previously deposited in the general fund. In other words, the general fund was getting support for transportation-oriented taxes. The Finance Committee finally righted the wrongs. The taxes should have been funding this trust fund for years. Now they will be.

In addition, there are exemptions enjoyed by certain taxpayers that diminish the taxes that would otherwise be deposited in the trust fund. These are exemptions that are subsidies that have nothing to do with highway policy. The impetus behind the exemptions was energy policy and tax policy. Since they are not highway policy, why should they have the trust fund bear the burden?

No one is taking issue with these exemptions of subsidies but rather the funding structure behind them and who pays. The Finance Committee made changes that the exemptions are allowed, allowing for the highway trust fund to legitimately receive the taxes that have been due for a very long time. The exemptions of subsidies will stay in place but now appropriately become the burden of the general fund.

In addition, the Finance Committee went a step further to authorize new taxes to take up the slack in the general fund. The result is that the tax necessary for the highway fund is there and those funds are replaced by new ones in the general fund so there is an equity.

I heard several Senators talk about funny money and shell games when describing this mechanism. The fact is that all highway tax money will be paid in full into the highway trust fund—no exemptions; no gimmicks.

Any subsidy that certain taxpayers enjoy will stay in place but will be paid from the general fund. Any losses to the general fund will be covered by new offsets that have been identified by the Finance Committee. We are taking some things that should have been going for years into the highway fund—gasohol, gas guzzlers, interest on the trust fund balance, these kind of things that should have been going there—now we put those in the highway trust fund. The general fund does not receive them.

To make up for that, we have certain other changes, including the corporation governances, Enron tax shelters, that have been going into the general fund will now be an offset. We are still, then, as a matter of fact, funding this highway fund from those kinds of taxes that were set in to do the job for highways.

Certainly nothing is more important than highway and transportation infrastructure in this country. It is very important to everyone. Each State has a little different approach to it. Smaller population States, such as mine, that have large areas, have fewer people per mile and therefore the cost per person is higher to keep up the infrastructure. But it is a Federal and national system so it needs to go across to Wyoming, Nevada, as well as across Pennsylvania and any other State.

These are the kinds of tasks that we have undertaken and that have been resolved in a reasonable manner. Obviously, not everyone has the same view.

I mention again, certainly in terms of jobs inspiring more development in States and having the jobs come about quickly, nothing could happen more quickly than in the highway fund.

These are some of the details that will be talked about here. The fact is, as I mentioned, they have gone through three committees and have been given a great deal of attention. Now we should take a look at where we want to be when this highway bill is through to see if we can move forward in our States to strengthen this infrastructure.

I yield to my friend from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Wyoming for his statement. I have worked with him on the Environment and Public Works Committee on this important piece of legislation. The fact is there are a lot of committees involved in this legislation. I am thankful the majority leader brought it to the floor.

We had a cloture vote to move forward with the bill. This bill has been before the Banking, Housing, and Urban Affairs Committee, with Chairman SHELBY, and also before the Environment and Public Works Committee, with Chairman INHOFE. Senators BOND, JEFFORDS, and REID have all had input into this particular piece of legislation. I appreciate all of them for the work they put into this bill. It is not easy with input from the Budget Committee, from DON NICKLES, chairman of the Budget Committee. We had input from the Finance Committee, Chairman GRASSLEY, and also input from the Commerce, Science, and Transportation Committee, which has a small section involving transportation.

This is a transportation bill, not just a highway bill. It is a transportation bill. It takes a good deal of cooperation, working together, to put together any piece of legislation like this. It is not simple.

Most Members experienced the same thing I have experienced in the State of Colorado. The demand and the transportation needs have increased in each of our States. Over time, the demand for transportation mechanisms has grown throughout the country. The States have had to work harder to make their dollars stretch further every year. Transportation projects, whether they are building roads or laying rail, are simply not cheap. They are getting more expensive with each passing year, and the funds required for transportation projects are simply staggering.

The Finance Committee has produced funding mechanisms they believe will be able to fund this bill. We must use the moneys intended for use in building roads and mass transit projects. That is the money in the highway trust fund.

Some time ago, this Congress decided we need to dedicate a stream of revenue into the construction of highways. We need to make sure we maintain the integrity of that process because it is important. It sends a message that highways and this type of infrastructure are important in America. We have told the American people we will use the tax they pay on each gallon of gas they buy directly for funding transportation projects. We must do that. However, it is not appropriate to use moneys from the general fund. We have to stay true to the fiscally conservative obligations we have made for ourselves. We must not add to our country's deficit as we have an increased demand for transportation projects.

That is why I am excited about the potential of an amendment on which I am working. This amendment will allow States to build additional capacity. It is called Fast Lanes. On roads that currently experience problems with congestion, you toll only those lanes. It brings forth a user-pay concept. In other words, if you use these lanes, you will pay for them. I worked hard to get this amendment adopted in committee. It just barely lost by one vote. I hope we can go ahead and get it adopted in the Senate. It gives another mechanism to provide infrastructure in this country, badly needed infrastructure, and has a user-pay concept.

We say on interstate highways you can build additional lanes on to existing highways and toll the highways, toll them with a mechanism. We use our high technology so there are no toll booths. As the trucks and cars go down the toll lanes, commonly referred to as fast lanes, they will receive a bill later for the use they put on the highway. That helps pay for those fast lanes. It is intended to relieve much of the congestion problem we are seeing throughout the United States.

The toll would be paid with electronic technology. There would be no need for a toll booth. The process can happen quickly, without requiring a decrease in speed.

If you wish to use the ''fast lane,'' you pay the toll and do so. However, if you do not wish to pay the toll, you simply drive in the regular lanes, and that means just sit over in the regular lanes for an hour or two on some highly congested roads. It is your choice. But if you decide it is worth your time to go over and pay a toll to go on the toll lanes, then you can do that.

So this is the advantage of having toll lanes. I emphasize that when we talk about ''fast lanes,'' we are not taking existing Federal highway lanes and putting a toll on them. These are new lanes we are putting on the side of some of our interstate highways.

One study found that if every State participates, this ability for States to put in these kinds of lanes could raise close to $50 billion to go toward increasing road capacity.

I realize that it is unlikely all States will use this funding mechanism, but if a tiny fraction of that is raised, that is still additional funding for road capacity that does not put an additional financial burden on those who are not willing and able to pay it.

I see this ability as simply another tool in the ''toolbox'' that State departments of transportation can carry around. My staff continues to work with Senator BOND's staff to see that these provisions are included in the bill, and I appreciate the assistance they have given and their willingness to work with us on this particular provision.

Because this is a transportation bill, and not just a highways bill, as so many incorrectly term it, I would also like to make a few remarks on the mass transit title of the bill. I went through the Environment and Public Works Committee. I served on that committee, so I had some input there. I serve on the Banking Committee. In fact, I am chairman of the Subcommittee on Housing and Transportation, so I had some input there. I am also on the Budget Committee. So I want to make a few comments about the mass transit side.

Before I turn to the specifics of the Banking Committee's bill, I would like to acknowledge the efforts of Senator SHELBY. As chairman of the Banking Committee, he has worked diligently to make sure the committee's jurisdiction was protected, while moving forward as quickly as possible with a positive bill. I also thank him for his willingness to work closely with me as chairman of the Subcommittee on Housing and Transportation.

Finally, I also thank Senator SARBANES, the ranking member of the Banking Committee, and Senator REED, the ranking member of the subcommittee of which I chair, for their work on this particular piece of legislation. Along with their staff members, they have spent a considerable number of hours working to achieve consensus on many issues in the bill, and I appreciate their efforts.

I was pleased to support the Banking Committee's bill during our markup earlier today. I believe it makes important progress in a number of areas.

First, I am especially supportive of the new growing States formula. For far too long, the transit formulas have sent the lion's share of transit dollars to a small number of cities, primarily located in the Northeast. While we can all agree that transit is important to larger, east coast cities, there is no denying the need for transit services in a number of rapidly growing cities in the South and the West.

While I believe we still need further adjustments to the formula to even better address the growing States, I believe this new formula will finally help growing States begin to address their transportation needs.

I am also extremely pleased to see that the bill places a strong emphasis on rural transit. While many would consider ''rural transit'' to be an oxymoron, in fact, rural areas can often face even more acute transportation needs than large cities.

Last year, one of my constituents, Larry Worth, testified before the Housing and Transportation Subcommittee regarding the need for transit in rural areas. He described how rural citizens may not have any other alternatives to access medical care, jobs, and vital services. With 40 percent of American counties having no public transportation, this investment is long overdue.

There are a number of other very good provisions in the transit title, but I will not take the considerable time that would be necessary to enumerate them all. Suffice it to say that I believe the transit provisions will be of great benefit to public transportation in America. I am pleased to support the transit title, and I look forward to passage of the bill, preserving the provisions, and staying within our budget.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we are checking with our colleagues on the possibility of setting a judicial nomination. As soon as we find out whether that is acceptable, we will ask consent.

Mr. President, we have heard lots of reasons why this bill is not a good bill, why we don't want to go to this bill, why we shouldn't be moving a highway bill. I have talked about some of those reasons, but let me share with you some information that indicates how the people of America think.

The Zogby International Survey Group did a broad-based survey of American voters. Nearly 70 percent of the voters contacted, in February 2003, said they believe America is facing a transportation capacity crisis, that our Nation's roads, airports, and mass transit systems are struggling to handle a growing population and economy.

Fifty-six percent overall and 79 percent of young women with children said traffic congestion is depriving them of more time with their families or for leisure activities today than just 5 years ago.

I don't think these answers should surprise any of us.

Since 1982, the U.S. population has grown by almost 19 percent, the number of registered motor vehicles has increased by 36 percent, and the vehicle miles traveled has ballooned by 72 percent. And—surprise—over the past 20 years we have added less than 5 percent to road capacity, and even less than that to public transit.

What are the conditions of roads in local communities?

Forty-eight percent of those surveyed by Zogby said they were either fair or poor. When you move to Hispanic Americans, 75 percent said their communities have either fair or poor road conditions.

This is a problem in communities. This is a problem particularly for citizens who are maybe at a disadvantage in their community.

This survey's results come from a poll of over 1,000 voters nationwide, with a margin of error of plus or minus 3.2 percent.

I think some of the other findings are pretty important.

Eighty percent of the people polled think the Nation's highways and public transit networks are extremely important or very important to the U.S. economy. That is why we are here. Eighty percent of our constituents think highways and transportation networks are important. That is what this bill is all about. That is why we want to get everybody together to move this bill.

I urge my colleagues, if you have problems with particular portions of the bill, offer amendments. That is how this body functions. We would like to have good-faith amendments that seek to make changes which are necessary so we can move forward in a reasonable manner.

I think the people of America, particularly the 80 percent who say it is important, deserve to see us vote on issues that are of importance to them.

Eight in 10 of the people surveyed agree that an investment in highways, bridges, and public transit should be considered an important element in homeland security and national defense.

Ninety percent believe it is important that their representatives in Congress fight to ensure sufficient Federal

funding for transportation improvement projects in their local areas. I think some States must be lower than that because I think in my State it is higher than 90 percent. So some may have only 80 percent who think it is important.

Two-thirds of Americans say roads and public transit play a vitally important role in their life.

These are scientific surveys that merely confirm what I and many of my colleagues already know: If you go back to your home State and have a meeting about highway and transportation funding, you better get a big hall. I have had people come out to fill any hall that I have scheduled a meeting in to talk about it because they want to know more. They know it is important. I think this is vitally important.

I know there are some who may take a different view. Some people claim building more roads just causes more traffic. They even say you can't build your way out of traffic congestion. They are the zero sum game people, the ones who say there will just be more congestion.

Well, congestion is getting worse at a frightening pace in America. I believe the primary reason is a lack of adequate highway and public transportation capacity, not only in our major urban and suburban areas but in rural areas as well. As I have said several times, that is why we are killing people in Missouri. We don't have adequate highway transportation, particularly in rural areas.

Even as we spend more wasted time sitting in gridlocked traffic, many well-intentioned Americans, spurred on by the rhetoric of some of the extreme advocacy groups who want us all to ride bicycles—and I love to ride bicycles, but those won't get me to work and back, particularly when we have icy roads, as we do here, or when we have to take more people with us—are convinced that adding road capacity only causes more traffic congestion, more air pollution, more waste of precious fuels.

I think the answer to that is very clear: Research data from the U.S. Environmental Protection Agency, U.S. Department of Transportation, and the Texas Transportation Institute and common sense, if you and I just sit back and think about it, proves just about the opposite. The real problem is our lack of resolve to provide meaningful solutions to traffic congestion through new capital and operational investments. The failure to do so actually results in tons of unnecessary air pollution and billions of gallons of wasted motor fuel.

The Zogby poll found that 70 percent of America is facing a transportation capacity crisis, and all of these people realize we need, as a nation, the investment in transportation.

Talk about a drag on the economy, according to the Texas Transportation Urban Mobility Report, absent substantial new investments in highway and public transportation capacity, transportation operations across the Nation, the economic cost of traffic congestion in the Nation, lost productivity, wasted motor fuel will grow from about $67.5 billion in 2000 to almost $100 billion by 2009. That is one of the reasons we seek to have the investment. Yes, $255 billion is a large amount. It is not all going to highways. It comes from highway user taxes, but it goes to mass transit; it goes to congestion mitigation; it goes to scenic easements, to other things that improve the environment in which we live.

If we don't make these investments, the Texas Transportation Institute forecasts that over this period the average road speed in America's 675 largest urban communities will fall from about 42.3 miles per hour to 40.3 miles per hour. If you believe, as I do, that time is money, that reduction will continue to grow what is really a hidden tax levied on American consumers as transportation labor productivity decreases and costs increase.

Another one of the problems we have with congestion is pollution. The good news, according to the U.S. Environmental Protection Agency data, is that motor vehicle emissions have declined dramatically since the 1970s, thanks in part to the developments in new automotive and motor fuels technology. Emissions of carbon monoxide are down 45 percent since 1970, volatile organic compound emissions are down 60 percent, particulate matter emissions are down 47 percent, nitrogen oxide emissions are down 5 percent, and lead emissions have been eliminated.

The bad stuff is being reduced. We are getting the bad stuff out. This remarkable environmental achievement, which is responsible for most of the air quality improvement in the United States over the past three decades, was accomplished at the same time the number of licensed motor vehicles in the United States grew 87 percent and total vehicle miles traveled soared by 125 percent. Unfortunately, traffic congestion is retarding clean air progress just as it is retarding American productivity and economic growth.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BOND. Mr. President, as in executive session, I ask unanimous consent that at 3:55 today, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 457, the nomination of Mark Filip to be U.S. District Judge for the Northern District of Illinois.

I further ask unanimous consent that following 5 minutes for debate equally divided between the chairman and ranking member or their designees, the Senate proceed to a vote on the confirmation of the nomination; further, that following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

Mr. REID. Mr. President, reserving the right to object, I ask my friend if he would be willing to modify this. We have been asking people to come over and offer amendments. Senator DORGAN is here to offer a germane amendment. He only wants 8 minutes to speak to offer his amendment. I ask that the consent request be modified to have the pending amendment set aside and that Senator DORGAN be allowed to offer his amendment and speak for up to 8 minutes, and then we adopt the Senator's consent as indicated.

I would also say that I am not sure anybody is going to use any time on our side on the nomination anyway. I think adequate time will be preserved.

The PRESIDING OFFICER. Is there objection to the modification?

The Senator from New Hampshire.

Mr. GREGG. I would ask what the Durbin amendment does and does not do.

Mr. REID. The Dorgan amendment deals with farmers' transportation of hazardous products. I have just glanced at it. It appears there is an inordinate burden placed upon farmers to transfer a load of gas to their farms.

Mr. GREGG. What would the amendment of the Senator from North Dakota be to? Mine was a second-degree amendment, I believe.

Mr. REID. We are just laying what is pending aside. His would be a separate, independent amendment to the substitute that is now pending.

Mr. GREGG. And after his was disposed of, mine would be properly in order; is that not correct, Mr. President?

Mr. REID. That is right.

The PRESIDING OFFICER. Does the Senator from Missouri agree to the modification?

Mr. BOND. Reserving the right to object, there is some question on this side about the amendment being an amendment to the commerce title, and at this point we are not prepared to give consent to that. We want to work with the Senator who has been working in good faith, but I have been asked, since this is a matter that relates to a different section of the bill, to hold off. We can work through this if we can go with the original consent.

The PRESIDING OFFICER. Objection is heard to the modification. Is there objection to the original consent request?

The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, if I might be recognized following the vote to offer the amendment, that is fine. You may want to work on this amendment some. It is not an amendment of great moment except to family farmers who are concerned about this. I would like to be able to offer the amendment. I have been down in the capital office hearing the Senator talk about the need for people to come up and offer amendments. This is a germane amendment. I would love to offer it and be able to debate it. In any event, if we go ahead

with this vote, which is fine with me, if I could be recognized following this vote to offer my amendment, I would very much appreciate that.

I would ask the Senator from Missouri whether I might be recognized following the vote.

Mr. BOND. Mr. President, on this side I am not authorized to enter into that type of UC. I assure the Senator and my colleagues on the other side we will work with them. There is a concern about moving into the commerce title. We will work with him if we can move forward on the consent for the judge vote; then we will work on this, if we can get consent for that.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, I will go along with what the Senator from Missouri requests. It is kind of unfair to the Senator from North Dakota. We have been begging people to offer amendments. He shows up to offer one and now we cannot do it. It doesn't seem very fair. We may be waiting a long time based upon statements by the chairman in the Chamber. I am happy—

Mr. DORGAN. Mr. President, reserving the right to object—and I will not object—if you want Members to come to the floor with germane amendments, I am here. I have been hearing that a lot today. I have one and it is not a big amendment. What I hear being said at the moment is perhaps you want to go through this bill by title, which is something I have not heard before. It should be open to amendment at any point. That is the reason that, for the last hour or so, I put this amendment together.

My hope is that the Senator from Missouri and those managing will understand, when we are ready to offer an amendment, you ought to welcome it. I hope when I seek recognition, you will allow me to offer it. I expect to speak 8 or 10 minutes. If you want to lay it aside then and work on it, I am happy to do that. I shall not object.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Missouri?

Mr. REID. Mr. President, when are we going to have the vote? It is past 4 o'clock.

Mr. BOND. I believe at this point it is necessary to revise the unanimous consent. First, I say to my friend from North Dakota that the title he wants to amend has not been offered. That is a problem on which we are going to have to work. We have only offered the EPW portion.

I asked unanimous consent that there be 5 minutes equally divided between the chairman and the ranking member and, thereafter, there be a vote on the nomination of Mark R. Filip, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

I renew my request. Following the 5 minutes, I ask unanimous consent that the Senate proceed to a vote on the confirmation and, following the vote, the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARK R. FILIP TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of the Mark R. Filip, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I take just a few moments to introduce to my colleagues the nominee on whom we are going to be voting in a couple of minutes. I recommended Mark Filip to President Bush. President Bush nominated him. Senator DURBIN concurred in my recommendation to President Bush. I thank Senator DURBIN for his support in this effort. I also thank Chairman HATCH and Senator LEAHY on the Judiciary Committee, and all members of the Judiciary Committee, for helping to move this nomination forward to the floor.

I think one of the most difficult tasks most of us have in the Senate is finding outstanding nominees to the Federal judicial branch of Government. In many cases, at least from my perspective, the choice has been very difficult. Oftentimes, we will get 80 applicants for a single district court judgeship opening in Chicago and you have to pick just one person. That one person, obviously, is very happy and you have many others who are disappointed that they did not get chosen.

In this case, I was elated to find a person of such outstanding credentials that I could wholeheartedly recommend him to the President. I think in the case of this nominee, Mark R. Filip, we are in fact lucky to have someone of his caliber who is willing to leave a very lucrative practice in the private sector. He is now a partner at Skadden Arps' Chicago office. He is willing to leave that very prestigious position to move into public service and become a district court judge in the Northern District of Illinois.

Mark Filip lives in Winnetka, IL, with his wife Beth. They have four sons.

Mark grew up in Chicago and attended the University of Illinois at Champaign. He graduated summa cum laude from the University of Illinois. While there, he received many academic fellowships, including the prestigious Phi Beta Kappa fellowship. After graduating from U of I, he won the highly sought after Marshall Scholarship to attend Oxford. While there, he received a B.A. and M.A. in jurisprudence and won first class honors at Oxford. Returning from his Marshall scholarship to the United States, he matriculated at the Harvard Law School. He did similarly well at Harvard. He became an editor of the Harvard Law Review.

In Mark Filip's second year at Harvard, he won the Sears Prize, which is given annually to the two students of the second year class who achieved the highest grades. Ultimately, in the early 1990s, Mark Filip graduated magna cum laude from Harvard Law School.

He began his professional career in Chicago, serving as an associate at Kirkland & Ellis, one of the best and oldest firms in Chicago. After a couple of years in the Kirkland & Ellis Chicago office, he moved to the U.S. Attorney's Office and became an assistant U.S. attorney in the Northern District of Illinois, where he gained a lot of experience in a wide variety of criminal cases that he prosecuted successfully, including racketeering, white-collar crime, public corruption, tax fraud cases; and he successfully defended the U.S. Attorney's Office on appeal in many of those cases.

Mark Filip returned to the private sector. After leaving the U.S. Attorney's Office, he became an associate at Skadden Arps in 1999, and in 2001 he became a partner at Skadden Arps.

In recent years, he has been an adjunct professor of law at Northwestern University and the University of Chicago Law School, both outstanding institutions.

Now, again, I emphasize how delighted I am to be able to present to my colleagues in the Senate such a well-qualified nominee, Mark Filip, who is a very young man. He has four children, who range in age from 8 months to 6 years. He is in his late thirties, and I expect that if he goes on the district court in Chicago at this early age, he may well have the opportunity to rise to the circuit court of appeals.

I neglected to mention that between law school and his professional career, he had two very prized judicial clerkships. He served as a law clerk to Steven Williams on the DC Court of Appeals and then as a law clerk for Supreme Court Justice Scalia.

I am confident, having researched and talked to all those he has worked with over the years, that there is no question he will make a superior district court judge.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, today, we are considering the nomination of Mark filip to the U.S. District Court for the Northern District of Illinois. The vote today on Mr. Filip is the second vote on a judicial nominee this year, and demonstrates the Democrats'

remarkable cooperation on judicial nominations despite years of intensified Republican partisanship and unilateralism.

Over the past 2 weeks, I have shared with the Senate several disappointing developments regarding judicial nominations: The Pickering recess appointment, the renomination of Claude Allen, and the theft of Democratic offices' computer files by Republican staff. In spite of all those affronts, Senate Democrats cooperated to confirm a nominee last week and are cooperating to confirm another district court nominee today. We do so without the kinds of delays and obstruction that Republicans used with President Clinton's judicial nominees.

Last week, I discussed the recess appointment of Judge Charles Pickering to the U.S. Court of Appeals for the Fifth Circuit, which was President Bush's most cynical and divisive appointment to date. That appointment is without the consent of the United States Senate and is a particular affront to the many individuals and membership organizations representing African-Americans in the Fifth Circuit who have strongly opposed this nomination. Never before had a judicial nomination rejected by the Judiciary Committee after a vote been resubmitted to the Senate, but this President took that unprecedented step last year. Never before has a judicial nomination debated at such length by the Senate, and to which the Senate has withheld its consent, been the subject of a presidential appointment to the Federal bench. The Pickering recess appointment is another dangerous step down the Republican's chosen path to erode judicial independence for the sake of partisanship and their ideological court-packing efforts.

The second disappointing development I spoke about last week was the renomination of Claude Allen as a nominee to the fourth Circuit. Two weeks ago, the President sent the nomination of Claude Allen back to the Senate. From the time this nomination was originally made to the time it was returned to the President last year, the Maryland Senators have made their position crystal clear. This Fourth Circuit vacancy is a Maryland seat and ought to be filled by an experienced, qualified Marylander. Over the Senate recess, the White House had ample time to find such a nominee. This refusal to compromise is just another example of the White House engaging in partisan politics to the detriment of an independent judiciary

Third, last week, I also mentioned with disappointment the ongoing fallout from the cyber theft of confidential memoranda from Democratic Senate staff. This invasion was perpetrated by Republican employees both on and off the committee. As revealed by the chairman, computer security was compromised and, simply put, members of the Republican staff took things that did not belong to them and passed them around and to people outside of the Senate. This is no small mistake. It is a serious breach of trust, morals, the standards that govern Senate conduct and possibly, criminal laws. We do not yet know the full extent of these violations. But we do need to repair the loss of trust brought on by this breach of confidentiality and privacy if we are ever to be able to resume our work in the spirit of cooperation and mutual respect that is so necessary to make progress.

This is an administration that promised to unite the American people but that has chosen time and again to act with respect to judicial nominations in a way that divides us. This is an administration that squandered the goodwill and good faith that Democrats showed in the aftermath of September 11, 2001. This is an administration that refused to acknowledge the strides we made in filling 100 judicial vacancies under Democratic Senate leadership in 2001 and 2002 while overcoming anthrax attacks and in spite of Republican mistreatment of scores of qualified, moderate judicial nominees of President Clinton.

Democratic cooperation with the President's slate of judicial nominees has been remarkable in these circumstances. With the overall cooperation of Senate Democrats, which partisan Republicans are loath to concede, this President has achieved record numbers of judicial confirmations. Despite the attacks of September 11 and their aftermath, as of today, the Senate will have confirmed 171 of President Bush' nominees to the Federal bench. This is more judges than were confirmed during President Reagan's entire first 4-year term. Thus, President Bush's 3-year totals rival those achieved by other Presidents in 4 years. That is also true with respect to the nearly 4 years it took for President Clinton to achieve these results following the Republicans' taking majority control of the Senate in 1994.

The 69 judges confirmed last year exceeds the number of judges confirmed during any of the 6 years from 1995 to 2000 when Republicans controlled the Senate during the Clinton Presidency, years in which there were far more vacant Federal judgeships than exist today. Among those 69 judges confirmed in 2003 were 13 circuit court judges. That exceeds the number of circuit judges confirmed during any of 1995, 1996, 1997, 1999, and 2000, when a Democrat was President.

The Senate has already confirmed 30 circuit court judges nominated by President Bush. This is a greater number than were confirmed at this point in the presidencies of his father, President Clinton, or the first term of President Reagan. Vacancies on the Federal judiciary have been reduced to the lowest point in two decades and are lower than Republicans allowed at any time during the Clinton Presidency. In addition, there are more Federal judges serving on the bench today than at any time in American history.

This week, the chairman of the Senate Judiciary Committee will hold a third hearing for circuit court nominees. Traditionally, the number of nominees who have received hearings and who are confirmed in a Presidential election year has been lower than in other years. In 1996, only four circuit court nominees by President Clinton received a hearing from the Republican Senate majority all year, and it took until July 31 to have a hearing for the third circuit court nominee. By that standard, Chairman HATCH has now moved seven times more quickly than he did for President Clinton's nominees in 1996.

In 2000, only five circuit court nominees by President Clinton received a hearing from the Republican Senate majority. Of course, two of those outstanding and well-qualified nominees in 2000 were never allowed to be considered by the committee or the Senate. By contrast, as of tomorrow we will have held hearings for three circuit court nominees. By the standard Republicans set in 1996 and 2000, we would be done for the entire year.

I congratulate the Democratic Senators on the committee for showing a spirit of cooperation and restraint in the face of a White House and Republican majority that so often has refused to consult, compromise or conciliate. I regret that our efforts have not been fairly acknowledged by partisan Republicans and that this administration continues down the path of confrontation. While there have been controversial nominees whom we have opposed as we exercise our constitutional duty of advice and consent to lifetime appointments on the Federal bench, we have done so openly and on the merits.

For the last 3 years I have urged the President to work with us. It is with deep sadness that I see that this administration still refuses to accept the Senate's shared responsibility under the Constitution and refuses to appreciate our level of cooperation and achievement.

That we are proceeding to confirm Mark Filip today is another example of extraordinary Democractic cooperation to fill vacancies in the Federal judiciary, despite the Republicans' consistent and unprecedented attacks. Unfortunately, Mark Filip is another young, Federalist Society member whose record raises concerns, just as the record of far too many of President Bush's judicial nominees.

First, Mr. Filip is only 37 years old. He has been out of law school less than 12 years and just a decade ago he was clerking across the street for Justice Scalia. Second, his record demonstrates a partisan, political background. Mr. Filip worked as a volunteer Republican election monitor in Broward County, Florida during the manual recount of ballots in the contentious 2000 election. Mr. Filip has also made several contributions to Republican candidates and political action committees. While in law school,

he was vice president of the Harvard Law School Federalist Society and he authored an article entitled ''Why Learned Hand Would Never Consult Legislative History Today.'' In this article, Mr. Filip argues that legislative history should be rejected by judges because it reflects nothing more than the desires of congressional staff and lobbyists, and because it does not reflect the majority will of Congress. More important, Mr. Filip wrote that, when confronted with statutory language that would lead to an absurd result, a judge should apply his or her own reasoning rather than legislative history.

The senior Senator from Illinois met with Mr. Filip to address his background and suitability to be a Federal judge.

Senator DURBIN is a thoughtful man and I respect his judgment. Senator DURBIN's willingness to supply this nomination says alot. I am hopeful that Mr. Filip will be a person of his word; that he will follow the law and not seek out opportunities to overturn precedent or decide cases in accord with his private beliefs rather than his obligations as a judge. I also sincerely hope that Mr. Filip will treat all those who appear before him with respect, and will not abuse the power and trust of his position. Sometimes, we take a risk allowing a nominee to be confirmed. This is, frankly, one of those times.

Unfortunately, the Senate has taken a risk and confirmed other nominees of this President who assured the committee that they would follow precedent and would not be results-oriented. In their brief time on the bench, they have already proven to be judicial activities eager to roll back individual rights and limit the authority of Congress to protect civil rights. A number of President Bush's 30 circuit court nominees already confirmed by the Senate have written significant opinions that show their bias in favor of powerful business interests over individual Americans.

For example, Jeffrey Sutton was one of Bush's most controversial appellate court nominees to be confirmed. At the time of his nomination, his record raised serious concerns. He had aggressively pursued a national role as the leading advocate of States' rights and pushed extreme positions in order to limit the ability of Congress to act to prevent discrimination and protect civil rights. His answers to questions posed by Judiciary Committee members did not show that he would be able to put aside his years of passionate advocacy in favor of States' rights and against civil rights. After a lengthy floor debate, he was confirmed by a vote of 52–41, which was the fewest votes in favor of any judicial nominee in the last 20 years and more than enough negative votes to have sustained a filibuster.

In less than 1 year on the bench, he has already issued a dissenting opinion essentially in favor of States' rights and that would have limited Congress' authority under the Commerce Clause. In this case, decided in December, the question was whether a core function of municipal government—the provision of firefighting services—impacts interstate commerce such that an individual can be indicted under a Federal antiarson statute for destroying a fire station. The majority Sixth Circuit panel held that the fire station was used in an activity affecting interstate commerce, relying on the express language of the statute.

Judge Sutton's dissent is a remarkable opinion whose beginning evidences that he has turned his passionate advocacy into judicial activism. His opinion begins, ''Some say the world will end in fire, Some say in ice.'' Judge Sutton concludes that the Federal arson law only applies to buildings with an ''active employment for commercial purposes,'' thereby seeking to narrow the law significantly. His opinion forcefully states that to ''conclude otherwise is to embrace the view that even the most attenuated connections to commerce will suffice in prosecuting individuals under this statute.'' In Judge Sutton's view, arson is a local crime and the ''National Legislature'' had not clearly conveyed its purpose to regulate an area traditionally regulated by the States.

Ironically, his dissent cautions that ''Federal courts should not casually read a statute in a way that alters the Federal-State balance.'' However, he himself ignores the plain language of the statue and legislative history in his attempts to do just that—to alter the balance in a way that favors his own personal and ideological view of States' rights.

John Roberts is a second controversial nominee who, in his few months on the bench, has already displayed a preference for pursuing political and ideological goals above following precedent. Judge Roberts recently issued a troubling dissent from a decision by the full D.C. Circuit that would have indulged another request by the Bush administration to keep secret the records of Vice President CHENEY's energy task force.

The case was part of a continuing effort on behalf of the Vice President to avoid compliance with numerous court orders requiring him to provide records of his meetings with the National Energy Policy Development Group. Two nonprofit organizations brought litigation claiming that the Vice President's task force had violated Federal law by not making its records public. In order to maintain the secrecy of these records, the Vice President had filed an emergency petition for a remedy that the majority noted ''is a drastic one, to be invoked only in extraordinary situations.'' The majority in the case stated that, were they to accept the Vice President's arguments, they would in effect ''have transformed executive privilege from a doctrine designed to protect Presidential communications into virtual immunity from suit'' and noted that ''the President is not 'above the law,' he is subject to judicial process.''

The full D.C. Court of Appeals denied Vice President CHENEY's petition for rehearing en banc. Judge Roberts dissented. He would have indulged the Vice President's desperate attempts to avoid compliance with court orders by granting a motion for rehearing, despite the fact that the D.C. Circuit's five judge majority was the fourth panel of judges to hold that these records must be made available.

A third example of a recently confirmed Bush nominee who has continued to pursue his ideological and political agenda on the bench—as many of us feared at the time of his nonimation—is Judge Dennis Shedd. Judge Shedd wrote the opinion in a ruling so hostile to organized labor that one of the most conservative judges on that court harshly stated that Shedd's opinion ''overstepped [the] boundaries of a reviewing court.''

In this case, the National Labor Relations Board and an administrative law judge found that an employer had unlawfully solicited nine of its employees to sign antiunion statements and had unlawfully withdrawn recognition of the union. Judge Shedd ignored the applicable standard of review and asserted his own view of the facts to conclude that the NLRB had erred in its determination. Approaching the case from a position hostile to organized labor, Judge Shedd ''reconstructed'' the facts of the case, and allowed an employer, who had previously been found to have used illegal tactics in order to decertify a union, to escape any responsibility. Judge Wilkinson's strong dissent highlighted the expertise of the NLRB in examining an employer's conduct and that the reviewing court's role was limited to determining whether the NLRB had taken a permissible view of the evidence.

In other cases, as many of us had feared, President Bush's circuit court nominees are already handing down decisions to roll back individual rights, civil rights and Congress' authority. Among these are:

A majority opinion by Judge Gibbons, on the Sixth Circuit, which fails to provide accommodation to a person with multiple sclerosis under the Americans with Disabilities Act;

A dissent by Judge Shedd in a bankruptcy case, which would have led to foreclosure on a family farm—a decision which the majority said ''misses the mark''; and

A dissent by Judge Rogers in a Title VII case involving illegal retaliation against an African-American employee which would have made it difficult for any employee to present their retaliation claims to a jury.

The President has claimed time and again that he seeks only to fill the bench with judges who will follow the rule of law. He claims that he ''has no litmus test'' for determining who will

and will not be appointed—that he makes his decisions based on the qualifications of the candidates. Despite these statements, the President's nominees seem to have certain striking similarities. They seem to favor powerful interests over individuals. They favor States' rights over civil rights. And many of them are all loyal Federalist Society members and committed to the political agenda of the most conservative wing of the Republican Party. The Senate's constitutional duty to provide advice and consent on judicial nominations is vital in these circumstances—Federal judges must be devoted first and foremost, not to a political platform or certain parties, but to the rule of law, the Constitution, and the basic principles of fairness and justice.

