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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, throughout the sacred history of the Bible, You have called people. Sometimes they are asked to leave the familiar and set out into an unknown future. In all cases, they are given a specific purpose or mission. Usually those You call are asked to serve others.

What a blessing it is to serve at Your call and to act in Your name.

Bless the Members of the House of Representatives. You have brought them here to be attentive to the needs of their constituents and at the same time serve the Nation and national interests.

Bless them for Your service. They come to do Your will. To pour out themselves in the service of others is to reveal Your Spirit at work in them.

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 New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 355. Concurrent Resolution congratulating the University of Delaware men's football team for winning the National Collegiate Athletic Association I–AA national championship.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes per side.

AMERICA IS TIRED OF NEGATIVE POLITICS

(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, I come to the floor outraged and disappointed at the conduct of the Presidential candidate, Senator JOHN KERRY. To issue a term about our Commander in Chief and calling him a liar is disgusting, despicable; and we reject this kind of politics.

Today, it was reported on Fox News that the Saddam Hussein government stole over $4 billion from the Food-for-Oil Program to help the poor people in that country of Iraq. They spent the proceeds of that $4 billion bribing and paying off officers all over the world. 400,000-plus people died at the hands of Saddam Hussein, and the candidate running for President is calling our Commander in Chief a liar.

I think that is regrettable, think it is disgusting; and they have consistently used this kind of terminology throughout this entire campaign. America is tired of negative politics.

I challenge the Senator to talk about what you will do for the people of this country rather than tearing down the institution of the President. You cannot have it both ways. You cannot have it both ways, and I am sick and tired of this kind of language polluting political airways and making our children wonder why they should vote.

He did not think he was miked. What you say in silence is what you will say everywhere you go. So whether you thought the mike on or not, Mr. KERRY, you were wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Members are cautioned not to make personal references to Members of the Senate even if they are apparently to be nominated Presidential candidates.

UNJUST IMPRISONMENT OF NGUYEN VU BINH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice my outrage over the Vietnamese Government's imprisonment of Mr. Nguyen Vu Binh.

On December 31, 2003, writer Nguyen Vu Binh was sentenced to 7 years in jail plus 3 years of house arrest after that. His charge? Writing and exchanging with various opportunistic elements in the country and communicating with reactionary organizations abroad.

My colleagues might be surprised to know that the United States Congress is one of those reactionary organizations. On July 19, 2002, Mr. Binh submitted testimony to the congressional Human Rights Caucus, highlighting Vietnam's assault on human rights, and I would like to read an excerpt from that.

He said, ''The ultimate goal of the Vietnamese government is to isolate, separate and divide the democracy activists. They achieve this goal through

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tactics carefully applied to each target.''

Two months after he submitted this testimony here, Mr. Binh became a target and was taken into custody. This simply must stop.

I urge the Vietnamese government to facilitate the immediate release of Mr. Binh and to afford its citizens the freedoms that they deserve.

ANNIVERSARY OF LEBANESE WAR OF LIBERATION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, 15 years ago today the Lebanese people and their last legitimate government, headed by Prime Minister Aoun, courageously engaged in a war of liberation against Syria.

For 19 months, this heroic people fought to save and defend that which Syria wanted to destroy, Lebanese sovereignty and independence. Tragically, the Syrian regime overpowered them and succeeded in turning Lebanon into a captive nation.

Today, Syria harasses, arrests, imprisons, tortures and disappears anyone who speaks out against Syria's domination of Lebanon, and its campaign of intimidation extends here to the U.S. Congress.

Late last year, General Aoun appeared before the Subcommittee on the Middle East and Central Asia, which I chair, to address Members about Syrian occupation of and terrorist activities in Lebanon. For this, he was charged with treason, tried in absentia and sentenced to 15 years of hard labor.

We must send a clear message to Syria that its continued occupation of Lebanon will not be tolerated. Lebanon is a captive nation, and we must not rest until Lebanon is free from Syria's regime and their strangle hold.

TRANSIT FUNDING

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

Mr. PITTS. Mr. Speaker, Federal transportation law currently penalizes communities like Redding and Lancaster, Pennsylvania, in my district or like South Bend, Indiana; Lubbock, Texas; Shreveport, Louisiana; Wichita, Kansas; Jackson, Mississippi; Fort Collins, Colorado; communities like them all over the country.

When these communities reach 200,000 people, transit systems in these areas are required to spend Federal money like the big-city transit system. They lose their flexibility. What they need is a small system with unique needs. They are lumped in with the New Yorks and the Philadelphias. But areas like Lancaster and Redding are nothing like Philadelphia.

As a result, people in these areas and dozens of others lose out, and that is why I introduced a bill to prevent the Federal Government from penalizing these thriving communities, the Transit Flexibility Protection Act. This bill does not authorize new money. It merely protects small transit systems and their ability to use Federal funds wisely.

If we are going to invest in public transit, we should at least do it in a way that truly promotes it in communities like these.

IN DEFENSE OF ANTHONY RAIMONDO

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

Mr. TERRY. Mr. Speaker, I am here today to defend a good American and a good Nebraskan, Tony Raimondo, who lives the American Dream of building a manufacturing plant in Nebraska and having several others throughout the country, employing now 1,200 people that make farm equipment, fencing, tanks, metal buildings. The Bush administration has tapped his expertise to become the new American manufacturing czar; but of course, then this has to be roiled down into Presidential politics.

The Kerry campaign, in a rather deceitful way, attacking a great American, Tony Raimondo, because out of 1,200 American jobs that he has created, they have 180 jobs in China to make farm equipment to sell in China.

This is not an issue of outsourcing jobs. This is an issue of being efficient in a global economy. This is a great American, and I stand to defend him against these unwarranted, deceitful, political, presidential-year politics and attacks.

SIGNING OF IRAQI INTERIM CONSTITUTION

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

Mr. BURGESS. Mr. Speaker, I wanted to come to the floor of the House today to recognize a momentous event and a momentous event that occurred earlier this week, and I do not think it has gotten sufficient press and that, of course, was the signing of the Iraqi interim constitution by the 25 signatories earlier this week.

We heard a lot of information on Friday when the signing was held up, but the press scarcely reported what will likely be one of the events that will shape not only the world events around us but shape events for the next century.

Mr. Speaker, I want to congratulate our President on his leadership for getting this accomplished. I want to congratulate Ambassador Bremer in Iraq. I know he is looking forward to the conclusion of his term there when sovereignty is returned to the Iraqis. They have got a hard job ahead of them. Four elections within the next year's time will be a daunting task for them, but they have laid the groundwork. They have laid the foundation.

Again, congratulations to our President, congratulations on his leadership for getting this interim constitution signed in a timely fashion.

AMERICA STANDS WITH SPAIN

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

Mr. WILSON of South Carolina. Mr. Speaker, America awoke this morning to learn the tragic news that at least 170 people were massacred and over 600 wounded in terrorist attacks on the public transit system in Madrid, Spain. The Basque terrorist group, ETA, is believed to be responsible for these murderous bombings.

This is only the latest in a global campaign of terror that seeks to undermine freedom and democracy throughout the world by taking the lives of innocent civilians. Since the terrorist attacks of September 11 here in America, there have been deadly attacks from Morocco to Indonesia and from India to Turkey and Russia, along with assaults in Iraq and Saudi Arabia.

As British Prime Minister Tony Blair has rightly said this morning, ''This terrible attack underlines the threat that we all continue to face from terrorism in many countries and why we must all work together internationally to safeguard our peoples against such attacks and defeat terrorism.''

Our allies in Spain, led ably by the courageous prime minister, Jose Maria Aznar, should know that Americans mourn with them today. America is committed to stand by Spain to defeat global terrorism, as we are grateful for the Spanish heritage of America.

In conclusion, may God bless our troops; and we will never forget September 11.

RECOGNIZING ARIZONA CHAPTER OF ASSOCIATED GENERAL CONTRACTORS AND ARIZONA ROCK PRODUCTS ASSOCIATION

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

Mr. FLAKE. Mr. Speaker, I rise today to pay special tribute to two local associations in my home State of Arizona: the Arizona chapter of the Associated General Contractors and the Arizona Rock Products Association.

Sunshine Acres Children Home, in my home district of Mesa, Arizona, was in desperate need of paved roads and paved emergency roads. These are required and mandated by the city of Mesa. The Associated General Contractors and the Arizona Rock Products Association were able to join forces and donate their expertise, materials,

equipment, and manpower to build these required road improvements, which otherwise the children's home could not afford.

Sunshine Acres Children's Home is often referred to as the Miracle in the Desert. It is a home for children who are separated from their parents who are either unwilling or unable to care for them. For 50 years, Sunshine Acres has survived primarily on private donations. The home does not receive any aid from the Federal, State, or local governments.

I had the distinct honor and privilege of visiting Sunshine Acres this last Christmas. My wife and family toured the campus, met the children and their house parents, and then served Christmas dinner to all the residents. It was a visit I will not soon forget.

Today, the residents of Sunshine Acres are enjoying smooth paved roads, perfect for riding their bicycles, roller blading and playing basketball, all thanks to the generosity and hard work of the Associated General Contractors and Arizona Rock Products Association. These groups deserve recognition and credit for what they have done.

TRIBUTE TO ROBERT D. ORR

(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, last night the State of Indiana lost a giant. The honorable Robert D. Orr passed away at Indiana University's medical center.

Governor Orr served Indiana for 8 years in the State's top office from 1981 to 1989. He spurred our State's economy out of recession and overhauled its education system. He also oversaw the removal of the State license branch system from political and partisan control and led an aggressive effort to promote the export of Indiana products.

Mr. Speaker, his work did not begin in 1981, nor did it stop in 1989. Robert Orr enlisted in the Army in 1942, was commissioned a major for his service in the Pacific theater in World War II. At the end of the war, he went to Evansville and entered the family business, Orr Iron Company. He served as Vanderburgh County Republican chairman and was elected to the State senate in 1968 before being elected the State's lieutenant governor.

Even after leaving office, Governor Orr was appointed U.S. Ambassador to Singapore and helped build an international relationship with that nation that America still enjoys today.

Mr. Speaker, Hoosiers will remember Governor Orr for all these great achievements and his wise actions, but they will most remember him for his humility and his personal decency and kindness. Governor Orr embodied that very verse in Proverbs: ''With humility comes wisdom.''

Mr. Speaker, I mourn the death of the honorable Robert D. Orr, along with millions of Hoosiers, as we send our heartfelt condolences to his wife, Mary, and his entire family. May Robert D. Orr rest in the peace that he so richly deserves.

□ 1015

SPEAKING OUT AGAINST DOMESTIC VIOLENCE

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

Ms. CAPITO. Mr. Speaker, I rise today to speak out against domestic violence. Domestic violence encompasses all acts of forceful behavior that one person uses to maintain control over another person. While we are taking steps to eradicate the threat of domestic abuse for women and children, unfortunately the statistics demonstrate the need for more community outreach, funding for prevention programs, and help from Congress.

In my home State of West Virginia, there has been a 400 percent increase in the number of domestic violence complaints to our law enforcement agencies. I am committed to stopping violence against women. But women are not the only victims. Many times children are the victims. In our Nation, millions of children, 9 million children, have reported seeing violence in their home. These statistics are just an estimate, 9 million, but I believe one child is one too many. We need to take care of our children and ensure they are safe from violent crimes, particularly in their own homes.

With a strong commitment from Members of Congress to work together to decrease domestic violence in our Nation, hopefully we will see a drop in the domestic violence statistics in the years to come.

POLITICAL DEBATES SHOULD BE ABOUT VALUES AND IDEALS, NOT NAME CALLING

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

Mr. KINGSTON. Mr. Speaker, it is a presidential election year, and presidential elections are very important. Politics in general, in a republic like ours, is a substitute for Civil War. It is a very important process. At the same time, I think we need to control the rhetoric.

Last night, the leading Democrat nominee, JOHN KERRY, called, or seemed to call, the President of the United States and his crew ''a crooked bunch of liars.'' Now, those are strong words, and somewhat ridiculous when we consider the fact that we should be having a debate of values, of ideals, and that that debate should be conducted with integrity.

As a Member of Congress, I call on our colleague, the Senator from Massachusetts, to publicly apologize not just to the President of the United States but to the American people. We need a good debate. We need to look at the differences between these two candidates. One is obviously a big liberal and likes more government, higher taxes, and more regulation. The other one likes less. But the debate should be about those values, not name calling.

Senator KERRY, please apologize to the American people.

PROVIDING FOR CONSIDERATION OF H.R. 3717, BROADCAST DECENCY ENFORCEMENT ACT OF 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 554 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 554

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. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. 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 Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. 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 (Mr. GOODLATTE). The gentlewoman from

North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); 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.

On Tuesday, the Committee on Rules met and granted a structured rule for H.R. 3717, the Broadcast Decency Enforcement Act of 2004. H.R. 3717 is a direct response to the increasing levels of indecency on broadcast television and radio. The bill has strong bipartisan support, with over 145 cosponsors, and is a comprehensive measure that is reasonable, fair and firm.

The problem of obscenity on TV has been going on for far too long. However, the Super Bowl brought it to national attention. On February 1, millions of families were at home watching the Super Bowl together. I myself was watching the game, cheering on my Carolina Panthers. This was a moment of pride for my district, and in one moment the attention was shifted.

I was appalled by the shameless stunt that took place during the Super Bowl. And the excuses I have heard ring very hollow. Obviously, if it was deliberate, then Janet Jackson and Justin Timberlake thought they could get away with it.

Mr. Speaker, my constituents are very tired of having to cover over their children's eyes and ears every time they turn on the television set, especially during the time that is supposed to be considered family time.

H.R. 3717 the Broadcast Decency Enforcement Act of 2004 raises the maximum penalty cap for broadcast stations, networks, and performers to $500,000 for each indecency violation. By significantly increasing the FCC fines for indecency, networks and individuals will do more than just apologize for airing such brazen material, they will be paying big bucks for their offenses.