If we are to allow the President to pack the courts with political party loyalists and radical right-wing ideologues, we will cease to have a Government of laws and will end up with a Government controlled by the views of a few. We would risk having a judiciary that functions as a rubber stamp for any right wing argument, policy, or political goal sought to be achieved via the courts.

Yet, despite the troubling records of so many of Bush's confirmed judges and the other disappointing developments this year, Senate Democrats have confirmed vast members of nominees who have come to the Senate floor and are today again making sure that the process of judicial appointments moves forward. Democrats have not obstructed the confirmation process for judicial and executive branch nominations as Republicans did when President Clinton was in office. Today, we proceed to confirm a judicial nominee in spite of the President's recent actions, those of Senate Republicans, and serious reservations about this nominee.

Mr. Filip's nomination was reported favorably to the Senate last October. Had the Republican leadership wanted to proceed on it, this nomination could easily have been confirmed in October, November, or December last year before the Senate adjourned. Instead, partisans chose to devote 40 hours to a talkathon on the President's most controversial and divisive nominees rather than proceed to vote on those judicial nominees with the support of the Senate. The delay in considering this nomination is the responsibility of the Republican leadership.

I congratulate Mark Filip and his family on his confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Mark R. Filip, of Illinois, to be a U.S. District Court Judge for the Northern District of Illinois?

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 8 Ex.]

YEAS—96

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lincoln	Wyden

NOT VOTING—4

Edwards	Kerry
Hollings	Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

The Senator from Nevada.

Mr. REID. Mr. President, very briefly, we have just approved the 171st judge during the Bush administration. There have been 171 judges approved. To my knowledge, there have been four he submitted who have not been approved, other than those who are going through the committee process. So the score is 171 to 4. A good average, I think.

SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will continue consideration of S. 1072.

The Senator from Missouri.

AMENDMENT NO. 2265 WITHDRAWN

Mr. BOND. Mr. President, I withdraw amendment 2265.

The PRESIDING OFFICER. The Senator has that right.

The Senator from North Dakota.

AMENDMENT NO. 2267

(Purpose: To exempt certain agricultural producers from certain hazardous materials transportation requirements)

Mr. DORGAN. Mr. President, prior to the vote I indicated I had an amendment. I want to begin the discussion very briefly of the amendment. The amendment is one I have worked on for some while. It deals with a relatively small issue with respect to the context of this bill, but a rather large issue for family farmers. Let me describe what it is.

There was a justifiable effort to address issues dealing with homeland security by the Department of Transportation. They issued regulations that would regulate the shipment and transport of hazardous material in commerce in amounts that require the shipment to be placarded and also to implement security plans for that shipment.

The difficulty and the problem is this. The way the Department of Transportation developed this rule, the rule will apply to family farmers, for example, who have a 120-gallon fuel service tank in the back of their pickup truck. Those farmers are not going to have a security plan for that pickup truck and for that service tank.

It is perfectly logical to want to regulate for safety purposes the shipment of hazardous materials.

Let me give you an example of where this goes when the definitions are not carefully crafted. I was a senior in high school when myself and two of my best friends decided to go to the Black Hills of South Dakota for a weekend. It was a pretty big deal for us. We took a pickup truck and we had a 120-gallon service tank full of gasoline. We had a few dollars, and we bought 120 gallons of gasoline and a relatively new pickup, for three seniors in high school. We were prepared to have a pretty good time. If that happened today, we would under the current rules be required to have a security plan in place prior to taking our pickup truck and 120 gallons of regular gasoline on our trip to the Black Hills of South Dakota. Three high school seniors are not going to have a security plan to get enough gasoline to go to the Black Hills and have a good time. Why would we need a security plan? Because anything over 110 gallons of fuel, propane, chemicals, or hazardous materials will be required to have a security plan. Forget about three seniors who went to the Black Hills.

How about a farmer who has that 120-gallon service tank in the back of his pickup truck who stops at a local cafe and goes in to buy a cheeseburger? He is in violation of this rule by the Department of Transportation unless he can physically see his pickup truck through the window because he will be required to have a ''security plan'' and have a placard.

Again, when I was a young boy, my dad sent me to Dickinson, ND to get 5

or 6 30-gallon drums of spray pesticides and herbicides. It is done all the time. That would, of course, violate the rule these days unless I had a security plan for my trip to Dickinson to pick up 4 or 5 30-gallon drums of chemicals to spray on the crops in the field near Regent, ND.

That is what this rule now would provide. It is a bad rule. It does not mean, in my judgment, to include family farmers. It doesn't mean to put them in handcuffs with respect to the way they handle chemicals and propane and gasoline. But in fact it does. I don't want farmers to be in violation of the rule or in violation of the law. I don't think the Department of Transportation or the Congress, in implementing this rule, anticipated this kind of burden with respect to family farms.

In fact, the University of Illinois Extension Service put out an extension agriculture update. Let me describe what it says. It states the rule by DOT says persons, including farmers, who ship or transport hazardous materials in commerce in amounts that require the shipment to be placarded, must develop and implement security plans by September 25, 2003. Examples of materials to which the security plan apply include explosives such as dynamite, detonators, pesticides, fertilizer, hydrous ammonia, ammonia nitrate, and fuels such as gasoline and propane. If you ship or transport fertilizers, pesticides, gasoline, propane and packages or containers that are larger than 119 gallons, or the total quantity you ship or transport at any one time is more than 1,000 pounds, then you must have a security plan. If you are a supplier who delivers the pesticides, fertilizers, and fuels you use to your farm, then you don't need that security plan. And if you only transport fertilizers, pesticides, and fuels between the fields of your farm, then you don't need to have a security plan. But if you drive to town to get the chemicals, fertilizers, or fuel, then you have to have a security plan.

Incidentally, the text I have just read from is part of a U.S. Department of Transportation fact sheet, and it was entitled ''Hazardous Materials Transportation Security Requirements, Applicability to Farmers and Farming Operations.'' That was available from the Department of Transportation's Web site earlier this fall. But it now has been removed. It is gone. You now can't find it. If you ask where did this come from, what happened to it, why is it gone, I don't have the foggiest idea. All I know is what it said, and it doesn't say it anymore. Now we are told the Department of Transportation is putting this security plan on hold despite the fact it is the rule, and they are now beginning to discuss the issue with the U.S. Department of Agriculture. They are discussing it with State departments of transportation, and the American Farm Bureau.

That is also in the piece of information from the University of Illinois Extension Service.

First of all, when the Department of Transportation does a rule, you would expect they would do it right side up. You do the consultation first. Then you develop the rule having knowledge of how people react to it and what their notion is of how it should work and how it would apply. In this case, apparently they wrote a rule dealing with hazardous material transportation, including basic fuels and chemicals, and now are beginning to consult with others about how this would impact family farmers.

I am offering an amendment that clarifies using the definition of family farmers in the farm bill, and that this does not apply to family farmers in the routine business of family farming. Somebody with a pickup truck and a service tank in the back full of gasoline that is moving around is not going to have to have a security plan to do that. Someone who is hauling a few 30-gallon drums of chemicals from the shop in town out to their farm doesn't need a security plan to do that. If we are going to have every family farm developing security plans, who is going to enforce that? Who is going to inspect it? Who is going to determine whether it meets DOT inspections and requirements and specifications?

I just think this is a circumstance where it is a template that is put over everything that doesn't fit at all for family farmers. Family farmers do a pretty good job out on the farm. They work hard and try hard. They are the Americans who live with hope. They put a seed in the ground and they hope. They hope it rains, they hope it grows, they hope it doesn't hail, and they hope the insects don't come. They hope they don't get drought or too much moisture, and they hope, finally, if they are able to get it harvested they can haul it to the elevator and get a decent price. They don't ask for a lot. They certainly ask us to stay out of their way with respect to rules and regulations that don't make basic common sense and that do not meet the test of common sense.

This attempt by the Department of Transportation, laudable as it might be, to try to require the development of security plans for the movement of large quantities of hazardous material—certainly dynamite, detonators, and so on, I understand that. But when you talk about gasoline and farm chemicals, we must understand there is a difference between substantial movement from commercial operators and the ordinary transportation of farm chemicals and farm fuel by family farmers around this country.

For that reason, I have offered an amendment that I hope will meet the test of changing this regulation in a manner that represents some basic common sense and relieve the burden from family farmers. As a matter of fact, family farmers are not complying with this. They really effectively cannot comply with it. The Department of Transportation has indicated to some that they would probably not enforce it. You have the Agriculture Extension Service telling farmers, here is what you have to do to comply with the rule that is virtually unenforceable and really doesn't make any sense.

When we see things here that do not meet a test of common sense, what we ought to do is legislate and change it. That is what I propose to do with respect to the hazardous materials transportation requirements.

Let me again say I believe there is a requirement for us to be concerned about the movement of hazardous materials in our country. I fully support the Department of Transportation. They have a difficult and vexing job to try to respond to all of these things. But this particular rule does not meet the requirements, and does not meet the test of common sense dealing with family farmers.

I have not yet offered the amendment. I would like to send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2267.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 880, after the item following line 6, insert the following:

SEC. 1621. EXEMPTION FROM CERTAIN HAZARDOUS MATERIALS TRANSPORTATION REQUIREMENTS.

(a) DEFINITION OF ELIGIBLE PERSON.—In this section, the term ''eligible person'' means an individual or entity that is eligible to receive benefits in accordance with section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a).

(b) EXEMPTION.—Subject to subsection (c), part 172 of title 49, Code of Federal Regulations, shall not apply to an eligible person that transports or offers for transport a fertilizer, pesticide, or fuel for agricultural purposes, to the extent determined by the Secretary.

(c) APPLICABILITY.—Subsection (b) applies to—

(1) security plan requirements under subpart I of part 172 of title 49, Code of Federal Regulations (or a successor regulation); and

Mr. DORGAN. Mr. President, I have described the amendment in some detail. I say to my colleague from Oklahoma I would be happy if he would like to have the amendment approved now. But, if not, if there are some issues with respect to language or some discussions we should have with you and your staff about the breadth of this, I would be happy to do that as well. This bill will be on the floor for a number of days. I am only anxious to make certain we dispose of this and approve it before we complete this bill. My attempt is, of course, to cooperate with those who are managing the bill.

Mr. INHOFE. Mr. President, I appreciate that very much. It is probably a good idea to set it aside at this time. We will have ample time later to discuss it.

Mr. DORGAN. I have no objection to it being set aside when others wish to offer amendments. I appreciate the cooperation of the Senator from Oklahoma and the Senator from Vermont.

Mr. GREGG. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DORGAN. What is the objection to? There is no unanimous consent request.

The PRESIDING OFFICER. There was no unanimous consent.

Mr. DORGAN. I don't believe there was a unanimous consent request.

The PRESIDING OFFICER. There was no unanimous consent request propounded.

Mr. DORGAN. So there can be no objection to a unanimous consent request never made.

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Hampshire.

Mr. GREGG. I was under the impression there was a unanimous consent request to set the amendment aside. I take it that did not occur.

The PRESIDING OFFICER. That request was not propounded. The Senator from North Dakota indicated he would not object if such a request were made.

Mr. GREGG. Then obviously I do not object.

Mr. INHOFE. Mr. President, that is not set aside by unanimous consent.

There may be others in the Chamber who want to be heard concerning the highway bill. If that is not the case, I will go ahead and continue discussing this. It is our hope to go through it section by section. We are quite a ways along in doing that.

First, I will restate some of the comments I made in the past about this bill. We have spent in the committee an entire year working on this legislation. We have had numerous hearings on various environmental concerns, procedural concerns. We had State representation at hearings about many of the parts of the bill that will end up giving the States more responsibility to take care of some of their needs. We had a chance to talk about some of the problems voiced in the Senate.

As far as the position of the administration, I do not know what more we can do. We have gone through the objections they had, or the three statements they made, in terms of finding it not to be acceptable. These have been met.

We have serious infrastructure needs now. The State system is 50 years old; 32 percent of our major roads are in poor or remedial condition; 29 percent of the bridges are structurally deficient. I am more emotional regarding the 29 percent bridge figure because Oklahoma ranks No. 1. Missouri is No. 2 in percentage of bridges that are structurally deficient.

We have 36 percent of the Nation's urban rail vehicles and maintenance facilities in substandard or poor condition. And 29 percent of the Nation's bus fleet and maintenance facilities are in substandard condition. The list goes on.

I am particularly sensitive to this, having served for 8 years in the other body on the Environment and Public Works Committee, where we talked about this and watched this as the reauthorizations took place. I participated in both ISTEA and in TEA–21, in both cases, serving at that time in the other body.

I know the way things were done were a little distasteful for me, but we came up with three authorization bills. It is our hope to be deliberate and spend, as we have, a year in looking at all the problems, seeing what would be better than the system used before.

In the past, we had section 1104, minimum guarantees. That has been replaced by the Equity Bonus Program. The minimum guarantees were arbitrary, politically driven percentages each State had. It was the thought that when you get to the point where you have enough votes to pass it, you did not care. We did not want to do that. So we took into consideration the donor status of States, we took into consideration the rapid growing States, States such as Texas, California, Nevada, and Florida, and we actually have ceilings as well as floors to try to satisfy as many people as possible.

Yesterday, we had a number of people come to the floor saying the formula was unfair. We took each State, State by State, which I am happy to do. We have the capability of doing it, again, to show that it is not unfair. We have a formula now and everyone benefits. There is no State that gets less than 10 percent more than they had before and it takes care of the problems.

The donor States have always been a problem. My State has been a donor State since the program began. So the fact that we will all end up with a 95-percent status is very significant.

We have never adequately handled the safety problems. We know about the deaths on the highway: 43,000 people each year dying on the highway. While the percentage has not gone up, the numbers have. We are addressing that.

The intermodal connections and freight movement were never adequately addressed by the previous bills. These are addressed.

Streamlining, so that many of the problems we have—some environmental, some other types of problems—can be dealt with more rapidly and in advance so we can keep the construction going.

We have the IPAM program that will take these programs that are ready to go and get them moving right away. If we are going to do it, do it now and get the people employed. A lot of people are concerned about jobs. Certainly there is no bigger job anywhere.

It has been a long process. I know some Members just do not want a bill, but we will get through the process. We will get a bill and get people back to work and rebuild the infrastructure.

We left off on section 1612. I will handle a couple of sections. The Senator from Missouri will arrive in about 5 minutes with some subjects to address.

Section 1613 is the improved interagency consultation.

Mr. GREGG. Will the Senator yield?

Mr. INHOFE. Yes.

Mr. GREGG. Does the Senator mind, after he finishes his statement, that I be allowed to speak?

Mr. INHOFE. Anyone who wants to speak so long as it is on the highway bill.

Mr. GREGG. I ask unanimous consent that after the completion of the statement of the Senator from Oklahoma, I have 5 minutes.

Mr. INHOFE. I have completed my remarks and there is no objection.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2268 TO AMENDMENT NO. 2267

Mr. GREGG. I send an amendment to the desk which second degrees the amendment of Senator DORGAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2268 to amendment No. 2267.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

This Act may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2003''.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services

of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' means any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to from and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring reinforcement through State courts of—

(A) all rights, responsibilities, and protections provided by state law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in a appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout,

sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act;

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(4) to permit parties subject to the National Labor Relations Act (29 U.S.C. 151 et seq.) and the regulations under such Act to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours; or

(5) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full time employees.

For purposes of paragraph (5), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. GREGG. This is the same amendment I offered before. Obviously, it was removed from being in order because the underlying amendment was withdrawn, so I have reoffered it to keep it in the batting order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I was happy to do that. I will continue going through section by section.

When we talk about improved interagency consultation, this is another area where this bill is different from the reauthorizations we had in the past. We had intra-agency consultation as well as consultation at the various levels of Government. The States have a much larger voice in the recognition that they are more aware of the problems that exist than we are in Washington. It is very positive. Therefore, the States and MPOs are encouraged to consult with State and local air quality agencies in developing criteria from CMAQ projects and when making decisions as to which projects and programs to fund.

Section 1614 is the evaluation assessment of the CMAQ projects. To ensure that information on successful CMAQ projects is widely available, the Department of Transportation is directed to consult with the EPA to evaluate and assess a representative sample of CMAQ projects to maintain and disseminate a database of these projects.

Section 1615 is synchronized planning and conformity timelines, requirements, and horizon. Currently, the schedules for demonstrating conformity are not the same as the schedules for adopting long-range transportation plans and transportation improvement programs. That is TIPS. This disconnect has caused some areas to be in a continuous planning and conformity cycle.

In response to this inconsistency, the bill aligns the long-range plan updates, TIP updates, and conformity determinations for metropolitan areas on consistent 4-year cycles. Heretofore, there were various cycles and this conforms them to each other.

The bill also changes how far into the future the conformity determination must look to more closely match the length of time covered by the State's air quality plan referred to as a State implementation plan, or SIP plan.

Currently, conformity determinations take a 20-year outlook on the transportation planning side, even though most SIPs cover no more than 10 years. Obviously, we are trying to conform them with each other.

Section 1616 is in regard to the transition to new air quality standards. EPA plans to designate nonattainment areas for the new 8-hour ozone standard, that we have gone through just a few years ago, and the new fine particulate standard, at PM2.5, this year. Areas that have not previously been designated as nonattainment for the same pollutant will have 3 years to submit SIPs which include the motor vehicle emissions budget used to determine conformity. However, only a 1-year grace period is allowed before having to demonstrate conformity. Because of this, an area may have 2 years during which it must use some other means of demonstrating conformity.

Nonattainment areas are given the option of using the motor vehicle emissions budget from an approved SIP for the most recent prior standard for that pollutant. For example, an area that is in nonattainment for the 1-hour ozone standard and is designated as being in nonattainment for the new 8-hour ozone standard may use its 1-hour budget to determine conformity until it has an approved budget for the 8-hour standard.

Nonattainment areas are also given the option of using other currently available tests for demonstrating conformity without an approved air quality SIP.

Section 1617 is in regard to reduced barriers to air quality improvements. Nonattainment areas can use transportation control measures, such as HOV lanes, transit projects, park-and-ride lots, ride-share programs, and pedestrian and bicycle facilities to improve air quality. These TCMs are often included in the State's air quality SIP. Currently, if a State determines it would be better served by substituting one type of TCM for another, the State must already have a substitution mechanism in its approved State implementation plan or it must revise its plan.

This bill provides a substitution mechanism for all States, provided that the TCM to be substituted achieves the same or greater emission reductions as the TCM being replaced, based on analysis using the latest planning assumptions and current models.

Now, it has been our intention, as we announced before, that the chairman of the Transportation Subcommittee, Senator BOND, would be recognized at this time for the purpose of——

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask for the yeas and nays on the Gregg amendment.

Mr. INHOFE. Madam President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Oklahoma does have the floor. I apologize.

Mr. INHOFE. Thank you, Madam President.

Section 1618 is in regard to the air quality monitoring data influenced by exceptional events.

This bill directs EPA to promulgate regulations governing the handling of air quality-monitoring data influenced by exceptional events, such as forest fires or volcanic eruptions, certainly something of great interest to the Senator from Arizona. These types of natural activities should not influence whether a region is meeting its Federal air quality goals.

The EPA is also required to reevaluate its approach to modeling carbon monoxide emissions from motor vehicles to ensure that it is appropriate for cold-weather States, such as Alaska.

MORNING BUSINESS

Mr. INHOFE. Madam President, I ask unanimous consent that there now be a period of morning business, with Senators speaking for up to 30 minutes each.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. MCCAIN. Madam President, reserving the right to object, would that preclude me from offering the request for the yeas and nays on the Gregg amendment?

The PRESIDING OFFICER. It would indeed preclude you.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Madam President, I withdraw my—reserving the right to object, and I will not object, I will just tell the managers of the bill that I intend to ask for the yeas and nays on the Gregg amendment when we return to the bill tomorrow.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Oklahoma still has the floor.

Mr. INHOFE. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

BIPARTISAN CAMPAIGN REFORM ACT

Mr. MCCAIN. Madam President, I join my friend from Wisconsin on the floor to discuss the entire issue of the Bipartisan Campaign Reform Act and also at a time when the Federal Election Commission is about to make some decisions regarding implementation of this legislation.

I think it is very important that as the Federal Election Commission is considering making these rules, that it be made very clear what the intent of the authors of the legislation was. Because as I will go into in my statement, it was the Federal Election Commission that created the loopholes that caused the explosion of soft money in American politics. It was not court decisions.

It is not accidental that the Senator from Wisconsin and I have proposed legislation to fundamentally restructure the Federal Election Commission. In the meantime, the Federal Election Commission must understand and read the U.S. Supreme Court decision—I quote from the Court's ruling—stating:

> The main goal of [the national party soft money ban] is modest. In large part, it simply effects a return to the scheme that was approved in Buckley and that was subverted—

Madam President, the words the U.S. Supreme Court used:

> subverted by the federal electioneering efforts with a combination of hard and soft money. . . . Under that allocation regime—

That was a decision by the Federal Election Commission—

> national parties were able to use vast amounts of soft money in their efforts to elect federal candidates.

Now, I hope the Federal Election Commission gets our message. We do not, and will not, stand for the creation of new loopholes to violate this law.

Senator FEINGOLD and I began, in 1995, with our first effort to reform this system. It took us 8 years until the final decision by the U.S. Supreme Court upholding the constitutionality, in a historically ironic decision entitled McConnell v. FEC. I hope the irony of those words is not lost on my colleagues. We will not stand for the Federal Election Commission—which they already have—subverting this law. We will not stand for it. We will use every method available to us to be sure that the law is enforced as it is written and intended and declared constitutional by the U.S. Supreme Court.

It is time for the Federal Election Commission, rather than being an enabler to those who want to subvert the laws, to be a true enforcer of the law, a role which they will find strange and intriguing and certainly unusual for that Commission.

I might add, too, we still have two members of the Federal Election Commission who declared their firm conviction that this law was unconstitutional. If they still hold that belief, as at least one of them has stated recently, they should recuse themselves from further involvement in a law they believe is unconstitutional. In fact, resignation would probably be in order so someone who believes in the constitutionality of this law, as affirmed by the U.S. Supreme Court, would be empowered to enforce it.

In 1995, my dear friend Senator FEINGOLD and I first introduced legislation designed to limit the influence of special interests on Federal campaigns. We began our fight because it had become clear to us that our campaign finance system was broken and this breakdown was having a detrimental effect on our democracy. Seven years, four Congresses, several rewrites, countless hours of debate, amendments, and much hard work by dedicated grassroots activists later, the Bipartisan Campaign Reform Act became law on March 27, 2002.

I know my friend from Wisconsin agrees with me. We could not have done it without the thousands of Americans who made our cause their cause. We could never have achieved this goal. They will have our undying gratitude.

Last month, following an illegal challenge, the Supreme Court ended the 7-year-long battle when it upheld the act, or BCRA, in the case of McConnell v. FEC. For me it was one of the Court's most needed and welcomed opinions. In light of this landmark victory, I want to congratulate those who worked so hard to secure it and to talk about the work that remains to be done to strengthen our democracy and to empower all Americans through civic participation.

We can already see some benefits from these years of hard work. No longer can a Member of Congress call the CEO of a corporation or the head of a labor union or a trial lawyer and ask them for a huge soft money donation in exchange for access to high-level Government officials. That cannot happen today. Just last week, Roll Call reported that for the first time in many years, the two parties did not hold any high-donor fundraisers at the Super Bowl. The article stated:

> With soft money banned, the parties have come to the conclusion that the yield at a Super Bowl fundraiser doesn't justify the expense.

However, let me be clear, this in no way means reform is complete. Our work and the work of thousands of Americans engaged at the grassroots level, the efforts of numerous reform groups, is far from over. While the basis for BCRA, that large, unregulated political contributions cause both the appearance and reality of corruption by elected officials, is self-evident, mustering the evidence needed to prove this to the Court was an extraordinary feat. The mountain of evidence that was compiled, however, provided a solid foundation for the Supreme Court's decision to close loopholes through which were flowing hundreds of millions of dollars in soft money.

The evidence collected included sworn statements from elected officials acknowledging they had been forced to raise large contributions for the political parties, internal memos from political party leaders to elected officials reminding them who gave big contributions prior to key votes, and testimony from business leaders who were provided a ''menu of access'' by party officials showing how $50,000 gets you a meeting with an elected official, $100,000 gets you a 15-minute meeting with another elected official.

The strength of the evidence on the extent of corruption and the appearance of corruption as well as the creativity with which the campaign finance laws were being evaded led the Supreme Court to uphold BCRA, which sought to close the loopholes that had been opened in the Federal Election Campaign Act.

Significantly, the evidence also led the Supreme Court to find that Congress needed and possessed broad authority to enact laws to reduce the corrupting influence of unregulated money in politics. The Court also made a powerful statement about the so-called regulators of the corrupting soft money system, the Federal Election Commission. According to the Court, the soft money system was the result of a series of loopholes opened by the FEC and exploited by the party committees. I also quoted what Justices Stevens and O'Connor wrote.

While the Supreme Court in the McConnell case recognized the role the FEC had played over the years in eroding the campaign finance laws, it was not asked to consider the rules the commission adopted just last year to implement BCRA—rules that, true to the FEC's history, undermined the integrity of campaign finance law. The

Court, however, may soon be asked to do this. Shortly after the FEC took a big bite out of BCRA through its rulemaking process, Representatives SHAYS and MEEHAN filed a lawsuit challenging the regulations. This action is on a fast track in Federal District Court.

Since its inception, BCRA has been reviled by the political party establishments that decried the eminent demise of our two-party system. Yet in the midst of a hotly contested Presidential campaign, evidence suggests the opposite is true. Under BCRA, both the Democratic and Republican national parties are reporting a resurgence of grassroots support and significant increases in new hard money donors. In fact, recent figures show there have been 600,000 new hard money donors to the Democratic Party and 1 million new Republican hard money donors. That is what we intended.

The Court was right to uphold the new reform law. Implemented correctly, it will go a long way to restoring people's faith in our democratic system. That said, reform is not a one-time fight. We must continue the work to strengthen our democracy and reconnect the people to the political process. The adoption and Court sanction of BCRA enables Congress to push forward with important reforms that help improve our system of Government and reduce barriers to political participation.

It is critical that we ensure BCRA is not negated by widespread circumvention of the new law by the FEC and by outside political committees. While we are challenging FEC's implementing regulations, we must also act to restructure the commission so it will not only implement campaign finance laws effectively but actively enforce them.

The American political system needs an agency that will give effect to our campaign laws fairly and free from the partisan influence that currently dominates the commission structure. Without this key reform, no campaign finance reform law can work well.

We must fix the ailing Presidential public funding system. For many years, the system gave Americans a viable opportunity to run for our highest office and increased competition in our Presidential elections, but the system is now outdated and bankrupt. Senator FEINGOLD and I have introduced a proposal to fix it, and we are committed to educating the public about the importance of doing this and to building the coalition needed to make it happen.

Ongoing reform efforts are needed not only at the Federal level but also at the State level. Working at the State level, we can help to restore faith in the political process by improving contribution disclosure laws, promoting clean election programs, and encouraging an independent and noncorrupt campaign finance system.

To break down the barriers to political participation, we must improve ballot access, promote open primaries, and fix the redistricting process.

This is not a partisan issue. It should not advantage one party over the other. What reform does is create transparency, equality, and participation, and inspire confidence in those we represent. The strength and real muscle in this fight lies with the American people. During the long battle in the Senate to pass campaign finance reform, we called on the American public to make their voices heard on Capitol Hill. They answered, and the impact was astounding. The phone calls, e-mails, and letters that flooded into Members' offices had a tremendous impact. Constituent communications translated into votes for reform.

Reform is an ongoing process. It didn't end with Teddy Roosevelt in 1907, and it will not end with JOHN MCCAIN and RUSS FEINGOLD in the Senate. I am very much a realist. From the beginning of this fight, I have said that as soon as the soft money loopholes addressed in BCRA were closed, there would be very smart people all over Washington trying to find ways around the law. I am sad to report these folks wasted no time in attempting to circumvent it again.

The recent creation of certain new organizations under section 527 of the Internal Revenue Code is the first broad-scale attempt to undermine BCRA.

Let me be clear on one thing. There are many legitimate 527 organizations whose method of operation is not in question here. They are nonpartisan. They work to do the things we want to further the goals of democracy. There are, however, some groups that have recently been set up for the sole purpose of raising or spending tens of millions of dollars in soft money to influence the 2004 Presidential and congressional elections.

Madam President, various groups have been created expressly to spend large sums of soft money on partisan voter mobilization drives and sham ''issue advocacy'' to influence Federal elections. These groups have as their overriding, if not sole purpose, the influencing of Federal elections.

Federal election law requires such groups to register as political committees with the FEC. Federal political committees may only accept and spend hard money—that is, money limited in amount and source. I will repeat that if a 527 is nonpartisan in nature, we have no problem. If a 527 is engaged in partisan activity, they then fall under the same restrictions that any other political committee does that is engaged in partisan activity. That should be obvious to the Federal Election Commission.

These new groups, however, which have made clear that their purpose is to influence Federal elections—they have not made any bones about it—have purportedly set up ''non-Federal'' accounts to accept corporate and labor union funds and large contributions from individuals. They plan to use these moneys, we are told, to finance partisan voter drives and run sham issue ads aimed at influencing the 2004 Federal elections. This blatant end run around the campaign finance laws should not be tolerated.

When a political committee has an overriding purpose to influence Federal elections, it cannot be allowed to circumvent campaign finance laws by establishing a ''non-Federal account'' and claiming that the money being raised and spent to influence Federal elections is not for that purpose. These committees cannot be permitted to transform contributions that are clearly for the purpose of influencing Federal elections into ''allowable soft money'' simply by depositing those funds into ''non-Federal accounts.'' These groups are clearly political committees that should be registered as such with the FEC and must operate accordingly within the hard money amount and source limitations.

After the success of McConnell v. FEC, we cannot sit idly by and allow this potentially massive circumvention of campaign finance laws. BCRA finally closed soft money loopholes and, again, new ones should not and cannot be tolerated. I am pleased to see that the FEC has recognized the immediate need to examine these soft money problems. I hope the Commission will not make the mistakes it has made in the past and will act swiftly and comprehensively to protect the integrity of our campaign finance laws.

Madam President, I also wish to comment on one of the things that happened. We have seen, in the last Presidential campaign, a dramatic reduction in negative campaign ads run by the various candidates. Why is that? It is because of an amendment that was added by the Senator from Maine, Ms. COLLINS, and the Senator from Oregon, Mr. WYDEN, which was called ''stand by your ad,'' I believe. Guess what. Every time there is a message, the candidate says, I am so and so and I approve of this ad. They would not approve a lot of the trash put in and negative attacks, which has one effect, we all know, and that is drive down voter turnout. It has a very salutary effect.

I have to admit that I never thought of that in the 8 years Senator FEINGOLD and I looked at every aspect of campaign finance reform; we had not thought of that amendment. It has a marvelous positive affect, having the candidate say: I am so and so and I approve of this ad.

I also say there was a marvelous team that argued our case before the U.S. Supreme Court. I ask unanimous consent to have a list of names printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Lawrence H. Norton, Richard B. Bader, Stephen E. Hershkowitz, David Kolker, Theodore B. Olson, Peter D. Keisler, Paul D. Clement, Malcolm L. Stewart, Gregory G.

Garre, Douglas N. Letter, James J. Gilligan, Michael S. Raab, Dana J. Martin, Terry M. Henry, Rupa Bhattacharyya, Andrea Gacki.

Roger M. Witten, Seth P. Waxman, Randolph D. Moss, Edward C. DuMont, Paul R.Q. Wolfson, Purt Neuborne, Frederick A.O. Schwarz, Jr., Charles G. Curtis, Jr., David J. Harth, Michelle M. Umberger, Bradley S. Phillips, E. Joshua Rosenkranz, Alan B. Morrison, Scott L. Nelson, Eric J. Mogilnicki, Michael D. Leffel, A. Krisan Patterson, Jennifer L. Mueller, Stacy E. Beck, Jerrod C. Patterson, Fred Wertheimer, Alexandra Edsall, Trevor Potter, Glen M. Shor.

Mr. MCCAIN. Madam President, I particularly thank Mr. Ted Olson, the Solicitor General, who entered into this situation as one who did not agree with campaign finance reform and became a strong advocate. He made compelling arguments to the U.S. Supreme Court. I also thank Seth Waxman and his team of lawyers, who did a marvelous job. There are so many people and so many organizations that continue to work on our behalf.

Finally, I wish to make two closing points. One, the Federal Election Commission cannot be allowed to undermine this law. The U.S. Supreme Court is very clear about the role of the Federal Election Commission. So we cannot let these 8 years of hard work—not because of Senator FEINGOLD and me but because of the thousands and thousands of Americans who worked so hard to clean up this system that has either corruption or the appearance of corruption associated with it.

Finally, one of the great pleasures of my life in public service is to have the opportunity to know and appreciate and have the undying and everlasting friendship of my dear friend from Wisconsin, who is one of the most honest and decent Americans with whom I have ever had the privilege of knowing and serving. I would be honored to serve with him under any circumstance.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, let me say how fitting it is that the Senator from Maine is presiding at this point, who has made a tremendous contribution to our efforts on campaign finance reform. It is a tremendous privilege to come to the floor with my good friend and longtime partner in campaign finance reform, the senior Senator from Arizona, Mr. MCCAIN. Everybody knows we fought side by side for nearly 7 years to see our bill enacted into law.

Finally, on December 10, nearly 2 years after President Bush signed the bill, the Supreme Court upheld our work against a constitutional challenge. It has been a long and hard struggle, and, frankly, we could not possibly be happier with the result. The Court's decision in McConnell v. FEC is a complete vindication of our effort to help rid politics of the corruption of soft money. We are very proud of and also humbled by the Court's ruling.

We are not here to gloat. It is not polite or useful to do so. But if I had a dollar for every time someone said on this floor or in the media that our bill would never stand up in court, I would actually be a wealthy man. Rather, we are here to thank our colleagues who joined with us to pass this historic reform, to review the Supreme Court landmark decision, and briefly take a look forward, as Senator MCCAIN has already done. As we often noted during the debate, the McCain-Feingold bill was not intended to be the last word on the topic of campaign finance reform. The Court's decision will serve as a guidepost for future reform initiatives.

First, I thank all of the Members of this body who worked so hard with us to pass the bipartisan Campaign Reform Act.

For many, this was a labor of love. For others, it was a difficult fight because of resistance from their own party or from political or campaign advisers. In the end, as Senator MCCAIN said it so well, this bill passed because the American people demanded it and because courageous Senators and Members of the House were willing to stand up to the defenders of the status quo.

I particularly thank the Democratic leader, Senator TOM DASCHLE, and his counterpart at the time in the House, Representative DICK GEPHARDT. Their leadership and strong support made it possible to get the bill through all the complicated legislative obstacles we faced and onto the President's desk.

Also deserving of special thanks is the core bipartisan group of supporters of reform who worked closely with us to pass the bill. Senators LEVIN, COLLINS, LIEBERMAN, THOMPSON, SNOWE, SCHUMER, JEFFORDS, COCHRAN, CANTWELL, EDWARDS, and KERRY all made major contributions to the law that the Supreme Court upheld.

I think it is actually hard to imagine a more clear statement from the Supreme Court than the one delivered in December in McConnell v. FEC. The margin of the Court was narrow, as it often is in complicated and highly contested cases. But the majority could not have been more emphatic that what we did in McCain-Feingold was a constitutional approach to the problems of soft money and also phony issue advocacy that Congress identified and we tried to address.

I have to tell you, that was enormously gratifying after the hard work we did in this body to pay attention to the Court's previous decisions. It meant a great deal to me personally that we looked at what the Court had said about the first amendment of the Constitution and crafted our legislation with respect to that. That is exactly what we did.

We drafted this bill specifically to be consistent with what the Court had said in the past in analyzing the first amendment implication of campaign finance legislation. We worked hard to shape a legislative record demonstrating the need for the reforms we proposed.

In upholding the law, the Court recognized the difficult and painstaking work we did to stay within the constitutional framework set out in previous cases.

The Court said:

> We are mindful that in its lengthy deliberations leading to the enactment of BCRA, Congress properly relied on the recognition of its authority contained in Buckley and its progeny.

I was particularly pleased at the deference the Court showed to congressional judgments about the problems with the system and the best way to address them. That deference has often been lacking in recent opinions in other areas, but this time the Court realized that Congress has special expertise in this area and needs to have the authority to actually address real world problems in the way that it believes will be most effective.

This is enormously important for the future of reform. It shows that the Court understands that under our Constitution, Congress is not powerless to address threats to the health of our democratic or political processes.

In no way, of course, did the Court give to Congress unbridled power. It simply upheld a reasonable and measured response to the soft money problem that many on both sides of the aisle had come to believe was extremely harmful.

One aspect of the Court's opinion is worth noting as we look forward to future reform efforts. The Court laid responsibility for the soft money problem squarely where it belongs, and as Senator MCCAIN just did again—with the Federal Election Commission. As Senator MCCAIN noted, the Court specifically stated that the FEC ''subverted'' the law by allowing soft money to be used to aid Federal candidates.

The Court said:

> [T]he FEC's allocation regime has invited widespread circumvention of FECA's limits on contributions to parties for the purpose of influencing Federal elections.

The Supreme Court agreed with us that soft money was a loophole that Congress could legitimately try to plug, and that the loophole was improperly created by the FEC. With this validation of the position taken by reformers for many years, the Court underlined a cautionary note that we have sounded many times before on this floor. No law in this area can be self-executing. To be successful, campaign finance reform must be implemented and enforced by an agency that is dedicated to carrying out the will of Congress, not to frustrate it.

The new law instructed—instructed—the FEC to act quickly to develop regulations to explain and implement BCRA. Time after time, instead the FEC adopted rules that weakened the law. Senator MCCAIN and I participated in those rulemaking proceedings, but our advice on many important issues was ignored.

As currently structured, the FEC seems simply incapable of properly applying the law that this Congress enacted. Virtually every complicated

issue is approached from a political perspective, and the political parties have extraordinary sway over the Commission's actions.

Senator MCCAIN and I viewed the BCRA rulemaking process as a test, if you will, a final chance for the FEC to change its approach and to finally begin to faithfully enforce the law in a nonpartisan fashion. We were very disappointed in the result. We have, therefore, concluded that the FEC, as currently constituted, cannot provide the strong and consistent enforcement of the Federal election laws that this country needs. So together we have proposed to replace the agency with a new body, the Federal Election Administration.

We need to have an agency led by people who are respected by both sides of the aisle and will carry out their responsibilities in a nonpartisan manner rather than simply having representatives from each of the parties canceling each other out with a partisan approach to their jobs. Our bill makes individuals who have worked for or served as counsel to parties or candidates ineligible to serve as administrators.

We have no illusions that this reform will be easy to pass. Those who opposed our bill will undoubtedly oppose replacing the agency that is responsible for the rulings that made our bill necessary and that continue to undermine the new law. But reform of the FEC is essential if the will of Congress and BCRA is to be carried out.

I am also pleased to join Senator MCCAIN in introducing a bill to reform the Presidential public funding system. That system did actually work well for seven consecutive Presidential elections from 1976 to 2000. In those elections, Republicans were elected four times and Democrats three times and challengers actually defeated incumbents in three out of the five races where an incumbent was a candidate.

This year, unfortunately, candidates from both parties have opted out of the public funding system for the primaries. Everyone knows the system needs to be updated to keep it functioning in future elections.

I happen to come from a State that had a very good public funding system for State elections for many years. In fact, I won my first race for the Wisconsin Senate, frankly, only because of that system. But the legislature in my State failed to update and revise that system to keep pace with the changing realities and costs of political campaigns, and now hardly anyone uses it. We can't let that happen to the Presidential public funding system.

Again, when I look at the Presiding Officer, I know these kinds of systems can work because they have made them work in her State of Maine. The bill we have introduced is a starting point only, much like the first McCain-Feingold bill in 1995. We want to work with our colleagues on both sides of the aisle to come up with a bill that this Senate can support to preserve the public funding system that has served the country so well since the excesses of the Watergate era demonstrated that private financing of Presidential elections is really not a very good thing for our democracy.

I hope our colleagues will work with us over this year to perfect a bill that can be quickly passed in the next Congress after this Presidential election has been held.

Senator MCCAIN and I have also introduced a bill to provide free air time to congressional candidates. The cost of television advertising has skyrocketed, and we believe the Nation's broadcasters, who make great profits from a public resource—the airwaves—should contribute to improving the democratic process. I look forward to continuing to discuss this bill with our colleagues as well.

We do not expect any one of these three major reform bills will be considered on the Senate floor this year. But there is one bill that can and should be enacted very quickly. That is a bill we have introduced to require electronic filing of Senate campaign finance reports. Right now, the Senate lags way behind the House in providing current and complete disclosure of contributions to and expenditures on our campaigns. This is really an embarrassment. It is possible the Rules Committee can quickly correct this problem, but if not, Senator MCCAIN and I have introduced a bill to bring the Senate into the 21st century, and we should enact it promptly.

Again, I thank all my colleagues who supported the McCain-Feingold bill. I hope they are as proud of their accomplishment as I am of them. I am convinced we have begun to change this system for the better. Senator MCCAIN discussed there is already evidence of that. I think as the 2004 campaign heats up, we will see plenty more examples of how the system has improved, but we cannot rest on our laurels. We saw what happened when Congress essentially left the field for 20 years after passing the post-Watergate reforms. We must be vigilant to protect what we did in BCRA, and we must look ahead and continue to fight for a campaign finance system that enhances, rather than suffocates, the power of individual citizens and voters in our democracy.

Finally, I again express my admiration and appreciation for all Senator MCCAIN has done on this issue. For one final time I thank him for calling me in late 1994 and saying he wanted to work with me on this project. Next time tell me it is going to take 8 years. I am more than grateful for this terrific opportunity to not only work with a great American hero, but to have my name associated with him to the point where Senator MCCAIN has said that some people think my first name is MCCAIN.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

CHURCHILL AND THE GREAT REPUBLIC EXHIBIT

Mr. WARNER. Madam President, I was privileged today to go to the Library of Congress where, under the auspices of Mr. Billington, the Librarian of Congress, a very wonderful exhibit is opening entitled—and I hold up the volume: ''Churchill and the Great Republic.'' The exhibit formally opens tonight.

In attendance today were one of Churchill's daughters, his grandson, and other members of the Churchill family. It was a very moving experience. I encourage my colleagues to find time in the next week or 10 days to avail themselves of this very historical exhibit put together by Dr. Billington.

The ceremony today, marking the opening, was attended by the President of the United States, and I, together with my good friend Senator LUGAR, Senator BOB BENNETT, and a number of Members of the House of Representatives, were privileged to be in attendance.

I ask unanimous consent that following my remarks, the full text of the President's speech at this auspicious occasion be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Madam President, I think we are at a remarkable crossroads of history. In terms of the survival of republics, this is about the great republic, about freedom, and about all of those things we hold very dear.

I do not intend to make a political speech, but I say without reservation I think President Bush has given remarkable leadership, certainly in the aftermath of 9/11, an unprecedented attack on our sovereignty, the people of the United States of America, parallel in many respects to Pearl Harbor but indeed more awesome than Pearl Harbor in some respects. We are fortunate to have at the helm in the United States a strong President, a man of courage and of wisdom. I try in my modest way to support his leadership and that of those he has selected as his principal team.

I found this speech very remarkable today, and I would like to read just a paragraph:

> When World War II ended, Winston Churchill immediately understood that the victory was incomplete. Half of Europe was occupied by an aggressive empire. And one of Churchill's own finest hours came after the war ended in a speech he delivered in Fulton, Missouri. Churchill warned of the new danger facing free peoples. In stark but measured tones, he spoke of the need for free nations to unite against the communist expansion. Marshal Stalin denounced the speech as a ''call to war.'' A prominent American journalist called the speech an ''almost catastrophic blunder.'' In fact, Churchill had set a simple truth before the world: that tyranny would not be ignored or appeased without great risk. And he boldly asserted that freedom—freedom was the right of men and women on both sides of the Iron Curtain.

Churchill understood that the Cold War was not just a standoff of armies, but a conflict of visions—a clear divide between those who put their faith in ideologies of power, and those who put their faith in the choices of free people. The successors of Churchill and Roosevelt—leaders like Truman, and Reagan and Thatcher—led a confident alliance that held firm as communism collapsed under the weight of its own contradictions.

Today, we are engaged in a different struggle. Instead of an armed empire, we face stateless networks. Instead of massed armies, we face deadly technologies that must be kept out of the hands of terrorists and outlaw regimes.

Yet in some ways, our current struggles or challenges are similar to those Churchill knew. The outcome of the war on terror depends on our ability to see danger and to answer it with strength and purpose. One by one, we are finding and dealing with the terrorists, drawing tight what Winston Churchill called a ''closing net of doom.'' This war also is a conflict of visions. In their worship of power, their deep hatreds, their blindness to innocence, the terrorists are successors to the murderous ideologies of the 20th century. And we are the heirs of the tradition of liberty, defenders of the freedom, the conscience and the dignity of every person. Others before us have shown bravery and moral clarity in this cause. The same is now asked of us, and we accept the responsibilities of history.

I find those words very moving, and with a deep sense of humility I commend this President.

This is a picture of Churchill and Roosevelt. Years hence, there will be a picture of President Bush and Prime Minister Blair. If I may say, again with a sense of humility, historians will eventually parallel the Churchill-Roosevelt era with the Bush-Blair era, when two individuals of somewhat contradictory ideologies and, if we may say, party background, nevertheless came together in this hour in the aftermath of 9/11 and formed an alliance, brought together other nations that valued freedom, and formed a coalition that has now deposed a tyrant who, by any fair standards, was indeed a danger to the free world.

I say to the President with complete respect, I think historians someday may call this speech today a runner-up to the Fulton, MO, speech.

I yield the floor.

EXHIBIT 1

REMARKS BY THE PRESIDENT ON WINSTON CHURCHILL AND THE WAR ON TERROR

The PRESIDENT: Thank you all very much. I'm honored to join you as we welcome a magnificent collection to the Library of Congress. I've always been a great admirer of Sir Winston Churchill, admirer of his career, admirer of his strength, admirer of his character—so much so that I keep a stern-looking bust of Sir Winston in the Oval Office. He watches my every move. (Laughter.)

Like few other men in this or any other age, Churchill is admired throughout the world. And through the writings and his personal effects, we feel the presence of the great man, himself. As people tour this exhibit, I'm sure they'll be able to smell the whiskey and the cigars. (Laugher.)

I appreciate Jim Billington for hosting this exhibit, and for hosting me. It's good to see Marjorie. I appreciate the members of Winston Churchill's family who have come: Lady Mary Soames, who is a daughter; Winston Churchill III, the man bears a mighty name, and his wife, Luce; Celia Sandys, who is a granddaughter. Thank you all for coming. We're honored to have you here in America.

I'm pleased to see my friend, the Ambassador from the United Kingdom to America, Sir David Manning and Lady Manning here, as well. I appreciate the members of Congress who have come—the Chairman. We've got a couple of mighty powerful people here, Winston, with us today—Chairmen Lugar and Warner, Senator Bennett, Congressmen Bill Young, Doug Bereuter, Jerry Lewis, Tom Petri, Vern Ehlers and Jane Harman. I'm glad you all are here, thanks for taking time to come.

This exhibit bears witness to one of the most varied and consequential lives of modern history. Churchill's 90 years on earth, joined together two ages. He stood in the presence of Queen Victoria, who first reigned in 1837. He was the Prime Minister to Elizabeth II, who reigns today. Sir Winston met Theodore Roosevelt, and he met Richard Nixon.

Over his long career, Winston Churchill knew success and he knew failure, but he never passed unnoticed. He was a prisoner in the Boer War, a controversial strategist in the Great War. He was the rallying voice of the Second World War, and a prophet of the Cold War. He helped abolish the sweat shops. He gave coal miners an eight-hour day. He was an early advocate of the tank. And he helped draw boundary lines that remain on the map of the Middle East. He was an extraordinary man.

In spare moments, pacing and dictating to harried secretaries, he produced 15 books. He said, ''History will be kind to me—for I intend to write it.'' (Laughter.) History has been kind to Winston Churchill, as it usually is to those who help save the world.

In a decade of political exile during the 1930s, Churchill was dismissed as a nuisance and a crank. When the crisis he predicted arrived, nearly everyone knew that only one man could rescue Britain. The same trait that had made him an outcast eventually made him the leader of his country. Churchill possessed, in one writer's words, an ''absolute refusal, unlike many good and prudent men around him, to compromise or to surrender.''

In the years that followed, as a great enemy was defeated, a great partnership was formed. President Franklin Roosevelt found in Churchill a confidence and resolve that equaled his own. As they led the allies to victory, they passed many days in each other's company, and grew in respect and friendship. The President once wrote to the Prime Minister, ''It is fun to be in the same decade with you.'' And this sense of fellowship and common purpose between our two nations continues to this day. I have also been privileged to know a fine British leader, a man of conscience and unshakable determination. In his determination to do the right thing, and not the easy thing, I see the spirit of Churchill in Prime Minister Tony Blair. (Applause.)

When World War II ended, Winston Churchill immediately understood that the victory was incomplete. Half of Europe was occupied by an aggressive empire. And one of Churchill's own finest hours came after the war ended in a speech he delivered in Fulton, Missouri, Churchill warned of the new danger facing free peoples. In stark but measured tones, he spoke of the need for free nations to unite against communist expansion. Marshal Stalin denounced the speech as a ''call to war.'' A prominent American journalist called the speech an ''almost catastrophic blunder.'' In fact, Churchill had set a simple truth before the world: that tyranny could not be ignored or appeased without great risk. And he boldly asserted that freedom—freedom was the right of men and women on both sides of the Iron Curtain.

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Today, we are engaged in a different struggle. Instead of an armed empire, we face stateless networks. Instead of massed armies, we face deadly technologies that must be kept out of the hands of terrorists and outlaw regimes.

Yet in some ways, our current struggles or challenges are similar to those Churchill knew. The outcome of the war on terror depends on our ability to see danger and to answer it with strength and purpose. One by one, we are finding and dealing with the terrorists, drawing tight what Winston Churchill called a ''closing net of doom.'' This war also is a conflict of visions. In their worship of power, their deep hatreds, their blindness to innocence, the terrorists are successors to the murderous ideologies of the 20th century. And we are the heirs of the tradition of liberty, defenders of the freedom, the conscience and the dignity of every person. Others before us have shown bravery and moral clarity in this cause. The same is now asked of us, and we accept the responsibilities of history.

The tradition of liberty has advocates in every culture and in every religion. Our great challenges support the momentum of freedom in the greater Middle East. The stakes could not be higher. As long as that region is a place of tyranny and despair and anger, it will produce men and movements that threaten the safety of Americans and our friends. We seek the advance of democracy for the most practical of reasons: because democracies do not support terrorists or threaten the world with weapons of mass murder.

America is pursuing a forward strategy of freedom in the Middle East. We're challenging the enemies of reform, confronting the allies of terror, and expecting a higher standard from our friends. For too long, American policy looked away while men and women were oppressed, their rights ignored and their hopes stifled. That era is over, and we can be confident. As in Germany, and Japan, and Eastern Europe, liberty will overcome oppression in the Middle East. (Applause.)

True democratic reform must come from within. And across the Middle East, reformers are pushing for change. From Morocco, to Jordan, to Qatar, we're seeing elections and new protections for women and the stirring of political pluralism. When the leaders of reform ask for our help, America will give it. (Applause.)

I've asked the Congress to double the budget for the National Endowment for Democracy, raising its annual total to $80 million. We will focus its new work on bringing free elections and free markets and free press and free speech and free labor unions to the Middle East. The National Endowment gave vital service in the Cold War, and now we are renewing its mission of freedom in the war on terror. (Applause.)

Freedom of the press and the free flow of ideas are vital foundations of liberty. To cut through the hateful propaganda that fills the airwaves in the Muslim world and to promote open debate, we're broadcasting the message of tolerance and truth in Arabic and Persian to tens of millions. In some cities of the greater Middle East, our radio stations

are rated number one amongst younger listeners. Next week, we will launch a new Middle East television network called, Alhurra—Arabia for ''the free one.'' The network will broadcast news and movies and sports and entertainment and educational programming to millions of people across the region. Through all these efforts, we are telling the people in the Middle East the truth about the values and the policies of the United States, and the truth always serves the cause of freedom. (Applause.)

America is also taking the side of reformers who have begun to change the Middle East. We're providing loans and business advice to encourage a culture of entrepreneurship in the Middle East. We've established business internships for women, to teach them the skills of enterprise, and to help them achieve social and economic equality. We're supporting the work of judicial reformers who demand independent courts and the rule of law. At the request of countries in the region, we're providing Arabic language textbooks to boys and girls. We're helping education reformers improve their school systems.

The message to those who long for liberty and those who work for reform is that they can be certain they have a strong ally, a constant ally in the United States of America. (Applause.)

Our strategy and our resolve are being tested in two countries, in particular. the nation of Afghanistan was once the primary training ground for al Qaeda, the home of a barbaric regime called the Taliban. It now has a new constitution that guarantees free election and full participation by women. (Applause.)

The nation of Iraq was for decades an ally of terror ruled by the cruelty and caprice of one man. Today, the people of Iraq are moving toward self-government. Our coalition is working with the Iraqi Governing Council to draft a basic law with a bill of rights. Because our coalition acted, terrorists lost a source of reward money for suicide bombings. Because we acted, nations of the Middle East no longer need to fear reckless aggression from a ruthless dictator who had the intent and capability to inflict great harm on his people and people around the world. Saddam Hussein now sits in a prison cell, and Iraqi men and women are no longer carried to torture chambers and rape rooms, and dumped in mass graves. Because the Baathist regime is history, Iraq is no longer a grave and gathering threat to free nations. Iraq is a free nation. (Applause.)

Freedom still has enemies in Afghanistan and Iraq. All the Baathists and Taliban and terrorists know that if democracy were to be, it would undermine violence—their hope for violence and innocent death. They understand that if democracy were to be undermined, then the hopes for change throughout the Middle East would be set back. That's what they know. That's what they think. We know that the success of freedom in these nations would be a landmark event in the history of the Middle East, and the history of the world. Across the region, people would see that freedom is the path to progress and national dignity. A thousand lies would stand refuted, falsehoods about the incompatibility of democratic values in Middle Eastern cultures. And all would see, in Afghanistan and Iraq, the success of free institutions at the heart of the greater Middle East.

Achieving this vision will the work of many nations over time, requiring the same strength of will and confidence of purpose that propelled freedom to victory in the defining struggles of the last century. Today, we're at a point of testing, when people and nations show what they're made out of. America will never be intimidated by thugs and assassins. we will do what it takes. we will not leave until the job is done. (Applause.)

We will succeed because when given a choice, people everywhere, from all walks of life, from all religions, prefer freedom to violence and terror. We will succeed because human beings are not made by the Almighty God to live in tyranny. We will succeed because of who we are—because even when it is hard, Americans always do what is right.

And we know the work that has fallen to this generation. When great striving is required of us, we will always have an example in the man we honor today. Winston Churchill was a man of extraordinary personal gifts, yet his greatest strength was his unshakable confidence in the power and appeal of freedom. It was the great fortune of mankind that he was there in an hour of peril. And it remains the great duty of mankind to advance the cause of freedom in our time.

May God bless the memory of Winston Churchill. May God continue to bless the United States of America. (Applause.)

The PRESIDING OFFICER. The Senator from Iowa is recognized.

THE PRESIDENT'S BUDGET

Mr. HARKIN. Madam President, I have had a chance now to look over the President's budget. What with being out of our offices and stuck over in the Capitol and not being able to see some of the people we were supposed to see and conduct business as usual, I have had the chance to look at the budget. Of course, I had heard it was kind of bad. I read some of the preliminary reports, but it was not until I really started digging into it and looking at some of the fine print and getting out a calculator and adding it all up that I realized how stupefyingly bad this budget is. It almost defies logic.

After going through it, I can sum up his election year budget in four words: More of the same. More tax cuts for the wealthy, more massive spending increases on things such as Star Wars and, of course, that nice trip to Mars we are going to take, more giveaways to special interests, and more massive budget deficits.

This is Mr. Bush's fourth budget submission, so now I think we can take stock. We can size up the full 4-year fiscal record of this administration. Quite frankly, the irresponsible actions of this administration over 4 years boggle the mind.

In just 4 years, Mr. Bush has put in place trillions of dollars in tax cuts, overwhelmingly for the very wealthy. In spite of the huge deficits, the President now is demanding that those tax cuts be made permanent. At the same time, he is proposing tens of billions of dollars on new spending programs, and this includes untold billions for trips to the Moon and Mars. There is billions more for Star Wars, which Mr. Bush intends to build now and test later.

President Bush has taken the projected 10-year surplus of some $5 trillion that he inherited from President Clinton and turned that into a projected 10-year deficit of nearly $5 trillion. Think about that. In 4 short years, this President and this administration have taken a $5 trillion surplus and turned it into a $5 trillion deficit, a $10 trillion swing. As I said, it just boggles the mind.

By any measure, this is an astonishing record of economic mismanagement and economic malpractice. In fact, I challenge my colleagues to cite any President in the 215-year history of our Republic who has compiled such a record of sheer recklessness.

The White House now says the deficit in the current fiscal year will be $521 billion. That is bad enough, but that is not the worst of it. Far more dangerous are the long-term, permanent, structural deficits that will result. Mr. Bush dares to claim he has charted a course to cut the deficit in half in 5 years. This has about as much credibility as his claim that Iraq possessed massive stockpiles of weapons of mass destruction. The fact is that, after 4 years, Mr. Bush has zero credibility on the budget.

Let's look at his past projections and promises. In 2001, Mr. Bush promised: ''We can proceed with tax relief without fear of budget deficits.'' That turned out to be untrue.

In 2002, Mr. Bush reassured us: ''Our budget will run a deficit that will be small and short term.'' That turned out, also, to be untrue.

In 2003, Mr. Bush again assured us: ''Our current deficit is not large by historical standards and is manageable.'' That also is turning out to be untrue.

This year, President Bush claims that the massive deficits he has created will be magically cut in half in 5 years' time. Is there any Senator in either party who believes that promise? I don't think so. Mr. Bush has not just created a structural budget deficit, he has created a structural credibility deficit. Few credible economists believe him anymore.

The Washington Post sized up this budget in an editorial yesterday morning. The editorial was titled ''Bogus Budgeting.'' The editorial stated that:

> The Bush administration 2005 budget is a masterpiece of disingenuous blame-shifting, dishonest budgeting and irresponsible governing.

The reality is that the deficits will persist at high levels even if the economy stays healthy. Year after year they will stay at high levels, until the baby boomers start to retire, and then the deficits will explode.

If we look at the operating budget—that is not counting the surplus that comes from the Social Security taxes—the picture becomes crystal clear. Under the operating budget—again, excluding Social Security surpluses—Bush has a huge $675 billion deficit for this year. That is equal to 5.9 percent of our GDP, our gross domestic product, the second highest operating deficit since 1946.

But President Bush claims this operating deficit will drop to $470 billion in just 2 years. Then, according to his own

budget documents, the operating deficit begins to rise, reaching $500 billion in 2009—deficits as far as the eye can see.

There are three huge problems here. No. 1, we are continuing to add debt at a very rapid rate. No. 2, the glidepath is not downward to lower deficits but upwards to bigger deficits, and it rises more rapidly as we begin paying Social Security benefits to the baby boomers and, as the Social Security surplus shrinks, the true direction of the budget disaster under Bush's plan becomes clear. No. 3, the Bush budget does not include costs that we all know we are going to have.

For example, get this. The Bush budget does not include any additional funds for Iraq after September 30 of this year. In other words, for 2005, beginning October 1 of this year, fiscal year 2005, there are zero dollars for Iraq. We will have no troops there? We will have no support going to Iraq? After September 30 it is just going to all end? Does anyone believe that? Yet this budget has zero dollars in it for Iraq after September 30 of this year. That alone ought to tell you this budget is bogus.

The 2001 tax bill left a timebomb called the AMT, the alternative minimum tax. In 2001, fewer than 2 million, mostly wealthy, taxpayers paid it. By 2010, if it is not changed, over 30 million taxpayers will be paying it, mostly middle-class families. Nobody around here believes that is going to be allowed to happen. Everyone understands it will be fixed, probably at a cost of over $400 billion. So, what does the Bush budget do? It just fixes it for 1 year. Again, bogus.

What do these huge deficits mean, coming ahead? They mean we are increasingly dependent on the Chinese, Japanese, Korean, and other foreign governments and investors who buy our Treasury bonds.

I said to someone the other day, after looking over this budget and looking over who is loaning us money to buy our bonds, we are actually borrowing money from the South Koreans to finance our deficit.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. I am pleased to yield.

Mr. REID. I was struck by the statement made by the Senator from Iowa, that this budget includes not a penny for our troops and the other programs we have going on in Iraq. The question I ask the Senator is, Does this kind of remind you of what took place last year? Does the Senator remember that the President came and asked for a supplemental of $69 billion early in the year, and then later came and asked for $87 billion, in 1 year?

Mr. HARKIN. That is right.

Mr. REID. Does the Senator from Iowa think for 1 minute we are going to spend no money in Iraq, after last year having had two supplementals in the amount of more than $150 billion?

Mr. HARKIN. I tell you, the Senator from Nevada has put his finger on it. Look, everyone knows, we had the $69 billion last year. We knew it wasn't enough, so he had to come back and ask for $87 billion. He got that. We also know that is not enough. Yet the President has the audacity, as the Senator has pointed out, to have a budget that on September 30 of this year has no money for Iraq.

I say to my friend, no one believes that. Yet the President puts it in his budget as though it is factual.

Mr. REID. Will the Senator yield for another question?

Mr. HARKIN. Yes, I am delighted to yield.

Mr. REID. Does the Senator believe that in the Pentagon and in the bowels of the White House they have already prepared the documents for a supplemental appropriations bill to take care of the funding in Iraq and poor little Afghanistan, about which we seem to have just forgotten?

Mr. HARKIN. The Senator from Nevada is very perceptive. He has been here a long time. My good friend from Nevada knows how these things work, and he is absolutely right. The Senator is right. We all know that. The Pentagon already has figures put together. In the bowels of the White House they have figures put together. They already know it is going to cost money for next year.

Again, I guess I respond to my friend by asking him, why wouldn't they be honest with us? Why wouldn't they be honest and put this in the budget? because everyone knows the facts—that it is going to cost some money after September 30.

I ask my friend what possible reason would they have for saying it costs nothing and they are zeroing it out?

Mr. REID. Because they believe, in my opinion, we will do whatever is necessary to fund the key things that are important. I am sure down there they have taken into consideration the programs they say they are going to cut. I believe this is just a prelude to having these people accomplish indirectly what they can't do directly; that is, decimate and in effect void the Social Security laws that have been in effect for this country for more than 70 years. Those people do not believe in Social Security. They don't believe in Social Security.

I carry this with me, because I want people to know I don't make this up. It is my wallet. It is kind of worn. I am not going to read all of it. But let me just read a couple of statements from Senator Robert Dole, our friend, who is a nice man and does a good job now on television being a commentator. This is a direct quote. He said:

> I was there fighting the fight, one of 12 voting against Medicare because we knew it wouldn't work in 1965.

He is one of the patriarchs of the Republican Party who gives advice and counsel to the President of the United States today. He doesn't like Medicare, and most other people at the White House do not like Medicare.

Listen to this one:

> Medicare has no place in a free world.

I am not making this up.

Mr. HARKIN. Who said that?

Mr. REID. The recently departed majority leader of the House of Representatives, Dick Armey.

That is only part of what he said.

> Medicare has no place in a free world.

I am not making this up. That is what he said.

> Social Security is a rotten trick. I think we are going to have to bite the bullet on Social Security and phase it out over time.

These people are doing indirectly what they cannot do directly. They are going to rob this Government of all the moneys they have until they have no choice but to say what we have to do is basically do away with the Social Security program; do away with Medicare. Let the private sector take care of it. If you want some retirement benefits, get it at your job; and if the job doesn't, save it.

Social Security is a rotten trick. That is what they think. But my mother and father who drew Social Security—actually, my dad didn't. He died too early. But my mother did. I don't think it was a rotten trick. I can remember my grandmother. I was a little boy. Every month she got what we called and she called her ''old age pension.'' That was Social Security. That was what gave my grandmother independence from her eight children. She got her check. She didn't have to depend on her children. She was a widow. She got her Social Security check.

I thank my friend very much for talking about this budget, which is as phony as a six-dollar bill.

Mr. DURBIN. Madam President, will the Senator from Iowa yield for a question?

Mr. HARKIN. Yes.

I thank the Senator from Nevada for his questions and for answering one of my questions, too. The Senator is right. There is a part in this budget where essentially the administration points out that with the huge deficits, the Social Security system will be unsustainable in its present form. Talk about code words. There is a code word for privatization. Charge Social Security, turn it over to the private marketplace, and let people take a chance on whatever. I think the Senator from Nevada is absolutely right. I will not say every Republican, because I can't cast the net that far. But I would say there are forces in the Republican Party—the Senator mentioned Senator DOLE and Dick Armey. Newt Gingrich said he wanted Medicare to wither on the vine and also led the charge to try to privatize Social Security.

There are forces at work and they are in control of the Republican Party now that do not like Medicare. They do not like Social Security, and they will do whatever they can to get rid of it. I believe this budget is a step in that direction.

I yield to my friend from Illinois for a question.

Mr. DURBIN. I want to ask the Senator a question through the Chair. I thank the Senator from Nevada for his comments.

But I have before me the budget. It is now in four different books. I have the lead book. By the time you get to page 14 of the President's budget, right in the front end of it, in the introduction, ''Winning the War On Terror,'' is a long section on removing the threat of Saddam Hussein. It talks about Operation Iraqi Freedom, the removal of Saddam Hussein, and the responsibility of the United States in Iraq.

If I understand the Senator from Iowa correctly, despite the fact this is in the opening introduction of the budget, you can pour through this entire budget and not find a single penny—not one cent—that is going to be spent by the United States of America in waging the war in Iraq after September 30 of this year.

Is that my understanding of what the Senator from Iowa said?

Mr. HARKIN. The Senator from Illinois is absolutely right. I didn't believe it myself when I was first told of this. I started digging in the budget along with my staff. I said surely someplace in this budget they must have some money in there to fund our operation in Iraq.

You will look until your dying day and you will not find one penny in that budget for our operations in Iraq after September 30, you will just find a note about possible funding.

Mr. DURBIN. I ask the Senator from Iowa through the Chair this question: Has he heard any member of this administration suggest we will be withdrawing all of our troops from Iraq before September 30 of this year?

Mr. HARKIN. I think the Senator asked a very good question. I don't know. I have not heard them say that. But that is what the budget implies.

Mr. DURBIN. I am sure the Senator has visited with his National Guard in Iowa as I have visited them in Illinois. They have been told just the opposite. The Guard and Reserve have been activated and told they will be gone for a year or 18 months in service to our country. It is clear that once there we are going to support them. We will give them what they need to come home safely with their mission accomplished. But we can't do it for nothing.

My question to the Senator from Iowa is, Why would the President of the United States refuse to include in his budget one penny to wage this war in Iraq and this war in Afghanistan? What is the purpose behind shortchanging this budget and making it look cheaper than it actually is? I ask the Senator from Iowa if he has any opinion.

Mr. HARKIN. I will just say to my friend all you have to do is go back and look at 2002, 2003, and 2004. Look at the last 3 years of the Bush budget and you can see what happened. They have dug themselves and our country into a huge fiscal hole. Now what they want to do, rather than trying to get out of it, is going to dig us even further into that hole and try to make it look not so bad. They are trying to cut here and cut there, and doctor things up a little bit so it doesn't look quite so bad. They put zero money in there for Iraq.

Mr. DURBIN. If I might ask another question——

Mr. HARKIN. It is a shell game. That is all it is.

Mr. DURBIN. The Senator realizes that only 4 years ago we had a $236 billion surplus that we were strengthening Social Security with, paying down America's debt, and reducing the mortgage our children will have to carry. And now, if I am not mistaken, we are going to be faced with this budget which is the largest deficit in the history of the United States of America.

My question to the Senator from Iowa is this: In basic terms for those following this discussion, how do we pay for the debt? I am told every minute the Bush administration spends $991,000 more than we take in in taxes. This results in a $520 billion deficit this year. I ask the Senator from Iowa, How do we balance the books? Where do we turn with a deficit like this to help balance the books?

Mr. HARKIN. We are not going to balance it. But I tell you what they are doing. Effectively, they are going hat in hand to the Chinese, and they are saying, Please loan us some money. The Chinese will buy our bonds. Japan is buying our bonds. I think Japan now is the single largest owner of bonds. I think China is No. 2, if I am not mistaken.

Mr. DURBIN. Japan is $526 billion, and China—I can give you the exact number. I think the figure is $144 billion.

Mr. HARKIN. From China?

Mr. DURBIN. China.

Mr. HARKIN. And they will keep buying more and more and as the huge deficits pile up America's debt. This is going hat in hand to China and Japan and South Korea and many other countries. To do what? To finance huge tax breaks for the wealthy.

Mr. DURBIN. I ask the Senator from Iowa to complete the thought; the obvious question which I ask which we ought to consider, where does China get the dollars to buy the debt of the United States? Where does China have a surplus of dollars coming in? What is it about China that they end up with all of these dollars?

Mr. HARKIN. I ask my friend from Illinois, what is the trade deficit we have with China?

Mr. DURBIN. That is exactly the answer. It is a trade deficit.

Mr. HARKIN. So we have a huge trade deficit with China. We are buying everything from China. They get the dollars, and we go hat in hand, a debtor nation, and effectively say, please, buy our bonds.