I am very pleased that this legislation streamlines the Federal Communication Commission enforcement process for networks and individuals who willfully and intentionally put indecent material over the broadcast airwaves. So complaints do not languish at the FCC, the bill requires them to complete action on indecency complaints within 270 days of receipt. In the past, there have been examples where it has taken several years, and the broadcasters know they will not be taken to task until long after the offense is over.

I want to commend the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON), for moving this legislation so swiftly through his committee. I also want to thank the gentleman from Michigan (Mr. UPTON) for his resolve to protect our Nation's airwaves. He has been working on this issue for a long, long time.

Broadcast airwaves belong to the American people, not to the networks. So I believe it is time for Congress to defend and protect America's parents and children and pass a tough bill to ensure decency on the airwaves. To that end, I urge my colleagues to support the rule and the underlying bill.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. FROST. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time, and I rise in support of the rule and the underlying bill. I do so because it is time to send a strong message to broadcasters that indecent television and radio programs are not okay.

For too long, the producers of indecent programming have regarded FCC fines as just a minor nuisance; as a cost of doing business. That attitude has to end. Congress needs to send a strong message to broadcasters that doing anything for profit, no matter how much it offends American viewers and harms the public interest, is definitely not okay.

Mr. Speaker, the basic principle of broadcasting in our country is that the American people grant private businesses the ability to make money while using our public airwaves. In exchange for a license, we ask that broadcasters air programs that serve the public interest, and we ask them not to broadcast indecent material at times when children are likely to be watching or listening. In other words, we have a social contract with our media companies. They can use the airwaves, but they must run their businesses in a socially responsible way. They must remember they have a duty to serve not only their shareholders but also the American people.

The reason we have special rules for radio and television programming is that the broadcast media is, in the words of Supreme Court Justice John Paul Stevens, ''a uniquely pervasive presence in the lives of all Americans.''

When 100 million Americans, including myself, tuned into the Super Bowl, we allowed a broadcast company to enter the privacy of our homes. Just like any other guest, we welcomed them into our home. We expected the Super Bowl broadcast to be respectful of us and our families. We do not expect to agree with our house guests on everything, but we do expect them to show good judgment and to refrain from saying crude and offensive things, especially when children are in the room. What we all got on February 1 was anything but a good guest, Mr. Speaker.

Besides the now infamous incident involving Justin Timberlake and Janet Jackson, the half-time show was full of crude and sexually explicit performances. Throughout the game, we were subjected also to some offensive advertising. And all this was going on in our dens, our living rooms, and the other places we gather every year to watch the Super Bowl. It is estimated that one in five American children were watching this year's Super Bowl broadcast.

I would like to note, Mr. Speaker, that the actual Super Bowl game was one of the most exciting, best-played games in the 38-year history of the sporting event. Decided by a field goal kicked with 4 seconds left, this year's game had plenty of action and drama to sell itself on its own merits, without adding the controversial material that has provoked so much outrage for the past month.

To be fair, we should not be singling out the Super Bowl broadcast for our disapproval. When I drive around the Dallas-Fort Worth metropolitan area, I enjoy going up and down the radio dial to listen to many different stations that offer information and entertainment to the people of North Texas. I hear a lot of good programming, but I am also astonished at the amount of gratuitous foul language some talk show hosts use on a daily basis. The hosts of my favorite sports talk shows in the Dallas market seem to be using more and more offensive language.

I applaud the FCC commissioners for aggressively cracking down on this type of programming and hope that this legislation gives them a more effective enforcement tool.

I would also like to note that this problem goes beyond just the programming we receive in our homes from the FCC broadcast licensees. Congress does not currently have the same power to regulate the indecent content of cable programming as we do over broadcast programming. But all of us who have cable television know that there are cable network shows aired during family hours that are equally offensive and indecent. Although they operate under a regulatory system that would not be covered by the bill we are considering today, I urge the cable networks to remember that they have a social responsibility to the American people too.

Mr. Speaker, some people may be suggesting that with this bill and the speeches we are giving today, we are trying to censor speech or limit expression in our society. Nothing could be further from the truth. As a former broadcast journalist, and as the father of a broadcast journalist, I have a deep respect for the right of journalists, artists, political and religious leaders, and anyone else for that matter, to exercise their constitutional freedom of speech. Our communication laws on obscenity and indecency do not stop free speech or suppression. They simply say it is not always appropriate to broadcast crude and sexually explicit material into our homes and into our motor vehicles, especially when our children could be watching or listening.

I urge all of my colleagues to support this bill and the FCC's new efforts to take back our air waives from the people who have cynically decided the best way to sell advertising is by shocking and offending us. I have more faith in Americans than that. Voting for this bill is not just a vote to protect our families from indecent programming, it is also a vote in support of the vast majority of broadcasters, producers, and performers today who are running profitable businesses while broadcasting in a way that serves the interests of our families and our society.

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

□ 1030

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), a fellow member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I rise in support of this rule and thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Mr. Speaker, H. Res. 554 is a fair and balanced rule that will provide House Members with the opportunity to consider a number of issues affecting our efforts to get indecent material off our airwaves. Under this rule, the House will have the opportunity to consider a manager's amendment by the gentleman from Michigan (Mr. UPTON) and an amendment by the gentlewoman from Illinois (Ms. SCHAKOWSKY) to strike the increased fine limit on entertainers, and an amendment by the gentleman from Texas (Mr. SESSIONS) to direct the General Accounting Office to provide a detailed report to Congress about the number of complaints about indecent broadcasting and the processes and procedures that the FCC has implemented to investigate these complaints.

With respect to H.R. 3717, the underlying legislation, I want to commend the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet, for all of the time and effort he has invested in bringing this very important and well-crafted legislation to the House floor.

Vulgarity, profanity, and even obscenity are an all-too-common trend on our television and radio airwaves today. Originally, the Golden Globe Awards incident last year appeared to be an isolated event; however, the subsequent profanity during the Billboard Music Awards broadcast and the grossly inappropriate halftime show of the 2004 Super Bowl made clear that Congress needs to take action and give the FCC the tools it needs to crack down on such tawdry programming.

H.R. 3717 provides some of these tools for the FCC and is a step in the right direction. This legislation increases the penalties imposed for broadcast indecency, which allows the FCC to more authoritatively regulate on-air programming. Also, this bill makes it easier for the FCC to hold individuals subject to the same fines as broadcasters for indecent actions.

In conclusion, families must be able to watch prime-time TV together without the fear of watching obscene, profane, or vulgar programming; and H.R. 3717 will help make this a reality.

Mr. Speaker, I urge Members to support the rule so we may proceed to debate the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, the Committee on Rules has denied me and other Democrats the opportunity to offer amendments that are vital and directly relevant to the debate on eliminating indecent content on the public airwaves.

Americans should look at the link between the surge in complaints on indecent content on TV and radio and the increasing media consolidation that has occurred in recent years.

During the Committee on Energy and Commerce's three hearings on Indecency in the Media, it became apparent it is the media giants who are the greatest offenders of the FCC's indecency standard. The biggest FCC fines have gone to the biggest media players. In the past 5 years, 80 percent of the fines on violations of the FCC indecency standard were handed out to the media conglomerates.

I believe the increasing amount of indecent content on our public airwaves is a symptom of media consolidation, but the FCC never bothered to look at this possible link before they issued new rules last year to allow these media giants to get even bigger. The Parents Television Council noted this as well. Director Brent Bozell said after the FCC issued the new rules allowing more media consolidation, and I would like to quote him, he said, ''The rules change means that a handful of megaconglomerates will impose their own standards of decency. They have been handed unfettered opportunity to broadcast violent and vulgar programming with impugnity.''

My amendment would have delayed the FCC rules on media consolidation while the GAO conducted a thorough review of the correlation between indecent content on our public airwaves and media consolidation.

I had also offered a pared-down amendment that would have authorized a study without delaying the rules. I will still be seeking the GAO study, and I invite my colleagues to join me in this request I will be making later today.

The growing number of media monopolies is relevant to this indecency debate, and the Committee on Rules should not have denied me and others the opportunity to offer our amendments. I urge my colleagues to vote against this rule until we get the amendments that will help us further this debate.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. UPTON), the subcommittee chairman whose bill this is.

Mr. UPTON. Mr. Speaker, I want to compliment the Committee on Rules and the leadership for getting this bill on a fast track, and I want to compliment my colleagues on the Committee on Energy and Commerce. We acted very swiftly to get this bill to the floor. In fact, we passed the bill out 49 to 1 just last week.

I would like to say as well that I think this rule is a fair rule. I think the amendments will be debated fairly. I think that the membership of the House will respond to those amendments; and obviously my hope is to adopt the bill, the legislation, overwhelmingly at the end of the day.

I want to say to the gentleman from Michigan (Mr. STUPAK) on media ownership, there will be a time and place for that debate. We had a little debate on this last year. There was a compromise that was made as part of the appropriations process. This issue is not going to go away, but I think it is imperative that we get this bill to the President's desk as fast we can.

The President did send a veto signal as a statement of administration policy last year on this very issue. If for some reason that amendment was attached to this bill, there is no question it would delay enactment of this bill. It is not in place to add that amendment to this bill. I accept what the Committee on Rules did yesterday. We had a good debate on it yesterday afternoon. I think they made a wise decision not to make that amendment in order, knowing there is another day and time when we can debate that issue.

Mr. Speaker, I compliment the gentleman from Michigan (Mr. STUPAK) for offering virtually the same amendment in full committee last week and then withdrawing that amendment even though a point of order had been raised.

I urge Members to support this fair rule so we can get this bill to the President's desk as fast as we can.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, there are clearly some messages to take from recent events and the bill that is on the floor today. The overriding message is that there is a responsibility that comes with being entrusted to broadcast over the public airwaves.

People say if viewers do not like the content of a certain show and find it offensive, just do not watch. The problem with that argument is when content is being broadcast over public airwaves, it sometimes cannot be avoided. The fact is that people in this country surf and flip up and down channels on

TV and radio. If we do not regulate what people can see and hear in these forums, children in particular will be exposed to material that is completely inappropriate.

While we, and broadcasters in particular, should take action to crack down on indecent material, we must not allow this focus on indecency to become a mission instead to do everything possible to gain favor with the FCC and their ultimate leader, President Bush. Being contrary to the government and offensive to the President and his campaign donors should not fall into the category of indecent material.

Unfortunately, the Clear Channel case with Howard Stern leaves that impression. Consider the facts: on February 25, Clear Channel announced that its radio stations would no longer carry the ''Howard Stern Show,'' citing ''indecent content'' in Stern's February 24 radio broadcast. But nothing in Mr. Stern's recent shows has been cited for indecency, and it has been years since he has been fined by the FCC. Some commentators have said his show has been milder in recent months. According to the Wall Street Journal, Mr. Stern's sponsors have not pulled their advertisements, meaning that the sponsors do not believe the show is across the line.

The only thing that has changed is that just 2 days before his suspension, Mr. Stern had become more critical of the Bush administration, an administration Clear Channel and its top executives have bank-rolled to the tune of $42,000 this election campaign cycle, and hundreds of thousands of dollars in years past.

Even more curious is the location where Mr. Stern's show is being dropped. Is it simple coincidence that political battlegrounds of Ohio and Florida are losing a popular critic of the Bush administration just as the election season begins?

While we are right to take action today to keep indecent material off the public airwaves, this should not be seen as open season on a diversity of views. If we only have radio personalities who are sympathetic to the President and his large corporate backers, then we will only have a small number of voices being heard, and all of them will be at the far right end of the radio dial.

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I rise in support of the resolution, but I would like to express a few views on why I will oppose the legislation.

I am convinced that the Congress has been a very poor steward of the first amendment, and we are moving in the direction of further undermining the first amendment with this legislation.

First, many years ago, it was an attack on commercial speech by dividing commercial and noncommercial speech, which the Constitution does not permit. Then there was a systematic attack from the left, writing rules against hate speech which introduced the notion of political correctness. Recently, there was a petition to the Department of Justice that has asked the Department to evaluate ''The Passion of Christ'' as an example of hate speech. Unintended consequences do occur.

Next came along a coalition between right and left, and there was an attack on campaign speech with the campaign finance reform with a suspension of freedom of speech during an election period.

Now, once again, we are attacking indecency, which we all should, but how we do it is critical; because ''indecency'' is a subjective term, and it has yet to be defined by the courts.

We should remember that the Congress very clearly by the Constitution is instructed to: ''make no laws abridging the freedom of speech.'' It cannot be any clearer. If we have problems with indecency they are to be solved in different manners. The excuse, because the government is responsible and owns the airwaves, that we can suspend the first amendment is incorrect. That is a good argument for privatizing the airwaves rather than an excuse for suspension of the first amendment.

I would like to close by quoting someone who is obviously not a libertarian and obviously not a liberal who has great concern about what we are doing, and he comes from the conservative right, Rush Limbaugh. He said: ''If the government is going to 'censor' what they think is right and wrong, what happens if a whole bunch John Kerrys or Terry McAuliffes start running this country and decide conservative views are leading to violence? I am in the free speech business. It is one thing for a company to determine if they are going to be a party to it. It is another thing for the government to do it.''

Mr. Speaker, we all should be in the free speech business.

Mr. BARTON of Texas. Mr. Speaker, I am in support of this rule.

The Broadcast Decency Enforcement Act of 2004, H.R. 3717, has overwhelming bipartisan support. H.R. 3717, which was adopted on a vote of 49 to 1 by my Committee, increases the Federal Communications Commission's authority to assess fines for indecent broadcasts. As Janet Jackson revealed to the entire Nation during the Super Bowl Halftime, broadcasters and performers have stopped minding the public's store, allowing all sorts of offensive material to travel across the public airways.

This is not a new problem. For years now, radio programming has gotten progressively more base, and within the last year and a half a number of so-called celebrities have let expletives fly on live broadcast television coverage of awards shows. Federal law already allows the FCC to assess fines on licensees and non-licensees for the broadcast of indecent content during hours when children are likely to be in the audience, and courts have made clear that the FCC's definition and regulation of indecent content is constitutional.