Mr. DURBIN. And I ask the Senator from Iowa, in your home State of Iowa and my State of Illinois, we have lost 20 percent of our manufacturing jobs in the last few years; America has lost 3 million jobs under this President, more than any President since the Great Depression. So as we have lost these jobs and lost these businesses, and our economy is sinking—a jobless recovery is no recovery where I live—we see other countries who now take over our manufacturing jobs, like China, and because they are selling more to the United States, they have dollars and turn around and own our debt.

So our workers do not have the jobs, their children have the debt, and China is holding the mortgage. Is that the fact?

Mr. HARKIN. The Senator is on to something. First of all, they are getting our dollars for the products they make and send to this country with cheap labor, with no Social Security protections for the workers. They get all those dollars. They then buy our debt, they buy our bonds. The Senator is right. They buy the bonds and then there is interest on the bonds, a lot of interest. So who gets the interest payments? The Chinese get the interest payments.

So our workers lose their jobs, the jobs go to China, we buy their goods, they get the dollars, they buy our bonds, and the Senator is absolutely right. It is the workers' families, the kids who now have to pony up to pay the interest charges.

Now, I ask the Senator, looking ahead, if, in fact, we have these huge budget deficits which are going to roll on year after year, that means someone has to finance this debt. So we will still be going back to the Chinese and the Japanese, the Europeans and others, to buy our debt.

I ask the Senator, if you are in the position of having a lot of money and you are buying debt, do you want high interest rates or low interest rates?

Mr. DURBIN. I say to the Senator from Iowa, clearly what we have here is a scarce commodity—dollars. And the people who can come up with the dollars want to get paid more for coming up with them in terms of interest. As the interest goes up that is being paid for those holding our debt overseas, it runs up the interest rates in America in terms of how we can expand our businesses.

So we have lost the jobs. We have lost the manufacturing. And with interest rate pressure going up from all of the debt, we are making it more difficult for businesses to rebound, build in America, and create American jobs.

Is the Senator from Iowa aware of the figures given by Senator KENT CONRAD on the Budget Committee that by 2009, every American will have as their personal share of our American mortgage, our American debt, $35,283, so that the debt tax from the Bush administration on every individual American will be over $35,000.

I ask my friend from Iowa if he believes the people in his State, let alone

any other State, have a notion that President Bush's failed economic policy is building up the mortgage on every single American and American family for years to come.

Mr. HARKIN. The Senator is right. I ask the Senator to repeat this figure.

Mr. DURBIN. By 2009, each American's share of the debt will total $35,283.

Mr. HARKIN. That is bad enough in itself. I say to the Senator, also by 2009, the interest payments on this debt that we are piling up under this budget that we have will lead to $980 for the credit card of every man, woman, and child in America. In other words, a family of four will pay nearly $4,000 just in interest on the debt in just that year. They are not buying it down but just paying the interest charges. And, with the policies of this administration, they will just grow and grow. We know what happens to families as they have a growing difficulty just paying the interest on their credit cards.

Where is a big chunk of that interest rate payment going?

Mr. DURBIN. Certainly it goes overseas.

And I ask the Senator from Iowa, the President said in the State of the Union, the key to the future of the American economy is to make the tax cuts for the wealthiest people in America, permanent law.

I ask the Senator from Iowa, as he has traveled his State and I have traveled mine, as well, has the Senator found with the working families, a hue and cry, demands to keep President Bush's tax cuts in place, tax cuts that have basically given us the biggest deficit in the history of the United States and have failed to create jobs? Has the Senator heard this in the State of Iowa?

Mr. HARKIN. Not only have I not heard from the people in the State of Iowa, even friends of mine who have a lot of money, who make a lot of money, have basically told me: You guys are crazy what you are doing back there. You have to get this economy straight.

Even the people who made out under this tax break, if they are honest—and many are—are saying: Wait a minute, this is not right for America, not right for our economy.

Mr. DURBIN. I ask through the Chair, I know the Senator from Iowa has had a leadership position when it comes to education and health issues in his appropriations subcommittee. I ask the Senator from Iowa, is the Senator hearing the same thing I am hearing as you visit school districts in Iowa and sit down with school board members and principals and teachers, regarding No Child Left Behind, which is imposing a requirement for testing kids to find out the progress they are making—and there is nothing wrong with that—but then when they find the kids are falling behind, does the Senator hear in Iowa the same as I do in Illinois, hear that these educators are asking, Why did the Federal Government fail to fund this mandate? Why are you sending us the No Child Left Behind mandate and failing to send the money to help educate the children?

Again, we find this President's budget is not funding his education program. It is underfunding his mandate. Does the Senator find the same thing as he travels through Iowa?

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New Hampshire.

The time of the Senator is expired.

Mr. HARKIN. How much time was I allowed?

The PRESIDING OFFICER. There is a 30-minute time limit.

Mr. HARKIN. Under what rule was I allowed 30 minutes?

The PRESIDING OFFICER. We had an order for a 30-minute time limit for morning business.

Mr. SUNUNU. It is my understanding the Senate is in a period of morning business with a time limit not to exceed 30 minutes. I will not take that much time. I wish to speak very briefly and ask a rhetorical question, since I am not allowed to ask a question of a Senator who does not have the floor. But then I would be pleased, if permissible under the rules, to yield the remainder of my time to the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPENDING

Mr. SUNUNU. Mr. President, I happened to come to the floor to hear my colleagues from Illinois and Iowa talking about their concern for the deficit and for spending priorities, and I share their concern.

However, it is worth noting that at this time the pending business of the Senate is a transportation bill that is, by any standards, enormous. It represents an increase of over 40 percent over the previous 6-year bill. It represents a dramatic expansion in the size and scope of Federal Government. It totals over $300 billion. Unfortunately, it seeks to obtain funds by diverting general revenue tax receipts into the highway trust fund, something that has never been done before.

To the best of my knowledge, both of my colleagues who spoke earlier are more than willing to vote for this enormous spending measure.

I just do not think it is credible to take the floor and raise concerns about deficits and spending priorities and, at the same time, be willing to support such a massive increase in infrastructure spending, when we know full well that States are very capable of making sound decisions for this kind of construction and investment. We know full well that it is wrong to divert money from the general revenue fund in order to support an expansion of this funding. And we know full well this bill is significantly in excess of what has been proposed by the President.

While I do not agree with all the priorities in the President's budget, I think it is fair to say that we would have $20 or $30 or $40 or $50 billion more for the priorities my colleagues spoke about if they would join with me in raising concerns about this bill.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. The Senator is recognized.

THE BUDGET AND THE DEFICIT

Mr. DURBIN. Mr. President, I would like to engage my colleague from Iowa in a dialog on this issue relative to the budget and the deficit.

The question I asked earlier related to the experience of the Senator from Iowa when he traveled his State and the response of the people of Iowa when it came to the suggestion of President Bush that his tax cut program—primarily for the wealthiest people in the country—be made permanent law. And I asked the Senator: I know that everyone likes a tax cut, but what are you finding?

If I might have the permission of the Chair to ask this question of the Senator from Iowa, without yielding the floor——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. What are you finding to be the response, as you travel throughout your State, in terms of the President's tax cut policy?

Mr. HARKIN. Mr. President, I reply to my friend from Illinois, as I traveled around my State since we adjourned back in December, I have not heard anything about making this tax cut permanent. I cannot think of one person who came up to me saying that. But I will tell you what I did hear a lot about.

As the Senator pointed out, I heard from my schools on No Child Left Behind, that they are being underfunded. Special education is taking its toll on property taxpayers all over our State, and they are demanding the Federal Government live up to its promise on special education. I am hearing about the loss of manufacturing jobs in our State. And there are no jobs to be had. I am hearing about the need for better health care for people who do not have health insurance in our State.

I am hearing about the high cost of education. So many middle-class families now, and low-income families, are simply being priced out of higher education. It is taking more and more money to get into college. Right now, a Pell grant provides for about—under this budget—30 percent, give or take 1 percent—maybe 31 percent—of the cost of college. Just 4 years ago, it was 40 percent. So we have lost 25 percent of the purchasing power just of a Pell grant. And these are for poor kids to go to college. Twenty-five percent, just in

4 years, has been eroded. Yet this budget keeps Pell grants right where they have been—with not one penny of an increase.

So I say to my friend from Illinois, this is what I hear Iowans talking about.

Mr. DURBIN. If I might further engage my colleague from Iowa in this dialog and go back to the point I made earlier, I say to the Senator, he has been chair and ranking Democrat on the Appropriations subcommittee that is responsible for education and health, and he has done a substantial and marvelous job, including record funding for the National Institutes of Health and amazing efforts to help the funding of education.

I ask my friend and colleague from Iowa to just reflect on what I have found, and I ask if he has found the same. I have gone to good schools in Illinois, and they have told me the results of the testing. The results of the testing, in the most recent rounds of testing in No Child Left Behind, required that the students reach a 60-percent plus of performance in terms of their learning ability and learning attainment, education attainment—60 percent.

In some of the schools I have visited in the suburban areas of Chicago—not in the cities, in the suburban areas of Chicago—here is what we found. When they took the test, we found that the white students in the schools were testing slightly over 60 percent. So they were meeting their target. The African-American students were testing in the 40-percent range; the Hispanic students in the 25- and 30-percent range; and the special education students, the students with disabilities, below 20 percent. All of these subgroups, if there are certain numbers of them in each school, are all expected to hit 60 percent.

I ask the Senator from Iowa if he has had similar experiences, and if he would share them with me and try to answer the question these educators asked. They said: If these groups are not meeting the test scores they are supposed to meet, and we are going to be labeled a failing school because of that, what are we supposed to do? What will you do to help us in terms of mentoring students, tutoring students, afterschool programs, and summer school programs?

My response to them, sadly, is, if you look at President Bush's own budget for No Child Left Behind, he underfunds the promised money for these school districts. The law authorizing No Child Left Behind said this year we would send $34.3 billion to school districts across America to help these kids—$34.3 billion—and the budget only provides $24.9 billion. So we are underfunding it by $9.4 billion.

Mr. HARKIN. Nine billion dollars, yes.

Mr. DURBIN. I ask the Senator, who deals with this appropriation, and the money behind it, where does this leave our schools in Iowa and Illinois, taking the test, finding the challenge, but without the resources to address it? I ask unanimous consent, through the Chair, for the Senator from Iowa to respond, without my yielding the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I say to my friend from Illinois, Lew Finch, who is the retiring superintendent of schools in Cedar Rapids, talked to me about this. There was an article in the paper also quoting him saying that their good schools are failing and they are doing it for the exact reason the Senator from Illinois pointed out. But here is what he said to me.

He said: I fear that all the progress we have made in the past, under things like the Americans with Disabilities Act, IDEA, Individuals with Disabilities Education Act, and integrating students in schools, bringing kids with disabilities into the mainstream of schools—he said: I fear what we are going to start doing is now segregating them out one more time, segregating them out of our schools again because they are being a drag on all the other students.

Mr. DURBIN. Let me add to what the Senator from Iowa said. This year we will celebrate the 50th anniversary of Brown v. Board of Education, 50 years in America where we have said the integration of schools is essential to equality of opportunity. Separate but equal—Plessy v. Ferguson—was rejected by the Supreme Court 50 years ago, moving us toward a colorblind America and the integration of races in America, something essential to put the era of slavery and racism behind us.

Mr. HARKIN. Jim Crow.

Mr. DURBIN. And I say to the Senator from Iowa—and I know how deeply he feels about special education—I feel the same way, the same intensity level about the reaction, as parents walk into the school board meeting and say: This high school that I planned on sending my son to, my daughter to so she could get into a good college, I read in the morning paper is a failing school. Will you tell me why I made the sacrifice to buy an expensive home in the suburbs to send my child to a school for his future or her future and now it is a failing school? Explain it to me.

The educators will put the test scores up, and they will see it is the minority students and the students of Hispanic ancestry, as well as the special education students, who are leading to this conclusion.

Now, two things can happen, I say to the Senator from Iowa. The good thing that can happen is we will say: What can we do to bring all test scores up, particularly for those kids who are not doing well. Well, you will not find the answer in this budget. This budget misses the target by $9 billion in providing extra teachers, extra technology, extra attention. It is not there.

But there is another course we can take that is sinister and ugly. It is the course that says: Incidentally, when those minority students don't come to school, don't go looking for them—would you?—because they are dragging down the test scores. That would be a terrible outcome.

Mr. HARKIN. Or vouchers.

Mr. DURBIN. Or vouchers. And for those—and there are many, even in this Chamber—who have given up on public education long ago, this is the answer to their prayers.

Mr. HARKIN. I know.

Mr. DURBIN. They will get bad test scores and say: Didn't we tell you public education has failed in America? I say to the Senator from Iowa, I think the funding of education is pushing us into a critical moment in the future of public education. Starting just 2 weeks ago, with the signature on the Omnibus appropriations bill, we will have the first Federal funding of a voucher program for private schools in the history of the United States of America.

Mr. HARKIN. Right here.

Mr. DURBIN. Right here in the District of Columbia.

Mr. HARKIN. Absolutely.

Mr. DURBIN. It is an answer to the prayers of those who have a loathing for public education and for the teachers in public schools who many think have the wrong political allegiance, whatever the reason might be. When you put all this together, you realize it is more than dollars. We are moving ourselves to a decision that is calling into question 50 years of American history and more.

I ask the Senator from Iowa, what is his impression as he reviews No Child Left Behind and this funding and the challenges it presents?

Mr. HARKIN. Our budget has basically two purposes. Any budget, whether it is your own personal family budget, a business budget, or the Government budget, has two purposes: One is to balance income and outlays—in other words, what is the income and what are the outlays, try to get some balance between the two—and the second purpose is to set priorities, choices.

I am sure the Senator is like I am. When you have an income, you sit down and say, this is our income. What is our mortgage? What is our car payment? What is our tuition, all those sorts of things. You add it up and you make choices on how you budget.

That is what this budget is. It is about choices, the choices that this President has chosen: tax breaks for the wealthy, continue those and make them permanent; continue to ship our jobs overseas; continue to underfund education, as the Senator has pointed out; and continue this march towards bigger and bigger debt, bigger and bigger deficits that is going to choke off any hope of having a viable Social Security and Medicare system for our kids and grandkids. Those are the choices in this budget.

Mr. DURBIN. I say to the Senator from Iowa, he and I have a mutual friend in former President Bill Clinton who spoke to a group of Democratic Senators a week or so ago. He said: When you look at this budget and you project what this administration and this budget are headed to, it is the concentration of wealth and power in America, the breakdown of our effort to enlarge the middle class in America and, frankly, to accept—sadly—the reality of the haves and have-nots, the disparity in income.

We don't find in this budget an effort to lower the ladder to allow people to come climbing up, as your parents and my parents and we did in our own lives. That is the worst part of this budget, as the Senator said, tax breaks for wealthy people, for this to be the hallmark of this administration for the next year. It has failed to lift the economy. It has failed to create jobs. What it has done is drag us deeply and deeply into debt.

The Senator brought up the issue of Social Security. We went through the Medicare bill, the prescription drug bill. I have certainly been back to talk to my seniors in Illinois about it. What have you found in Iowa as you traveled around about that bill?

Mr. HARKIN. Well, again, people in Illinois are not that much different than the people in Iowa. I hear the same things you hear. People are frightened. They are not frightened of Saddam Hussein. They are not even frightened by Osama bin Laden. They believe we will have the power and the wherewithal to protect our citizens, maybe not with absolute certainty but with enough that they will feel comfortable in their homes and businesses and in their travel.

What they are frightened about is their kids' education. They are frightened about not being able to pay the next health care bill because they don't have adequate health insurance. They are concerned about whether or not there is going to be a viable Medicare system for their parents, and whether their parents will truly get any prescription drug help at all. There is some confusion right now. People were promised a prescription drug benefit. It passed the Congress last year. The President signed it. Now we are finding out that it is not going to help them that much and that most of the money is going to the pharmaceutical companies.

That is what I find. People in Iowa are afraid that we are headed in the wrong direction. I sense this kind of mood among people, that they know it is not right.

Mr. DURBIN. One of the Presidential candidates, one of our colleagues, refers to two Americas, an America for the wealthy and an America for everyone else. What the Senator has just described is what I hear. People who really believed in the American dream thought that with enough hard work and the right values you could succeed. That is what brought my mother as an immigrant to this country and millions like her. Now the concern is that despite your good values, despite your effort, despite your hard work, you can't reach that point of security because the Senator from Iowa is hearing, as I am, retirees finding that their retirement benefits are being cut off. Their health care benefits are cut off.

These people also wonder if Social Security and Medicare will be there when they need it. If we reach the point where we have diminished those institutions through the prescription drug bill on Medicare, through this budget and its raid on the Social Security trust fund for years to come, then, frankly, we have walked away from the heritage we received.

Mr. HARKIN. If the Senator will yield.

Mr. DURBIN. I am happy to yield for a question.

Mr. HARKIN. There was a recent article in Time magazine talking about how life in America now for many middle-income families, low-income families has become a game of chance. The game is kind of rigged against you.

I remember reading a little newspaper article and the headline was: Vietnamese Immigrants Achieve American Dream, Win State Lottery. The story went on to talk about this Vietnamese couple. They bought a lottery ticket and won the lottery. The idea that this is the American dream, a one-in-a-million chance of winning the lottery, that is the American dream, that our life is a roll of the dice, the odds are a million to one against you. No, that is not the American dream. The American dream is what your parents and my parents did, to work hard, to save, to buy a home of their own, to educate their kids and build a better life.

Mr. DURBIN. Let's pursue one aspect of that which has been an issue on which the Senator has been the leader. Not only has this administration cost us 3 million jobs during the 3 years plus that the President has been in office, more jobs lost than any President since the Great Depression, but now, to add insult to injury, the hardest working Americans, the ones who say we are going to keep going, not just 40 hours a week but whatever it takes for our family, those working hard with time away from their family, working overtime to pay the bills, to get the money together for college, would the Senator from Iowa share with those who are following this debate what this administration has done to overtime pay for Americans for the first time in history?

Mr. HARKIN. It is amazing. Last year this administration came out with proposed rules to change how overtime is figured. Those changes were made without one hearing, not one. Without any consultation with Congress, they just rolled them out there. There was not one public hearing on it.

Without going into all the fine details, it basically means that up to 8 million Americans will have their overtime pay protection removed.

One person said to me: My time with my family is premium time. If I have to give up my premium time with my family to work overtime, I ought to get some premium pay at time and a half.

That has been in law since 1938, the Fair Labor Standards Act. This administration, with one stroke of the pen, one set of proposed rules is going to undermine overtime pay protections for up to 8 million Americans. I can't fathom why they would want to do this to hard-working Americans.

Mr. DURBIN. What was the name of the law?

Mr. HARKIN. The Fair Labor Standards Act.

Mr. DURBIN. The Fair Labor Standards Act of 1938. Is this not the only time since the passage of this law that any President, Democrat or Republican, has reduced overtime coverage and protection for American workers? This is the first time it has ever been done?

Mr. HARKIN. That is true. I want to be very fair. We have changed the Fair Labor Standards Act a number of times since then because some of the job descriptions, buggy whip manufacturers and buggy harness makers, have gone out, obviously.

But, at the same time, we have always expanded overtime pay protection. So the Senator is right. This is the first time since 1938 where an administration has said we want to restrict, tighten down, the amount of people who are eligible for overtime pay protection.

Mr. DURBIN. To follow up on that point, is my impression correct that the Bush administration didn't just sign the law, they sent out information to employers across America saying here is the way to cut the overtime pay of your employees; that the Bush administration proactively sent out this information encouraging employers to cut their employees off of overtime?

Mr. HARKIN. Well, the Senator is right. Again, this is mind-boggling. I will say this—and again to be as fair as possible—there was one part of the proposal that was good, which was to raise the low-income base from about $8,000 to about $21,000. That means that right now, no matter who you are in this country, if your pay is less than $8,000 a year, you are guaranteed overtime regardless of what you do. Well, that needed to be raised for some time. Nobody argues that. They wanted to raise it to $21,000. We agree with that. But in doing so, they issued advice to employers on how to get around it. They said we are going to raise the base to $21,000, but here is advice on how to get around it. No. 1, what you do is simply work your people longer and you build that into their base pay. So you work them longer, but you don't have to pay them any more.

Secondly, they said if they are near $21,000—let's say $20,500—you may want to raise their pay to $21,000 and then

they are exempt and you save by not paying overtime. There is gimmick after gimmick on how they can basically get around it. I said this on the floor. This is like the IRS issuing advice to tax cheats on how to cheat on their income taxes.

Mr. DURBIN. Under the Bush administration, we have lost 3 million jobs, we have seen thousands and thousands more manufacturing jobs lost in your State and mine—probably gone forever to China and other places, and then this Department of Labor, for the first time in history, decides that hard-working Americans will not be paid overtime and says 8 million of these Americans stand to lose their overtime pay. If the Senator from Iowa will help me, if we could tell those following this debate, what kind of workers are we talking about? I heard Senator KENNEDY say we are talking about nurses and we are talking about people who are involved in firefighting and police protection.

Mr. HARKIN. That is right.

Mr. DURBIN. These are the people, unless protected through a collective bargaining agreement, who could lose their overtime pay. I say to the Senator, I don't know what it is like in his State, but we are desperate for nurses in my State. We are looking all over the world to bring in nurses. Along comes the Bush administration saying here is a way, incidentally, for this hospital to stop paying overtime to nurses. It is a tough profession being a nurse, demanding. We count on them when somebody in our family is ill. What is going on here when we are cutting overtime for nurses? Why would this administration make that part of their economic policy?

Mr. HARKIN. Well, it is one way some unscrupulous employers—I would not say all—will be helped. Again, I must say to my friend that prior to this rule being issued last year by the administration, and even during the debate on this last year, I never had one employer in my State come up to me and say we need that. Not one. Obviously, there are some someplace who want to get it changed. They must have very close friends in the White House. This is one way of working people longer hours. American workers now work a longer work week than any other workers in any other industrialized country right now. Now they want to work them longer and not pay them overtime.

Mr. DURBIN. To close this chapter completely, I want the Senator to tell us about the legislative history. Didn't you ask us to vote on this on the floor of the Senate? Didn't you ask us to say to the administration, no, you cannot cut 8 million people off of overtime. Didn't the Senate decide that? What happened?

Mr. HARKIN. We had a vote here last summer to basically keep this rule from going into effect. It passed the Senate on a bipartisan vote.

Mr. DURBIN. To protect workers.

Mr. HARKIN. Yes, to protect them and their right to overtime. The House of Representatives earlier passed a bill and it lost by about four votes. After we passed it, it went back to the House and they had a big vote to instruct conferees. In other words, telling their conferees to go along with the Senate provision on this. So we had that. We went to conference and before the conference came to this issue, the gavel was banged and we were never invited back. Guess what. What we voted on here and what the House agreed to disappeared, because the administration came in and said they didn't want it in the big appropriations bill we passed a couple weeks ago. So they thwarted the will of Congress, and of the conferees who never got to vote on the issue. Most important, they thwarted the will of the American people. But I have an amendment in my desk drawer and every appropriate opportunity this Senator gets, I am going to offer it here on the Senate floor because American workers deserve to have their overtime protected—nurses, firefighters, police officers, ordinary working people all over America. If they are going to be asked to give up their premium time with their families, they deserve time and a half.

Mr. DURBIN. I will say this and I will yield the floor. We have a mutual friend, Congressman DAVID OBEY of Wisconsin, who has a favorite saying on the floor of the House about Members of Congress posing for ''holy pictures.'' In this situation, with the vote the Harkin amendment asked for in the Senate, Democrats and Republicans said we are against this Bush policy of cutting 8 million Americans off of overtime pay, and then the House of Representatives in instructing conferees said we are against this Bush policy, so that all of us were posing for this big group picture—holy picture—on how we are standing with American workers.

In a matter of 5 minutes, as the gavel is struck in the conference committee, the Bush White House prevailed and this rule striking overtime for 8 million American workers is signed into law by the President. Is that the final result, until your amendment comes along, I hope?

Mr. HARKIN. The final result is the rules are still pending. They have not implemented them yet. As I understand it, they want to get the rules finalized by March, which is next month. So they want to finalize the rules, put them out there, and it is going to be very hard for us to turn them back again. But we will. The American people will not stand for having their overtime pay protection taken away. Time and a half, for time over 40 hours a week is something every American worker deserves. Some families rely on that extra time. They give up premium time and they work longer so they make a little extra money to get their kids through school. Now we are going to say we are going to work you longer, but we are not going to pay you overtime. The American people won't buy that. We are going to continue to fight here to protect their overtime rights.

Mr. DURBIN. I thank the Senator for this dialog about the budget and about issues involving working families in America. I thank him for his leadership time and, again, whether on special education, funding for college expenses, or protecting American workers on overtime, he has been a leader in the Senate and he will continue to be. There is much more that needs to be said about this budget. At this point, I will defer to others who want to join in this conversation.

I yield the floor.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for about 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I thank my friend for his kind words and reciprocate by thanking him for his leadership on the floor and in our caucus, and for always being here to respond and make sure we have the information we need on which to base our votes. We served together in the House and we are together in the Senate, and I could not ask for a better neighbor either here or across the Mississippi River.

I will close by again saying this—and I will have more to say about this later. The budget the President has proposed is just one that will harm America. It is going to harm our workers, increase our deficit and, quite frankly, it is going to put in jeopardy the Social Security and Medicare system.

It is a shame all this has been squandered in just 4 years. I believe we in the Senate need to respond, we need to say no to this Bush budget, and we need to have a budget that puts us back on the path we were on just 4 short years ago.

With that, we can have a budget that will be in balance, and we can have a future that is much brighter for our workers, for our children, and for our elderly.

Mr. President, I will have more to say about the budget in the coming days and weeks before the budget resolution is brought to the floor.

I thank the Presiding Officer. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the

Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred on April 13, 2001, in San Antonio, TX. A 39-year-old man was attacked in a park because he was thought to be homosexual. After stopping to examine some rocks, the victim was approached by a man with a knife who held him in a bear-hug before stabbing him in the chest. The attacker used anti-gay slurs as he attacked his victim.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

RETIREMENT OF JUDGE BARZ

● Mr. BAUCUS. Mr. President, I rise today to honor a good friend of mine, Judge Diane Barz, who is retiring from her successful career as a Yellowstone County District Court Judge.

Judge Barz is a remarkable woman who has enjoyed a distinguished and wonderful career as a member of the Montana Bar. Judge Braz' career is notably one of ''firsts.'' She was the only woman in her University of Montana Law Class of 1968, was the first female law clerk to the Montana Supreme Court, started the first ''female'' law firm with her colleague Doris Poplar in 1973, was the first woman district court judge, and youngest, and the first female attorney appointed to the bench of the Montana Supreme Court.

Judge Barz has not only been an exemplary attorney and member of the bench, she has been a role model for women and champion for children. Anyone who has worked with Judge Braz knows that what ever she does, she does it with a leading role. Judge Barz has been instrumental in the development of your court in Montana as we know it today. She doesn't just sit back—she gets the job done! As a member of the bench, she has been gentle and compassionate with children and families when the circumstances required it, but she could be as tough as nails when justice demanded it. Most importantly, Judge Braz always aspired to do what was right for the children and families of Montana. We have all been well served by her.●

TRIBUTE TO JOSEPH E. LETA

● Mr. ALLARD. Mr. President, I rise to pay tribute to Joseph E. Leta, whose endless enthusiasm and energy promoted many of Colorado's sportsmen's organizations. Mr. Leta, who passed away on January 14, 2004, was a champion of wildlife and conservation programs. Joe was a lifetime member of numerous sporting organizations which included in Safari Club International, SCIF Sables, Rocky Mountain Bighorn Sheep Foundation, The Mule Deer Foundation, The Elk Foundation, The Alaskan and Canadian Outfitters Association, The Wild Turkey Federation, and The National Rifle Association.

He had a particular passion for Safari Club International and served as President of the SCI Denver Chapter until September 2003. Concurrently and subsequent to his tenure as Chapter President, he was also very active at the National level for SCIF by serving on the Ethics Committee, The Conservation Committee, The Guides and Outfitters Committee, Director of SCIF Nominating Committee, Governmental Affairs Committee, Convention Committee, Humanitarian Committee, and as a Director at Large.

In recognition of Joe's years of dedicated service, the Safari Club International will posthumously present him with the President's Award at SCI's 32nd Annual Hunters' Convention in Reno, NV in January 2004.

As president of the SCI Denver Chapter, he inaugurated the establishment of the SCI Denver Sables, which is a club venue for sports women and men dedicated to preserving our hunting heritage through education. Joe recently proposed that the SCI Denver Chapter establish a scholarship fund for needy junior and senior college students who major in wildlife and conservation management. As a tribute to Joe, the Board of Directors approved the proposal and named the fund The SCIF Sables Joe Leta Hunting Heritage Scholarship Fund.

During Joe's tenure as SCI Denver Chapter President, he presided over such club accomplishments as promoting the Sportsmen Against Hunger Program, which distributed over 3,000 pounds of fresh salmon to Colorado's various humanitarian food banks. He also presided over several revenue generating programs for the benefit of the Colorado Division of Wildlife by promoting big game hunting licenses. Numerous wildlife students at Colorado State University have received educational grants from the SCI Denver Chapter under Joe's direction.

Joe was even instrumental in helping the Wyoming Game and Fish Department by directing SCI funds to construct an anti-poaching cabin in one of Wyoming's more remote regions where unlawful hunting was a problem. Joe was also a champion of the newly formed Colorado Sportsman's Caucus which is a sportsman's support group that interfaces with members of the Colorado Legislature on hunting, fishing and various other outdoor and wildlife issues.

After graduating from Youngstown University and completing a tour of duty in the U.S. Air Force as an x-ray technician, Joe joined Picker International as a sales representative for their Medical Imaging Equipment Division. He retired from Picker after 30 years of service as a regional sales manager.

Joe Leta was born July 16, 1931 in New Castle, PA as the only child of Joseph and Edith Leta. His wife of 49 years, Shirley and their three children, Joseph, Jr., Christopher, Lisa (Charles) Stanley, and one grandchild, Lacy, survive him.

Joe and Shirley resided in Evergreen, CO for the past 26 years and they are members of Christ the King Catholic Church and the Hiwan Golf Club in Evergreen, Colorado.●

MESSAGE FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3724. An act to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures.

H.J. Res. 84. Joint resolution recognizing the 93d birthday of Ronald Reagan.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 354. Concurrent resolution to correct technical errors in the enrollment of the bill S. 610.

The message further announced that the House agree to the amendments of the Senate to the bill (H.R. 2264) to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 2264. An act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3724. An act to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures; to the Committee on Banking, Housing, and Urban Affairs.

The following bill was read, and referred as indicated:

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6108. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture's Performance and Accountability Report for Fiscal Year 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6109. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2003–2004 Marketing Year'' (FV04–982–1) received on February 3, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6110. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in Texas; Decreased Assessment Rate'' (FV03–959–4) received on February 3, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6111. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Pacific Northwest Area—Interim Order'' (DA–01–08–PNW) received on February 3, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6112. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Decreased Assessment Rate'' (FV04–981–1) received on February 3, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6113. A communication from the Management Analyst, Directives and Regulations Branch, United States Forest Service, transmitting, pursuant to law, the report of a rule entitled ''Predecisional Administrative Review Process for Hazardous Fuel Reduction'' (RIN0596–AC15) received on February 3, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6114. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to a multiyear contract for the Virginia Class submarine program; to the Committee on Armed Services.

EC–6115. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Payment Withholding'' (DFARS Case 2002–D017) received on January 22, 2004; to the Committee on Armed Services.

EC–6116. A communication from the Under Secretary, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02–10; to the Committee on Armed Services.

EC–6117. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Electronic Submission and Processing of Payment Requests'' (DFARS Case 2002–D001) received on January 22, 2004; to the Committee on Armed Services.

EC–6118. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–6119. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to the Defense Task Force on Domestic Violence; to the Committee on Armed Services.

EC–6120. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–6121. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–6122. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's 2003 annual report for its Sub-Saharan Initiative; to the Committee on Banking, Housing, and Urban Affairs.

EC–6123. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act of 1982 as the apply to the Commission; to the Committee on Banking, Housing, and Urban Affairs.

EC–6124. A communication from the Correspondence Writer, Federal Emergency Management Agency, transmitting, pursuant to law, two copies of correspondences with the Agency and copies of the Agency's response to the correspondences; to the Committee on Banking, Housing, and Urban Affairs.

EC–6125. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule 17Ad–7(f); Recordkeeping Requirements for Registered Transfer Agents'' (RIN3235–AI87) received on January 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6126. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 270.38a–1: Compliance Procedures and Practices of Registered Investment Companies; Section 275.204–2: Books and Records to be Maintained by Investment Advisers; Section 275 .206(4)–7: Compliance Procedures and Practices'' (RIN3235–AI77) received on January 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6127. A communication from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Rules, Policies, and Procedures for Corporate Activities; International Banking Activities'' received on January 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6128. A communication from the Assistant General Counsel for Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Community Development Block Grant Definition for Metropolitan City and Other Conforming Amendments'' (RIN2506–AC15) received on January 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6129. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Rules Applicable to Public Land Hearings and Appeals'' (RIN1090–AA84) received on January 22, 2004; to the Committee on Energy and Natural Resources.

EC–6130. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Financial Information Requirements for Applications to Renew or Extend the Term of an Operating License for a Power Reactor'' (RIN3150–AG84) received on February 3, 2004; to the Committee on Environment and Public Works.

EC–6131. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, a copy of a document recently issued related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC–6132. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2005 Performance Budget; to the Committee on Environment and Public Works.

EC–6133. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a draft of proposed legislation relative to amending the Surface Mining Control and Reclamation Act of 1977; to the Committee on Environment and Public Works.

EC–6134. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status for the Rota Bridled White-eye (Zosterps rotensis) from the Commonwealth of the Northern Mariana Islands'' (RIN1018–AI16) received on January 24, 2004; to the Committee on Environment and Public Works.

EC–6135. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2005–2005 Subsistence Taking of Fish and Shellfish Regulations'' (RIN1018–AI89) received on January 29, 2004; to the Committee on Environment and Public Works.

EC–6136. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, several documents related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC–6137. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Revisions to South Carolina State Implementation Plan: Transportation Conformity Rule'' (FRL#7614–7) received on January 27, 2004; to the Committee on Environment and Public Works.

EC–6138. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation

Plans; Indiana'' (FRL#7611–5) received on January 27, 2004; to the Committee on Environment and Public Works.

EC–6139. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision; 1-Hour Ozone Control Programs'' (FRL#7610–7) received on January 27, 2004; to the Committee on Environment and Public Works.

EC–6140. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2004'' (FRL#7615–4) received on January 27, 2004; to the Committee on Environment and Public Works.

EC–6141. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Water Quality Standards for Puerto Rico'' (FRL#7613–2) received on January 27, 2004; to the Committee on Environment and Public Works.

EC–6142. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Environment and Public Works.

EC–6143. A communication from the Ambassador, Embassy of Turkey, transmitting, a letter from the Speaker of the Turkish Grand Assembly relative to Senate Resolution 273; to the Committee on Foreign Relations.

EC–6144. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a report relative to the emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, The Russian Federation, Tajikstan, Ukraine, and Uzbekistan; to the Committee on Foreign Relations.

EC–6145. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–6146. A communication from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the Service's report under the Federal Managers' Financial Integrity Act for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–6147. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–6148. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations Redesignating 5 CFR Part 970 as Part 919'' received on January 20, 2004; to the Committee on Governmental Affairs.

EC–6149. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Agriculture for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–6150. A communication from the General Counsel, General Accounting Office, transmitting, pursuant to law, a report responding to the requirements of the Competition in Contracting Act of 1984; to the Committee on Governmental Affairs.

EC–6151. A communication from the Director, Trade and Development Agency, transmitting, pursuant to law, the Agency's annual financial audit and related documents; to the Committee on Governmental Affairs.

EC–6152. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for Calendar Year 2003; to the Committee on Governmental Affairs.

EC–6153. A communication from the Special Counsel, Planning and Advice Division, Office of Special Counsel, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment: Correction of Statutory Citation'' received on January 27 2004; to the Committee on Governmental Affairs.

EC–6154. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–291, ''Technical Amendments of Act of 2003''; to the Committee on Governmental Affairs.

EC–6155. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Education for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–6156. A communication from the Acting Director, Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 2003; to the Committee on Governmental Affairs.

EC–6157. A communication from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period from April 1, 2003 through October 31, 2003; to the Committee on Governmental Affairs.

EC–6158. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–6159. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act of 1982; to the Committee on Governmental Affairs.

EC–6160. A communication from the Chairperson, Board of Directors, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a letter from the Corporation relative to H.R. 3108, the Pension Funding Equity Act; to the Committee on Health, Education, Labor, and Pensions.

EC–6161. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a copy of the Board's Performance and Accountability Report for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–6162. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Centers for Disease Control and Prevention's final report to Congress on Human Papillomavirus; to the Committee on Health, Education, Labor, and Pensions.

EC–6163. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Year 2003 Inventories of Commercial and Inherently Governmental Activities; to the Committee on Health, Education, Labor, and Pensions.

EC–6164. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on January 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–6165. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Valuation of Assets; Expected Retirement Age'' received on January 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–6166. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans'' received on January 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Lawrence T. Di Rita, of Michigan, to be an Assistant Secretary of Defense.

*Francis J. Harvey, of California, to be an Assistant Secretary of Defense.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Col. George T. Lynn.

Air Force nomination of Vincent T. Jones.

Air Force nomination of Richard H. Villa.

Air Force nominations beginning Robert J. Bernard and ending Oba L. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Air Force nomination of Harris H. Brooks.

Air Force nominations beginning Paula C. Gould and ending John J. Winkopp III, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Air Force nominations beginning Jeffrey S. Alderfer and ending Sandra L. Yope, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Air Force nominations beginning Brigadier General Richard W. Ash and ending Colonel Raymond L. Webster, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Air Force nominations beginning Brigadier General Robert E. Duignan and ending Colonel Michael N. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nominations beginning Brigadier General Lloyd J. Austin III and ending Brigadier General Barbara G. Fast, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2003.

Army nominations beginning Constance A. Bell and ending Yang Xia, which nominations were received by the Senate and appeared in the Congressional Record on November 25, 2003.

Army nominations beginning Brig. Gen. Conrad W. Ponder, Jr. and ending Col. George J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nomination of Margot Krauss.

Army nominations beginning Mark S. Ackerman and ending Richard M. Whitaker, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nomination of Timothy G. Wright.

Army nominations beginning Ida F. Agamy and ending Kary B. Reed, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nomination of David J. King, Jr.

Army nominations beginning Michael G. Gray and ending Paul M. Saltysiak, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nominations beginning Terry R. Moren and ending Christopher Wodarz, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nomination of Amy E. Preen.

Navy nomination of Rear Adm. (Selectee) Albert M. Calland III.

Navy nomination of Rear Adm. James D. McArthur, Jr.

Navy nomination of Todd E. Bailey.

Navy nominations beginning Jennifer R. Flather and ending Marie E. Oliver, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Navy nominations beginning Wing Leong and ending Timothy R. White, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Navy nominations beginning Jonathan Q. Adams and ending Stacey W. Yopp, which nominations were received by the Senate and appeared ion the CONGRESSIONAL RECORD ON JANUARY 22, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

AMENDMENTS SUBMITTED AND PROPOSED

SA 2265. Mr. BOND (for himself, Mr. INHOFE, Mr. JEFFORDS, and Mr. REID) proposed an amendment to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

SA 2266. Mr. GREGG proposed an amendment to amendment SA 2265 proposed by Mr. BOND (for himself, Mr. INHOFE, Mr. JEFFORDS, and Mr. REID) to the bill S. 1072, supra.

SA 2267. Mr. DORGAN proposed an amendment to the bill S. 1072, supra.

SA 2268. Mr. GREGG proposed an amendment to amendment SA 2267 proposed by Mr. DORGAN to the bill S. 1072, supra.

TEXT OF AMENDMENTS

SA 2265. Mr. BOND (for himself, Mr. INHOFE, Mr. JEFFORDS, and Mr. REID) proposed an amendment to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

On page 656, line 14, strike ''movements'' and insert ''improvements''.

On page 657, lines 18 and 19, strike ''that is a public road''.

On page 664, lines 18 and 19, strike ''State transportation department under section 106'' and insert ''recipient of funds under this title''.

On page 668, line 22, strike ''Conduct of scenic'' and insert ''Scenic''.

On page 680, strike lines 5 through 9 and insert the following:

''(1) SET-ASIDE.—On October 1 of each fiscal year, the Secretary shall set aside 1.5 percent of the funds authorized to be appropriated for the Interstate maintenance, national highway system, surface transportation, congestion mitigation and air quality improvement, highway safety improvement, and highway bridge programs authorized under this title to carry out the requirements of section 134.''.

On page 685, line 2, strike ''replacement and rehabilitation''.

On page 685, line 16, strike ''1101(a)(14)'' and insert ''1101(13)''.

On page 686, line 24, strike ''1101(a)(14)'' and insert ''1101(13)''.

On page 693, line 16, strike ''in recommended alternatives'' and insert ''associated with the future development of the surface transportation system''.

On page 693, lines 20 and 21, strike ''system operations and management'' and insert ''transportation systems operations and management''.

On page 702, line 10, insert ''except as otherwise provided in section 120,'' before ''the Federal share''.

On page 702, line 22, strike ''Federal-aid system'' and insert ''those qualifying''.

On page 703, line 18, strike ''The Federal share'' and insert ''Except as provided in section 120, the Federal share''.

Beginning on page 705, strike line 15 and all that follows through page 706, line 23, and insert the following:

Section 120 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) INTERSTATE SYSTEM PROJECTS.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add high occupancy vehicle lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost of the project.'';

(2) in subsection (b), by striking ''shall be—'' and all that follows and inserting ''shall be 80 percent of the cost of the project.''; and

(3) by striking subsection (d) and inserting the following:

''(d) INCREASED FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share payable under subsection (a) or (b) may be increased for projects and activities in each State in which is located—

''(A) nontaxable Indian land;

''(B) public land (reserved or unreserved);

''(C) a national forest; or

''(D) a national park or monument.

''(2) AMOUNT.—

''(A) IN GENERAL.—The Federal share for States described in paragraph (1) shall be increased by a percentage of the remaining cost that—

''(i) is equal to the percentage that—

''(I) the area of all land described in paragraph (1) in a State; bears to

''(II) the total area of the State; but

''(ii) does not exceed 95 percent of the total cost of the project or activity for which the Federal share is provided.

''(B) ADJUSTMENT.—The Secretary shall adjust the Federal share for States under subparagraph (A) as the Secretary determines necessary, on the basis of data provided by the Federal agencies that are responsible for maintaining the data.''.

On page 718, strike lines 1 through 9 and insert the following:

''(2) ADMINISTRATIVE COSTS.—Of amounts made available under paragraph (1), the Secretary may use for the administration of this subchapter not more than $2,000,000 for each of fiscal years 2004 through 2009.

''(3) COLLECTED FEES AND SERVICES.—In addition to funds provided under paragraph (2)—

''(A) all fees collected under this subchapter shall be made available without further appropriation to the Secretary until expended, for use in administering this subchapter; and

''(B) the Secretary may accept and use payment or services provided by transaction participants, or third parties that are paid by participants from transaction proceeds, for due diligence, legal, financial, or technical services.

On page 729, lines 21 and 22, strike ''Administrator of General Services'' and insert ''Archivist of the United States''.

On page 734, line 12, strike ''organizations,'' and insert ''organizations and metropolitan planning organizations,''.

On page 734, line 15, insert ''State and'' before ''local''.

On page 736, lines 4 and 5, strike ''receive funds under this section'' and insert ''obligate funds apportioned under section 104(b)(5) to carry out this section''.

On page 738, line 2, strike ''and pedestrians'' and insert ''pedestrians, and other highway users''.

On page 738, line 24, strike ''this section'' and insert ''section 104(b)(5)''.

On page 740, lines 21 through 25, strike ''accidents'' each place it appears and insert ''crashes''.

On page 741, line 5, strike ''The Federal share'' and insert ''Except as provided in sections 120 and 130, the Federal share''.

On page 741, strike line 7 and insert the following:

made available under this section shall be 90 percent.

''(h) FUNDS FOR BICYCLE AND PEDESTRIAN SAFETY.—A State shall allocate for bicycle and pedestrian improvements in the State a percentage of the funds remaining after implementation of sections 130(e) and 150, in an amount that is equal to or greater than the percentage of all fatal crashes in the States involving bicyclists and pedestrians.''.

Beginning on page 741, strike line 24 and all that follows through page 742, line 6, and insert the following:

(ii) in subparagraph (B), by striking ''tobe'' and inserting ''to be'';

(iii) by striking subparagraph (C);

(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(v) in subparagraph (C) (as redesignated by clause (iv)), by adding at period at the end.

On page 742, between lines 9 and 10, insert the following:

(3) ADMINISTRATION.—Section 133(e) of title 23, United States Code, is amended in each of paragraphs (3)(B)(i), (5)(A), and (5)(B) of subsection (e), by striking ''(d)(2)'' each place it appears and inserting ''(d)(1)''.

On page 742, line 10, strike ''(3)'' and insert ''(4)''.

On page 742, between the matter following line 14 and line 15, insert the following:

(B) Section 104(g) of title 23, United States Code, is amended in the first sentence by striking ''sections 130, 144, and 152 of this title'' and inserting ''sections 130 and 144''.

(C) Section 126 of title 23, United States Code, is amended—

(i) in subsection (a), by inserting ''under'' after ''State's apportionment''; and

(ii) in subsection (b)—

(I) in the first sentence, by striking ''the last sentence of section 133(d)(1) or to section 104(f) or to section 133(d)(3)'' and inserting ''section 104(f) or 133(d)(2)''; and

(II) in the second sentence, by striking ''or 133(d)(2)''.

On page 742, line 15, strike ''(B)'' and insert ''(D)''.

On page 744, lines 15 and 16, strike ''HIGHWAY FACILITIES'' and insert ''RAILWAY-HIGHWAY CROSSINGS''.

Beginning on page 744, strike line 17 and all that follows through page 745, line 6, and insert the following:

(1) FUNDS FOR RAILWAY-HIGHWAY CROSSINGS.—Section 130 of title 23, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) FUNDS FOR RAILWAY-HIGHWAY CROSSINGS.—

''(1) IN GENERAL.—Before making an apportionment under section 104(b)(5) for a fiscal year, the Secretary shall set aside $200,000,000 for the fiscal year to be apportioned to the States and made available for the elimination of hazards and the installation of protective devices at railway-highway crossings.

''(2) APPORTIONMENT.—Funds set aside under paragraph (1) shall be apportioned to the States in accordance with the formula provided in section 104(b)(5).''.

On page 745, strike lines 15 through 24 and insert the following:

(3) EXPENDITURE OF FUNDS.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

''(k) EXPENDITURE OF FUNDS.—Funds made available to carry out this section shall be available for expenditure on compilation and analysis of data in support of activities carried out under subsection (g).''.

On page 746, strike lines 1 through 8 and insert the following:

(1) IMPLEMENTATION.—Except as provided in paragraph (2), the Secretary shall approve obligations of funds apportioned under section 104(b)(5) of title 23, United States Code (as added by subsection (b)) to carry out section 148 of that title, only if, not later than October 1 of the second fiscal year after the date of enactment of this Act, a State has developed and implemented a State strategic highway safety plan as required under section 148(c) of that title.

On page 747, line 18, strike ''104(b)'' and insert ''104(b)(3)''.

On page 753, line 11, strike ''The Federal share'' and insert ''Except as provided in sections 120 and 130, the Federal share''.

On page 819, line 17, strike ''120(b)'' and insert ''120''.

On page 824, line 18, strike ''120(b)'' and insert ''120''.

On page 824, line 24, strike ''120(b)'' and insert ''120''.

On page 825, line 23, strike ''120(b)'' and insert ''120''.

On page 838, line 12, strike ''(l)'' and insert ''(k)''.

On page 839, line 2, strike ''apportioned'' and insert ''set aside''.

On page 839, strike lines 9 through 16 and insert the following:

until expended.''; and

On page 839, line 17, strike ''(l)'' and insert ''(k)''.

On page 840, line 9, strike ''1601(b)'' and insert ''1522''.

On page 880, lines 22 and 23, strike ''not more than 2 percent of the''.

On page 890, line 1, strike ''apportioned'' and insert ''available''.

Beginning on page 891, strike line 15 and all that follows through page 892, line 8, and insert the following:

''(A) IN GENERAL.—In this subsection, the term 'value engineering analysis' means a systematic process of review and analysis of a project, during the concept and design phases, by a multidisciplined team of persons not involved in the project, that is conducted to provide recommendations such as those described in subparagraph (B) for—

''(i) providing the needed functions safely, reliably, and at the lowest overall cost; and

''(ii) improving the value and quality of the project.

On page 901, line 13, strike ''CONGESTION.—'' and insert ''CONGESTION''.

On page 905, line 17, strike ''grassland'' and insert ''grasslands''.

On page 906, strike line 17 and insert the following:

''(2) FOREST HIGHWAYS.—

On page 910, line 3, insert ''and'' after the semicolon.

On page 910, strike lines 4 through 11.

On page 910, line 12, strike ''(D)'' and insert ''(C)''.

On page 912, strike lines 16 and 17 and insert the following:

(1) in subsection (a)(1), by inserting ''refuge roads, recreation roads,'' after ''parkways,'';

On page 920, strike lines 1 through 3 and insert the following:

''(i) the Department of Agriculture; or

''(ii) the Department of the Interior;

On page 929, line 21, strike ''1101(a)(7)'' and insert ''1101(7)''.

On page 930, line 8, strike ''1101(a)(7)'' and insert ''1101(7)''.

On page 933, line 11, strike ''The Federal share'' and insert ''Except as provided in section 120, the Federal share''.

On page 937, line 17, strike ''The Federal share'' and insert ''Except as provided in section 120, the Federal share''.

On page 942, line 11, strike ''1101(a)(15)'' and insert ''1101(15)''.

On page 942, line 18, strike ''1101(a)(15)'' and insert ''1101(15)''.

On page 943, lines 4 and 5, strike ''For purposes of this section,'' and insert ''For the purpose of imposing any penalty under this title or title 49,''.

On page 943, lines 5 and 6, strike ''104(b), 144, and 206'' and insert ''104(b) and 144''.

On page 943, line 14, strike ''2003'' and insert ''1997''.

On page 943, line 17, strike ''2003'' and insert ''1997''.

On page 946, line 14, strike ''The Federal share'' and insert ''Except as provided in section 120, the Federal share''.

On page 947, line 2, strike ''**PILOT**''.

On page 947, line 7, strike ''**pilot**''.

On page 947, line 15, strike ''are—'' and insert ''are to—''.

On page 947, line 16, strike ''to''.

On page 947, line 18, strike ''to''.

On page 947, line 22, strike ''to provide'' and insert ''provide''.

On page 947, line 24, strike ''to examine'' and insert ''examine''.

On page 956, line 12, strike ''ASSISTANCE'' and insert ''SHARE''.

On page 964, lines 9 and 10, strike ''titles I, III, and V'' and insert ''title I''.

On page 965, line 24, strike ''subsection'' and insert ''section''.

On page 971, line 9, strike ''apportioned'' and insert ''authorized''.

On page 971, line 11, insert ''under section 507 of title 23, United States Code'' before the period at the end.

On page 977, strike lines 3 through 8 and insert the following:

(1) $426,200,000 for fiscal year 2004;
(2) $435,200,000 for fiscal year 2005;
(3) $443,200,000 for fiscal year 2006;
(4) $450,200,000 for fiscal year 2007;
(5) $456,200,000 for fiscal year 2008; and
(6) $463,200,000 for fiscal year 2009.

On page 978, in the matter following line 10, strike ''Subchapter I—Surface Transportation'' and insert the following:

''SUBCHAPTER I—SURFACE TRANSPORTATION

On page 978, in the matter following line 10, insert after the item relating to section 510 the following:

''511. Multistate corridor operations and management.

On page 981, line 20, insert ''and appropriate'' after ''practicable''.

On page 989, strike lines 11 through 15 and insert the following:

''(15) the improvement of surface transportation planning;

''(16) environmental research;

''(17) transportation system management and operations; and

''(18) any other surface transportation research

On page 996, line 13, insert ''and innovation'' after ''technology''.

On page 996, lines 16 and 17, strike ''innovative technologies'' and insert ''technology and innovation''.

On page 1004, line 23, strike ''expended by'' and insert ''available for expenditure by''.

On page 1017, line 16, strike ''**ENVIRONMENT**'' and insert ''**ENVIRONMENTAL**''.

On page 1017, line 19, strike ''environment'' and insert ''environmental''.

On page 1025, strike lines 9 and 10 and insert the following:

''(D) planning and environment;

''(E) policy; and

''(F) asset management.

On page 1025, line 15, strike ''highway'' and insert ''surface transportation''.

On page 1025, line 19, strike ''highway'' and insert ''surface transportation''.

On page 1055, line 9, strike ''2004'' and insert ''2005''.

On page 1057, line 22, strike ''22''.

On page 1060, strike line 12 and insert the following:

(d) ALLOCATIONS.—

On each page on which ''Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003'' appears, strike ''Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003'' and insert ''Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2004''.

SA 2266. Mr. GREGG proposed an amendment to amendment SA 2265 proposed by Mr. BOND (for himself, Mr. INHOFE, Mr. JEFFORDS, and Mr. REID) to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

At the appropriate place in the amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2003.''

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum event practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representatives of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States

Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by its subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act;

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(4) to permit parties subject to the National Labor Relations Act (29 U.S.C. 151 et seq.) and the regulations under such Act to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours; or

(5) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full time employees.

For purposes of paragraph (5), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SA 2267. Mr. DORGAN proposed an amendment to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit program, and for other purposes; as follows:

On page 880, after the item following line 6, insert the following:

SEC. 1621. EXEMPTION FROM CERTAIN HAZARDOUS MATERIALS TRANSPORTATION REQUIREMENTS.

(a) DEFINITION OF ELIGIBLE PERSON.—In this section, the term ''eligible person'' means an individual or entity that is eligible to receive benefits in accordance with section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a).

(b) EXEMPTION.—Subject to subsection (c), part 172 of title 49, Code of Federal Regulations, shall not apply to an eligible person that transports or offers for transport a fertilizer, pesticide, or fuel for agricultural purposes, to the extent determined by the Secretary.

(c) APPLICABILITY.—Subsection (b) applies to—

(1) security plan requirements under subpart I of part 172 of title 49, Code of Federal Regulations (or a successor regulation); and

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SA 2268. Mr. GREGG proposed an amendment to amendment SA 2267 proposed by Mr. DORGAN to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit program, and for other purposes; as follows:

At the appropriate place, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2003''.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the moral of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities.'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, medication, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date

enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 5 ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organizations representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act;

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(4) to permit parties subject to the National Labor Relations Act (29 U.S.C. 151 et seq.) and the regulations under such Act to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours; or

(5) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees.

For purposes of paragraph (5), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 4, 2004, at 10 a.m., to conduct a business meeting to consider the proposed Federal Public Transportation Act. The meeting will be held in room S–219 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, February 4, 2004, at 9:30 a.m., to hear testimony on the administration's Health and Human Services Budget Priorities. The meeting will be held in room B318 of the Rayburn House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, February 4, 2004, at 2 p.m., for a hearing titled ''Preserving a Strong United States Postal Service: Workforce Issues, Day 2.'' The meeting will be held in room 2154 of the Rayburn House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that a fellow in Senator HILLARY CLINTON's office, Joshua Shank, be granted the privilege of the floor during the pendency of this action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that Nick Karellas of my staff be granted floor privileges during the remaining consideration of S. 1072.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to S. Con. Res. 130 (106th Congress), appoints the following individual to the Task Force on Slave Laborers: Virginia Walden-Ford of Washington, DC.

REFERRAL of H.R. 1446

Mr. FRIST. Mr. President, I ask unanimous consent that Calendar No. 318, H.R. 1446, the California missions bill, be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOMELAND SECURITY TECHNOLOGY IMPROVEMENT ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 416, S. 1612.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1612) to establish a technology, equipment, and information transfer program within the Department of Homeland Security.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Homeland Security Technology Improvement Act of 2003''.

[SEC. 2. HOMELAND SECURITY TRANSFER PROGRAM.

[(a) IN GENERAL.—Section 430 of the Homeland Security Act of 2002 (6 U.S.C. 238) is amended—

[(1) by redesignating subsection (d) as subsection (e);

[(2) in subsection (c)—

[(A) in paragraph (7), by striking ''and'' at the end;

[(B) in paragraph (8), by striking the period and inserting ''; and''; and

[(C) by adding at the end the following:

[''(9) overseeing and coordinating a multi-agency homeland security technology, equipment, and information transfer program to allow for the transfer of technology, equipment, and information to State and local law enforcement agencies.''; and

[(3) by adding after subsection (c) the following:

[''(d) TECHNOLOGY, EQUIPMENT, AND INFORMATION TRANSFER PROGRAM.—

[''(1) IN GENERAL.—The Director shall—

[''(A) identify counterterrorism technologies, equipment, and information developed or proven to be effective by—

[''(i) consulting with the Undersecretary for Science and Technology;

[''(ii) establishing an advisory committee comprised of retired and active-duty law enforcement officials from geographically diverse regions;

[''(iii) consulting with State and local law enforcement agencies; and

[''(iv) entering into agreements and coordinating with other Federal agencies to maximize the effectiveness of the technologies, equipment, and information available to law enforcement agencies;

[''(B) make these technologies, equipment, and information available to State and local law enforcement agencies on an annual basis;

[''(C) accept applications from the head of State and local law enforcement agencies that wish to acquire such technologies, equipment, and information to improve the homeland security capabilities of those agencies, and review such applications in coordination with the advisory committee established under subparagraph (A)(ii); and

[''(D) transfer the approved technology, equipment, and information, and provide the appropriate training to the State or local law enforcement agency pending the approval of the application of the State or local law enforcement agency under subparagraph (C).

[''(2) LIMITATION ON ADMINISTRATION EXPENDITURE.—No more than 10 percent of the budget of the technology, equipment, and information transfer program under this subsection may be used for administrative expenses.

[''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2004 through 2014 to carry out this subsection.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homeland Security Technology Improvement Act of 2003''.

SEC. 2. HOMELAND SECURITY TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended—

(1) in subsection (b), by adding at the end the following:

''(6) The establishment of a multi-agency homeland security technology, equipment, and information transfer program to allow for the transfer of technology, equipment, and information to State and local law enforcement agencies.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) TECHNOLOGY TRANSFER PROGRAM.—In developing the program described under subsection (b)(6), the Secretary, acting through the Under Secretary for Science and Technology shall—

''(1) in close cooperation with the Office of Domestic Preparedness, conduct, on an ongoing basis—

''(A) research and development of new technologies;

''(B) surveys and reviews of available appropriate technologies; and

''(C) tests, evaluations, and demonstrations of new and available technologies that significantly improve the capability of law enforcement agencies in countering terrorist threats;

''(2) in support of the activities described in paragraph (1)—

''(A) consult with State and local law enforcement agencies and others determined by the Secretary, including the advisory committee established under section 430(d);

''(B) work with the National Institute for Standards and Technology and any other office or agency determined by the Secretary;

''(C) at the discretion of the Secretary, enter into agreements and coordinate with other Federal agencies to maximize the effectiveness of the technologies, equipment, and information; and

''(3) provide a comprehensive list of available technologies, equipment, and information to the Office for Domestic Preparedness which shall administer a technology transfer program described under section 430(d).''.

(b) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430 of the Homeland Security Act of 2002 (6 U.S.C. 238) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) TECHNOLOGY, EQUIPMENT, AND INFORMATION TRANSFER PROGRAM.—

''(1) ADMINISTRATION.—The Director of the Office for Domestic Preparedness, in coordination with the Under Secretary for Science and

Technology, shall establish and administer a technology transfer program through which the Director shall—

''(A) make the counterterrorism technology, equipment, and information available to State and local law enforcement agencies each year based on—

''(i) the comprehensive list of available technologies, equipment, and information described under section 313(c); and

''(ii) the needs identified by the advisory committee established under this subsection;

''(B) consult with State and local law enforcement agencies and others, as determined by the Secretary;

''(C) accept applications from the head of State and local law enforcement agencies that wish to acquire such technologies, equipment, and information to improve the homeland security capabilities of those agencies, and review these applications with the advisory committee established under this subsection; and

''(D) transfer the approved technology, equipment, and information and provide the appropriate training to the State or local law enforcement agencies to implement such technology, equipment, and information.

''(2) TECHNOLOGY TRANSFER ADVISORY COMMITTEE.—Under the authority of section 871, the Secretary, acting through the Director of the Office for Domestic Preparedness, shall establish an advisory committee, or designate an existing advisory committee comprised of retired and active duty State and local law enforcement officers, to advise the Director of the Office for Domestic Preparedness and the Under Secretary for Science and Technology regarding the homeland security technology transfer program established under this subsection.

''(3) EXPANSION OF PROGRAM.—Upon the approval of the Secretary, the Director of the Office for Domestic Preparedness may expand the program established under this subsection to transfer technology, equipment, and information to first responders other than law enforcement agencies and revise the advisory committee accordingly.

''(4) LIMITATION ON ADMINISTRATION EXPENDITURE.—Not more than 10 percent of the budget of the technology, equipment, and information transfer program established under this subsection may be used for administrative expenses.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2005 through 2014 to carry out this subsection.''.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee substitute be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1612), as amended, was read the third time and passed.

THE DAY'S EVENTS

Mr. FRIST. Mr. President, we will be closing very shortly but I want to make a couple of remarks on the events of the day. The highlight of the day for me personally was the joint session we had earlier today with the presentation by President Aznar of Spain. His address to Members of the Senate and the House of Representatives very much captured the essence of what makes Spain and the United States of America strong allies and friends in the much broader defense of liberty.

For much longer than many other nations and most other nations, Spain has been a part of United States history and indeed we have been a part of Spain's history. As we look back over the time, that history has been one full of discovery for both sides. It has been an experience rich in harmony and discord.

I was able to talk to the President before as we reviewed that history and after his speech today. It has been a history that has been characterized by wars fought against each other and wars fought alongside each other.

We have had the opportunity to celebrate together the creation of new democracies. We have celebrated together the defense of existing democracies, of old democracies. Together, as we look back over the last several years, we have faced the gravest threats to the security of free people, and through that togetherness and that partnership we have prevailed, advanced, and progressed.

In our hour of need, our response to the acts of terrorism, September 11, 2001, acts that the President referred to—he referred to that day as a terrible day, reflecting, as he did today, that the principles that were attacked that day were the principles Spain had and the United States had, both countries have, and those very principles and values were attacked. I believe he used the words ''brutally attacked.'' In our hour of need, the Spanish people showed us a solidarity, a friendship, and a compassion that very much were the medicine for the soul of our Nation.

Spain—and the President reflects this—has very much been our ally in every sense of the word. It was wonderful for us to be able to welcome him today and to listen to his comments in the Halls of the Capitol of the United States of America.

For me and many others, in the course of the day, as business has progressed on the floor, we have been centered on the response to the ricin attack in the Dirksen Building now a little over 48 hours ago. I am happy to report that everybody is doing fine. A few hours ago I made an announcement that the postal system and that people in the postal system, both inside our buildings and inside our grounds, but also outside, are doing fine, which is very good news. I say that because it is important to realize that this agent ricin is a deadly agent. It is a life-threatening agent and, through exposure, could have hurt many people.

As I said earlier but want to reinforce, we are making great progress in the collection of mail and in examining the Senate office buildings. Officials have moved aggressively. They have moved in an almost symphonic fashion to respond to this insult. As I previously announced, the Russell Office Building will open tomorrow at noon, the Hart Office Building will open Friday at 9 a.m., and the Dirksen Office Building, Monday at 7 a.m. Staff have been patient. Staff have been understanding. Staff have adapted to this terrible incident, working at home and working wherever they can find a space, sometimes in the hallways. I do want to thank my colleagues and the staff for responding in this fashion.

I have previously mentioned that every time I go through the list in my own mind, I leave people out, but all the various people who are working together through the Sergeant at Arms' Office, the Office of the Secretary of the Senate, especially the Capitol Police, the U.S. Marines who are here with us, the Centers for Disease Control and Prevention, the Joint Terrorism Task Force, the Department of Homeland Security, the Environmental Protection Agency, the various law enforcement agencies that have responded, the postal workers, the postal system across the United States of America in what has truly been remarkable when we think of what we have gone through, with anthrax 2½ years ago and a number of other incidents.

Looking back over the 200-year history of this wonderful celebrated building, probably the most celebrated building in the world, the place has been burned down essentially, has been attacked, has been assaulted again and again, but the institution itself, just like the people who are here, who are working here every day, has responded with a resiliency that is truly remarkable. There is a toughness and an ability to bounce right back.

We have not missed a step in terms of conducting the Nation's business in spite of the really tragic occurrence of the last several days.

I will close on this particular issue, again talking about my own staff who responded so admirably. I have my own staff who are in the mailroom, and when they see something is not quite right, they use procedures that they have been trained in and that we have all focused on very much in terms of our procedures. They immediately responded appropriately and handled that operation in an appropriate way with evaluation of the room, notification of the appropriate personnel, and the appropriate response. Without that, people could have been hurt and could have died.

It is nice to be able to see that and commend the people working in such an environment. Unfortunately, these are the realities we have seen, anthrax 2½ years ago, ricin today, Capitol Police officers assaulted in this building and killed not too long ago. The resiliency is truly remarkable in this great institution.

ORDERS FOR THURSDAY, FEBRUARY 5, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m.,

Thursday, February 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with the first 22 minutes under the control of Senator ROBERTS or his designee, the following 22 minutes under the control of Senator GRAHAM of Florida or his designee, the following 22 minutes under the control of the majority leader or his designee, and the final 22 minutes under the control of Senator FEINSTEIN or her designee; provided that following morning business, the Senate resume consideration of S. 1072, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Tomorrow morning, following morning business, the Senate will resume consideration of S. 1072, the highway bill. There are currently two amendments pending to the bill. It is my hope that we will be able to work through those amendments early in the day so we can proceed to additional amendments. Senators should expect votes tomorrow as the Senate continues to make progress on the highway bill.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, February 5, 2004, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 4, 2004:

THE JUDICIARY

MARK R. FILIP, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

EXTENSIONS OF REMARKS

TRIBUTE TO DEERE & COMPANY IN RECOGNITION OF THE 200TH BIRTHDAY OF JOHN DEERE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. HASTERT. Mr. Speaker, I rise today to pay tribute to Deere & Company on the 200th anniversary of founder John Deere's birth.

John Deere, who developed the world's first commercially successful, self-scouring steel plow, thereby opening the West to farming, was born on February 7, 1804. John Deere emigrated to the western Illinois settlement of Grand Detour in 1837 and set up a blacksmith shop near the Rock River. After fashioning the first self-scouring steel plow, John Deere moved to a water-powered factory along the Mississippi River in Moline, Illinois—a town of roughly 55,000 people just outside my district.

In 1868, John Deere incorporated his business under the name Deere & Company and established enduring values that have sustained his company for over 165 years—quality, integrity, innovation and commitment. Today, Deere & Company does business in more than 160 countries and employs roughly 43,000 employees worldwide, many of whom reside in my Congressional district. They are the world's leading manufacturer of agricultural and forest equipment, a major manufacturer of construction equipment, and a leading supplier of equipment used in lawn, grounds and turf care.

Today, I wish to recognize Deere & Company on the achievements of pioneer blacksmith John Deere and congratulate the company he founded on the 200th anniversary of his birth.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. HONDA. Mr. Speaker, on Tuesday January 27th, Wednesday January 28th, and on Tuesday February 3rd, I was unavoidably detained due to family matters I had to take care of in California and was not present for rollcall votes on those days.

Had I been present I would have voted the following:

Rollcall No. 6, to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research, I would have voted ''yea.''

Rollcall No. 7, the Medical Devices Technical Corrections Act, I would have voted ''yea.''

Rollcall No. 8, on the Baldwin Substitute Amendment, I would have voted ''yea.''

Rollcall No. 9, on the motion to recommit with instructions, I would have voted ''yea.''

Rollcall No. 10, on final passage of S. 1920, a bill to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted, I would have voted ''nay.''

Rollcall No. 13, on the motion to instruct conferees, I would have voted ''yea.''

Rollcall No. 14, expressing the profound sorrow of the House of Representatives on the anniversary of the accident that cost the crew of the Space Shuttle *Columbia* their lives, and extending heartfelt sympathy to their families, I would have voted ''yea.''

Rollcall No. 15, expressing the sense of the House of Representatives regarding several individuals who are being held as prisoners of conscience by the Chinese Government for their involvement in efforts to end the Chinese occupation of Tibet, I would have voted ''yea.''

Rollcall No. 16, recognizing the 93rd birthday of Ronald Reagan, I would have voted ''yea.''

EXPRESSING SENSE OF HOUSE REGARDING PRISONERS OF CONSCIENCE BY CHINESE GOVERNMENT FOR THEIR INVOLVEMENT IN EFFORTS TO END CHINESE OCCUPATION OF TIBET

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 2004

Mr. WOLF. Mr. Speaker, I strongly support H. Res. 157 and strongly condemn the Chinese government for the continued detainment and torture of Tibetan political prisoners. I remain extremely concerned that men and women in China are routinely persecuted by the Chinese government. China has for too long been at liberty to detain, torture, intimidate and oppress its people.

The Tibetan people are denied basic human rights guaranteed in the Universal Declaration of Human Rights, including the right to self-determination, freedom of speech, assembly, movement, expression and religious belief. Hundreds of Tibetans are currently in prison for peaceful expressions of political or religious belief. The majority of Tibetan political prisoners are Buddist monks and nuns.

Each year the situation in Tibet worsens. The unchecked migration of Chinese into Tibetan areas is resulting in social, economic and cultural destruction of Tibetans. His Holiness the Dalai Lama considers this demographic strategy the greatest threat to the survival of the Tibetan culture and identity. More than 6,000 monasteries and nunneries and their contents—irreplaceable jewels of Tibetan culture—have been destroyed since the Chinese occupation and thousands of monks and nuns have been kicked out of their monasteries for refusing to renounce the Dalai Lama.