The problem, however, is that the FCC currently is authorized to assess a maximum fine of only $27,500 per violation on licensees, and $11,000 per violation on individuals. Such weak penalties amount to little more than a cost of doing business, and provide little to no deterrent. What's more, the FCC can only assess such fines on individuals on the second infraction, which means that celebrities such as Ms. Jackson get a free pass on the first offense should they do something indecent.

H.R. 3717 addresses these problems by raising the maximum fine to $500,000; permitting the FCC to consider revoking a broadcast license after the third offense; and allowing the FCC to fine an individual on the first offense. H.R. 3717 does not require such severe penalties, but gives the FCC needed discretion to tailor its sanctions to each particular offense. Perhaps this will send the message to broadcasters and individuals that indecency on our airwaves is no laughing matter. H.R. 3717 also imposes a shot clock on the FCC to ensure that these matters are resolved expeditiously.

Mr. Speaker, this is a fair rule, and I urge Members to support it.

Ms. WATSON. Mr. Speaker, I rise in strong opposition to the rules for H.R. 3717. Yesterday I offered an amendment to the bill that would end industry-paid travel for commissioners and staff of the Federal Communications Commission once and for all. I am very disappointed that it was not made in order. In fact, 5 of the 6 amendments offered by my Democratic colleagues were not made in order. I hope my colleagues would join me in opposing this rule and request an open rule.

My amendment was a modified version of a bill that I introduced last year in response to a report documenting over $2.8 million in travel costs spent by FCC–regulated private companies for more than 2,500 trips taken by FCC commissioners and staff over the past 8 years. Such practices have contributed to the FCC's reputation as a ''captured agency'' controlled by the industries it regulates.

I am aware that Chairman Powell promised last fall to eliminate the practice of corporate sponsored travel, but I don't believe a one-time promise is strong enough to eliminate the practice once and for all. What if the commission decides to re-institute the policy in a few years? What if there is a change in the administration this fall, and we end up having a new chairman? There is no guarantee that what the FCC has decided to do is not just a way to wait out the storm caused by the report, and that it could revert back to the old arrangement any time.

I support granting the FCC the authority to impose severe penalties for indecent broadcasting, but we must also ensure that the Commission uses the new enforcement powers this bill would provide. One way to do so is to eliminate, once and for all, any potential conflict of interest caused by the practice of corporate sponsored travel for FCC travel. I hope my colleagues would join me in rejecting this rule and allow consideration of my amendment.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 554 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. 3717.

□ 1045

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. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language, with Mr. GOODLATTE 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 Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 45 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

□ 1045

Mr. UPTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I ask my colleagues to support this legislation this morning. This legislation actually appeared on my radar screen last year as we began to set our agenda for 2004. I introduced the legislation in early January, held our first hearing on the legislation before the Super Bowl, and the administration supports our bill. They sent us a statement that they supported our bill in committee, and I will include that Statement of Administration Policy as part of the RECORD in support of this legislation today.

STATEMENT OF ADMINISTRATION POLICY

The Administration strongly supports House passage of H.R. 3717. This legislation will make broadcast television and radio more suitable for family viewing by giving the Federal Communications Commission (FCC) the authority to impose meaningful penalties on broadcasters that air obscene or indecent material over the public airwaves. In particular, the Administration applauds the inclusion in the bill of its proposal to require that the FCC consider whether inappropriate material has been aired during children's television programming in determining the fine to be imposed for violations of the law. The Administration looks forward to continuing to work with the Congress to make appropriate adjustments to the language of the bill as it moves through the legislative process.

I remember a speech well by Michael Powell, the Chairman of the Federal Communications Commission, where he said the fines under current law are peanuts. It is a cost of doing business. They are not high enough.

In fact, in the hearings that we held, we discovered that by the time you saddle up some of those attorneys at the Department of Justice and send them out to file a claim in Federal Court to go after the dollars that the FCC might have fined, they are not going to recoup their costs.

The Upton-Markey-Tauzin-Dingell-Barton bill has been cosponsored by more than 140 Members of Congress, Republicans and Democrats. Chairman Powell and his four other commissioners, two Republicans and two Democrats, when you look at their statements in support of this legislation, when you look at their statements as they imposed fines on broadcasters who cross that line, every one of them, Republican or Democrat, has lamented the fact that they cannot raise the fines higher than they are under current law, a maximum of only $27,500.

Because of the legislation we pursued on a strong bipartisan basis, and again, I commend my colleagues on the other side, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL), we were able to pass this legislation out of the Committee on Energy and Commerce last week on a recorded vote of 49 to 1. The other body is beginning to move as well. They passed their legislation out 34 to 0.

Our bill was strengthened in the full committee markup. We added a provision on three-strikes-and-you-are-out. That is, if you are a repeat offender, a broadcaster, and you go through three series of fines violating the current standard, there is set up an automatic revocation hearing to take away that license.

We established a ''shot clock'' so that the FCC has to act on complaints within a certain number of days. We protected affiliated broadcasters. They do not always know what is coming down the pike in terms of what they are broadcasting. We raised the fine from the initial bill as I introduced it of $275,000 for the maximum fine to $500,000. We added a provision asking for the National Association of Broadcasters to make part of their code a Broadcast Decency Code, something they had years ago and was struck under antitrust violations.

We also added a provision making the performers, the talent, liable for their own words. You cannot tell me that they do not know what the standards are. I have heard them whine, I have heard them take out that violin and whine about what this bill will do. Well, guess what, Mr. Chairman? It is time to take away that violin and give them the fork. They are done. This ought to stop.

Guess what? Our bill does nothing to change existing standards. Zero. Nada. Not a thing. I would note that the 1927 Radio Act has held up in the courts for more than 75 years. The FCC has the authority to punish those who air obscene, indecent or profane language. It has been upheld by the Supreme Court, who ruled in 1978 that the government does have the right to regulate indecent broadcasts and to, in fact, establish a definition of indecency that remains the FCC's guiding principle.

There is language, material, that describes sexual or excretory material or organs, and it is deemed patently offensive as measured by contemporary community standards. In the mid 1990s, the court limited the ban on indecent airing between the hours of 6:00 in the morning and 10:00 at night, when kids are most likely to be watching or listening.

This legislation pertains only to broadcast radio or TV. Why is that? Because it is the public airwaves, that is why. And for those that challenge the standards that are out there and do not realize what some of these broadcasters have said, I would ask them to come see me during the next couple of hours of debate on the floor, because with me I have a notebook, and in that notebook we have the specific language that broadcasters have used in defiance of the law.

You cannot tell me that this stuff should be on the air. It should not be. We need to make sure we stop it, and we do, in its tracks.

Mr. MARKEY. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in support of this legislation. This is a bipartisan bill that the Subcommittee on Telecommunications and the Internet, led by the gentleman from Michigan (Chairman UPTON) and the Chairman of the full committee, the gentleman from Texas (Mr. BARTON), have put together, working in conjunction with the gentleman from Michigan (Mr. DINGELL) and myself and the other members of the minority on the Committee on Energy and Commerce, working in a bipartisan fashion, in order to craft a bill related to the broadcast radio and television obscenity and decency and profanity issues.

Mr. Chairman, at the outset, I would like to note that this legislation was introduced before the Super Bowl this year, not after. It was an issue that had already percolated up to the attention of the American public and to our subcommittee, and we had already decided that extra attention needed to be paid to the Federal Communications Commission and its lack of enforcement of these very important provisions.

The Subcommittee on Telecommunications and the Internet held three hearings on this issue, and from our hearings we confirmed a number of things. We have learned that although the Federal Communications Commission is charged with ensuring that licensees serve the public interest and that the stations do not air obscene, indecent or profane content in violation of the law and Commission rules, that until very recently, the Commission has not been an aggressive enforcer of the rules. Testimony from Federal Communications Commission

Chairman Michael Powell indicates that cases are still languishing from 2 to 3 years ago.

We also learned that although the Federal Communications Commission has numerous enforcement tools, including the ability to revoke a station license, it appears as though the industry has largely concluded that the Federal Communications Commission is a paper tiger. The rare and paltry fines the Commission assesses have become nothing more than a joke within the broadcast industry, and the Commission never raises license revocation as a consequence for repeated indecency violations, even in the most egregious cases of these repeat violators. This legislation will help us to address the serious enforcement shortcomings at the Federal Communications Commission that we have identified.

Finally, we have also learned that the industry needs to do a better job in educating parents about the tools that already may be in their hands that parents can utilize to address the myriad concerns they raise with us about what is on television. Parents can use the television rating system and the V-Chip, which stems from legislation which I authored as part of the Telecommunications Act of 1996.

However, we have a huge educational challenge with the TV ratings system and how parents can use it in conjunction with the V-Chip. Studies indicate that if a parent of a child 12 and under has a V-Chip-ready TV and knows this, that some 47 percent of such parents use the V-Chip, and they like it, because it allows them to program their TV set for their children 12 and under. Almost all of these parents who know about it are enthused about it. The problem is with the qualifiers. Almost half of those who have bought the approximately 100 million V-Chip capable televisions since 2000 are not aware that they possess a television set with a V-Chip in it.

In addition, many of these parents express confusion over the TV rating system itself, and one major network, NBC, still does not use the comprehensive rating system utilized by everyone else in the television industry. The industry did a good job with much fanfare after the TV rating system was initially finalized, in doing public service announcements and other educational messages regarding the ratings. Yet those efforts have waned in recent years.

In my view, we need a comprehensive, industry-wide campaign to address this issue. The TV set manufacturers and the electronic retailers need to do a better job in alerting television buyers to the V-Chip, in part because many retail employees at these stores who sell TV sets are apparently unaware that the TV sets have a V-Chip in it. In addition, print media ought to include the television ratings of programs in the television guide so that parents see them when they look up what is on television that day or that evening.

Finally, I believe the broadcast industry should renew its educational efforts on the television ratings system and also consider a number of other ideas to better assist parents, which I will address to our television networks on an ongoing basis, in order to ensure that they know that this is an issue that Americans care about.

At our recent hearings, I challenged the industry to do several things to better help parents understand the TV rating system:

First, use the V-Chip and utilize available per-channel blocking technologies on cable television.

I requested that the television industry increase its public service advertisements about the television rating system and the V-Chip. I am happy to report that many, many industry participants on the networks and cable operators have agreed to do so, with some, such as Fox Television, including print advertising in their campaign as well.

I will come back in a while and outline what is happening in the rest of the television and cable industry, but I think it is important for the Congress to pass this legislation, and then to keep up the pressure so that parents are given the tools that they need in order to protect the sights and the sounds which their children are exposed to.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from the good State of Indiana (Mr. BUYER), a member of the subcommittee, a cosponsor of the bill, and a very helpful force in getting this bill to the floor.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 3717. Every second of every day and in almost everything we do we are confronted by a multitude of images, some of which benefit our lives, others which do just the complete opposite.

We live at a time when 98 percent of the households have one or more television sets. As of 2001, there were over 100 million Americans on-line, with almost half of all of U.S. households with Internet access. This new media has enriched our lives. It has given up-to-the-very-minute news reports from around the world, television shows that both educate and entertain, and Web sites that have every answer to every question posed, it seems.

However, unfortunately, there is a negative side, those Web sites whose sole purpose is to satiate the prurient interests of its viewers, television programs that play to the lowest denominator of decency. There are those who seek to test the boundaries, and those who try to ignite a firestorm, so the 24-hour news stations have something to report on at 3 a.m., or attempt to revitalize a career by shocking viewers. It is these images, the ones we shield our children from, that this legislation seeks to penalize.

This legislation was not born out of an isolated incident from a Super Bowl. It is not a hasty reaction to that at all.

□ 1100

This is a very serious level of effort that has lasted over the last year.

We are raising the fine so that it is feasible and equitable for the government to enforce standards of decency. We are allowing the independent broadcasters who have no control over what they air to avoid liability. We are looking to the individual, who willfully and intentionally defies the law, to be held accountable.

There are some who claim that we are towing the line of censorship; that that is the next step and we will go too far. However, I place the onus upon the network, the broadcasters, the entertainers, and the Web site managers to be their own guideposts of the Constitution and community standards.

Governments should not be the decency police, but when laws are defied, we are required to step in and enforce the law.

I support this bill and I want to compliment the gentleman from Massachusetts (Mr. MARKEY) and also the gentleman from Michigan (Mr. UPTON) for the bill.

Mr. MARKEY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I yield to my colleague from California (Mr. WAXMAN.)

Mr. WAXMAN. Mr. Chairman, I thank the gentleman from Texas (Mr. GREEN) for yielding to me.

I want to take 1 minute to say that the broadcasters have an interest in protecting the public's rights, but what are we doing about the concentration of power in the media? What are we doing about the lack of a fairness doctrine or equal time, especially at a time when we have the most important election with the political debate that ought to be honest, really fair and balanced, not just for some broadcaster to tell us it is fair and balanced when it is not? What are we doing about children's programs?

Instead of dealing with those issues, we have a bill to increase the penalties for indecency on the airwaves while the FCC is already not enforcing the penalties they have at their disposal.

I think we ought to recognize that if people feel they are doing something really important with this legislation, then I think it only opens the door to more government interference in free speech on the airwaves, and that it is somewhat hypocritical for the public to think we are doing something about the important issues in the broadcasting area when we are not even addressing, and the Republican leadership has stopped us from addressing, the concentration of the media in all these other matters.

Mr. Chairman, I thank the gentleman for yielding. I plan to vote no on the bill.

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the Broadcast Decency and Enforcement Act of 2004, which is a bipartisan product of the

House Committee on Energy and Commerce and the Subcommittee on Telecommunications and the Internet. Both the ranking member, the gentleman from Massachusetts (Mr. MARKEY) and our chairman, the gentleman from Michigan (Mr. UPTON), have produced a good bill incorporating ideas of a number of Members.

Let me say in response to my colleague from California, I noticed a substantial change in the last 2 months with the Federal Communications Commission. And I will talk about that a little bit. That without this legislation increasing the penalties, without the hearings we held, we would not see renewed vigor and renewed interest by the FCC enforcing the decency standards.

And so, that is why even though the bill basically just increases the fines, what it did was it brought attention to the issue along with what has happened with our media outlets all across the country, I think, culminated in with what I think my colleague from New England would agree, was a great Super Bowl football game, but was eclipsed by what happened at half time.

So, granted, this bill raises the penalties, but it also brought the attention of the regulators and a renewed vigor in enforcing the current law.

It also includes an accountability in the bill that allows broadcast TV affiliates to place liability for content provided by the networks when the affiliates had little or no input on programming.

Again, I want to thank the chairman and the ranking member for working with me on this provision. We ought to make the penalties be where the people are making the decisions on the content, and not someone who just happens to have a license, who would not want the Super Bowl.

The legislation also reaffirms the authority of the FCC to evaluate the licenses for television, radio, or broadcasters that repeatedly run afoul of FCC's indecency standards. Congress is not creating a new standard for content for public airwaves, we are only requiring that the current standards be enforced in a meaningful way.

I think many radio and television broadcasters and cable and satellite providers are taking significant steps to respond to the American public on this issue. Broadcasters are going to convene a decency submit at the end of this month. The sickest radio shock jock, Bubba the Love Sponge, is off the air. The television networks are going to delayed feed for live shows so we will not have any accidents as we saw at the Super Bowl.

The cable and satellite providers are stepping up efforts to educate their customers about their ability to block out channels they do not want to receive. And I hope these industry actions continue, and combined with our legislation, will cause the increasing indecency of broadcast content over the past few years to be reversed.

In Congress, we can get back to our important things. And this I do agree with my California colleague on reducing the national debt, creating more American jobs, expanding health care for our needy children.

The FCC has never been particularly motivated on the indecency cases, but in the last 3 years, complaints have increased so substantially, and after these hearings, now the Commission has seen a renewed interest in enforcement, particularly, again, after the hearings. And hopefully our action today will get the Commission in an even more aggressive motion.

Again, the ranking member, the gentleman from Massachusetts (Mr. MARKEY), the chairman, the gentleman from Michigan (Mr. UPTON), the ranking member, the gentleman from Michigan (Mr. DINGELL), and our new chairman, the gentleman from Texas (Mr. BARTON) are to be commended on their work here today. I urge my colleagues to approve the legislation.

Mr. Chairman, I would just briefly say something about our immediate past chairman. I think all of us send our prayers and our hope to the chairman, the gentleman from Louisiana (Mr. TAUZIN) on his treatment and his surgery for his illness that was announced this week. Again, as a Democrat, we worked together typically on our committee, and all of us hope that the gentleman and his family are successful in being treated. Again, I yield back my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Pennsylvania (Mr. PITTS), a very active member on this issue, an original cosponsor, one that has helped in many ways to get this bill to the floor.

Mr. PITTS. Mr. Chairman, it is about time that we act on broadcast indecency. First I want to commend and thank the chairman, the gentleman from Michigan (Mr. UPTON) for his steadfast leadership on this issue. He has been one of the primary reasons for its success.

This is not a new issue. Parents have been pleading with us to take action on this issue for years. Unfortunately, it took the use of the four letter word on network TV and Janet Jackson's indecent exposure at the Super Bowl and Howard Stern's foul and racist language to push us into action.

I, for one, am tired of parents telling me how they need to cover their children's eyes and ears often too late because of the unacceptable language that has infiltrated television and radio. For too long, we have told the entertainment industry that the Federal Government is unwilling to hold them accountable for their actions.

Today we are saying enough is enough. H.R. 3717 sends a clear signal to the entertainment industry, we are no longer going to stand idly by and force our parents to put up with this filth.

H.R. 3717 is a good bill. Serious fines ensure that the FCC has the freedom to truly hit these huge companies where it hurts. And one of the most important provisions in the bill was added by my friend, the gentleman from Mississippi (Mr. PICKERING), the three-strikes-and-you-are-out provision. It allows broadcast licensees up to two broadcast indecency violations. On the third, proceedings for license revocation will begin. And this provision will make it clear that Congress is not going to put up with multiple violators.

Mr. Chairman, families are sick and tired of worrying about what their children may see or hear every time they turn on television. They are frustrated that the media and industry has seemingly been able to broadcast any type of behavior or speech they feel will bring in advertising dollars. Meanwhile, they feel that the Federal Government has sided with the media elites and turned a blind eye to the concerns of ordinary mom and dads.

To American parents, Congress has finally heard you. We will no longer stand idly by on this topic. As one of our Members said, if the entertainment industry cannot police themselves, we will do it for them. So I thank the gentleman from Michigan (Mr. UPTON), I thank the gentleman from Massachusetts (Mr. MARKEY), and the leadership of the committee for moving this important bill.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN), who added two very important amendments to this legislation.

Mr. WYNN. Mr. Chairman, I would also like to thank the ranking member, the gentleman from Massachusetts (Mr. MARKEY), for allowing me to have this time.

I rise in strong support of this piece of legislation. I would also add in my thanks to the chairman, the gentleman from Texas (Mr. BARTON) and my thanks to the ranking member, the gentleman from Michigan (Mr. DINGELL) for working with me on some amendments that I do believe strengthen this bill.

I think this is a very important issue for our country and our society. I do not think Congressmen should be the overseers of morality, I do not think Congress people are in a position to dictate censorship; but I do believe we are in a position to say that there ought to be some standards for decency in this country on broadcast TV.

You see, unlike cable TV, which we invite into our homes, broadcast TV is ubiquitous. It is a public asset which we give away free to broadcasters to make a great deal of money. Because of that relationship, I believe they should adhere to high standards of decency, particularly during family viewing hours. That is why I think this bill is so important.

I think the situation at the Super Bowl was only a small example of some of the things that American families are concerned about. We have to ask

the question, will we sink to the lowest common denominator, the lewdest, most lascivious type of content, or will we say there are standards that have to be balanced. I think this bill says yes, there have to be standards.

Let me tell you, from the Baptist church to the barber shop, people are saying this is the right thing to do. This bill strengthens penalties against broadcasters and others who engage in indecent content, indecent speech over public broadcast airwaves during family hours. And I think it is very appropriate.

I worked with other members, my colleague, the gentlewoman from New Mexico (Mrs. WILSON), as well as my colleague, the gentleman from Mississippi (Mr. PICKERING) on the Republican side, to add some strengthening measures in this legislation. Specifically, current law provides a presumption of license renewal. We should not have that presumption. We have now modified that. There is no presumption if there is evidence of incidents of indecent broadcasting.

Similarly, routinely broadcasters have their licenses renewed. We believe that after three strikes, there ought to be an automatic revocation proceeding in which the merits of your conduct are examined before your license is renewed.

As I said at the onset, this is a very important issue for our society. It describes the type of people we are. We are not censors, we are not morality police, but we are fair and decent people who care about what our children see and what they are exposed to.

This bill, I think, strikes a proper balance by giving some real teeth to the enforcement process and providing incentives for broadcasters to be more conscious, to be more aware of public sensibilities. I think we have done the right thing. I am very proud and pleased to support this legislation.

Mr. UPTON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce, my friend and colleague.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I rise in strong support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004. And I want to compliment the subcommittee chairman, the gentleman from Michigan (Mr. UPTON) and the ranking member, the gentleman from Massachusetts (Mr. MARKEY) for their strong leadership on this issue as well as the ranking full committee member, the gentleman from Michigan (Mr. DINGELL). They have all worked very well and very positively on this very important legislation.

This bill has strong bipartisan support, 145 cosponsors in the House. It was reported out of the committee last week 49 to 1. The bill has been dubbed the ''Super Bowl Bill,'' but what many people I think do not realize is that H.R. 3717 was well on its way before the antics that we witnessed during the Super Bowl half-time show.

In fact, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) had already held a hearing on it before the Super Bowl show occurred. But after that event did occur, one thing is absolutely crystal clear: This bill answers the call that we have heard from parents around the country, hundreds of thousands, if not millions of them, who are begging for some help. H.R. 3717 will make living rooms safe again all over America.

We have been bombarded in recent past with indecent language and images over and over again. Between the use of an expletive by Bono at the 2003 Golden Globe Awards, Nicole Ritchie's string of expletives at the 2003 Billboard Awards, Janet Jackson's infamous performance during the 2004 Super Bowl half-time show, and innumerable instances of graphic sexual broadcasts by radio ''shock jocks,'' parents want and demand help.

There is a clear need to provide the FCC with increased authority to hold all parties responsible for their actions. H.R. 3717 targets broadcast indecency by doing the following: Number one, it raises the maximum penalty cap for broadcast stations, networks, and performers to $500,000 for each indecency violation.

Number two, it sets out specific factors the FCC must consider when setting fines so that the FCC must examine whether the violator is a small or large broadcaster, a company or an individual, and what entity is responsible for the indecent programming.

□ 1115

Three, it streamlines the FCC enforcement process for networks and individuals who ''willfully and intentionally'' put indecent material over broadcast airwaves so that the FCC can prosecute on the first instance, instead of having to wait for a second violation. Now everyone, including performers, will be held responsible for their action from the get-go.

Four, the bill requires the FCC to complete an action on indecency complaints within 270 days of receipt so that complaints do not languish at the FCC. In addition to collecting fines for indecency, the bill gives the FCC the authority to require broadcasters to air public service announcements to reverse harm from indecent programming.

This is an idea that came from the gentleman from Massachusetts (Mr. MARKEY), and it is a very good idea.

Five, it requires the FCC to take indecency violations into account during license applications, renewals and modifications.

This idea came from the gentlewoman from New Mexico (Ms. Wilson).

Number six, after three indecency violations, the bill would require the FCC to hold a hearing to consider revoking the broadcast station license, the gravest of penalties for a broadcaster. That idea, among others, came from the gentleman from Florida (Mr. STEARNS).

Seventh and finally, the bill requires the FCC to report annually to Congress on the progress it is making as a result of legislation.

Mr. Chairman, H.R. 3717 makes great strides in our effort to clean up the broadcast airwaves and return them to the decent Americans of our country. I urge all of my colleagues to support it.

Before I conclude, let me say that on the Schakowsky amendment I am going to strongly oppose that particular amendment. I think it is absolutely constitutional that performers themselves can be held accountable in the first instance and not after the second instance after the so-called ''warning ticket'' approach. So I will strongly oppose the Schakowsky amendment and then strongly support passage of the final bill.

I thank the chairman for his strong leadership on the bill.

Mr. MARKEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Los Angeles, California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, very quickly, I want all to know that I rise in support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004, but I am sorry that this was a closed rule on that bill. There are a couple of points I wanted to make.

I have received a letter from the American Federation of Television and Radio Artists on behalf of 80,000 actors, broadcast journalists, announcers, disc jockeys, and sound recording artists saying that they are asking us to reject the provisions of the bill that would fine individual performers and announcers for the programming decisions controlled and implemented by the broadcast licensees. And I would ask my colleagues to think about that particular provision. I understand we have already voted on the rule.

The next point I wanted to make is that since the FCC has already allowed the major networks to own up to 45 percent of the market, I feel that that is the root cause for some of this indecency that we hear through the media. And it is important for us to recognize that this bill taps into the underlying anger of over 2 million individuals who wrote to the FCC last summer opposing its relaxation of media ownership rules. And I just want to mention some shocking statistics that illustrate the connection between indecency and media concentration.

The 1996 Communications Act cleared the way for relaxing some media ownership limits. Since then, complaints received by the FCC regarding indecent programs on television have jumped from 26 in the year 2000 to 217 in the year 2003. Clear Channel Communications Incorporated, the Nation's largest radio chain with 11 percent of the Nation's total studios and stations, has

received about 52 percent of the fines that the FCC has imposed. Viacom's Infinity station, about 2 percent of all stations, has received 28 percent of the FCC's fines. So the fact is when big media gets bigger and the race for audiences turns to the lowest denominator in trash programming to appeal to the broadest possible audience, those conglomerates move further away from quality programming and the principles of ''diversity, localism and competition'' crucial for the service of the public interest.

Finally, I was in support of the Schakowsky amendment that would have exempted individuals from increases in indecency fines. And hearing from the industry, they are very upset about the possibility. So I am hoping that we can clear up some of these issues in another piece of legislation.

Mr. Chairman, I rise in support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004. While I support giving the Federal Communication Commission greater authority in the enforcement of indecency rules, I don't believe it addressed the root cause of indecency in media, namely, the current trend of unfettered media conglomeration and its impact on creative voices.

I think it is important for us to recognize that this bill taps into the underlying anger of the over 2 million individuals who wrote to the FCC last summer opposing its relaxation of media ownership rules, individuals who were truly turned off by a dumb-down media culture that has failed to serve the public interest. The bottom line is, a consolidated media market controlled by profit-driven conglomerates are bound to produce indecent, shock-value programming for the sake of viewership.

I just want to mention some shocking statistics that illustrate the connection between indecency and media concentration. The 1996 Telecommunications Act cleared the way for relaxing some media ownership limits. Since then, complaints received by the FCC regarding indecent programming on television have jumped from 26 in 2000, to 217 in 2003. Clear Channel Communications Inc., the Nation's largest radio chain with 11 percent of the Nation's total stations, has received about 52 percent of the fines the FCC has imposed. Viacom's Infinity Stations, about 2 percent of all stations, has received 28 percent of the FCC's fines.

The fact is, when big media gets bigger, and the race for audiences turns to the lowest denominator in trash programming to appeal to the broadest possible audience, those conglomerates move further away from quality programming and the principles of ''diversity, localism, and competition'' crucial for the service of public interest.

That is why the Senate this week adopted a provision to impose a 1-year moratorium on the FCC's new media-ownership rules pending the outcome of a new GAO study on the connection between media indecency and ownership. I am very disappointed that a similar amendment offered by the gentleman from New York (Mr. HINCHEY) was rejected by the Rules Committee. Mr. Chairman, while I am prepared to vote for the bill, I strongly urge this Chamber to allow a thorough debate on the issue of media consolidation.

Mr. UPTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. WALDEN), who offered a very constructive bipartisan amendment that is part of the package of this bill.