The Chinese government routinely refuses to allow independent international human rights monitors, including U.N. human rights representatives, to conduct unhindered investigations into the human rights situation in Tibet. Religious freedom in Tibet is nonexistent.

Tibetans are routinely imprisoned for participation in-non-violent political activities, such as hanging flags or promoting independence. Prisoners serve lengthy sentences and are routinely mistreated and tortured while in prison. I visited Tibet in 1997 and was able to witness first hand the conditions there and the continued repression of the Tibetan people. I met with monks, nuns and Tibetans on the street who revealed to me how bad the conditions are in Tibet. I visited the prisons and heard first hand accounts of the brutality taking place deep in the shadows.

The following is a firsthand account of the arrest of Phuntsog Nyidron, a 20-year-old nun arrested in 1989 for peaceful demonstration in Lhasa. ''During arrests nuns are kicked, beaten and given electric shocks on their hands, shoulders, breasts, tongue and face. During the interrogation, they are suspended by their hands, which are shackled behind their backs, for prolonged periods and beaten with iron rods.''

As I close, 10 Catholic bishops are in China today under house arrest. The Protestant Church is being abused and beaten in China. The Falun Gong are being persecuted on a daily basis. The Chinese have plundered Tibet. America must do more to force China to adhere to fundamental human rights and religious freedom.

The clock is ticking for Tibet. If nothing is done, a country, its people, religion and culture will one day be lost.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes on February 3, 2004. If I had been present, I would have voted as follows:

Rollcall vote No. 12, on H. Res. 507, expressing the profound sorrow of the House of Representatives on the anniversary of the accident that cost the crew of the Space Shuttle *Columbia* their lives, and extending heartfelt sympathy to their families, I would have voted ''yes.''

Rollcall vote No. 13, on H. Res. 157, expressing the sense of the House of Representatives regarding several individuals who are being held as prisoners of conscience by the Chinese Government for their involvement in efforts to end the Chinese occupation of Tibet, I would have voted ''yes.''

Rollcall vote No. 14, on H.J. Res. 84, recognizing the 93rd birthday of Ronald Reagan, I would have voted ''yes.''

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN SUPPORT OF ISRAEL'S SECURITY FENCE

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. FEENEY. Mr. Speaker, I rise today in support of Israel's security fence.

In yet another example of political manipulation of a U.N. body, Palestinians and their supporters have convinced the International Court of Justice to take up the issue of Israel's security fence.

On December 8, 2003, the General Assembly of the United Nations, sitting as an Emergency Special Session, adopted resolution ES 10/14 requesting the ICJ to render an advisory opinion on the legal consequences of Israel's security fence. This recent action by the Arab nations is an indignation both in relation to the jurisdiction of the Court to address such an issue, and the propriety of such a proceeding.

The International Court of Justice was set up in 1945 under the Charter of the United Nations to be the principal judicial organ of the Organization. The blatant use of the ICJ to further a political agenda is not only an outrage but an obvious conflict with the original purpose of the Court.

Article 36 of the Court's Statute states that contentious issues may only be brought before the Court with the consent of all parties. In this case, not only is the issue at hand clearly contentious, but the parties have already agreed on appropriate mechanisms for resolving such issues between themselves. Israel has voiced their deep reservations about the Arab initiative to involve the ICJ in complex political issues that should be resolved through negotiation and the abuse of the U.N. and the ICJ as part of a narrow political campaign.

A significant group of states, including the United States, Switzerland, Uganda and Italy stated in the General Assembly that they oppose the request for an advisory opinion because it goes directly against the Road Map and the wishes of the Security Council, which unanimously endorsed the Road Map in Resolution 1515 of November 19, 2003 and which has repeatedly called for resolution of the conflict via direct negotiations in accordance with Resolutions 242 (1967) and 338 (1973).

The Government of Israel has recently reiterated its commitment to the Road Map. It believes that those who support the efforts of the Quartet and the international community in bringing the sides together should stress to the ICJ the importance of not prejudicing that process and emphasize that the Court should refuse to respond to the question at hand.

The U.N. General Assembly has been a hotbed of anti-Israel activity, passing more resolutions against Israel than on any other subject—more than 400 since 1964. In contrast, the body has never investigated the Palestinian terror campaign against Israel, nor has it investigated abuse, torture and other human rights violations by non-democratic states in the Arab world.

On a host of issues, the U.N. and its agents, in this case the ICJ, have become not only irrelevant to the cause of furthering classically liberal democracies and peace, but actually hostile to our efforts to promote basic freedoms.

I urge the International Court of Justice to uphold the integrity of it's Statute and recognize Israel's security fence as a necessary measure to protect their people from those who believe that the path to salvation is paved by killing Jewish women and children. Otherwise, once again a U.N. entity will end up on the wrong side of peace, security, freedom and democracy.

COMMEMORATING LOYD E. WILLIAMS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. HONDA. Mr. Speaker, I, Ms. LOFGREN, and Ms. ESHOO rise today to commemorate the life and many accomplishments of Mr. Loyd Williams, who passed away on Sunday, December 28, 2003. Mr. Williams will long be remembered for his integrity and dedication to the welfare of all people in his community, and for his advocacy and hard work on behalf of the members of the United Association (UA) of Plumbers, Steamfitters, and Refrigeration Fitters Local 393 and the entire labor movement.

Loyd Williams was born in El Morro, NM on April 15, 1941. At the age of 2, he and his family moved to San Jose, CA, where he attended Cambrian Elementary School and then Camden High School. Mr. Williams had his first experiences with the labor movement and its concerns while in his early school years, working as a prune harvester and later becoming a harvest contractor. During which, Loyd fired his own brother for poor job performance. Consequently, he learned a valuable lifelong lesson when Loyd's father later advised him that his brother was not properly trained. Instilled with his father's wisdom and insight, Loyd became one of the most respected labor leaders by modeling and teaching what he expected of others. After graduating from high school in 1959, Mr. Williams became an apprentice plumber and was elected president of his apprenticeship class. In 1964, he became a journeyman plumber and was active for 8 years in UA Local 393. Loyd Williams was elected business agent in 1973 and served continuously until he became business manager in 1992.

Loyd's 43-year dedication to UA Local 393 was not merely confined to his role as a business manager. He gladly took on many other responsibilities within the union and the community. Recently, Loyd Williams chaired the UA Local 393's Centennial Committee, organizing the Union's 100th Anniversary Celebration on January 24, 2004. He also chaired the Board of Trustees for the UA Local 393 Pension Fund, served as Secretary-Treasurer of the Western States Pipe Council, and acted as delegate to the Santa Clara/San Benito Trades Council, the South Bay Labor Council, the California State Pipe Trade Council, and the UA National Convention. Mr. William's coworkers fondly remember his outspokenness and willingness to fight for labor rights. Members of the community recall his many other contributions that included helping to establish the South Bay Children's Urgent Care Center and participating in the Christmas in April program.

Loyd Williams was characterized by his fervent advocacy on behalf of laborers and his continuous belief in the inherent goodness of people. His own life not only had taught him the values of hard work and perseverance, but also the need for cooperation in order to achieve common goals. Mr. Williams will always be remembered as one of the most dedicated and successful business managers of the UA Local 393. His life constitutes a wonderful example for many young people today who wish to engage in the labor rights movement and who want to actively support their communities.

Mr. Williams is survived by his wife, Carolyn, of 37 years and his son, Jonathan. Also, he is fondly remembered by his siblings Oren, Bill, and Linda Fanelli. The entire community of Santa Clara County gives thanks and commemorates the life and many accomplishments of Mr. Loyd Williams.

Mr. Speaker, we extend our deepest condolences to Mr. Williams' family and friends. Please join us in honoring Mr. Loyd Williams, a truly exceptional individual who dedicated his life to the service of others.

RECOGNIZING THE RETIREMENT OF VAN MILLER, THE VOICE OF THE BUFFALO BILLS

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. QUINN. Mr. Speaker, all good things must come to an end, and it is with both sadness and great respect that we acknowledge the end of Van Miller's remarkable career as the announcer for the Buffalo Bills. At 76 years of age, Mr. Miller has been the most devoted and longest-tenured broadcaster in the history of the National Football League. He began his distinguished career with the Bills on July 30, 1960, commenting for an exhibition game against the Boston Patriots. For the following 37 years, Mr. Miller lent his voice to the Buffalo Bills and their loyal fans, creating a steadfast following with the phenomenon known as Vandemonium.

As the play-by-play announcer for the Bills, Mr. Miller articulated their decades of both triumphs and defeats, displaying his love for the game and the team through good times and bad. He is renowned not only for his professionalism in the booth, but also for his enthusiastic announcing. The excitement of the fans matched his own exhilaration at watching his favorite team play.

The lead commentator for Super Bowl XXV between the Bills and the New York Giants, Mr. Miller was the voice of professionalism in announcing the Giants' victory over his beloved Bills. Though a devastating moment for the team, Mr. Miller made the call with poise and calm, ably performing his announcing duties while displaying the utmost respect for both teams. It is this dedication to his job and team that explains why Buffalo may be the only city in the world where football fans turn down the volume on their televisions and turn up their radios when a Bills game is on.

Van Miller is more than a voice, however. As beloved as he is for his football commentary, his friendly presence and genuine care for the team and fans touches the entire Buffalo community. When Bills fans tuned in to Mr. Miller, they felt as though they were listening to a good friend. As John Murphy says of

his colleague, ''It's like Van's a member of every fan's family.'' His name and voice have become intertwined with the world of Buffalo Bills football, and it is no surprise that Mr. Miller was inducted into the Buffalo Broadcasting Hall of Fame in 1999. In fact, after his 752nd and final Bills broadcast, Mr. Miller's equipment was sent to the Pro Football Hall of Fame in Ohio, commemorating both the field of play-by-play broadcasting and the man who left an invaluable and indelible mark upon it. We will surely miss his presence on the field and on the air this coming season, but we know his contributions to Buffalo will continue for years to come.

TAIWAN

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. BELL. Mr. Speaker, I rise today to voice my support of efforts by the Taiwanese President and people to facilitate a peaceful, stable, and democratic environment in East Asia. Despite continued aggression by the People's Republic of China, Taiwan has maintained grace and sensibility. For this, I ask my colleagues to join me in support of President Chen Shui-bian and the Taiwanese people.

On March 20, 2004, the Taiwanese people will vote on a referendum for peace, which will consist of two questions. One is:

Would you agree that our Government should engage in negotiations with Mainland China on the establishment of a ''peace and stability'' framework for cross-strait interactions in order to build consensus and for the welfare of the people on both sides?

This would be the first official communication between Taiwan and China since 1949, a historic attempt at conciliation between two sparring nations. I would remind my colleagues of the Taiwan Relations Act of 1979, in which we put forth the expectation that ''the future of Taiwan will be determined by peaceful means'' and state that ''any effort to determine the future of Taiwan by other than peaceful means . . . is of grave concern to the United States.'' As Taiwan makes a sincere effort to improve relations with Mainland China and support a peaceful continuation of the status quo, we must applaud and support them.

The other referendum question is:

The people of Taiwan demand that the Taiwan Strait issue be resolved through peaceful means. Should Mainland China refuse to withdraw the missiles it has targeted at Taiwan and to openly renounce the use of force against us, would you agree that the Government should acquire more advanced anti-missile weapons to strengthen Taiwan's self-defense capabilities?

This referendum is neither provocative nor a move toward Taiwanese independence. It constitutes an effort to prevent Mainland China from using force and unilaterally changing the status quo. China has never renounced the use of force in the Taiwan Straits and has 496 missiles targeting Taiwan. I urge China to withdraw those missiles, which upset the military balance in the Taiwan Straits and whose continued presence demonstrates China's hostile approach to cross-straits relations.

Article 3 of the Universal Declaration of Human Rights states: ''Everyone has the right to life, liberty and security of person.'' Taiwan has the right to voice its concerns and to protect itself from harm. A nonviolent resolution of the Taiwan Straits issue is Taiwan's ultimate goal. This peace referendum is the first step in that process and the right of the Taiwanese people.

In the Taiwan Relations Act, we reaffirmed our nation's commitment to ''the preservation of human rights of the Taiwanese people.'' Now is the time to stand behind that statement. For President Chen Shui-bian's work to create a stable, peaceful, and democratic environment in the region, he deserves our recognition and support.

TRIBUTE TO SHIRLEY BELL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today in tribute to Shirley Bell, a dear friend of Minnesota veterans and a great mentor, leader and activist in my community.

Shirley Bell was an active member of the United Veterans Legislative Council since its inception and volunteered as its Secretary for many years. She was also a member of the Gold Star Wives, an association of survivors of brave men and women who gave their lives in battle or as a result of their service. Everyone who knew her loved and admired her.

Along with Shirley Bell's service to our veterans, she was also deeply involved in the well-being and education of others as the co-program director of The School of Anesthesia at Northwestern Hospital of Minneapolis. She went on to develop the Baccalaureate Completion program for CRNA's as an Associate Professor of Nursing Anesthesia in the School of Medicine at the University of Minnesota—a position created especially for Shirley to enable her to use her creativity and exceptional mentoring skill to promote and encourage students. As recognition for her accomplishments in Anesthesia Education, Shirley received the Helen Lamb Outstanding Education Award from the American Association of Nurse Anesthetists in 1994.

Shirley Bell's work and selfless dedication to helping others in our community was tremendous. Her leadership, commitment and tireless efforts will be greatly missed.

TRIBUTE TO MR. BRIAN L. POTTS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. KNOLLENBERG. Mr. Speaker, I know that you and my distinguished colleagues are aware that we usually appear before the House of Representatives to voice the concerns of our constituents on matters related to the legislative process and about particular issues associated with bills that warrant our attention. Yet, while debating the issues of the day, we often take for granted the hard work and dedication required to transform an idea into a bill, and a bill into a law. It is with these thoughts in mind that I am here today to pay tribute to Mr. Brian L. Potts, a dedicated staff member of the House Committee on Appropriations, Subcommittee on Military Construction.

Brian is departing the House Appropriations Committee at the end of this week to begin a new position with the Senate Appropriations Committee. His departure is a loss that will be felt for quite some time, yet it is good to know that we have another friend working in the Senate.

Brian came to the Committee from the Naval Audit Service as a Detailee in 1997 and joined the Committee staff in January 1999, and his contributions to the Committee are many. He has always been a focused and hard working individual who conducts himself with the utmost professionalism, and his strengths and accomplishments are many. As a Certified Public Accountant Brian has a keen ability to cut to the heart of a Department of Defense audit report and find savings that have offset the costs of the Military Construction bill. Simply put, Mr. Speaker, Brian is a wizard with spreadsheets and tables, and an invaluable support to the Subcommittee clerk.

During my tenure as the Chairman of the Military Construction Appropriations Subcommittee, I have found Brian to be a quietly powerful and effective staff member, possessing the unique ability to impart a sense of calmness to emotionally charged situations. One of his finest characteristics is his ability to treat others with kindness and respect. Brian views his job as a privilege and feels fortunate to contribute. These are rare qualities that enable him to effectively carry out his duties and have opened the door to new opportunities for him in the Senate.

Mr. Speaker, I want to congratulate Mr. Brian Potts on his career, his time spent doing invaluable work for the House Committee on Appropriations, Subcommittee on Military Construction, and to thank him for his outstanding service to this great legislative body. Finally, I ask for God's Blessings as Brian embarks on this phase of his career with the Senate Appropriations Committee, which is very lucky to have him.

INTRODUCTION OF THE TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE BOUNDARY REVISION ACT OF 2004

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. CRENSHAW. Mr. Speaker, I rise today to introduce legislation that provides needed protection to an historic area of Florida with great national significance known as American Beach. This bill will expand the current boundaries of the Timucuan Ecological and Historic Preserve to include approximately 12.5 acres of land in American Beach, Amelia Island.

The Timucuan Ecological and Historic Preserve currently provides protection to an important ecological treasure and the addition of American Beach will serve to enhance its national significance.

This beautiful stretch of shoreline provides a great history and a great story. Founded in the 1930s by A.L. Lewis, American Beach provided a sunny paradise for those Americans

who, because of segregation, were not able to enjoy most of America's beaches. This area of Florida's northeastern shore attracted African Americans from all over the country. While this nation struggled to find equality within its shores, American Beach provided a relaxing, culturally unique vacation spot for African Americans along the ocean's edge.

The significance of this site was recognized when the beach and 120 residential homes in the area were added to the National Register of Historic Places. Additionally, in 1992, the Florida Legislature named American Beach the first site on the Florida Black Heritage Trail.

In his recently released budget, President Bush provides resources for a new ''Preserve America'' program through the National Park Service. This initiative is designed to encourage heritage tourism throughout the country. Today, this legislation answers the President's call without spending a single dime of taxpayer's money.

Last year, American Beach's neighbor, Amelia Island Plantation made arrangements to donate these 12.5 acres to the National Park Service. Unfortunately, the Timucuan Ecological and Historic Preserve is not able to accept this generous gift because the acreage rests outside the boundaries of the Preserve.

This legislation allows the National Park Service to accept this historic site by simply modifying the boundaries of the Timucuan. I support this addition to the Timucuan—and others like it—where willing property owners and the National Park Service can work cooperatively as stewards of our national treasures.

Mr. Speaker, it is especially fitting this legislation comes to the floor of this House as we celebrate Black History Month to honor those individuals who worked to bring equality to all Americans.

THANKING COURTNEY AND CHLOE SMITH FOR REPRESENTING LOUISIANA DURING THE CHILDREN'S MIRACLE NETWORK CELEBRATION

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. VITTER. Mr. Speaker, I rise today to recognize 3-year-old twins, Courtney and Chloe Smith, of Alexandria, Louisiana. Courtney and Chloe have been selected to serve as ambassadors for the millions of kids treated this year at children's hospitals across the United States.

Born in March 2000, Courtney and Chloe are the smallest twins at birth ever to survive in the U.S. For over 3 months, they fought for their lives in the Neonatal Intensive Care Unit at CHRISTUS St. Francis Cabrini Hospital. Due to their miraculous show of strength, they will serve as representatives for Foresters Champions Across America, a national Children's Miracle Network program.

As representatives of Louisiana, Courtney and Chloe will visit Capitol Hill and the White House to meet with some of our Nation's leaders. They will also travel to Walt Disney World in Orlando, Florida to participate in the taping of the Children's Miracle Network celebration.

As the father of twin girls, I am able to comprehend the magnitude of such a situation. Children are a gift, and any parent is twice as happy when two special children are brought into the world at one time.

I come to the floor of the House of Representatives today to personally commend, honor and thank Courtney and Chloe Smith for taking on the responsibility of representing Louisiana during such an important and meaningful event. It is rare that we as Members of the U.S. Congress are able to recognize people that are so young and yet so fierce in their fight for life. Courtney and Chloe can truly attest to the life-saving abilities and importance of the Children's Miracle Network. This nationwide system of hospitals deserves tremendous acknowledgement and appreciation for all the assistance they bring to families such as the Smiths.

Again, thank you to Courtney and Chloe Smith for so honorably representing the state of Louisiana.

HONORING GEORGE M. MOORE JR.

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mrs. CAPITO. Mr. Speaker, I rise today to honor George M. Moore, Jr., a resident of my district, for his service and commitment to America's veterans. Mr. Moore has served as Director of the Veterans Administration Hospital in Martinsburg since 1998. In 1999, Moore became the Prosthetic and Sensory Aids Service Line Director, making him responsible for the management of all prosthetic operations in Martinsburg, WV, Baltimore, Maryland, and Washington, DC. Previously he has worked with the VA in Pittsburgh, Cleveland, and Jackson, MS.

Moore served our country on active duty as an Air Force fighter pilot in Vietnam. Recently, the Disabled Veterans of America recognized him as their 2003 Outstanding Disabled Veteran of the Year.

All of us in West Virginia and in Congress are proud of the service George Moore has given to our Nation. Both as a soldier himself, and later as a worker for disabled veterans, Moore has distinguished himself as a leader in our Nation's fight for freedom.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. POMBO. Mr. Speaker, I would like to apologize for my absence from the House floor this past week. My father, Ralph Pombo, Sr., underwent heart surgery last week and it was important that I be with him and my family in California during this trying time. As such, I was unable to attend votes last week. We all pray for his swift and full recovery.

HONORING ED CASEY, RECIPIENT OF THE ''HEART O'GOLD AWARD''

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great pleasure today that I honor Ed Casey, an outstanding American who has dedicated himself to cultural exploration and community service, as the ''Heart O'Gold Award'' is bestowed upon him by the Quaboag Highlander Pipe Band of Monson, Massachusetts.

Ed Casey is an icon in the Pioneer Valley and western Massachusetts and is well known throughout the community for his commitment to bagpipes and Celtic culture. As a resident of Springfield and Belchertown, MA, Ed has played his pipes at parades, inaugurations, celebrations, and internments. He is loved by so many in our area.

Mr. Casey, who spent years as a public school teacher in Holyoke, MA, has taught the craft of playing the bagpipes to many others interested in learning to play. Yet, unlike most music teachers, Ed did not learn to play music through the traditional route of lessons and formal training. He learned to play the bagpipes, as he would say, ''by ear'' and ''by heart.''

Mr. Speaker, there are many families in western Massachusetts who have never met Ed Casey, but perhaps it is their lives that have been most directly impacted by his generosity. For years, in lieu of accepting any fee for performing at internments, Ed Casey has directed families to instead make donations to the Open Pantry, a food collection and distribution center in Springfield that feeds the hungry in western Massachusetts. In doing so, thousands of dollars have been collected to provide food for the poor and the needy.

It is my pleasure to honor Ed Casey today in the CONGRESSIONAL RECORD as someone whose selflessness and talent should be recognized and emulated by those around him. Congratulations Ed upon receiving this honor. Your good work has not gone unnoticed.

HONORING BENSON'S BATTALION

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to praise a valuable organization based within the Fourth Congressional District of Pennsylvania which has made a significant improvement in the lives of western Pennsylvanians. I am proud to represent the congressional district which is the headquarters for Benson's Battalion, a charitable organization created to fight terror and provide financial support to Pennsylvania police, fire and other related public safety groups.

Kris Benson, a pitcher for the Pittsburgh Pirates, along with his wife Anna founded Benson's Battalion in October 2001 following the tragic events of September 11, 2001. Since the creation of the organization, Kris and his wife have donated a significant amount of time and money to benefit local firefighters and police agencies. Benson's Battalion has provided

local police stations with over $3,000 in funds matched by the government for new equipment and over $5,000 in grants for local firefighters to assist in the purchase of new equipment as well. This is truly an organization that makes the lives of Western Pennsylvanians better every day.

I ask my colleagues in the House of Representatives to join me in honoring this fine organization and the volunteers who support it. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to recognize Benson's Battalion for its efforts to improve the safety of western Pennsylvanians.

SUPPORTING VIRGINIA'S WHITE COAT DAY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. CANTOR. Mr. Speaker, I rise today in support of Virginia's White Coat Day. As many as 1,500 physicians from all over the State marched on the Virginia Capitol today to make the case for common-sense medical liability reform in the state legislature.

Led by the Medical Society of Virginia, today's White Coat Day march on Richmond is designed to educate State lawmakers on how doctors' skyrocketing malpractice insurance is limiting patients' access to medical care. Outrageous runaway jury awards are causing malpractice premiums to rise uncontrollably, and many doctors are being forced to shut their doors.

The doctors' offices across the Commonwealth that are closed today for the march are symbolic of what out-of-control insurance premiums are doing to our medical system. Doctors being forced to close their doors because they can no longer afford insurance directly affects rural, low-income and senior health care in my district and State.

Mr. Speaker, the pattern of doctors nationwide protesting high medical insurance premiums is a clear sign that the entire system is broken. Not only should the Virginia Legislature address this issue, but we as a Congress need to do the same. We need to take President Bush's lead in ending the jackpot payouts that our legal system encourages. While the House has passed legislation to reform the medical liability system, it is now time to enact common sense reforms into law.

Mr. Speaker, I applaud the doctors in Virginia for taking a stand today. I know they do it for their patients.

SAFEGUARDING SCHOOLCHILDREN OF DEPLOYED SOLDIERS ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to announce the introduction of the Safeguarding Schoolchildren of Deployed Soldiers Act of 2004.

Today there are 129,000 United States troops serving in Iraq alone, including nearly 80,000 reservists and members of the National Guard. As the Congressional Representative for the Niagara Falls Air Reserve Station, I recognize the enormous disruption of deployment on their families.

When soldiers are deployed, many arrangements must be made. Many men and women are leaving a job, a family, or even children behind.

We have long recognized the need to minimize the hardships to these men and women, as demonstrated in the comprehensive Servicemember's Civil Relief Act. Originally enacted in 1940, this law provides relief to military personnel from many of the economic and legal burdens they have incurred because of their deployments. This law never anticipated lengthy deployments by mothers and fathers who may not have any choice but to send their children to live with another parent, sister, or grandfather one or two towns away.

I learned firsthand how deployments can cause significant upheaval in a child's life when the brother of a deployed soldier recently contacted my office. He explained that his niece had moved to live with her mother while her father was away fighting in Iraq. As a result, she was prevented from attending her normal high school because she no longer resided within the school district.

According to the Department of Defense, there are currently 1.2 million children with military parents in the United States. This number is only slightly less than the total number of adults currently serving in the Armed Forces.

I am proud to introduce, along with my colleague Representative BROWN-WAITE, the Safeguarding Schoolchildren of Deployed Soldiers Act. This bipartisan legislation would ensure some measure of continuity for children who change residence as a result of their parent's military service by allowing them to continue to receive an education at their schools, even if they are temporarily residing outside the school district.

As our men and women in uniform continue to be deployed in support of military operations around the world, it is vital that we do our best to minimize the disturbance to their lives and that of their families.

I urge my colleagues to join me in supporting the Safeguarding Schoolchildren of Deployed Soldiers Act. We owe this protection to the education of our children and to the peace of mind of our soldiers.

TRIBUTE TO DR. FRANK GULIUZZA III

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. BISHOP of Utah. Mr. Speaker, it is my pleasure to congratulate Dr. Frank Guliuzza III, a resident of Ogden, Utah, and a professor of political science at Weber State University, on his reception of the CASE (Council for Advancement and Support of Education) Award for Teacher of the Year. I am pleased that the CASE organization recognized the caliber of Dr. Guliuzza as a professor and as a citizen.

Dr. Guliuzza has an impressive record: he has published two books (American Government, American Ideals and Over the Wall: Protecting Religious Expression in the Public Square) and three more will be completed by 2005. He has served as the Chairman of the Department of Political Science and Philosophy at Weber State University since 2002 and has taught courses including Constitutional Law, The Modern Presidency, and Constitutional Rights and Liberties. Earlier this year, Dr. Guliuzza was presented with Weber State University's most prestigious faculty honor: the John S. Hinckley Fellow award for excellence in teaching, service, and scholarship.

Dr. Guliuzza is an asset to his university and community. He founded the Weber State university mock trial team in 1996 and, under his direction, Weber State has earned several top-ten finishes at national tournaments. Dr. Guliuzza ran for the United States Senate in 2000 and has served as a Chair of the Weber County Republican Party and Vice Chair of the Utah Republican Party. A licensed minister, Dr. Guliuzza has served in ecclesiastical positions at Calvary Baptist Church in Ogden, First Baptist Church in Brigham City, and Mountain View Baptist Church in Layton. He has served his fellow men at the most basic and important level. Dr. Guliuzza and his wife of 21 years, the former Kathy Spaulding, are the foster parents of two children, Matthew Williamson and Timothy Stoddard.

Despite all of these awards, accomplishments and interests, Frank's true passion lies with teaching. As a former high school history teacher, I understand this purpose. And he is an excellent teacher, in the truest sense of the word. As Dr. Guliuzza said, ''One need not be prominent to be a great woman or man.'' Frank is a great teacher, one who guides his students, who enlightens, shapes and challenges them. He is also a great American, and I am pleased to recognize him on this occasion.

TRIBUTE TO THE LIFE OF ROSE KENNEDY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Ms. KAPTUR. Mr. Speaker, the holiday season 2003 marks the passing of a loved and beloved member of our community of Toledo, Ohio. Rose Kennedy, a mother for our community and a pioneering activist of her North Toledo neighborhood, passed from this life on December 26, 2003 at age 76.

I came to know Rose and her husband Bob nearly three decades ago as she vigorously pursued improvements in her neighborhood, Toledo's oldest. Small in stature, unassuming by nature, she worked on larger-than-life projects side-by-side with community leaders on the revitalization of the heart of our city, starting in North Toledo with beautification initiatives. Most notably, North Toledo's signature effort, the Buckeye Basin Greenbelt Parkway, has Rose's imprimatur. Without Rose Kennedy's personal tireless efforts, this major parkway construction which diverted traffic from North Toledo streets and upgraded the entire region with a linear greenbelt in the heart of our city would not have been realized. She pursued this goal for nearly a quarter century, and proudly stood by as the dream was finally brought to fruition and ribbons cut.

In addition to her community activism, Rose Kennedy, together with her husband Robert, brought a sense of family to eighteen children: four adopted and fourteen fostered. She explained, ''These kids needed love and that was about all we had to give them.''

The oldest of six children, Rosalie Kennedy spent her entire life in her North Toledo neighborhood. After marriage, she and her husband were involved in veterans' organizations-heading up the Toledo chapter of the DAV in the 1950's—in addition to neighborhood groups. She worked with the Northriver Development Corporation and the Economic Opportunity and Planning Association. Civic-minded as well, Rose served for many years as her precinct's Democratic committeewoman. Rounding out her community and civic responsibilities, she also served her faith as Secretary to her church, Salem Lutheran Church.

In spite of her family and community demands, Rose found time to enjoy her hobbies of crochet and crossword puzzles and reading. She was an ordinary woman who accomplished extraordinary feats. To her husband, children, grandchildren and greatgrandchildren, we extend our heartfelt sympathy. Rose Kennedy lived life large, and her actions left a lasting legacy. We will miss her earnest resolve, her unrelenting dedication, and the loving gift she gave of herself.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Ms. ESHOO. Mr. Speaker, because my flight, United Airlines #950 was cancelled due to mechanical problems, I was absent from votes on February 3rd. Had I been present, I would have voted ''Yea'' on rollcall vote Nos. 12, 13 and 14.

HONORING THE NORTHERN CIRCLE INDIAN HOUSING AUTHORITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Northern Circle Indian Housing Authority (NCIHA) as it celebrates its 25th Anniversary.

The NCIHA is the Tribally Designated Housing Entity (TDHE) for eight federally recognized Indian Tribes in Northern California. Originally created in 1980, the NCIHA is a valuable asset to Butte, Colusa, Lake, Mendocino and Sonoma Counties, providing safe and sanitary housing for low and moderate-income Native American families. The NCIHA is governed by a twenty member Board of Commissioners and staffed by 17 dedicated employees.

Over its 25-year history, the NCIHA has built 324 housing units in nine locations, directing $60 million in construction planning and development programs. The organization manages an additional 232 housing units located in seven reservation communities. The NCIHA also administers a down payment assistance home ownership program, rental subsidy programs, housing rehabilitation and replacement services for member tribes.

In addition to these services, the NCIHA has worked to develop a Community Housing Development Organization to access state funding and increase housing opportunities for Native Americans. The NCIHA is sharing valuable resources and providing technical support with the newly formed United Native Housing Development Corporation to help assure its success.

Mr. Speaker, the accomplishments of the NCIHA are recognized by many, most notably by the Office of Native American Programs, who awarded the NCIHA a Certificate of Excellence in 2000 and declared the organization one of the best of its kind. With the support of both the federal government and private foundations, the NCIHA is committed to the establishment of healthy communities for the Native Americans it serves. In addition to constructing and managing sufficient housing, NCIHA builds infrastructure including roads, water and sanitation facilities, and electric services.

Mr. Speaker, for its commitment to serving the Native American population of Northern California, it is appropriate that we honor the employees and board of the Northern Circle Indian Housing Authority as they recognize their 25th anniversary.

IN MEMORY OF JUDGE ELMO B. HUNTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of the Honorable Elmo B. Hunter of Kansas City, MO.

Judge Hunter earned his law degree from the University of Missouri in 1938. He went on to post-graduate work at the University of Michigan. Judge Hunter served his country in World War II with the United States Army, working in military intelligence. When he came home he joined the law firm of Sabree, Shook, Hardy & Hunter in Kansas City.

Judge Hunter served on the bench as a state circuit judge from 1951 to 1957 and moved on to serve as a state appeals judge in that year. He remained in this post until 1965, when President Lyndon Johnson appointed him to the federal bench.

In recognition for his service, Judge Hunter was awarded the Edward J. Devitt Distinguished Service to Justice Award in 1987. He was also the recipient of the American Judicature Society's Distinguished Service Award and served as the society's chairman and president. In 1991, the American Judicature Society saw fit to found the Elmo B. Hunter Citizens Center for Judicial Selection. The center researches nonpartisan, merit-based judicial selections, sponsors national forums, monitors state judicial reform projects and educates international visitors on the U.S. judicial selection process.

Mr. Speaker, Elmo Hunter was a valuable member of the judiciary and a credit to his profession. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Shirley; his daughter Nancy; and all of his grandchildren and great-grandchildren.

RECOGNIZING THE PUBLIC SERVICE OF SAM MAMULA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Mr. Sam Mamula of Breckenridge, Colorado for his exemplary public service.

Mr. Mamula has proven his dedication to Breckenridge. He has held a variety of local government positions during his residency, including 8 years on the town planning commission and 8 years on the town council before becoming Breckenridge's mayor.

The citizens of Breckenridge have benefited greatly from Mr. Mamula's dedicated leadership. Specifically, Mr. Mamula has taken leadership roles in Breckenridge's use of biodiesel in its diesel municipal vehicles which is reducing pollution in Colorado.

Mr. Mamula has also been a tireless advocate for affordable housing in Summit County and was recognized nationally when Breckenridge won an Environmental Protection Agency (EPA) National Award for Smart Growth Achievement in the built projects category for the Wellington Neighborhood affordable housing project. This project included a cooperative partnership among the town of Breckenridge, Summit County, the Environmental Protection Agency, Colorado Department of Public Health and Environment and a private developer.

The dedication, enthusiasm and activism with which Mr. Mamula has pursued his work deserves our most sincere thanks. Thus, I ask my colleagues to join me in thanking Mr. Sam Mamula for his service and many contributions to his community. He is much appreciated

For the benefit of our colleagues, I am attaching a copy of a recent story about Mr. Mamula that appeared in the Summit Daily News.

[From the Summit Daily News, Jan. 28, 2004]

MAMULA TO END A POLITICAL ERA

We have to admit it. We are big Sam Mamula fans. Nobody is sorrier than we are that the Breckenridge mayor is stepping down after one term as hizzoner.

Mamula is a quote machine without peer, except for County Commissioner Tom Long. In this business, we like that.

The thing about Mamula is that he always makes a point. We like that even better.

Usually, his point is about the quality of life in the greater Breckenridge area. With Mamula at the top spot in town, locals knew they had somebody battling for the soul of the Summit.