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman for his work on this legislation.

I want to acknowledge up front that I am a broadcast licensee, owner and operator of five radio stations, and I am very supportive of this bill in this form.

It was time that the broadcast community cleaned up the airwaves, that owners took the responsibility to make sure that the talent on their shows operated within the bounds of the law. It is important to note that this legislation does not change the standards that have always been on the books and recognized by the courts when it comes to clean talk on the airwaves.

This legislation, though, gives the FCC the fining authority it needs to deal with egregious violations of the law and also the incentive it needs to act, and act more appropriately.

For those of us who are small-community broadcasters, it also recognizes that the fine should fit and the punishment should be fair; and, therefore, it recognizes both the role of affiliates and their liabilities versus those providing the programming, as well as having the FCC recognize market size when levying fines. Because, indeed, a fine of a half a million dollars on a small-market broadcaster could spell bankruptcy, when on a large conglomerate, it may be just another cost of doing business.

I want to conclude my remarks this morning by having Americans and Members in this Chamber recognize fully that the actions that are taken by some broadcasters are not the actions taken by most broadcasters. Allowing indecent, profane, and obscene language on stations is something most of us find offensive, just as most Americans do. Broadcasters have made enormous contributions to their communities, raising money for charity, helping in emergencies, and providing that vital communication link.

Mr. Chairman, I support this bill. I thank the Chairman for his support of the amendments that were included.

Mr. MARKEY. Mr. Chairman, I yield 6 minutes to the gentleman from Chicago, Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I want to thank the ranking member for yielding me time.

I want to engage in colloquy with the chairman of the subcommittee, the gentleman from Michigan (Mr. UPTON).

During a recent subcommittee hearing on broadcast indecency, we heard testimony that it is the Federal Communication Commission's policy that persons submitting complaints alleging indecent broadcast must submit a tape, transcript, or significant excerpt of the alleged indecent content or risk having the complaint dismissed.

Do you recall that testimony?

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. RUSH. I yield to the gentleman from Michigan.

Mr. UPTON. Yes, I do. The testimony was provided by Brent Bozell, President of the Parents Television Council. The FCC claims, however, that they no longer adhere to that policy.

Mr. RUSH. I understand that it is the FCC's official position; however, unfortunately, the FCC's claim is incorrect. According to a March 2, 2004, letter from Chairman Powell to the ranking member, the gentleman from Michigan (Mr. DINGELL), since 2001 the commission has dismissed 170 complaints for lack of a tape or transcript, including six already this year, 2004.

Does the gentleman agree that this policy places an enormous and inappropriate burden on consumers who simply wish to file a complaint about indecent broadcast?

Mr. UPTON. I agree with the gentleman from Illinois (Mr. RUSH), consumers should not be forced to record every program that they watch or listen to in order to submit a complaint to the FCC alleging indecent content. It is an outrage that the FCC continues its practice of dismissing consumer complaints for lack of a tape or transcript.

Mr. RUSH. I appreciate the gentleman's concern, Mr. Chairman, on this matter. Do you agree that our committee must closely watch this issue and urge the FCC to change its policy statement in this matter?

Mr. UPTON. I agree with the gentleman from Illinois (Mr. RUSH).

The committee will closely monitor the FCC's action to ensure that the FCC actually changes their policy in that regard, and I thank the gentleman for bringing this to our attention; and I look forward to working with him on this issue to make sure that that change, in fact, is made in order.

Mr. RUSH. I thank my good friend and chairman of the Subcommittee on Telecommunications and the Internet for his concern and assurance on this matter.

That said, Mr. Chairman, I rise in support of H.R. 3717. For the past month, the Committee on Energy and Commerce has held numerous hearings on the issue of broadcast indecency. In those hearings, we heard from the FCC commissioners and the broadcasters on the enforcement of indecency rules. It became clear that the FCC has been neglectful in its duty in enforcing indecency rules. From 2000 to 2003, the commission has received 255,000 complaints on the subject of indecency, yet the commission had filed less than 10 notices of apparent liability. To add insult to injury, since its existence, the commission has yet to fine a broadcaster for airing language that is obscene and profane.

As we can see, there has been a dereliction by the FCC of its duties. Some have argued that the commission needs additional authority from Congress to

make a serious effort to stop indecency. That said, Mr. Chairman, I believe that H.R. 3717 will give the commission the ammunition it needs to do just that.

The bill not only increases fines but compels the FCC to use its renewal and revocation processes to go after licensees, and it compels the FCC to act in a timely manner regarding consumer complaints.

Mr. Chairman, I would be remiss if I did not discuss the pervasiveness of violent programs on our airwaves. During our month-long hearing discussing this issue, I offered and withdrew an amendment that would have required the FCC to include excessive violence in its definition of indecency.

Study after study has shown that there may be a causal link between violence in the media and violence in society.

Mr. Chairman, I am pleased that the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY), the ranking member, have agreed to hold a separate hearing on this issue. Such a hearing is needed to focus the collective attention of this committee on detrimental effects of violence in the media as it relates to our children.

Again, I urge Members on both sides of the aisle to vote in favor of this wonderful bill, H.R. 3717, the Broadcast Decency Enforcement Act.

Mr. Chairman, I rise in support of H.R. 3717, the Broadcast Decency Enforcement Act. For the past month the Energy and Commerce Committee has held numerous hearings on the issue of broadcast indecency. In those hearings we heard from the FCC Commissioners and the broadcasters on the enforcement of the indecency rules. It became clear that the FCC had been neglectful in its duty in enforcing indecency rules. From 2000 to 2003 the Commission had received 255,000 complaints on the subject of indecency yet the Commission had filed less then ten notices of apparent liability (NAL's). To add insult to injury, since its existence the Commission has yet to fine a broadcaster for airing language that is obscene or profane. As you see, there has been a dereliction by the FCC of its duties. Some have argued that the Commission needs additional authority from Congress to make a serious effort to stop indecency. That said, I believe H.R. 3717 would give the Commission the ammunition it needs to do just that. The bill not only increases fines but compels the FCC to use its renewal and renovation processes to go after licensees and it compels the FCC to act in a timely manner regarding consumer complaints.

I would be remiss if I did not discuss the pervasiveness of violent programming on our airwaves. During our month long hearing discussing this issue I offered and withdrew an amendment that would have required the FCC to include excessive violence in the definition of indecency. Study after study has shown that there may be a causal link between violence in the media and violence in society. I am pleased that Chairman UPTON and Ranking Member MARKEY have agreed to have a separate hearing on this issue. Such a hearing is needed to focus the collective attention of this committee on the detrimental effects of violence in the media as it relates to our children.

And lastly, as we give the FCC this increased power, I would like us to consider giving preference to socially and economically disadvantaged groups for the purchase of the revoked licenses.

Again, I urge members on both sides of the aisle to vote in favor of H.R. 3717, the Broadcast Decency Enforcement Act.

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Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

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

Mr. GINGREY. Mr. Chairman, I rise today in support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004, and compliment my colleagues on both sides of the aisle, especially the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY), for bringing this important legislation to the Congress.

Our Nation's television and radio airwaves have increasingly become inundated with indecent, obscene, and profane material. The recent Super Bowl half-time show was only the latest in a string of incidents to make front-page headlines. Other performers, celebrities, and shock jocks have coarsely invaded our homes with their language and their antics.

Networks and entertainers must acknowledge that our liberties also require responsibility and that avoidance of this responsibility places our family and our children at risk.

These incidents involving profanity, lewd behavior and language have been occurring with only a slap on the wrist or no response at all from the FCC. With current allowable fines of only a maximum of $27,500 per violation, there is very little incentive for broadcasters to follow the regulations when the rewards of higher ratings, due to their selection of programming, far outweigh those costs.

H.R. 3717 will put some teeth behind the FCC's enforcement of their standards of indecency by increasing the maximum amount of fines to $500,000 per violation and will allow them to enforce their current regulations in a swift and fair manner by removing the warning after a first offense and a capped maximum fine of only $11,000 after the second offense.

We must provide the FCC with the authority that they need to combat this wave of indecency. Our families and our children deserve nothing less.

I urge my colleagues to support H.R. 3717.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

I just wanted to point out that I have requested that the television industry increase its public service advertisements about the television rating system, and I am happy to report that many in the industry have agreed to provide much more public education about this technology in TV sets so it is easier for parents to be able to figure out how to program it and to provide just the level of protection which they want for the children in their home, at whatever particular age they may be.

I also challenged the television networks to consider a couple of suggestions with respect to the broadcast of the ratings icon on the screen. I requested that the TV ratings icon appear not only at the top of a show but also after commercial breaks when the show resumes. That is because a lot of times people turn on the show after it has already started and they have no idea what the rating is. So I have asked them to actually put on the rating at each commercial break as well so that parents can see what the level of the rating is and make an adjustment for their own particular families.

I also requested that the networks add a voice-over when the ratings appear to also better alert parents. The ABC television network readily agreed to both suggestions, as did Bud Paxon on behalf of his PAX network. The other three major networks, Fox, NBC and CBS, have indicated that they are considering it but have not yet committed to doing so. I hope that they join ABC in doing it because I think it is helpful, quite frankly, to give parents this kind of additional information.

It does not detract from any network's ability to be able to put any programming on that they want. It just gives parents the information they need in order to shield their children from material which they believe may be inappropriate.

I also challenged the cable industry, in addition to increasing their public service advertisements, to increase consumer awareness of the provisions of the 1992 Cable Act that permits any cable subscriber in America to request that the cable company block any one of the cable programs that they believe is inappropriate for their family. It is a right that every American has in terms of their relationship with their cable company, but no more than 1 percent of all Americans even know they have the right to have any one of these individual cable channels blocked from coming into their home, even if they have bought the whole other part of the cable package.

I believe that if the cable industry made it clear in their bills, the information they give to consumers, that millions of American families would be much happier if they could take the whole cable package and then delete a couple of channels that they believe were too offensive for their young children and their family. I think it can be a real step forward, and I have received some very encouraging information from some of these cable networks that they will provide that option.

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

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), a cosponsor of the legislation.

Mr. FORBES. Mr. Chairman, I rise today in strong support of H.R. 3717 and the gentleman from Michigan's (Mr. UPTON) efforts to pass this act. Over the last several months, I have received hundreds of letters from frustrated constituents expressing their outrage over obscenity on our airwaves.

They tell me it seems that every time they turn on their television or radio they have to cover their children's eyes and ears to protect them from profanity and obscenity. It is a disturbing feeling when one is afraid to leave their living room to check on dinner for fear that their children might be exposed to gross obscenity on television.

My youngest child is still in high school; and as a dad, I would like to be there all the time for him, to turn off the television, to talk to him about why people say the things they do and to provide the guidance he needs; but we all have busy lives, and we know that it is not possible to be there every minute. As parents and as citizens, we should not be forced into a constant battle to protect our children from obscenity. We should have confidence that basic standards of common decency will be upheld.

Several years ago, the Super Bowl half-time show featured characters from Disney and Peanuts. As we all know, this year's Super Bowl half-time was quite the opposite. While there was a time when parents would be happy to see their children emulate their role models on the playground, today that would be a horrifying sight.

With each inappropriate incident, networks weaken our standards of decency and blur our children's sense of propriety. This legislation will hold broadcasters accountable by ensuring that fines for broadcast indecency are not seen as just a cost of doing business. It has become much easier for broadcasters to ask for forgiveness rather than permission.

At this point, our mandate as legislators is clear: stand up against the continued decline in standards of broadcast indecency and pass H.R. 3717.

Mr. MARKEY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), who is the ranking member of the full committee.

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

Mr. DINGELL. Mr. Chairman, with thanks I accept 2 minutes from my dear friend.

First of all, Mr. Chairman, I rise in support of the legislation.

Second of all, I congratulate my dear friend, the gentleman from Massachusetts (Mr. MARKEY), for his outstanding leadership in this matter. He has been long interested in this matter and has provided remarkably good leadership in this matter.

I also commend my good friend from Michigan (Mr. UPTON). He has served in this body with distinction and has provided extraordinary leadership here, also.

I congratulate the gentleman from Texas (Chairman BARTON) for his new position and for his leadership in shepherding H.R. 3717 through the committee process.

This is a bill which is bipartisan; and the committee has worked well in a bipartisan fashion which does great credit to the Members, and particularly the leadership of the committee, for having done so.

Our constituents are fed up with the level of sex and violence on television and radio, as well as the lax attitude of the Federal Communications Commission's handling of decency complaints. Clearly, the commission has been asleep at the switch for some time.

The bill sets a deadline by which the commission must act on consumer indecency complaints. It raises the penalties for that kind of misbehavior. It makes these matters subject to review in connection with license renewal, or makes it possible for the commission to do what they have now the power to do; and it encourages them so to do by seeing to it that this matter will be raised also at the time of license renewal.

The bill raises fines by a significant amount. That is good. It also requires the commission to report annually to the Congress on the handling of these matters, something which will perhaps alert them to the need to proceed with greater vigor.

I applaud the fact that the commission has developed a remarkable and acute sense of newly found virtue. This is good, and it is my hope that the commission will remain awake, alert and vigilant, although their history is significantly against that kind of prospect.

In any event, I look forward to the bill being enacted into law. I commend my colleagues for the work they have done. I look forward to the prospect that this is going to see to it that free, over-the-air television will be something which we can see to it that our families in this country can have their children watch television without having to worry about the kind of situation that they will confront in terms of decency, profanity and other things which are unseemly and unsuited to the way in which most American parents wish to raise their kids.

I urge my colleagues to support the bill. I, again, commend my colleague, the gentleman from Massachusetts (Mr. MARKEY), and the others for the outstanding job which they have done in presenting this bill to the House, and I urge my colleagues to support it.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from the good State of California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the gentleman from Michigan for the time.

I rise today in support of the legislation that he has brought to the floor. I do want to add my compliments to the gentleman from Massachusetts' (Mr. MARKEY) efforts and the gentleman from Michigan's (Mr. DINGELL) and others. I think for the first time we have very clearly approached the root cause of this.

As the gentleman from Michigan (Mr. UPTON) and others have spoken, the broadcasters who have allowed the creeping profanity and indecency to enter our airwaves have done so on the basis of a conscious decision they have made, that is, they are trading that kind of language for the added revenue that comes from increased ratings. The gentleman from Michigan's (Mr. UPTON) bill significantly increases the penalties for violation of existing FCC rules and regulations; and in that regard, I hope that it will go a long way towards abating this kind of activity.

I have always felt that addressing the bottom line of our licensees would be an effective means of influencing their behavior, and I hope this works accordingly. I do think there remains a certain uncertainty as it relates to how the broadcasters shall address this issue having to do with exactly what is profane or what is not profane. I suspect that we will be dealing with that either with regulation at the FCC or here on the floor by statute in the days to come.

It is really remarkable to see the connection between, if you will, the outside world or the private side, how our constituents communicate with those of us elected to the House or the Senate, in some cases, react to certain instances, and what actually transpires. As with many of the Members here, I have received not dozens, but hundreds, of communications regarding the, as the gentleman from Georgia (Mr. GINGREY) said, the creeping profanity.

This is a great step in the right direction. I applaud the chairman for bringing it forward, and I thank him for the time.

Mr. MARKEY. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I rise today in support of this bill, but it is only a partial step in the battle to clean up our airwaves.

By increasing fines for broadcasters, we are addressing only a symptom of the problem, not the cause. We cannot ignore the correlation between indecency on our airwaves and the increased concentration of media ownership. It is not a perfect correlation, but it is a strong one.

In recognition of that, our colleagues in the other body have improved this bill in several ways. I wish our colleagues in this Chamber had followed suit.

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First, the gentleman from New York (Mr. HINCHEY) and I pushed for an

amendment, not made in order, unfortunately, which would have addressed the true effects of media consolidation before moving forward with the FCC's newly relaxed rules. This amendment, introduced by Senator DORGAN and adopted in committee, calls for a GAO study, and it stays the new rules pending the completion of that study. I wish the leadership in this Chamber had allowed us to offer the same.

Secondly, the Senate Commerce Committee also adopted an amendment, sponsored by Senator HOLLINGS, which would take steps to ensure that parents can use V-chips to block violent programming. The bill would require either that programs be rated for content, so that they may be filtered with the V-chip, or that a ''safe harbor'' family hour be created so that violent programming is simply not televised when children are likely to be watching. My colleagues, the gentleman from California (Mr. BACA) and the gentleman from Nebraska (Mr. OSBORNE) and I have introduced a companion bill in this Chamber.

Mr. Chairman, at the root of all these efforts is the undeniable fact that we are losing control of our airwaves. I hear from constituents all the time saying, ''Where are the standards? How can I shield my children from inappropriate programming? And why are the people who put this on the air not held accountable?''

They are right. Our communities virtually have no say in the quality of the programming they are subjected to on broadcast television. And the network executives in L.A. or New York do not seem to feel they owe them anything.

As big media conglomerates get bigger, they are sinking to new lows. We are witnessing a race to the bottom as these networks seek to expand their influence through shock value instead of quality programming.

The Super Bowl was only one example, Mr. Chairman. CBS may blame MTV for its infamous half-time spectacle, but the common denominator for both networks is their owner, Viacom. And the ''wardrobe malfunctions,'' or whatever you want to call these episodes, will not stop there.

If we are serious about cleaning up our airwaves, we need to do what the American people are demanding: Give them back their local media. And we need to do much more than impose fines on the broadcasters that, even if they are increased, are hardly going to make these corporations bat an eye.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), an original cosponsor of the legislation.

Mr. SMITH of Texas. Mr. Chairman, first of all, I would like to thank the gentleman from Michigan (Mr. UPTON) for yielding me this time, but also for introducing this legislation.

Mr. Chairman, the broadcast of offensive language is a growing and disturbing trend. Members of the Parents Television Council, a group that monitors television broadcasts, filed 85,000 complaints about broadcast obscenity and indecency with the Federal Communications last year.

The networks have pushed the limits of decency to the point that family-oriented programs and enjoyable American pastimes, such as the Super Bowl, are no longer safe for our children to watch.

Unfortunately, the FCC has given television and radio stations too much power to broadcast behavior or language they believe will bring in the high ratings or advertising dollars. This undermines standards of common decency and impedes the ability of parents to raise their children free from exposure to profane language.

Low fines for indecency only encourage more indecency. It has become apparent some performers will accept a small fine for offensive and crude behavior in return for the media attention its creates. This is one of the reasons I support this legislation that increases fines for indecent language on radio and television.

Mr. Chairman, this is not a constitutional issue. The Supreme Court has upheld the FCC's authority to regulate broadcasts. In fact, the court said ''Of all forms of communication, broadcasting has the most limited first amendment protection. Among the reasons is that broadcasting is uniquely accessible to children.''

The entertainment industry has become increasingly isolated from the American people. We are still a Nation that believes in standards of common decency and respect for traditional values. This bill will help us uphold those values.

Mr. MARKEY. Mr. Chairman, could the Chair tell me how much time is remaining on either side?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) has 12½ minutes remaining, and the gentleman from Michigan (Mr. UPTON) has 22 minutes remaining.

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

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), not only an original cosponsor of this legislation, but also one that came, before the Super Bowl, who sat through our first hearing, way back in January, to sit with the audience.

Mr. OSBORNE. Mr. Chairman, I particularly want to thank the gentleman from Massachusetts (Mr. MARKEY) for introducing this bill. I think that is standard fare. You always thank people who author these. But, believe me, this is something that many citizens across this country greatly appreciate because it actually introduces some meaningful penalties for indecency, something that has been lacking for a long time.

This bill, as I see it, is not really a reaction to the Super Bowl half-time show, as maybe the chairman pointed out. It is a reaction to the 240,000 complaints that were filed regarding indecency at the FCC in the year 2003. As a result of those 240,000 complaints, only three notices of violations, with minimal fines, were ever compacted. So, essentially, complaints of indecency have been largely ignored.

Also, this is a reaction to the fact that Bono issued four epithets and no violation was found because he used these as adjectives. So also the FCC has suspended no broadcast licenses in the history of its existence.

The Super Bowl half-time show, I think, did serve a purpose because it offended mainstream America. It gave tracks to the bill, and the outcry reached unparalleled proportions.

I feel that the strength of a Nation is measured by its adherence to standards of decency and civil discourse. During the last few years, we have been embarked, as many have said, on a race to the bottom. The standard of decency in place for roughly 200 years of our Nation's history has been shattered, and this has been an alarming trend.

DeTocqueville said, ''America is great because America is good.'' One of the greatest threats to our culture is that America will no longer be a decent, moral, good society. This bill will help reverse an alarming trend. I urge passage, and I would like to thank the committee, and particularly thank the authors.

Mr. UPTON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New Mexico (Mrs. WILSON), another original cosponsor of the legislation.

Mrs. WILSON of New Mexico. Mr. Chairman, I want to thank the chairman and the ranking member for their leadership on this issue in bringing this bill so rapidly to the floor.

The Federal Communications Commission plays a very important role in protecting Americans, and particularly children, from indecent programming. The FCC has the statutory authority to enforce the laws that are on the books, but their enforcement has been inadequate and the tools that they have had at their disposal have also been insufficient. This bill today will help to change that situation.

This legislation increases the fines from what was really a trivial amount, a cost-of-doing-business kind of fine, to a maximum of $500,000 per violation. It also says that a broadcast company's record of indecency will be a factor when they apply to continue to get their free over-the-air license continued. And I hope that that gets the attention of the companies that are pushing the envelope with respect to indecency.

It also increases the expectations for enforcement by the FCC. We have heard the numbers and the statistics, which are appalling, regarding the enforcement of these laws. Some of the complaints go unanswered or unaddressed for years. This bill establishes a shot clock of 270 days where the FCC has the obligation to take action when there is a complaint for indecency.

I also think that this bill makes very clear, and this effort should make clear, that local affiliates have the right to decline to air programming which is inconsistent with community standards, even when it is not indecent or profane. In the hearings in our committee, we heard about local affiliates who felt as though they really did not have the leverage within the networks. This legislation shows they do have the leverage, they can exercise it, and we also will punish the networks if they fail to follow the law.

Mr. Chairman, I believe we have already had an effect on this industry. FCC enforcement was lax and, when imposed, was largely symbolic. We are changing that. But the real change will come in the board rooms and the general managers' offices and broadcast studios across this country when people decide to be responsible and to entertain rather than denigrate.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, this bill certainly is fine, as far as it goes, but the fact is that higher fines are going to do nothing to mitigate the real problem, which is the concentration of power in the hands of a limited number of large corporations that believe they are outside the reach of the communities they serve.

Communities determine standards of decency, and the most effective enforcement of those standards is through local ownership of television and radio stations. FCC fines, even in the millions, will not stop national broadcasters from lowering standards.

Infinity stations, for instance, were fined $1.7 million to settle a series of indecency cases, but that did not stop them. On the contrary, just last year, they were fined for a radio contest for couples willing to perform sexually in public places in New York, Washington, D.C., and other cities with a different radio announcer following each couple and providing the play-by-play accounting of the activities.

The House tried to do something about the core problem when it adopted, in a bipartisan manner, the Commerce, State, Justice appropriations bill, which had a provision to prevent the FCC from relaxing the established limits on network-owned television stations, and the Senate did the same thing. But at the last moment, in the dead of night, the White House convinced Republican congressional leaders to cave in to the special interest media conglomerates and they agreed to weaken the provision.

So by all means, pass this bill, if you want. It will perhaps have a minor effect. But if you really want to do something to give communities the ability to stop this nonsense, you will take away from the FCC the ability to concentrate broadcasting power in the hands of a few corporations. That is what makes the system so fundamentally arrogant. That is what puts the system so far out of the reach of average citizens, who resent seeing this garbage.

Until the Congress acts on that, it will be simply dealing with window dressing.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING), an original cosponsor of the bill and, more importantly, a fellow dad.

Mr. PICKERING. Mr. Chairman, I commend you for your work, the whole House, the ranking member, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY) for their good work, the bipartisan work in response to what we have seen across the country, and that is a rising up of outrage of families and individuals saying ''enough.''

Our Nation is better than this. We can do better than this. In our public airwaves and in the public square we can be decent. We do not have to glorify what is indecent. We do not have to be profane. We can entertain and enlighten without going to the worst among us or to the lowest common denominator.

Today, we are passing legislation that reaffirms long-established constitutional standards of decency, and we are saying to the networks, and we are saying to the radio stations, you need to do better. There will be three strikes, three opportunities, and if you violate the decency standards three times, then you are in danger of losing your rights and privileges as a licensee. We are increasing the fines to say that there will be a cost, a significant cost of ignoring the common standards of decency.

We hope that through this effort, we will see more corporate responsibility, as well as the common good and public responsibility to bring our standards back up; to affirm it, to establish standards over responsibility, and then have enforcement mechanisms of accountability.

□ 1200

Mr. Chairman, this is good legislation and in the best spirit of the Nation. We are decent people and a good Nation; and we want to maintain, preserve and protect that, for the country and our culture, for our communities and our families.

Mr. Chairman, I commend the gentleman from Michigan for the bipartisan spirit in which this is done, and look forward to having this legislation passed and signed into law.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I very much appreciate the sentiments behind this bill. There is no question that indecency in the media is a disease that is infecting all of our society. The problem with this legislation, however, is that it deals only with the symptoms of the problem and not with the underlying cause.

The underlying cause of indecency in the media and other problems that we are witnessing as Americans in our electronic media particularly across the country is the incredible consolidation of the ownership of the airwaves into fewer and fewer hands.

On June 2, the chairman of the Federal Communications Commission, Mr. Powell, led an effort that was endorsed by his two Republican colleagues and opposed by the two Democrats which moved that consolidation effort even further so that now we are facing a situation whereby in any service area across the country, one corporation can own almost all of the radio stations, almost all of the television stations, the one daily newspaper and the cable television station, giving that corporate entity the power to control not only the entertainment but the critically important information that goes to the people who are served in that area.

Mr. Powell's action is not a new phenomenon. This is something that we have been witnessing in this country since the mid-1980s. In fact, it was the Reagan FCC back in 1987 which began this consolidation effort in earnest. They also did something else: they took from the American people the right of ownership of the airwaves. Up to that point, we had something called the equal access clause or the fairness doctrine, which allowed American citizens if they disagreed with a political viewpoint expressed by the owner of a radio or television station to have that right expressed. But that right was taken away in 1987 by the Reagan FCC, and that deprivation has been endorsed by this FCC. That is what needs to change. If we want indecency in the media, we have to attack what is really indecent, and what is indecent is this consolidation that is increasing and destroying the independence of the airwaves.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of H.R. 3717, the Broadcast Decency Enforcement Act of 2004, and I commend the gentleman from Michigan (Mr. UPTON) for his leadership on this issue.

Like many Americans, I was appalled to see the lack of enforcement of our Nation's Federal obscenity laws after the incident at the Golden Globe Awards program last January. Since that incident, the media has been engaged in an escalating race to the bottom to shock viewers. Most recently, this race took the form of the brazen display during the Super Bowl halftime show, an event watched by millions of men, women, and children. That shameless exhibition was disgraceful and had no place on the public airwaves.

Thankfully, the FCC has started to take its enforcement responsibilities

seriously. However, it has become frighteningly clear that the penalties currently on the books are not sufficient to deter this behavior. Those in the media who choose to air these obscene materials will not feel the sting of enforcement until the punishment is considered to be more than a simple cost of doing business.

H.R. 3717 strengthens the penalties at the FCC's disposal to punish those that pollute the public airwaves with obscene and indecent materials. By increasing the fines that the FCC can impose from $27,500 to $500,000, this legislation hits the violators where it hurts the most, their pockets.

In addition, under current law, if an individual willfully violates indecency standards, the FCC must first warn the violator. However, this bill eliminates the warning requirement and increases the maximum penalty for individuals from $11,000 to $500,000 for the first offense.