We say that with due apologies to The Summit Foundation, which considers itself the ''Soul of the Summit,'' and with good reason.

But the battle for soul—quality of life—is really fought in the trenches of planning commissions and town councils where hundreds of small decisions add up to something ugly if somebody isn't on guard.

Ironically, one of Mamula's biggest achievements on behalf of the town and taxpayers will occur after he's left office—the huge open space purchase of the B&B Mines property in the Golden Horseshoe.

The deal is scheduled to close in June.

Mamula spent eight years on the town planning commission and eight years on the town council before ascending to mayor. It was a good run.

''It was a tough decision. I stalled to the last minute,'' said the reluctant retiree who needs to spend more time with his convalescing wife.

''I really like being mayor. I liked being on the town council and I liked being on the planning commission. It really has been a labor of love for me rather than a carrying out of duties,'' he added.

Mamula called it ''fulfilling'' to work with a ''great town council and staff.''

''With a town manager like Tim Gagen, being mayor is 'relatively simple, frankly,'' Mamula said.

Mamula vows to stay involved in the town but promised not to become a ''town council observer.''

''There has got to be something I can cut out of this whole thing that someone is going to let me do,'' he added.

We hope so, too.

RECOGNIZING THE 93D BIRTHDAY OF RONALD REAGAN

SPEECH OF

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 2004

Mr. LINDER. Mr. Speaker, on Friday we celebrate the 93d birthday of Ronald Reagan and I rise again to recognize his efforts to renew the American spirit and to spread freedom around the world. Ronald Reagan once stated that, ''The leadership of the free world was thrust upon us two centuries ago in that little hall of Philadelphia. In the days following World War II, when the economic strength and power of America was all that stood between the world and the return to the dark ages, Pope Pius XII said, 'The American people have a great genius for splendid and unselfish actions. Into the hands of America God has placed the destinies of an afflicted mankind.' '' Reagan further stated that, ''We are indeed, and we are today, the last best hope of man on earth.'' As we face many challenges today, the words of our 40th President still ring true. As we mark his birthday, we should remember his dream of creating a better, safer world and reaffirm that this Nation must continue to show the courage and persistence to turn that dream into a reality and provide hope for all those who do not have freedom.

HAPPY 109TH BIRTHDAY, ARMINTA LESTARJETTE ULRICH

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. GONZALEZ. Mr. Speaker, I rise today in recognition of a very special woman, Arminta Lestarjette Ulrich, known simply by the name ''Mint'' to her friends. Mint will be celebrating her 109th birthday on February 21. I would like to take this opportunity to acknowledge this important milestone in her long and fruitful life.

Mint has had the gift of living through three centuries in this great Nation—one can only imagine the many changes she has witnessed. She is a living time capsule, a treasure to us. By sharing her memories and experiences with us, we can learn more about ourselves and our Nation. Mint gives us strength in knowing where we came from and hope of who we can become.

Her full, rich life began in Cotulla, Texas in 1895. She was one of eleven children: five sisters and five brothers. The stories she tells of her youth allow us to vicariously experience life in the foreign land of South Texas as it was during the early part of the 20th century. For instance, Mint is often heard recounting how she used to ride atop a horse as it swam across the Nueces River. Or, how she used to travel by wagon to Kerrville, Texas, a journey that lasted two to three days. Today, this trip would take roughly three hours by car to complete.

Mint moved to San Antonio in 1915 where she began work as a switchboard operator for the Missouri Pacific Railroad. She worked with Missouri Pacific until her retirement. During her career, Arminta developed lasting friendships with workers all over the switchboard system.

One of the most enduring relationships she developed was with a young man who worked for the Southern Pacific Railroad—his name was Arthur Frederick Ulrich. Arthur grew to love Mint, but she was already engaged. However, like most young men suffering the pangs of love, Arthur was not dissuaded. He called her everyday and told her, ''I'll get you yet''. This persistence, coupled with her interest in his striking good looks and unquenchable high-spiritedness, made Arthur's prediction come true.

Mr. and Mrs. Ulrich were married on April 11, 1929 and did not have any children. Sadly, Arthur passed away in 1983, just six days before what would have been their 54th wedding anniversary. Their relationship was strong and serves as an example of the joy that a marriage can be if it is full of true friendship and love.

Mint has attributed her longevity to the use of ''One-A-Day'' vitamins and her lasting good looks to daily use of ''Oil of Olay''. I am suspicious, though, that her secret to long life and happiness also involves her sense of humor, positive attitude, and commitment to friends and family.

I am proud to count myself among those who have had the opportunity to know and learn from Mint. Her joy of living and her humanity have helped her to become an enduring spirit that continues to spread joy to those who know her. I wish her many blessings and the very best for her 109th birthday.

CONGRATULATING STEARNS COUNTY SOIL AND WATER CONSERVATION DISTRICT AS MINNESOTA'S OUTSTANDING SOIL AND WATER CONSERVATION DISTRICT OF THE YEAR

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to congratulate Administrator Dennis Fuchs, the staff and board of supervisors, and all the residents of Stearns County, Minnesota, on Stearns County's recognition as Minnesota's Outstanding Soil and Water Conservation District of the Year.

Stearns County Soil and Water Conservation District has been very active in protecting natural resources for all to enjoy. The District has been successful in developing programs to assist landowners with such conservation practices as soil erosion prevention, animal waste storage, wildlife habitat preservation, and lakeshed management.

This award is based on a number of factors including program participation, training for staff and supervisors, and increased involvement in Minnesota's Association of Soil and Water Conservation Districts work to better manage our precious natural resources.

Mr. Speaker, on behalf of all Minnesotans I would like to congratulate Stearns County Soil and Water Conservation District on receiving this recognition and thank them for their commitment to conservation.

HONORING OBIE SNIDER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to honor Obie Snider, an extraordinary man who passed away on the night of December 18, 2003. After enlightening the lives of those around him for seventy-seven years, the memories of his generosity and genuine care for others have served to comfort those who knew him best, as well as the community which benefitted tremendously from his numerous contributions.

As a pillar of strength within his community of Bedford County, Pennsylvania, Mr. Snider was a role model and leader who was admired for his loyalty to God, his family, and his comrades. With the help of his vision and guidance the East Freedom Chapel was founded, and it was under that roof that he became director of Young Life in the 1950s. Mr. Snider remained a devoted Christian throughout his life, and that piety translated into his every action. In addition to being a Sunday school teacher, he was the chairman of Truth and Praise, a publisher of hymnals, and the chairman of the Christian Workers Fellowship Fund of Kansas, among other things.

After graduating from Replogle High School in 1943, Mr. Snider's experiences in college prepared him for the enriched life he would lead. Two years after marrying Mary Ann Gilbert on June 1, 1948, he graduated from Penn State University. Grounded by a strong marriage and a solid education, Mr. Snider established Singing Brook Farms and eventually became a trustee of his alma mater, a position that lasted 21 years. His appointment to Trustee Chairman in 1985 marked the first time that an agriculturalist filled the role, and in the years following he was named a distinguished alumnus and received the status of trustee emeritus in July of 2000. Mr. Snider dedicated a large portion of his time to the improvement of the university and succeeded in administering numerous changes throughout the system. Without Obie Snider's influence and vision, Penn State University would not be the renowned institution of higher learning that it is today.

Mr. Snider's commitment to agriculture and education has proved to affect and benefit not only the state of Pennsylvania, but the entire nation. The numerous organizations and boards that he selflessly served were all positively changed by his presence, and they will undoubtedly miss his spirit and direction. Obie Snider has left behind a legacy of dignity and merit that will not be forgotten.

FORMER BUSH INSIDERS NOW FREE TO TELL THE TRUTH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, there has been a very interesting phenomenon in recent months that demands attention. A steady stream of former high-ranking Bush administration officials have conscientiously pointed out the inaccuracy of many of the claims the administration has made and continues to make about its policies.

In December, last year, I inserted into these pages a very interesting article by Richard Haass, former chief of the policy planning staff of the State Department, who confirmed what many of us have long argued—namely, that the war in Iraq was a war of choice and not of necessity. That is, Mr. Haass made it clear that the decision to go to war with Iraq was not driven by a fear that Iraq was any serious threat to the United States of a physical sort, but rather was part of an administration policy about how the world ought to be structured.

Most dramatically, former Treasury Secretary Paul O'Neill has been widely quoted as a result of the book by Ron Suskind not only essentially agreeing with Mr. Haass about the genesis of the Iraq war, but making clear the great gap that exists between the reality of Bush administration economic policies and the rhetoric they have used to describe them.

Recently, a third high-ranking Bush official has rebutted the administration's claims, and buttressed this with reference to actual events in which he participated as a member of the administration.

Flynt Leverett was a high-ranking official at the National Security Council from 2002 until 2003, serving as Senior Director for Middle Eastern Affairs. In a recent article published in the New York Times, he refutes the administration's argument that the decision by Libya to renounce nuclear weapons was a direct result of the administration's war in Iraq. His argument is a compelling one, combining very thoughtful analysis with a good history of the events that led up to this. It is impossible to do justice to this thoughtful essay by compressing it, so I ask that it be inserted here so that Members and others may read it and draw their own conclusions.

But I do believe that the conclusion of Mr. Leverett's article—remember he was a high-ranking National Security Council official appointed by the Bush administration—is worth underlining:

Until the Bush administration learns the real lessons of the Libyan precedent, policy toward other rogue regimes is likely to remain stuck in the mud of ideology.

[From the New York Times]

A LESSON IN DIPLOMACY

MORE THAN THREATS LED TO QADDAFI'S REVERSAL

(By Flynt Leverett)

WASHINGTON.—As President George W. Bush made clear in his State of the Union address, he sees the striking developments in relations with Libya as the fruit of his strategy in the war on terrorism.

The idea is that Colonel Muammar el-Qaddafi's apparent decision to renounce weapons of mass destruction was largely a result of the overthrow of Saddam Hussein, which thus retroactively justifies the war in Iraq and holds out the prospect of similar progress with other states that support terrorists, seek weapons of mass destruction and brutalize their own people.

However, by linking shifts in Libya's behavior to the Iraq war, the president misrepresents the real lesson of the Libyan case. This confusion undermines America's chances of getting countries like Iran and Syria to follow Libya's lead.

The roots of the recent progress with Libya go back not to the eve of the Iraq war, but to the Bush administration's first year in office. Indeed, some credit should even be given to the second Clinton administration.

Tired of international isolation and economic sanctions, the Libyans decided in the late 1990's to seek normalized relations with the United States, and held secret discussions with Clinton administration officials to convey that message. The Clinton White House made clear that no movement toward better relations was possible until Libya met its responsibilities stemming from the downing of Pan Am Flight 103 over Lockerbie, Scotland, in 1988.

These discussions, along with mediation by the Saudi ambassador to the United States, Prince Bandar ibn Sultan, produced a breakthrough: Libya turned over two intelligence officers implicated in the Pan Am 103 attack to the Netherlands for trial by a Scottish court, and in 1999 Washington acquiesced to the suspension of UN sanctions against Libya.

Then, in the spring of 2001, when I was a member of the State Department's policy planning staff, the Bush administration picked up on those discussions and induced the Libyans to meet their remaining Lockerbie obligations.

With our British colleagues, we presented the Libyans with a ''script'' indicating what they needed to do and say to satisfy our requirements on compensating the families of Pan Am 103 victims and accepting responsibility for the actions of the Libyan intelligence officers implicated in the case.

We also put an explicit quid pro quo on the table: If Libya met the conditions we laid out, the United States and Britain would allow UN sanctions to be lifted permanently. This script became the basis for three-party negotiations to resolve the Lockerbie issue.

By early 2003, after a Scottish appeals court upheld the conviction of one of the Libyan intelligence officers, it was evident that our approach would bear fruit. Indeed, Washington allowed the UN sanctions against Libya to be removed last summer after Libya reached a compensation agreement with the Pan Am 103 families and accepted responsibility for its officials' actions.

But during these two years of talks, American negotiators consistently told the Libyans that resolving the Lockerbie situation would lead to no more than elimination of UN sanctions. To get out from under the separate U.S. sanctions, Libya would have to address other concerns, particularly regarding its programs in weapons of mass destruction.

This is the context in which Libyan officials approached the United States and Britain last spring to discuss dismantling Libya's, weapons program. The Iraq war, which had not yet started, was not the driving force behind Libya's move. Rather, Libya was willing to deal because of credible diplomatic representations by the United States over the years, which convinced the Libyans that doing so was critical to achieving their strategic and domestic goals.

Just as with Lockerbie, an explicit quid pro quo was offered: American officials indicated that a verifiable dismantling of Libya's weapons projects would lead to the removal of American sanctions, perhaps by the end of this year.

The lesson is incontrovertible: To persuade a rogue regime to get out of the terrorism business and give up its weapons of mass destruction, the United States must not only apply pressure but also make clear the potential benefits of cooperation.

Unfortunately, the Bush administration has refused to take this approach with other rogue regimes, notably Iran and Syria. Until the president is willing to employ carrots as well as sticks, he will make little headway in changing Iranian or Syrian behavior.

The President's lack of initiative on this point is especially disappointing because, in the diplomatic aftermath of the Sept. 11 attacks, the administration had a singular opportunity to effect strategic realignments by both Iran and Syria.

Well-placed Iranians, including more pragmatic elements of Iran's conservative camp, have indicated through diplomatic channels and to former officials (including myself) their interest in a ''grand bargain'' with the United States. Basically, Tehran would trade off its ties to terrorist groups and pursuit of nuclear weapons for security guarantees, a lifting of sanctions and normalized relations with Washington.

Likewise, senior Syrian officials—including President Bashar Assad himself, in a conversation in Damascus last week—have told me that they want a better strategic understanding with the United States. To achieve this, however, Washington needs to be willing to spell out what Syria would get in return for giving up its ties to terrorists and its chemical weapons and ballistic missiles. As Assad told me, Syria is ''a state, not a charity''—if it gives up something, it must know what it will gain in return.

One reason the Bush administration was able to take a more constructive course with Libya was that the White House, uncharacteristically, sidelined the administration's neoconservative wing—which strongly opposes any offer of carrots to state sponsors of terrorism, even when carrots could help end such problematic behavior—when crucial decisions were made.

The initial approach on the Lockerbie case was approved by an informal coalition made up of Condoleezza Rice, the national security adviser, and Secretary of State Colin Powell. Likewise, in the lead up to the negotiations involving Libyan weapons of mass destruction, the neoconservatives at the Pentagon and in the shop of Under Secretary of State John Bolton were left out of the loop.

Perhaps a coalition among members of the State Department's bureau of Near Eastern affairs and the National Security Council's more pragmatic elements can chart a similar course involving Iran and Syria.

However, until the Bush administration learns the real lessons of the Libyan precedent, policy toward other rogue regimes is likely to remain stuck in the mud of ideology.

HONORING COLORADO NONPROFIT WEEK

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to inform our colleagues that the week of March 1 to March 5, 2004 will be Colorado Nonprofit Week and to express my gratitude for nonprofit organizations in Colorado.

Mr. Speaker, we in Congress have dedicated our energy to help solve the problems which persist in America. However, in a country as large and diverse as ours, there are many problems that cannot be addressed by government alone. Nonprofit organizations throughout the nation play powerful roles in sustaining our communities and providing resources to help solve a myriad of problems. In Colorado alone, there are over five-thousand charitable nonprofit organizations that devote tireless effort year after year to improve the quality of life in our communities. In appreciation, the State of Colorado honors these organizations and the causes they champion by declaring the week of March 1st to March 5th to be Colorado Nonprofit Week.

In Colorado, there are hardly any social problems that do not have a group of dedicated individuals trying to solve them. Indeed, there are nonprofits addressing such diverse challenges as promoting arts and humanities, protecting animals, sheltering the homeless, providing job training and saving open space, to identify just a few. Colorado's nonprofits have succeeded in raising awareness for their causes in recent years. As a result, the number of nonprofits organizations in Colorado and the magnitude of services they provide have more than doubled in the last decade.

These organizations give hundreds of millions of dollars and countless hours of volunteer time to address their respective issues, yet are rarely given the credit they deserve. By recognizing the contributions of the nonprofit sector during Colorado Nonprofit Week, we acknowledge the exemplary public service and positive direction they provide for our communities.

Mr. Speaker, I ask my colleagues to join with me in recognizing Colorado Nonprofit Week and in thanking nonprofit organizations for all of the good and important work they do in Colorado.

AUSTRALIAN UNIVERSITY STUDENTS AS AMBASSADORS TO AND FROM CONGRESS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. NADLER. Mr. Speaker, there is a long list of people and institutions that have helped our nation flourish through our nearly 228 years of independence. One of our greatest traditions as Americans is to welcome friends from around the world into our lives—sometimes professionally and sometimes personally.

Most congressional offices host American college students, to help our nation's future leaders understand the political complexities affecting our constituents and our jobs as their representatives. Now, thanks to the Uni-Capitol Washington Internship Program, some of Australia's best and brightest university students have had the opportunity to participate in six-week, full-time internships in House and Senate offices. These internships have proved to be an invaluable learning experience, both for the students and for their hosts.

The program is the brainchild and pro bono non-partisan effort of former long-time House and Senate staffer Eric K. Federing, who began lecturing at Australian universities in the early 1990s while working for our former colleague Norman Y. Mineta of California. Mr. Federing wanted to bridge what Australians call ''The Tyranny of Distance,'' which can prevent Americans and Australians from knowing each other as well as our mutual interests and traditions suggest we should.

Five universities now participate and a dozen Australian students travel to Washington, DC annually as part of the program. An important reason for the exchange's success is the careful matching of students and their interests with our work and constituencies. This year, Laura Crommelin, a law student from the University of Melbourne, joined my staff for most of January and February. She is professionally poised, and sophisticated in her understanding of our mission as a chamber and my work for the 8th District of New York. Meeting Laura has given my staff and me an insight into Australian politics and society, as well as a fresh perspective on the work we are doing here in Congress.

Mr. Speaker, I believe my experience has not been unique. The students and other congressional hosts in 2004 should be congratulated for their participation in this exchange: Richard Abraham, of Macquarie University, in the office of Senator CHRISTOPHER DODD of Connecticut; Kirstin Ferguson, of the University of Wollongong, in the office of Representative ALCEE HASTINGS of Florida; Netta Goussac, of the University of Western Australia, in the office of Representative LORETTA SANCHEZ of California; Elli Jacovides, of the University of Melbourne, in the office of Representative JIM CLYBURN of South Carolina; Leng Lee, of the University of Melbourne, in the office of the Joint Economic Committee, minority staff; Ian Repper, of the University of Western Australia, in the offices of Representative BOB NEY of Ohio and the House Administration Committee, majority staff; Heather Rietdyk, of the University of Canberra, in the office of Representative SAM FARR of California; Louise Squire, of the University of Western Australia, in the office of the House Transportation and Infrastructure Committee, minority staff; Lisa Sharland, of Macquarie University, in the office of Senator CHUCK HAGEL of Nebraska; Ken Shaw, of the University of Melbourne, in the office of the House Small Business Committee, majority staff; and Jane Stewart, of the University of Melbourne, in the office of Representative LOUISE SLAUGHTER of New York.

In closing, Mr. Speaker, it is important to note that this effort has received programmatic assistance from both the U.S. and Australian governments, as well as numerous individuals and institutions in Washington, DC that have welcomed these students during their visit. I am proud to participate in this worthwhile program, and wish it continued success in the future.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber, on January 21, 2004. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall vote No. 4.

I was also unavoidably absent from this Chamber on January 28, 2004. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall Nos. 8, 9 and 11. I would also like the record to show that I would have voted ''no'' on rollcall 10.

CONGRATULATIONS TO DR. PAUL SWANSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I rise to recognize and congratulate Dr. Paul Swanson. This dedicated and giving man will be honored tonight with the Ambassador for Peace Leadership in Reconciliation and Peace-Making Award. A resident of Northwest Indiana, Dr. Swanson has devoted his life to the preservation of peace in his community and throughout the world. His work will be honored this evening at the Ambassadors for Peace Awards Banquet.

Throughout his career, Dr. Swanson has united his fellow citizens by demonstrating the importance of compassion and understanding toward those of different beliefs. As a mentor to many pastors in the Midwest, Dr. Swanson has broken new ground in the areas of ecumenical and interdenominational dialog.

Mr. Speaker, Dr. Paul Swanson is currently a Professor Emeritus of Family Counseling for the Lutheran School of Theology at the University of Chicago. Although he has spent his career helping others, Dr. Swanson's family has always been his first priority. His wife Cordie, and their two children provide the inspiration for Dr. Swanson in his commitment to improve the community around him.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Dr. Paul Swanson for his outstanding service to the residents of Northwest Indiana. His efforts to improve his community should be commended, and I am proud to represent him in Congress.

REMEMBERING PRIVATE FIRST CLASS HOLLY MCGEOGH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. DINGELL. Mr. Speaker. I rise today to pay tribute to Private First Class Holly McGeogh, Michigan's first female soldier killed in the conflict in Iraq. Private McGeogh was from Taylor, and a constituent of mine.

Private McGeogh, who was 19, was one of three soldiers killed in a roadside explosion near Kirkuk. She was assigned to Company A, 4th Forward Support Battalion, 4th Infantry Division, from Fort Hood, Texas. Two years ago, she graduated Truman High School, where she was a cadet in the Junior ROTC for four years. During high school, Private McGeogh won numerous awards and recognition for her service to her school and community. She was dedicated to enlisting in the Army, and to serving her country, which she did with distinction.

Before leaving for Iraq she told her family that if she were killed in battle, to remember she died for a reason and a cause she believed in. Those words should be remembered and cherished today and always.

Mr. Speaker, Private McGeogh is a hero. She died trying to make this world a safer, kinder, and more humane place, and for that we are all humbled. Our thoughts and our prayers go to her parents, her family, and her friends. I would like you to join me in commending her limitless courage for our country. She has shown the entire nation what it means to be a hero.

HONORING FATHER JOSE LUIS OCHOA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mrs. NAPOLITANO. Mr. Speaker, it is with tremendous respect that I rise today to honor Father Jose Luis Ochoa, who is retiring from his post with the parish of St. Pius X in the City of Santa Fe Springs to return to Guadalajara, Mexico and work with the Guadalupe Missionaries. Throughout his career of service, Father Ochoa has spread faith and charity throughout many parts of the world.

Father Jose Luis Ochoa was born in Mexico on December 5, 1940, the third child of seven children. In 1953 he entered the ''Diocesano de Mexico'' seminar. In 1956, he continued his schooling at the ''Seminario de Misiones'' with the Jesuits. Even during his vacations from the seminary, he would dedicate his time to travel outside of Mexico wherever there was a need for priests.

On July 10, 1966, he was ordained at the chapel ''Seminario de Misiones'' and assigned as a missionary to Kenya, Africa. Upon his arrival in Nairobi, Kenya, Father Ochoa began to work as a vicar in the parish of Amakura. While there, he built a secondary school for girls to help instill in them the values of dignity and self-respect and help them reject exploitative and unhealthy practices.

In 1975, he was assigned back to Mexico to serve as a Director to the Department of Promotions and Development. This work was a necessity for the ''Instituto de Misioneros de Guadalupe,'' and he worked with Bishops from different Archdioceses and became responsible for getting financial and vocational opportunities for the missions.

After spending some time in Switzerland, Father Ochoa returned to Mexico once again in 1985 to help form a Seminary School in Guadalajara. While there, he also taught classes at a local school, helped construct a temple and a secondary school and started a food bank for the less fortunate.

In January 1991, he departed to Los Angeles to be an administrator in charge of a home for Guadalupe Missionaries and was in charge of all missionary work. While in Los Angeles, he promoted the Integral System of New Evangelization program. From 1996 to 2004, he served in several parishes of the Archdioceses, with the permission of the Guadalupe Missionaries. His last assignment for the past four years was at St. Pius X in the City of Santa Fe Springs, where he brought great joy to the parishioners.

I want to thank Father Ochoa for all he has done for my community and many communities throughout the world. I ask my colleagues to join me in wishing him good health and best wishes in his future endeavors.

MEDICAL DEVICES TECHNICAL CORRECTIONS ACT

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Mr. SOUDER. Mr. Speaker, I rise today in support of H.R. 3493, the Medical Devices Technical Corrections Act of 2003. This bill will help ensure medical devices are quickly approved and sent to market as intended by the Medical Device User Fee Modernization Act of 2002. In particular, the bill will clarify FDA third-party inspection requirements to ensure companies can use third-party inspectors for two consecutive inspections. Additionally, the legislation will authorize HHS to conduct a study to identify barriers to market entry for pediatric products, which often help small populations and, therefore, are not profitable to manufacturers.

These clarifications are critical to the medical device industry in the United States, which leads the world in the development and manufacturing of medical technology. Medical device companies produce nearly $78 billion annually and generate nearly 6 percent annual growth. The products produced by these companies have a tremendous impact on our country's economy by creating great high-paying American jobs and consistently generating annual trade surpluses in the billions of dollars.

Advances in medical technology are improving the quality of life for people around the world as new and more effective treatments for various diseases and medical conditions are developed. New medical technology also helps reduce the cost of health care and Medicare as health problems are prevented and treated more easily through early detection, less invasive procedures and faster recovery times for the patient.

The medical device industry is critical to the economy of Indiana as well as the district I represent, Indiana's 3rd district. A large majority of the nation's orthopaedic devices are produced in Warsaw, Indiana, where DePuy, Zimmer and Biomet, three of the Nation's leading companies in orthopaedic devices are located. These companies control more than 60 percent of the global market share of orthopaedic joint replacements and generate $4 billion dollars annually in sales. The combined economic and societal impacts of these three companies to my district and the state are highly significant. I commend the House for summarily passing H.R. 3493 and I encourage my colleagues in the other body to vote in favor of H.R. 3493, the Medical Devices Technical Corrections Act of 2003.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. RYUN of Kansas. Mr. Speaker, unfortunately, I missed four votes in the House of Representatives on January 28, 2004. Had I been in attendance I would have made the following votes:

Vote on the Baldwin of Wisconsin Substitute Amendment to S. 1920, the Farmer Bankruptcy bill. Had I been in attendance, I would have voted ''no.''

Vote on the Motion to Recommit with Instructions on S. 1920, the Farmer Bankruptcy bill. Had I been in attendance, I would have voted ''no.''

Vote on Passage of S. 1920, the Farmer Bankruptcy bill. Had I been in attendance, I would have voted ''yea.''

Vote on the Motion to Instruction Conferees on S. 1920, the Farmer Bankruptcy bill. Had I been in attendance, I would have voted ''no.''

Unfortunately, I missed three votes in the House of Representatives on February 3, 2004. Had I been in attendance I would have made the following votes:

Vote on the Motion to Suspend the Rules and Agree to H. Res. 507, a Resolution expressing the profound sorrow of the House of Representatives on the anniversary of the accident that cost the crew of the Space Shuttle Columbia their lives, and extending heartfelt sympathy to their families. Had I been in attendance, I would have voted ''yea.''

Vote on the Motion to Suspend the Rules and Agree to H. Res. 157, a Resolution expressing the sense of the House of Representatives regarding several individuals who are being held as prisoners of conscience by the Chinese Government for their involvement in efforts to end the Chinese occupation of Tibet. Had I been in attendance, I would have voted ''yea.''

Vote on the Motion to Suspend the Rules and Pass H.J. Res. 84, a Resolution recognizing the 93rd birthday of Ronald Reagan. Had I been in attendance, I would have voted ''yea.''

DEATH OF EMMETT BURKE, THE SON OF ALDERMAN EDWARD BURKE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. RUSH. Mr. Speaker, today I rise to extend my condolences to Alderman Edward Burke and his family on the loss of his beloved son, Emmett Burke. It is with deepest sympathy that I rise to offer encouragement to the Burke family in their time of bereavement.

Mr. Speaker, Emmett Burke, only 30 years old, will be sorely missed by everyone who

knew him. For the past decade, Emmett Burke worked for the Cook County Forest Preserve Police Department. He started in patrol, then was promoted to the canine and search and rescue units, and eventually served as the deputy chief of the police department. Emmett Burke was known for his diligence, his commitment, and his excellence in the field of law enforcement.

Mr. Speaker, I personally understand the undescribable sadness that occurs when a father has to bury his son. It has been nearly 5 years since I was faced with that same difficult reality. This is why I am able to stand today and encourage Alderman Burke to counter the hurt, pain, and sorrow with strong support from family and friends, and fervent prayers to God, who is the author and finisher of our faith.

And finally, I can assure the Burke family that the present agony felt from the loss of a loved one can only be replaced with the everlasting love and peace of God, the father, Jesus the son, and the Holy Spirit.

So, I rise today to extend my deepest sympathy to the Burke family, my prayers are with you, and know that in our time of mourning, God has promised to comfort us.

THE COMMUNIST REGIME IN VIETNAM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Ms. LOFGREN. Mr. Speaker, President Bush and his Administration have begun a new relationship with the communist regime in Vietnam. Recently, the Vietnamese Defense Minister and the Deputy Prime Minister traveled to Washington for historic visits with Defense Secretary Donald Rumsfeld and Secretary of State Colin Powell. Shortly thereafter, the U.S.S. Vandegrift entered the port of Ho Chi Minh City, the first U.S. warship to visit Vietnam since the end of the Vietnam War nearly three decades ago.

This newly forged friendship between the Bush administration and the communist regime in Vietnam comes amidst continuous reports of human rights violations committed by the Vietnamese government.

The U.S. Commission on International Religious Freedom reports that almost forty Buddhist monks and lay leaders are in prison, under house arrest, or in re-education camps, as well as twenty Hmong Protestants and at least ten Catholic priests in detention.

Freedom of speech in Vietnam is just as bad. According to a report by the Campaign for Freedom of Expression and Information in Vietnam, Vietnam's 500-plus newspapers and magazines are state-owned and vigorously censored while 2,000 of Vietnam's 5,000 websites are currently blocked for disseminating messages the state has deemed ''subversive'' or ''reactionary.'' Worse yet is the case of a Vietnamese writer and journalist imprisoned just after he submitted written testimony to a Congressional Members' briefing that I sponsored.

Yet, every time I write the State Department, I get the same response, but no action, just as the letter I am submitting for the RECORD today. The State Department tells me, in their words, ''we share your serious concern'' and are ''deeply troubled by the restrictions that the Government of Vietnam places on its citizens' freedom of expression, as well as other human rights.'' They tell me that ''[p]romoting human rights is a priority in our bilateral relations with Vietnam.''

If promoting human rights in Vietnam really is a priority for the Bush Administration, why are they having friendly meetings with high-level Vietnamese officials without initially demanding protection of human rights?

Why is the Bush Administration not, instead, condemning the communist regime in Vietnam for issuing a statement that attacks a human rights resolution this body passed with an overwhelming vote of 409–13? That Vietnamese statement, which I submit for the RECORD today, alleges that our Congressional resolution contains ''false'' and ''inaccurate'' information. Yet, our resolution is backed by reports from various respected human rights organizations, the U.S. Commission on International Religious Freedom and the U.S. State Department. Instead of condemning the reckless statement from Vietnam, the Bush Administration is embracing a communist regime it admits is a human rights violator.

The Bush Administration's hypocrisy and apathetic attitude towards human rights is unacceptable. As long as the people of Vietnam are oppressed, abused, and imprisoned, our President should not get friendly with a communist regime without first demanding protection of human rights.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 13, 2004.

Hon. ZOE LOFGREN,
House of Representatives.

DEAR MS. LOFGREN: This is in response to your December 30, 2003 letter to Secretary Powell concerning detained dissident Mr. Nguyen Vu Binh in Vietnam. We share your serious concern over his recent sentence and ongoing detention.

The Department strongly condemned the harsh sentence given to Binh on December 30, 2003. No individual should be imprisoned for the peaceful expression of his views. The sentencing of Binh clearly violates international standards for the protection of human rights, including freedom of expression. The U.S. Embassy sent an officer to the court, but he was unable to gain access to the trial, despite repeated oral and written requests to the Vietnamese Government.

We are deeply troubled by the restrictions that the Government of Vietnam places on its citizens' freedom of expression, as well as other human rights. These restrictions violate international human rights instruments, including the International Covenant on Civil and Political Rights that Vietnam has ratified. We consistently urge the Government of Vietnam to adhere to its international obligations to protect the human rights of its citizens. The Government of Vietnam should release Mr. Binh and all others detained or imprisoned for the peaceful expression of their views.

Promoting human rights is a priority in our bilateral relations with Vietnam. We will continue to press the Government of Vietnam to take steps to improve its human rights record.

Let me assure you that our efforts to promote human rights and freedom in Vietnam continue undiminished. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

MICHAEL C. POLT,
Acting Assistant Secretary,
Legislative Affairs.

EMBASSY OF VIETNAM,
Washington, DC, November 28, 2003.

Hon. ZOE LOFGREN,
U.S. House of Representatives,
Washington, DC.

The Embassy of the Socialist Republic of Vietnam in the United States of America presents its compliments to the Office of the Honorable Zoe Lofgren and has the honor to forward herewith the faxed copy of the Statement of the National Assembly of the Socialist Republic of Vietnam with regard to passing by the US House of Representatives of H. Res. 427.

The Embassy of the Socialist Republic of Vietnam avails itself of this opportunity to renew to the Office of the Honorable Zoe Lofgren the assurances of its consideration.

STATEMENT OF THE NATIONAL ASSEMBLY OF THE SOCIALIST REPUBLIC OF VIETNAM

The National Assembly of the Socialist Republic of Vietnam altogether rejects H. Res. 427 Resolution adopted on 19th November 2003 by the United States House of Representatives and the Resolution adopted on 20th November 2003 by the European Parliament on the so-called ''situation of religious freedom in Vietnam''. These wrongful, negative resolutions do not serve the relations between the United States and the European Union on the one hand and Vietnam on the other.

Alleging false, inaccurate information provided by a handful of extremist elements who take advantage of the mantle of religion and in pursuit of political goals, distort the founding history of the Buddhist Church of Vietnam after the reunification of the country these resolutions slander the policies and practice of religious freedom in Vietnam. Today's so-called ''United Buddhist Church of Vietnam'' is nothing but a grouping of individuals who are driven by personal ambition and political motives to act against the nation's interest. As a result of their blatant violation of the law and of their attempts to spur confrontation and sow division among the Buddhist followers, this grouping stands completely isolated from the Buddhist congregation and the national community of Vietnam.

Expressing the will of the Vietnamese people, the National Assembly of the Socialist Republic of Vietnam supports the consolidation and development of Vietnam's relations with the United States and the European Union on the basis of mutual respect for their respective independence and sovereignty, of non-interference into each other's internal affairs and of mutually beneficial cooperation on an equal footing.

In that spirit, the National Assembly of the Socialist Republic of Vietnam urges that the US House of Representatives and the European Parliament stop lending their support to actions that slander the actual situation of religion in Vietnam and undermine mutually beneficial cooperation with Vietnam. At the same time, the National Assembly of Vietnam consistently advocates the enhancement of mutual understanding and narrowing down of differences through dialogue with the US Congress and congressmen as well as with the European Parliament and its members, for the sake of the long-term interests of the nations concerned, and of peace, cooperation and development in the world.