Furthermore, the bill requires the FCC to act in a timely manner. It requires the FCC to make a determination of whether an alleged offense constitutes obscene, indecent, or profane material within 180 days from date of the complaint.

It is time to take a stand against the constant bombardment of obscene and profane materials into our living rooms. I urge my colleagues to support this important legislation.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE), a cosponsor of the legislation.

Mr. PENCE. Mr. Chairman, I rise in strong support of the Broadcast Decency Enforcement Act of 2004.

Mr. Chairman, I am a Congressman today, but for 7 years I was a radio and television broadcaster in the State of Indiana. Let us be clear on this point, a point that was clear to me as a public broadcaster: the public airwaves are owned and governed by the American people. Everyone who operates in front of a microphone or a camera on the public airwaves knows that they have to do so under the obligations in the family hours of public broadcasting that have been set and upheld by the courts over the decades.

This is not a burden. Eighteen hours a week for over 6 years I hosted a talk radio program, and I lived within the standards that have been established and upheld by the courts. Thanks to the leadership of the gentleman from Michigan (Mr. UPTON) and the ranking member, now we have legislation that will put real teeth behind these standards, and I strongly support it. The opponents say this is an issue of free speech. This is not about free speech. This is about decent speech living within the constitutional standards that every broadcaster should hold on the public airwaves. I urge strong support for the Broadcast Decency Enforcement Act of 2004.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COX), an original cosponsor of the legislation.

Mr. COX. Mr. Chairman, I thank the gentleman from Michigan for his leadership and his crafting this bill which underscores the principle that those who have been given multi-billion dollar assets in the form of public airwaves for free, courtesy of the taxpayers, owe in return at least some consideration of the taxpaying audience and the public interest they purport to serve.

I like free enterprise and the opportunity for every business to turn a profit. I support unlimited artistic creativity. None of these provide a reason for multi-billion dollar spectrum subsidies for profit-making entertainment, particularly when it is indecent, obscene and profane. While others in telecommunications pay for their slice of the airwaves, the broadcasting industry has been given multi-billion dollar slices of the public airwaves for free.

In the 1990s, every other industry that uses the airwaves, such as wireless phone companies, paid for their pieces of the airwaves through public auctions that generated billions in revenue for taxpayers. The broadcasting industry has paid nothing to the taxpayers for their continued free use of this valuable public asset.

On top of that, every TV station owner was recently given more free bandwidth to convert to digital TV, and that additional loan spectrum has an estimated value of $100 billion. That is a payment from every man, woman, and child in America of $350.

As we complete action on this bill, our attention turns naturally to the underlying question of whether taxpayers should continue the multi-billion dollar subsidies of this obviously for-profit industry. It is my hunch that if we were to auction the broadcast spectrum without the free ride that such programming now gets, the market and consumers would not demand 184 channels of Howard Stern.

Making for-profit TV pay for its spectrum and compete with other high-tech demands would be a far better way of dealing with the problem of indecent programming than government regulation of speech. I think this bill is welcome news.

Mr. MARKEY. Mr. Chairman, I yield 3½ minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, never would I have thought that defending the Constitution would be so lonely a job on the floor of the United States House of Representatives. Do not get me wrong, I believe in decency and Mary Poppins and all things nice; but what is at stake here is freedom of speech and the assault thereon.

I become more and more concerned about the concentration of the media in the hands of so few players, that kind of media power concentrated in the hands of so few and influenced specifically by the far right wing and religious right in this country.

We talk about the President and the Presidency, and we say that the President has a bully pulpit, and he does. That does not concern me. What concerns me is the bullyism and the bullying that is going on. When networks and stations and people-owned medias are afraid to be critical of the administration, to impose a fine on speech that you do not like of a half a million dollars a shot, multiplied by 30 or 300 stations, does not have a chilling effect. It has a freezing-out effect where people will be afraid to speak out.

It is not for us to put limits on free speech. The public decides what they want to listen to and wants to hear. They can change the channel, they can change the station, they can turn it off. To talk about motherhood and breast feeding as something that is good is fine, but people are offended by a breast? Is that obscene? Maybe it was in poor taste at the time, but is it obscene?

That Howard Stern on the radio would be threatened with extinction from broadcast because he did not hang up in time on somebody that called in, that was not the issue. The issue is that he is beginning to speak out against the President and the administration, and he is paying the price because of the pressure on the media by the President and his media cronies.

This concentration of the media denies the public access to the right to speak out. It is not just speech that we agree with and we think is pretty that we have to tolerate. The test of freedom of speech is if we tolerate ugly speech, obnoxious speech, and speech that we disagree with. And saying that we are protecting the country and the children, what about personal responsibility? Everybody should protect their own children from what they do not want to listen to or see.

These become weapons of mass communication, and no one will own them except those who have the hands on the levers of power in the White House and their friends.

That is what we find obscene? What is obscene is public officials lying to the public, lying about public policy, lying about education. It is about not providing enough money for AIDS or cancer; that is what is obscene in this country. We need people to defend our Constitution. We need people to defend freedom of speech, and that is really what is at stake here. This is going to become a very dark day in American history. We are going down the slippery slope of limiting our Constitution and the protections that it gives to the American people.

Mr. Chairman, I for one will be voting against this bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. GILLMOR), again, an original cosponsor of the legislation.

□ 1215

Mr. GILLMOR. Mr. Chairman, I am happy to see that today, after a

firestorm of public criticism, we have an increasing appetite, both in Congress and the FCC, for punishing those who repeatedly flout the rules, and we have before us a strong measure, one that will boost maximum fine to $500,000, make it easier for the FCC to fine performers rather than just their employers and threaten to strip licenses of repeat offenders.

I should also point out that before and after the Super Bowl incidents, my office received over 500 e-mails from my district concerning indecent broadcasts. I would like to share the message of just one of those constituents.

''I am very glad to see you are taking action to protect our kids from indecent, profane, vulgar and tasteless programming. Just when I thought that TV couldn't get any worse, I witnessed the appalling display at the half-time show of the Super Bowl. My 11-year old son and 15-year-old daughter were speechless. Please know that I am behind you 100 percent. I hope that this bill will strengthen the power of the FCC and allow them to penalize those sponsors.''

I think the American people have had enough of ''costume reveals'' and ''wardrobe malfunctions,'' and I urge passage of the bill.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding me time.

The big question on this bill is why now? There are enough laws in place and regulations to deal with this issue. I feel that some of the good, well-intentioned Members have been caught up in this desire to all of a sudden clear up the airwaves. I believe it is a distraction. It is a weapon of mass distraction, to keep us away from the real issues at hand.

The fact is that this is part, in my opinion, of the continuing thinking of the PATRIOT Act, the philosophy of the PATRIOT Act, that says we will read your e-mails, we will find out what you take out from the library, we will hold you in detention without charges or a lawyer, and we will then tell you what you can listen to on the radio.

Now, let us understand something: The target here is coming from the political and religious right, and it is directed only at that which they think is bad anti-American or indecent. Right-wing radio, which demonizes liberals, minorities, environmentalists, pro-choice and animal rights activists, they are fine. They will not be touched. And let me, for the record, say that I support their right to say whatever they want about me and other liberals and Democrats and minorities. They can say whatever they want. But what we are doing in this country is curtailing only people who are saying something else.

The main target these days is Howard Stern. Now, what does Howard Stern have to do with this issue and the political agenda? Well, for years he supported the administration on the war, he supported the administration on capital punishment, he supported the administration on just about everything.

In the last couple of months, he has had a change of heart and started opposing the war, started opposing the opposition to research, opposing the opposition to pro-choice, and, all of a sudden, he is in deeper trouble than he has ever been before.

How else can we explain that the day before his bosses, Clear Channel, were to face a Congressional committee, they fired him from six markets throughout this country? The FCC has been complaining about his locker humor jokes for years. Some people have suggested that he was not in good taste for years. But now, the big bang to get him off the air. He is left now on Infinity Radio, and he says he will be gone in about another 2 weeks.

Why? Was he okay when he was supporting the administration and in trouble, and how did Clear Channel decide to knock out its number one money maker one day before facing Congress? I wish I was the telephone company and could have heard those phone calls coming in with the political pressure.

My friends, this is a dangerous time. This bill should be defeated, if, for no other reason, than to send a message that there is something larger here at work than simply something you do not like. What I do not like may be something you like and vice versa. The best protection we have is not this bill. Just turn the channel, switch the station.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I spoke last night with our former chairman, the gentleman from Louisiana (Mr. TAUZIN). He wishes that he was going to be here today, but he is preparing himself for cancer surgery next week. But I know that he would very much like to cast votes on every one of the recorded votes that we have the balance of the afternoon.

I want to remind my colleagues that we do not change the standards. That is not what this bill does. It strictly enforces the standards that are already on the books.

I told this story in my first hearing back in January before the Super Bowl. My staff prepared this broadcast indecency briefing materials book for me. Inside this book are the transcripts of broadcasters that have been fined for broadcasting indecent material. The material that is in this book was all on radio, it was not on TV. But what alarmed me more than anything else was the series of repeat offenders, whether they be in Detroit, Chicago, Washington or Los Angeles, and all broadcast on the public airwaves.

When I read through this book, I was embarrassed. I was embarrassed for the fellow that was sitting next to me on the airplane, because I had to read it like this. I had to shield the material in this book, the transcripts, that were fined thousands of dollars.

I made a mistake that day, Mr. Chairman. I read through the book, it was a long flight, we had terrible weather. In fact, frankly that day when we landed back at DCA, I thought we had gone back to Detroit, there was such bad weather here.

I looked through a lot of material, and I left it by mistake in the pocket in the seat that was in front of me. I walked off the plane, went back through the security, and got all the way to my car when I realized this book was still on the plane. Now, with the new security arrangements, I could not go back to the plane to get this book.

It has got my name on it, ''Chairman UPTON, broadcast indecency briefing materials.'' Man, was I embarrassed, to go back into the Northwest Airline ticket line and ask someone to go retrieve that book. And, yes, they had found it. They saw my name, and they were very chagrined to get it back to me. But, thank goodness, I did get it back, and I do not think anybody read some of the material. But it is public record, and this stuff, this XXX smut stuff, should never be broadcast on the public airwaves.

I was asked the question by the press when we introduced our bill several weeks ago, ''Do you think, Mr. UPTON, that your legislation is going to take this stuff down, that it will increase somehow the FCC's enforcement division?''

I thought about it, and I said, ''You know, I hope not. I hope that this legislation will send a message to the broadcasters and to the talent that is making these indecent remarks,'' and more than just a word, if you come over here and read these transcripts, it is more than a word, it is page, after page, after page, ''that we can get this stuff stopped with this legislation.''

I welcome the opportunity to work with my friend, the gentleman from Massachusetts (Mr. MARKEY). Together, we fashioned a very bipartisan bill every step of the way, from the calling of the witnesses to the questioning to the amendments, every step of the way, and I am pleased that the other body is working on that same procedure, where, again, they voted 34 to 0 earlier this week to pass similar legislation.

Our bill that passed 49 to 1 is a credit to this institution and to the Members on both sides who care about the public airwaves, to make sure that this stuff is not broadcast, and we send a message, whether it be to the shock jock or the DJ or the person with the finger on the pause button at one of those awards, whether it be the Academy Awards, Golden Globes or whatever else, we are going to make an impact,

and we are going to let our families know that this stuff has got to stop.

This bill does it. It is not an infringement of first amendment rights. It has all been certified, made legitimate from the courts of the land, from the highest court of the land down to the lowest court, and needs a positive vote here this afternoon.

Mrs. CUBIN. Mr. Chairman, it's about time.

That's what my constituents are telling me. They correctly note the gradual degradation of the quality and decency of programming on TV and radio—and I agree, it's about time Congress acted.

As an original cosponsor of H.R. 3717, I think it's important to note that we introduced this bill prior to the Super Bowl. Some people are blaming Janet Jackson and Justin Timberlake for Congressional action on indecency, but really the Super Bowl halftime show was simply the proverbial straw that broke the camel's back.

It's sort of like cooking a frog in a pot of boiling water. Put him in when it's lukewarm, and slowly turn up the temperature, he'll be cooked by dinner. Throw him into a boiling pot, however, and he'll jump right out. I'm afraid we've let this sneak up on us to the point where we're almost cooked.

I'm not here sharing recipes from Congressman TAUZIN's Cajun cookbook, I'm talking about how we have sat idly by as programming over the public's airwaves has gone to the dogs. The nudity of the Super Bowl halftime show has justly raised the ire of American families, and we are right to demand that people act in a civil manner when they are afforded access to the public's airwaves. Mr. Chairman, it is about time Congress acted and I'm proud to be part of that effort. I urge passage of H.R. 3717.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in qualified support of H.R. 3717, the Broadcast Indecency Act of 2004. As an original co-sponsor of this legislation, I agree that we must provide the Federal Communications Commission (FCC) with the resources it needs to effectively enforce existing laws regarding indecent broadcasts. However, I am concerned that giving the FCC the authority to levy exorbitant fines against individuals will have a chilling effect on the exercise of free speech protected under the First Amendment.

Clearly, the FCC should be able to hold individuals responsible for breaching the public trust by violating decency standards in the same way it holds broadcasting entities accountable for what they put on the airwaves. Nonetheless, opening the door to potentially ruinous fines of up to a half a million dollars for individuals, including artists, raises the specter of state sponsored censorship. Will the federal government decide to silence certain individuals in the future for political reasons? Under this bill, it has the authority to do just that.

As this legislation is considered by the Senate, I would hope that this concern is duly addressed and resolved in Conference with the House. Thank you, Mr. Chairman, the opportunity to address my colleagues on this overlooked but critical aspect of what is overall a good and necessary piece of legislation.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of H.R. 3717, the Broadcast Decency Enforcement Act.

Over the past few months, I have received nearly 2,000 e-mails, phone calls and letters from my constituents expressing their displeasure with content of TV programs. My constituents are telling me enough is enough. When broadcasters violate indecency rules and a complaint is filed, my constituents want it to be taken seriously by the FCC. They want meaningful penalties that will make broadcasters think twice before airing objectionable programs. They want broadcasters to be held accountable.