Hanoi, 26 November, 2003.

TRIBUTE TO MR. KEN BURNS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. NEY. Mr. Speaker, it is with sad tidings that I announce the loss of Ken Burns, a dedicated House employee that many of us had the pleasure of working with.

Ken began his career with the House working for House Information Resources as a Communications Specialist in November 1999. During his time there, Ken served as the PBX administrator and supported video conferencing for all congressional offices. Ken also served as a Move Coordinator during the last transition. He was always very helpful and dedicated to the customer.

Ken received numerous letters of recognition for his cheerful and positive attitude. He never hesitated to go the extra mile to make sure his customers were totally satisfied. He made himself available to assist customers no matter when he was needed. He was a real pleasure to work with and always maintained an upbeat attitude—even when you knew things were not going well for him.

And for the past year, Ken worked at the Recording Studio, handling all the video teleconferences for Members. He was very knowledgeable about the systems and stayed on top of new technologies. Ken was always very helpful in many areas of that operation—he helped answer phones at the front desk and operated television cameras in the House studios regularly. Ken's personality was infectious, always positive, upbeat, and never had a bad word to say about anyone.

I feel privileged to have known Ken as a person and know that he will be sorely missed by all who had the pleasure of working with him.

HONORING THE RETIREMENT OF FIRE CHIEF MICHAEL P. BIRRELL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to my friend Michael P. Birrell on the occasion of his retirement from the Dearborn Fire Department after 29 dignified years of service.

Serving as the Chief of the Department since March 2000, Mr. Birrell has shown tremendous dedication and leadership throughout his long-lasting career. He joined the Department on December 9, 1975 as a probationary firefighter. Promoted to Firefighter 2 in 1980 and Firefighter 3, an engine driver, in 1985, Mr. Birrell's achievements resulted in him becoming Fire Lieutenant in 1990, Captain in 1994, and Battalion Chief in 1995.

In addition to serving in the Fire Department, Mr. Birrell finds many ways to channel his supportive energy into the community. He is a Certified Instructor of the Michigan Firefighter Training Council and a National Fire Academy Instructor of Incident Command and Emergency Response to Terrorism.

Mr. Birrell graduated from Saint Alphonsus High School in 1968 and attended Henry Ford Community College and Eastern Michigan University. A veteran of the U.S. Army from March of 1970 to January of 1972, Mr. Birrell served with the Military Police and was honorably discharged as Specialist 4.

Mr. Birrell and his wife, Elaine, have one daughter, Kathleen, who is a senior at Edsel Ford High School. His stepson, Stuart Debrowsky, is also a Dearborn Firefighter.

As Mr. Birrell enters his retirement years, I would like to give him my best wishes for a relaxing and enjoyable future. I would like to thank him for all of his hard work and commitment to the Dearborn Fire Department and Dearborn community.

Mr. Speaker, I would like to ask that my colleagues join me in commending Chief Birrell for leadership in both his Department and community, as we celebrate his 29 years of dedication to the Dearborn Fire Department.

FREEDOM FOR LIBRADO RICARDO LINARES GARCÍA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Librado Ricardo Linares García, a prisoner of conscience in totalitarian Cuba.

Mr. Linares is an engineer who was expelled from Castro's totalitarian Communist Party in 1992 after he called for economic reforms. Following his eviction, Mr. Linares decided the most effective way to fight Castro's brutal repression was to join the dissident movement. Eventually, Mr. Linares became president of the Cuban Reflection Movement.

Between 1995 and November 1999, Mr. Linares was continually harassed, arrested, detained, and fined by Castro's ruthless machinery of repression. Despite these constant setbacks, Mr. Linares persevered in his quest to obtain basic human rights for every Cuban citizen. Unfortunately, on March 18, 2003, the tyrant Castro had Mr. Linares arrested and convicted on sham charges.

According to Amnesty International, in the sham trial verdict, Mr. Linares was accused of ''using his human rights work as a front for alleged counterrevolutionary activities such as meetings, conferences and seminars.''

Mr. Speaker, Mr. Linares is suffering because of the gross human rights abuses and outrageous repression that continue every day in totalitarian Cuba. Mr. Linares is languishing in the totalitarian gulag because he believes in basic human rights for every Cuban. It is that simple, Mr. Linares is confined in a dungeon because he believes in freedom and the tyrant Castro believes in repression.

My colleagues, we must stand as one and demand freedom for Librado Ricardo Linares García and every prisoner of conscience in totalitarian Cuba.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted ''yes'' on rollcall No. 12.

HONORING JUSTIN GREGORICH

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Justin Gregorich, one of my young constituents who recently saved someone's life.

Justin was walking home from football practice last week when he witnessed an elderly man lose control of his car, drive into a retention pond, and begin sinking in the snake and alligator-filled water. Justin instantly dove into the water, and with the help of two other passers by, pulled the man from his submerged car to safety.

Justin's two helpers, Michael McBayer and Shawn Brady, live in Chairman BILL YOUNG's congressional district, which borders mine. Justin credited Mr. McBayer and Mr. Brady for saving the car's driver, though he said his only thought when he saw the crash was that ''I gotta save that guy.'' I think that Justin's mother, Alice, must have taught her son to be humble and help others, which is exactly what he did that day. She certainly deserves credit for raising such an outstanding young man.

Mr. Speaker, Justin, Michael, and Shawn are heroes in the truest sense of the word. They disregarded their own safety for that of another. Their selfless actions should remind us all of the fundamental goodness and humanity that so many of our countrymen exhibit everyday. I urge our colleagues to join me in thanking them for their actions and for reminding us of the spirit of compassion and courage which makes our country great.

A BILL TO PROVIDE FOR TAX-EXEMPT FINANCING FOR UNITED NATIONS FACILITIES

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleague from New Jersey, DONALD PAYNE, in introducing a bill to provide for tax-exempt financing for new United Nations facilities. This is a bipartisan effort by the two of us, as the current Congressional delegates to the United Nations.

The bill is straightforward and, like a provision in effect before 1986, would allow the use of tax-exempt bonds for the building of new UN facilities, other than the UN Headquarters itself. As a result of the 1986 changes, the UN is now treated as if it were a for-profit company for purposes of tax-exempt bonds, much less favorably than charitable hospitals, universities or State or local governments.

Most recognize that the United Nations Secretariat and Headquarters facilities are now more than 50 years old and greatly in need of renovation and reconfiguration to increase the efficiency of UN functions, improve security and life safety, and reduce overhead and administrative costs.

Let me give you a few examples of the need for the renovation. Most of the building

systems have passed their life expectancy: The plumbing was installed in 1952 and most of the electrical systems in the Secretariat building were installed in 1949. These are clearly outdated. The building contains asbestos and it does not have sprinklers, both of which create significant safety hazards. And, of course, the buildings were not built with today's terrorist threats in mind. These needs have been carefully and extensively studied not only by the UN but also by the United States General Accounting Office, which concluded that the UN's planning for renovation has been reasonable.

In the President's budget released earlier this week, he proposed that the United States provide the United Nations with a 30-year, $1.2 billion loan to finance the renovation, another recognition of the importance of moving forward with the renovation.

The work cannot commence without a series of preliminary steps. These include financing and constructing a new building for the UN in New York City that the UN General Assembly, UN Secretariat and other UN personnel at UN Headquarters would occupy while the needed renovation and reconfiguration of Headquarters space proceeds. Due to the extent of the needed work and existing asbestos conditions, the current Headquarters space must be vacated until the Headquarters renovation and reconfiguration are completed.

New York City and State propose to provide the land for the new building without cost and to have a public benefit tax-exempt agency of the State arrange to finance, construct and operate the new building. The bonds that would be issued under this proposal would be secured by rent paid by the UN for its use of the new building until the bonds are paid, at which time the UN may become the owner of the land and new building. The UN will undertake the Headquarters renovation and reconfiguration independently, including payment of the cost for the work, without financing or other financial assistance from New York City or State.

Following completion of the new building, which is estimated to cost approximately $475 million, the renovation and reconfiguration of the UN Headquarters facilities can begin. That work is expected to be completed in 2011 under the current schedule. When the work is completed, the new building will permit all UN Headquarters space and activities that are now scattered in different locations in New York City to be consolidated at that single location connected directly to the renovated and reconfigured Headquarters space.

Expeditious work on the needed renovation and reconfiguration is very much in the interest of the UN and in our national interest. The work when completed will strengthen the effectiveness of the UN organization, address security and life safety requirements and improve efficiency, thereby significantly reducing ongoing costs. Moreover, the work will further cement the presence of the UN in the United States, which not only benefits the United States internationally but also provides substantial employment and business opportunities with tens of millions of dollars for Americans and for New York.

We ask for your support of this important legislation.

THE DECEMBER 22, 2003 EARTHQUAKE IN SAN LUIS OBISPO COUNTY, CALIFORNIA

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. THOMAS. Mr. Speaker, I rise today to introduce a resolution expressing the sense the House of Representatives with respect to the earthquake that occurred in San Luis Obispo County, California on December 22, 2003. Most importantly, I would like to recognize and commend the public safety and law enforcement personnel, elected officials, and the people of San Luis Obispo County for their courageous and effective response to this disaster.

This earthquake occurred at 11:15 a.m. on December 22, 2003. Its epicenter was in San Luis Obispo County, approximately 6 miles northeast of San Simeon and 24 miles northwest of Paso Robles. The earthquake measured 6.5 on the Richter scale, the largest quake to hit the area since 1952, and it was felt from Los Angeles to San Francisco with the most extensive damage occurring in the City of Paso Robles.

Tragically two lives were lost and more than 40 persons sustained injuries. Thankfully, the loss of additional lives was averted through the quick and professional response provided by the public safety and law enforcement personnel and elected officials who serve the people of San Luis Obispo County and the State of California.

San Luis Obispo County experienced a massive disaster but it is evident that recovery has begun as a result of the vibrant actions taken by its residents and leaders. When complete, this renewal will serve as a reminder of the fierce determination displayed by the community and local, state, and federal governments to rebuild in the wake of this disaster.

Accordingly, I ask that this resolution be supported in order to recognize and honor those local officials, public safety and law enforcement personnel, and individuals, who served San Luis Obispo County in the aftermath of this natural disaster.

TRIBUTE TO RICHARD ROA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. BACA. Mr. Speaker, it is with great pride that I pay tribute today to the life of Richard Roa. Richard recently passed away, leaving a legacy of community work and commitment to those he loved. He was a magnanimous figure who was dedicated to his family, his friends, and his roots. It gives me no greater pleasure than honoring his memory today.

To all those who knew Richard, he exhibited generosity of spirit, love for his fellow man, and dedication to his work. He constantly challenged the status quo and was never afraid to speak his mind, undoubtedly leaving an immeasurable impression on his community.

The life of Richard Roa took him from Riverside, California, where he was born and raised, to Japan and Korea, where he was assigned to active duty as corporal for the 40th Infantry Division.

After completing his military service, Richard turned to business, working for Helgeson Buick, before moving on to community work. He was soon named Community Relations Coordinator for the City of Riverside and became the first president of the Casa Blanca Community Action Group (CAG), helping to redress the problems of an area that needed his caring touch. At Casa Blanca, Richard found himself fighting for improved housing, increased business development, and the creation of important neighborhood public services. He always advocated for those in need and was beloved by those around him.

I join today with family and friends in paying my respects to Richard Roa. He was a generous and gentle man who fought the good fight and will be deeply missed by all.

CONGRATULATING BUSH CHAUDHARY, ON HIS ACHIEVEMENT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. LANGEVIN. Mr. Speaker, I proudly rise today to congratulate Mr. Bush Chaudhary of Providence, Rhode Island on his receipt of the prestigious Ambassadors for Peace Award. The Ambassadors for Peace Award is bestowed upon 50 outstanding American and other international leaders for exemplary service in the arena of interfaith reconciliation and cooperation amongst Christians, Jews, and Muslims. Mr. Chaudhary will be presented with the award at a ceremony on the 4th of February 2004.

As the founding President of the India Museum Heritage Society, Mr. Chaudhary has played a tremendous role in fostering interfaith tolerance in his community. As the past President of both the India Association of Rhode Island and the American Freedom Coalition, Mr. Chaudhary has served as a community leader for over 25 years.

Thank you, Mr. Speaker, and I hope our colleagues will join me in congratulating Bush Chaudhary for his achievement, and I wish him great success in all of his future endeavors.

IN MEMORY OF JOHN GELFF, SAN JUAN CAPISTRANO CITY COUNCILMEMBER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. CALVERT. Mr. Speaker, I rise today to remember and pay my respects to an individual whose contributions to his community were exceptional. San Juan Capistrano City Councilman John Gelff recently passed away and today I would like the House of Representatives to recognize his contributions to his community.

John's life is marked by his service to community and others. He served in many public capacities throughout Orange County during

his life and six years ago moved to San Juan Capistrano. His immediate devotion and commitment to San Juan Capistrano was evident in his leadership as Mayor in 2003 and his service as Chairman of the City's Redevelopment Agency.

Community members remark on his love for the city and charitable organizations, such as the American Diabetes Association's South Orange County Walk and his service on the Orange County Library Commission. His accomplishments during his short time as a city councilmember include the prevention of a second railroad track in town, the prevention of a San Diego Gas & Electric electrical substation being located in the City, and working with the Orange County Transportation Authority to make traffic improvements along the San Diego Freeway corridor.

In 2000, my congressional district changed to include part of San Juan Capistrano and immediately I was impressed with John's passion and commitment to his community. San Juan Capistrano is undoubtedly a better place because of John Gelff's contributions. His leadership and energy will be truly missed.

SHORT-CHANGING THE U.S. POSTAL SERVICE IN PREVENTING BIOTERRORISM THROUGH THE MAIL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. HOLT. Mr. Speaker, the discovery of ricin in the Dirksen Senate Office Building, and the resulting closure of all three Senate office buildings, is an unfortunate and disturbing reminder of our mail system's vulnerability to terrorism. As the Representative of the 12th District of New Jersey, my concern on this matter is heightened because of our area's direct experience with the anthrax attacks of 2001. At least one of the anthrax-tainted letters mailed to Capitol Hill was sent from a postal drop box in Princeton, New Jersey and processed at a sorting facility in Hamilton, New Jersey. Anthrax spores were also discovered in my Washington, D.C. office, which resulted in my congressional office—and several others—being relocated for three months.

I rise today to express my profound disappointment that our federal government seems to have learned very little from these incidents. I am concerned that the United States Postal Service (USPS) has not received adequate funding to protect postal employees and the general public from the risk of bio-terrorism in the Fiscal Year 2005 budget that President Bush delivered to Congress two days ago. Specifically, I am troubled that the USPS was denied emergency preparedness funding in Fiscal Year 2004, and would be denied again in the President's Fiscal Year 2005 budget request. This continued lack of funding leaves the United States Postal Service ill-equipped to defend against bioterrorism.

A safe postal delivery system is critical not only for our homeland security, but also for our economic security. Only sustained, significant investment in our postal system will ensure that we are prepared to prevent, detect, and respond to bio-terrorism through the mail. I will be writing to President Bush to reconsider this oversight and provide the USPS with funding for this important initiative.

RECOGNIZING STATE SENATOR JOHN L. BURTON OF CALIFORNIA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Ms. SOLIS. Mr. Speaker, I stand today to recognize State Senator John L. Burton of California.

A bellwether in American politics, Senator Burton authored policy at the state and federal levels for 30 years. Prior to being elected to the California State Senate in 1996, Senator Burton served as a Member of Congress from 1974 to 1983. Elected President Pro Tempore of the California State Senate in 1998, he proudly represents the 3rd Senatorial District, encompassing the City of San Francisco and other Bay Area counties. He also serves as Chair of the Rules Committee and is a member of other powerful panels such as the Appropriations, Constitutional Amendments, Public Safety, and Revenue and Taxation Committees.

Under his leadership, Senator Burton has improved the lives of millions of Californians by authoring legislation that ranges from education to health care. He has made college accessible for thousands of low-income students, by guaranteeing Cal Grant scholarships of $9,700 for students who meet the GPA requirements. In the first state budget enacted during his time as President Pro Tempore, he revived cost of living adjustments and increased benefits for the elderly, disabled, and welfare-dependent mothers. In the latest budget, he ensured that mental health services and juvenile crime prevention programs receive high levels of financial support. In addition, Senator Burton has spearheaded legislation that allows the use of DNA testing to improve criminal investigations, strengthen child support collection and reform the campaign monetary system.

During his illustrious political career, Senator Burton has received numerous honors by eminent organizations and institutions. Some of his past recognitions include: Legislator of the Year by the California Association of Mental Health Patients' Rights Advocates, the California State University Lifetime Achievement Award, and the Sean McBride Award for Human Rights Work.

Well into his seventies, Senator John L. Burton continues to work hard for the people of California. He is a tireless and relentless leader, who I believe exemplifies the excellence in leadership today.

HONORING THE HARLANDALE HIGH SCHOOL CHEERLEADERS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. RODRIGUEZ. Mr. Speaker, I am proud to recognize the Harlandale High School Cheerleaders as the 2003 National Cheerleading Association's Senior and Junior High School National Champions. In addition to this great accomplishment, this star team also placed first in the Large Co-ed Division and won the Innovative Choreography Award.

Angie Pina, cheer director, Delilah Loredo, captain, and Felicia Campos, co-captain, deserve praise for leading and motivating the squad to such a high level of accomplishment. Their hard work and athletic ability have made this team an impressive success, and their tireless dedication has been well rewarded. Not only am I proud of the team, but also of each individual member for her commitment to achieving such high goals. They have set a new standard for achievement.

As an alumnus of Harlandale High School, I would like to thank these students for bringing acclaim to Harlandale and keeping the school spirit strong. I know they will continue to excel this year and in their future endeavors—both in athletics and academic studies.

HONORING CURTIS MANCINI

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to commemorate the contributions of Curtis Mancini of Davie, Florida. Curtis was among the seven U.S. soldiers killed on January 29 while serving in Afghanistan. He had served as a Davie police officer for 17 years and had been serving in Afghanistan for a year as a reservist.

Curtis was a soldier's soldier. His father, Commander Sergeant Major John Mancini of Rhode Island had served in the Army for 35 years and remembers Curtis saying he served now so that his children and other people's children would not need to later. Curtis had been promoted to sergeant first class, assigned to the 2nd Battalion Infantry, 10th Mountain Division and shipped off to Afghanistan on January 5. He served as a positive role model and longtime instructor at the Institute of Public Safety. Between 1989 and 2000, Curtis served on a drug task force in the U.S. DEA in Fort Lauderdale and upon returning to Davie, he became a training instructor. Friends and family remember Curtis as an avid sportsman, a brilliant instructor and dedicated father. He enjoyed running marathons, most recently the Walt Disney World marathon and ran 45 miles weekly.

In 2000, Curtis said in a Miami Herald interview, ''It's better to burn out than fade away.'' This was the type of man Curtis was.

Curtis is survived by his three children, his former wife, and countless colleagues, friends and family.

RECOGNIZING THE DENTISTS OF CHESTER COUNTY FOR THEIR PARTICIPATION IN ''GIVE KIDS A SMILE!'' DAY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize the dentists in my district, as well as

those throughout the nation, who will be participating this week in the ''Give Kids a Smile!'' program.

On Friday, February 6, 2004, the nation's dentists are providing free oral health care services to thousands of low-income children across the country. The ADA's second annual ''Give Kids a Smile!'' national children's dental access day, during National Children's Dental Health Month, will enhance the oral health of large numbers of needy children. The ''Give Kids a Smile!'' initiative is designed to nationally promote the numerous charitable education, screening, prevention and comprehensive treatment programs already in existence by having many of them coordinated and occurring on the same day. At the same time, the campaign has provided a framework for identifying, cataloging and recognizing the many access programs that take place throughout the year.

In Chester County, Pennsylvania over 30 local dentists will be doing their part to provide a wide range of dental services for underserved children. These dentists and their staff members will be volunteering their time in the dental clinic at the Community Volunteers in Medicine (CVIM) facility in West Chester. They will be providing much-needed free dental care to between 75 and 100 uninsured or underinsured children in the County.

Mr. Speaker, I ask my colleagues to join me today in recognizing the dentists in Chester County, as well as those throughout our country, who are volunteering their time and services so nobly on Friday to provide dental care to thousands of uninsured and underinsured children.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 5, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 9

10 a.m.
Governmental Affairs
To hold hearings to examine the Department of Homeland Security's budget for fiscal year 2005.
SD–342

Governmental Affairs
To hold hearings to examine Department of Homeland Security budget for fiscal year 2005.
SD–342

FEBRUARY 10

9:30 a.m.
Armed Services
To resume hearings to examine the Defense Authorization request for Fiscal Year 2005 and the future years defense program.
SR–325

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed fiscal year 2005 budget for the Department of Energy.
SD–366

2 p.m.
Veterans' Affairs
To hold hearings to examine the Adminstration's proposed fiscal year 2005 Department of Veterans Affairs' budget.
SR–418

FEBRUARY 11

9:30 a.m.
Indian Affairs
To hold hearings to examine the President's fiscal year 2005 budget request.
SR–485

10 a.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine cable industry competition.
SD–226

1 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine financial reconstruction in Iraq.
SD–538

2 p.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

FEBRUARY 12

9:30 a.m.
Foreign Relations
To hold hearings to examine policy and programs relating to the State Department.
SR–325

Governmental Affairs
Investigations Subcommittee
To hold hearings to examine Department of Defense contractors who are abusing the federal tax system by either failing to file tax returns or not paying their taxes.
SD–342

10 a.m.
Budget
To hold hearings to examine the President's fiscal year 2005 budget proposals.
SD–608

Energy and Natural Resources
To hold hearings to examine the President's proposed fiscal year 2005 budget for the Department of the Interior.
SD–366

2 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold hearings to examine evaluating a temporary guest worker proposal.
SD–226

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1466, to facilitate the transfer of land in the State of Alaska, S. 1421, to authorize the subdivision and dedication of restricted land owned by Alaska Natives, S. 1649, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and S. 1910, to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land.
SD–366

FEBRUARY 24

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Disabled American Veterans.
SH–216

MARCH 2

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2005 and the future years defense program.
SH–216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed fiscal year 2005 budget for the Forest Service.
SD–366

MARCH 4

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Jewish War Veterans, and the Blinded Veterans Association.
345 CHOB

MARCH 10

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

MARCH 18

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Air Force Sergeants Association, the Retired Enlisted Association, Gold Star Wives of America, and the Fleet Reserve Association.
345 CHOB

MARCH 25

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Officers Association of America.
345 CHOB

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

Daily Digest

HIGHLIGHTS

House and Senate met in a Joint Meeting to Receive His Excellency Jose Maria Aznar, President of the Government of Spain.

House passed H.R. 3030, Improving the Community Services Block Grant Act.

Senate

Chamber Action

Routine Proceedings, pages S549–S598

Measures Passed:

Homeland Security Technology Improvement Act: Senate passed S. 1612, to establish a technology, equipment, and information transfer program within the Department of Homeland Security, after agreeing to the committee amendment in the nature of a substitute. **Pages S596–97**

SAFE Transportation Equity Act: Senate continued consideration of S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, taking action on the following amendments proposed thereto: **Pages S549–68, S571–75**

Pending:

Modified committee amendment in the nature of a substitute.

Dorgan Amendment No. 2267, to exempt certain agricultural producers from certain hazardous materials transportation requirements. **Pages S571–75**

Gregg Amendment No. 2268 (to Amendment No. 2267), to provide that certain public safety officials have the right to collective bargaining. **Pages S573–75**

Withdrawn:

Bond Amendment No. 2265, to make certain improvements to the bill. **Pages S554–68, S571**

During consideration of this measure today, the following action also occurred:

Gregg Amendment No. 2266 (to Amendment No. 2265), to provide that certain public safety officials have the right to collective bargaining, fell when Bond Amendment No. 2265, (listed above) was withdrawn. **Pages S557–68, S571**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, February 5, 2004. **Pages S597–98**

California Missions Preservation Act—Agreement: A unanimous-consent agreement was reached providing that H.R. 1446, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, be referred to the Committee on Energy and Natural Resources. **Page S596**

APPOINTMENTS:

Task Force on Slave Laborers: The Chair, on behalf of the President Pro Tempore, pursuant to S. Con. Res. 130 (106th Congress), appointed the following individual to the Task Force on Slave Laborers: Virginia Walden-Ford, of Washington, D.C. **Page S596**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 96 yeas (Vote No. Ex. 8), Mark R. Filip, of Illinois, to be United States District Judge for the Northern District of Illinois. **Pages S568–71, S598**

Messages From the House: **Page S588**

Measures Referred: **Pages S588–89**

Executive Communications: **Pages S589–90**

Executive Reports of Committees: **Pages S590–91**

Additional Statements: **Page S588**

Amendments Submitted: **Pages S591–95**

Authority for Committees to Meet: **Page S596**

Privilege of the Floor: **Page S596**

Record Votes: One record vote was taken today. (Total—8) **Page S571**

Adjournment: Senate convened at 1 p.m. and adjourned at 7:09 p.m., until 9 a.m., on Thursday, February 5, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S598.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the Defense Authorization Request for fiscal year 2005 and future years defense program, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and General Peter Pace, USMC, Vice Chairman, Joint Chiefs of Staff.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Lawrence T. Di Rita, of Michigan, to be an Assistant Secretary of Defense for Public Affairs, and Francis J. Harvey, of California, to be an Assistant Secretary of Defense for Networks and Information Integration, and 438 military nominations in the Army, Navy and Air Force.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs. Committee ordered favorably reported an original bill entitled Federal Public transportation Act of 2004.

HEALTH AND HUMAN SERVICES BUDGET

Committee on Finance: Committee concluded a hearing to examine the Administration's Health and Human Services budget priorities for fiscal year 2005, after receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services.

UNITED STATES POSTAL SERVICE

Committee on Governmental Affairs: Committee concluded a hearing to examine workforce issues relating to preserving a strong United States Postal Service, after receiving testimony from Walter M. Olihovik, National Association of Postmasters of the United States, Steve D. LeNoir, National League of Postmasters, and Ted Keating, National Association of Postal Supervisors, all of Alexandria, Virginia; John Calhoun Wells, San Antonio, Texas, former Director of Federal Mediation and Conciliation Service; James L. Medoff, Harvard University, Cambridge, Massachusetts; and Michael L. Wachter, University of Pennsylvania Law School, Philadelphia.

House of Representatives

Chamber Action

Measures Introduced: 18 public bills, H.R. 3763–3780; and 8 resolutions, H. Con. Res. 357–359, and H. Res. 515–519 were introduced. **Pages H391–92**

Additional Cosponsors: **Pages H392–393**

Reports Filed: No reports were filed today.

Chaplain: Today's prayer was offered by Rev. Dr. Michael J. Easley, Senior Pastor, Immanuel Bible Church in Springfield, Virginia. **Page H311**

Recess: The House recessed at 10:05 a.m. and reconvened at 10:50 a.m. **Page H311**

Joint Meeting to Receive His Excellency Jose Maria Aznar, President of the Government of Spain: The House and Senate met in a Joint Meeting to receive His Excellency Jose Maria Aznar, President of the Government of Spain. He was escorted into the House Chamber by a committee comprised of Representatives DeLay, Blunt, Pryce (OH), Bereuter, Weller, Pelosi, Hoyer, Menendez, Lantos, and Rodriguez and Senators Frist, Stevens, Santorum, Kyl, Allen, Lugar, Smith, Daschle, and Dodd. **Pages H311–13**

Recess: The House recessed at 11:30 a.m. and reconvened at 12:06 p.m. **Page H314**

Improving the Community Services Block Grant Act of 2003: The House passed H.R. 3030, to amend the Community Service Block Grant Act to provide for quality improvements by voice vote. **Pages H319–59**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce printed in the bill was considered as an original bill for the purpose of amendment. **Pages H325–26**

Agreed to:

George Miller of California amendment (No. 5 printed in the Congressional Record of February 3)

that authorizes additional funds for a six month extension of unemployment benefits (agreed to by a recorded vote of 227 ayes to 179 noes, Roll No. 18). **Pages H347–58**

Rejected:

Woolsey amendment in the nature of a substitute (No. 4 printed in the Congressional Record of February 3) that sought to insert a provision that prohibits organizations from using Community Services Block Grant funds to discriminate in hiring on the basis of religion (rejected by a recorded vote of 183 ayes to 232 noes, Roll No. 17); **Pages H326–44, H347**

Scott of Virginia amendment (No. 2 printed in the Congressional Record of February 3) that sought to require that organizations offering religious services or activities, do so separately from programs that use Community Services Block Grant funds (rejected by a recorded vote of 180 ayes to 233 noes, Roll No.16); and **Pages H344–45, H346–47**

Scott of Virginia amendment (No. 1 printed in the Congressional Record of February 3) that sought to prohibit the use of federal Community Services Block Grant funds to discriminate in hiring on the basis of religion (rejected by a recorded vote of 182 ayes to 231 noes, Roll No.15). **Pages H345–346**

Agreed by unanimous consent to limit the time for debate on the George Miller of California amendment. **Page H352**

Agreed by unanimous consent to authorize the Clerk to make technical and conforming changes to the bill. **Page H359**

H. Res. 513, the rule providing for consideration of the bill was agreed to by a voice vote. **Pages H314–319**

Recognizing the University of Southern California's accomplishments in sports: The House agreed to H. Res. 511, recognizing the accomplishments of the University of Southern California's football, women's volleyball, and men's water polo teams. **Pages H361–62**

Congratulating the Grand Valley State University Lakers Football Team: The House agreed to H. Res. 498, congratulating the Grand Valley State University Lakers football team for winning the 2003 National Collegiate Athletic Association Division II Football National Championship. **Pages H362–63**

Congratulating the University of Delaware Men's Football Team: The House agreed to H. Con. Res. 355, congratulating the University of Delaware men's football team for winning the National Collegiate Athletic Association I–AA national championship. **Pages H363–64**

Commending the Wake Forest University Demon Deacons Field Hockey Team: The House agreed to H. Res. 497, commending the Wake Forest University Demon Deacons field hockey team for winning the 2003 National Collegiate Athletic Association Division I Field Hockey Championship. **Pages H364–65**

Congratulating the St. John's University, Collegeville, Minnesota, Football Team: The House agreed to H. Res. 493, congratulating the St. John's University, Collegeville, Minnesota, football team on winning the 2003 NCAA Division III Football National Championship. **Page H365**

Congratulating the New England Patriots: The House agreed to H. Res. 512, congratulating the New England Patriots for winning Super Bowl XXXVIII. **Pages H365–68**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 12 noon on Friday, February 6, and further that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, February 10 for morning hour debate. **Page H361**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 11. **Page H361**

Quorum Calls—Votes: Four recorded votes developed during the proceedings of the House today and appear on pages H345–46, H346–47, H347, and H358. There were no yea-and-nay votes or quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:31 p.m.

Committee Meetings

PUBLIC DIPLOMACY PROGRAMS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies held a hearing on the Recommendations of the Advisory Group on Public Diplomacy for the Arab and Muslim World. Testimony was heard from Ambassador Margaret Tutwiler, Under Secretary, Public Diplomacy and Public Affairs, Department of State; and the following officials of the Advisory Group on Public Diplomacy for the Arab and Muslim World: Ambassador Edward Djerejian, Chairman; and Ambassador David Abshire.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2005

Committee on Armed Services: Held a hearing on the Fiscal Year 2005 National Defense Authorization Budget Request from the Department of Defense. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfeld,

Secretary; Gen. Peter Pace, USMC, Vice Chairman, Joint Chiefs of Staff; and Dov Zakheim, Under Secretary (Comptroller).

TREASURY DEPARTMENT BUDGET PRIORITIES FISCAL YEAR 2005

Committee on the Budget: Held a hearing on the Department of the Treasury Budget Priorities Fiscal Year 2005. Testimony was heard from John W. Snow, Secretary of the Treasury; and a public witness.

COMMUNICATIONS MARKETPLACE—CURRENT STATE OF COMPETITION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''The Current State of Competition in the Communications Marketplace.'' Testimony was heard from public witnesses.

CORPORATE GOVERNANCE—ROLE OF ATTORNEYS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''The Role of Attorneys in Corporate Governance.'' Testimony was heard from public witnesses.

''SHOULD WE PART WAYS WITH GPRA?''

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held an oversight hearing entitled ''Should We Part Ways with GPRA?'' Testimony was heard from Paul Posner, Director, Strategic Issues, GAO; and public witnesses

L VISAS: LOSING JOBS THROUGH LAISSEZ-FAIRE POLICIES? COMMITTEE BUSINESS

Committee on International Relations: Held a hearing on L Visas: Losing Jobs Through Laissez-Faire Policies? Testimony was heard from public witnesses.

The Committee also considered pending Committee business.

FRAUDULENT ONLINE IDENTITY SANCTIONS ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 3754, Fraudulent Online Identity Sanctions Act. Testimony was heard from public witnesses.

IMPACT OF SCIENCE ON PUBLIC POLICY

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled ''The Impact of Science on Public Policy.'' Testimony was heard from Representative Walden of Oregon; and public witnesses.

OVERSIGHT—FOREST INDUSTRY—ISSUES AFFECTING JOBS

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Issues Affecting Jobs in the Forest Industry. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported the following measures: H.R. 912, amended, Charles 'Pete' Conrad Astronomy Awards Act; H.R. 1292, amended, Remote Sensing Applications Act of 2003; H.R. 3389, to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldridge National Quality Awards to be made to nonprofit organizations; H.R. 3551, amended, Surface Transportation Research and Development Act of 2004; H.R. 3752, Commercial Space Launch Amendments Act of 2004; and H. Con. Res. 189, amended, Celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year-2 (IGY–2) in 2007–08.

ADMINISTRATION'S PROPOSED BUDGET—DEPARTMENT OF VETERANS AFFAIRS

Committee on Veterans' Affairs: Held a hearing on the Administration's proposed Fiscal Year 2005 budget for the Department of Veterans Affairs. Testimony was heard from Anthony J. Principi, Secretary of Veterans Affairs; and representatives of veterans organizations.

BRIEFING—GLOBAL INTELLIGENCE UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to receive a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

HOMELAND SECURITY ADVISORY SYSTEM

Select Committee on Homeland Security: Held a hearing entitled ''The Homeland Security Advisory System: Improving Preparedness through Effective Warning.'' Testimony was heard from James M. Loy, Deputy Secretary, Department of Homeland Security; and John O. Brennan, Director, Terrorist Threat Integration Center.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 5, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations: to hold a closed briefing regarding security preparations for 2004 Olympic Games, 2:30 p.m., S–407, Capitol.

Committee on the Judiciary: to hold hearings to examine the nominations of William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit, William S. Duffey, Jr., to be United States District Judge for the Northern District of Georgia, and Lawrence F. Stengel, to be United States District Judge for the Eastern District of Pennsylvania, 10 a.m., 2141–RHOB.

House

No committee meetings are scheduled.

Next Meeting of the **SENATE**

9 a.m., Thursday, February 5, 2004

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 1072, SAFE Transportation Equity Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12 noon, Friday, February 6

House Chamber

Program for Friday: The House will meet at 12 noon in pro forma session.

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