Above all, they want to be able to watch an entertainment program with their family without having them exposed to content unsuitable for children. When supposedly family-friendly programming such as the Super Bowl becomes a program many families don't want their children to see, we have a problem. As a grandfather, I worry about being able to turn on the TV and watch a program or sports event with my 3 and 5 year old grandsons.

I think this legislation addresses many of my constituents' concerns. Raising the cap on fines to $500,000 for broadcasts that violate the rules helps show that Congress and the FCC are serious about punishing offenses. The current cap is only $27,000 per violation, a drop in the bucket for most broadcasters. When broadcasters know that indecency violations will be taken into consideration when they ask the FCC to renew their broadcast licenses, they are going to take additional precautions to prevent instances of indecency. If a broadcaster accumulates three violations, this will now trigger a hearing to review revoking that station's license.

This legislation sends a strong signal that Congress is serious about enforcement of broadcast indecency regulations. If all Members' constituents care about this issue as much as mine do, then this should be an easy bill for us to support.

I urge my colleagues to support this legislation.

Ms. WATSON. Mr. Chairman, I rise in strong support to the Schakowsky amendment to H.R. 3717, which would exempt individuals from increase in indecency fines. While I support the goals of H.R. 3717 in giving the Federal Communication Commission more authority to enforce indecency rules, I don't believe individual performers and artists should be threatened by the same penalties imposed on multi-billion dollar corporations, who have the ultimate control on programming decisions.

I believe the provisions within H.R. 3717 to fine individuals would constitute a dangerous chilling effect on artistic expression and a threat to our first amendment rights. It is also completely unnecessary, since broadcast licensees and networks are responsible for programming contents and the decision to air, not the individual artists. Why else would networks start implementing the so-called ''five second delay'' that would remove any objectionable content before it is broadcasted? The broadcasters understand that they are the ones responsible for the contents they air, because they are the ones who eventually profit from the controversies generated by offensive, indecent, and dumb-down programming.

I hope my colleagues will join me in supporting Congresswoman SHAKOWSKY's amendment that would prevent he broadcasters from scapegoating individual artists and hold them truly responsible in the enforcement of indecency rules.

Mr. BACA. Mr. Chairman, I rise in support of H.R. 3717, a bill that would increase the fines the Federal Communications Commission can impose for the broadcast of obscene, indecent, or profane material.

The level of violent and sexual content in all of forms of media has reached a point where Congress has no choice but to act.

Many people first became aware of this problem while they were watching the Super Bowl, but this is not a new problem.

Whether it is television, movies, video games, or the Internet, you cannot get away from it, and it is getting worse.

As Democrats and Republicans we must continue to work together to address these issues. That is the only way we will be able prevent our children from being needlessly exposed to violent and sexual content in the media.

A growing body of evidence suggests that these messages can be harmful to children's development.

That is why I submitted an amendment that would call on the Surgeon General to produce an annual report assessing the impact of violent media content on children.

Although my amendment was not accepted I hope the Surgeon General will hear us today and understand that Congress takes these issues very seriously and that we demand to know more.

That is also why I created the bipartisan Congressional Sex and Violence in the Media Caucus last October with my friend and colleague, Congressman TOM OSBORNE.

We will be a strong voice within Congress to reduce violent and sexual content in the media.

We will identify ways to work effectively in Congress and in our districts to prevent violence by and against children through legislation, education, outreach, and advocacy.

Just this Tuesday, we introduced H.R. 3914, the Children's Protection from Violent Programming Act, along with Congressman DAVID PRICE.

Our bill would require the FCC to assess the effectiveness of the V-chip to determine if it effectively protects children from television violence.

If the study shows that the V-chip is not effective, then it requires the FCC to create a ''safe harbor'' so that violent programming is not televised when children are likely to be watching.

I am proud to have received the endorsement of the Parents Television Council and the Consumers Union.

Last year I re-introduced the Protect Children from Video Game Sex and Violence Act, H.R. 669, which would impose penalties on those who rent or sell video games with violent or sexual content to minors.

It is wrong that our children are being exposed to this kind of violence at an age when their minds and values are still being formed. They play these games when many of them cannot distinguish fantasy from reality. Yet today's most popular games are full of senseless acts of sex and violence that brainwash our kids.

These games show people having sex with prostitutes, car-jacking soccer moms, using illegal drugs, decapitating police officers, and killing innocent people as they beg for mercy. If that isn't enough, games like BMX Triple X even show live video footage of naked strippers. Is that what we really want our kids to be watching?

Let me be clear. It is the responsibility of parents to raise their children and determine what they watch on television or what kinds of games they buy. But when children see these things when they are watching the Super Bowl or when they can walk into their neighborhood store and buy video games with mature content, a parent is cut out of the process.

Some will tell you that early exposure to violence has no harmful effects, but a growing body of academic research tells a different story.

Several of the Nation's most respected public health groups have found that viewing entertainment violence can lead to increases in aggressive attitudes, values, and behaviors, particularly in children.

But we have to go beyond facts and figures. What does this mean for our kids?

We are at the beginning of a long and difficult battle for the hearts, the minds, and the souls of our children.

I hope that other Members of Congress and the public will continue to work to protect our children from these harmful materials.

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in strong support of H.R. 3717, the Broadcast Decency Enforcement Act and commend Representative UPTON for this initiative to ''clean up'' our Nation's airwaves.

In response to a number of recently televised events, I have received a deluge of complaints and comments from my constituents in New Jersey who are fed up with the offensive and indecent programming invading their homes through television and radio. With their thoughts in mind I cosponsored this legislation to let it be known: broadcasters offering irresponsible and indecent material—especially at times when our children are likely watching or listening—should be held accountable for their actions.

H.R. 3717 would increase the penalty the FCC can assess for violations of broadcast indecency, obscenity and profanity laws from $27,500 to $500,000 per violation. The current fine has become a mere cost of business for many of the large broadcast companies. Today, Congress, on behalf of America's families, is sending a message to the industry that this kind of disregard is not going to be tolerated and hit them where it hurts—in their pockets.

It is time we act to ensure that every family may watch broadcast television programming free of indecency, obscenity and profanity. I believe this legislation takes the right approach. That is why I urge my colleagues to join me in supporting this important initiative and vote yes for H.R. 3717.

Mr. CANTOR. Mr. Chairman, I rise in strong support of the Broadcast Decency Enforcement Act, H.R. 3717. The use of obscenity, which has recently been so casually used on our public airwaves for the entire country to witness, should not and cannot be tolerated.

As a parent, I share the concerns of many regarding the level of offensive television and radio programs that are transmitted into our homes. The recent violations that have occurred disgusted not only me, but damage our society. Families should be able to turn on the television or radio without worrying that obscene programming will negatively impact our children.

This important legislation calls for tougher fines and enforcement penalties for obscene broadcasts. Shameless acts are inexcusable and should be disciplined to ensure that they will not continue and will not be tolerated.

I have received over one thousand letters, emails and phone calls from outraged constituents regarding obscene TV and radio broadcasts in recent months. We cannot accept anything less than an effective solution to this problem; we will not be satisfied until those who are responsible have been reprimanded, and we can be assured this kind of behavior will not continue.

We must give parents the peace of mind that the programming available to their children on television and radio today is appropriate.

I urge all members to support this legislation.

Mr. ROGERS of Alabama. Mr. Chairman, public decency on the airwaves should be a subject on which we all agree. Alabama citizens, like the vast majority of Americans, respect and value the meaning of decency, and appreciate public institutions that reflect the common values of our society.

But what happens when one or more of those institutions repeatedly violate those standards of decency? In the past year, we have seen one or more of the major broadcast networks repeatedly and blatantly violate the Federal Communications Commission standards for decency, and openly flaunt the laws so clearly upheld in the courts.

CBS's halftime show during the 2004 Super Bowl was a new low for television, Mr. Speaker. Watched by nearly 100 million Americans, as well as my family and children, this 30-minute fantasy of filth managed to break all standards of decency, and brazenly shattered all concepts of responsibility and accountability for our Nation's public broadcasters.

Mr. Chairman, this must stop. It's time we hold the broadcasters accountable for their decisions and help take out the televised trash that continues to invade our homes. H.R. 3717, the Broadcast Decency Enforcement Act of 2004, will help turn the tide. The legislation brings accountability for those broadcasters who follow the rules, as well as penalties for those, like CBS during the Super Bowl, knowingly choose to violate them.

H.R. 3717 increases the FCC's penalties for broadcasting obscene, indecent, and profane language to $275,000 for each violation or each day of a continuing violation. The bill also limits the total amount assessed for any continuing violation to $3 million for any single act or failure to act.

As a co-sponsor of this bi-partisan legislation, I am pleased Congress has chosen to bring this to the House floor today. Let me be clear Mr. Chairman: I am not an advocate of censorship. Although I may find the type of programming seen during the 2004 Super Bowl and the 2003 Golden Globe Awards disgusting and disturbing, we must always work hard to defend the cherished freedoms so clearly outlined in our Constitution, including a healthy and free press.

But when those institutions that are charged with upholding the public trust refuse to live up to their responsibilities, someone must draw the line. The Broadcast Decency Enforcement Act of 2004 helps address the continuing degradation on the broadcast airwaves and helps send a clear message to the broadcast industry that Alabama families, like the rest of American families, have had enough.

Programs like the Super Bowl should be celebrations, not cesspools, Mr. Speaker. It is time we as a Congress rise to this occasion and pass this bill, and help stop the recklessness that has so unnecessarily invaded our homes.

Thank you and congratulations to you, Mr. UPTON, for your work in bringing this importance piece of legislation to the House today.

Mr. OXLEY. Mr. Chairman, like most Americans, I am deeply disturbed by the decline of basic decency on our public airwaves. A new low was probably reached during the half-time show of the recent Super Bowl. It's incredible that parents should have to monitor the content of a football game to protect their children. The groundswell for change has been gathering for some time now. In the last few months alone, I have received more than one thousand constituent letters expressing concern about profanity and indecency on the airwaves. The message has been received, loud and clear.

I am proud to be an original cosponsor of the Broadcast Decency Enforcement Act. The bill holds violating stations accountable for trashing our precious public airwaves and hits purveyors where it matters the most, in the wallet. Currently, an FCC indecency violation carries a maximum $27,500 fine, which hardly threatens a multi-million dollar station. This bill increases the fine to a more fitting $500,000. Repeat violators will find themselves on a very long and expensive trip. The FCC will also be given authority to hold hearings on stripping the licenses of repeat offenders.

It's important that we act because even a small blow struck for decency makes a difference. The Supreme Court recently heard arguments on the Child Online Protection Act, which I helped to write. This is a law we approved to prevent kids from being exposed to Internet pornography. I have also been working with my Democrat colleague CHARLES GONZALEZ on the Video Voyeurism Prevention Act. It's long past time that attitudes about decency started changing in this country.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 3717

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 ''Broadcast Decency Enforcement Act of 2004''.

SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Notwithstanding subparagraph (A), if the violator is (i) a broadcast station licensee or permittee, or (ii) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission, and

the violator is determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane material, the amount of any forfeiture penalty determined under this section shall not exceed $500,000 for each violation.''; and

(3) in subparagraph (D), as redesignated by paragraph (1) of this subsection—

(A) by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''; and

(B) by adding at the end the following: ''Notwithstanding the preceding sentence, if the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material (and the case is not covered by subparagraph (A), (B), or (C)), the amount of any forfeiture penalty determined under this section shall not exceed $500,000 for each violation.''.

SEC. 3. ADDITIONAL FACTORS IN INDECENCY PENALTIES; EXCEPTION.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is further amended by adding at the end (after subparagraph (E) as redesignated by section 2(1) of this Act) the following new subparagraphs:

''(F) In the case of a violation in which the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material, the Commission shall take into account, in addition to the matters described in subparagraph (E), the following factors:

''(i) With respect to the degree of culpability of the violator, the following:

''(I) whether the material uttered by the violator was live or recorded, scripted or unscripted;

''(II) whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming may contain obscene, indecent, or profane material;

''(III) if the violator originated live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming;

''(IV) the size of the viewing or listening audience of the programming; and

''(V) whether the programming was part of a children's television program as described in the Commission's children's television programming policy (47 CFR 73.4050(c)).

''(ii) With respect to the violator's ability to pay, the following:

''(I) whether the violator is a company or individual; and

''(II) if the violator is a company, the size of the company and the size of the market served.

''(G) A broadcast station licensee or permittee that receives programming from a network organization, but that is not owned or controlled, or under common ownership or control with, such network organization, shall not be subject to a forfeiture penalty under this subsection for broadcasting obscene, indecent, or profane material, if—

''(i) such material was within live or recorded programming provided by the network organization to the licensee or permittee; and

''(ii)(I) the programming was recorded or scripted, and the licensee or permittee was not given a reasonable opportunity to review the programming in advance; or

''(II) the programming was live or unscripted, and the licensee or permittee had no reasonable basis to believe the programming would contain obscene, indecent, or profane material.

The Commission shall by rule define the term 'network organization' for purposes of this subparagraph.''.

SEC. 4. INDECENCY PENALTIES FOR NON-LICENSEES.

Section 503(b)(5) of the Communications Act of 1934 (47 U.S.C. 503(b)(5) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by inserting ''(A)'' after ''(5)'';

(3) by redesignating the second sentence as subparagraph (B);

(4) in such subparagraph (B) as redesignated—

(A) by striking ''The provisions of this paragraph shall not apply, however,'' and inserting ''The provisions of subparagraph (A) shall not apply (i)'';

(B) by striking ''operator, if the person'' and inserting ''operator, (ii) if the person'';

(C) by striking ''or in the case of'' and inserting ''(iii) in the case of''; and

(D) by inserting after ''that tower'' the following: '', or (iv) in the case of a determination that a person uttered obscene, indecent, or profane material that was broadcast by a broadcast station licensee or permittee, if the person is determined to have willfully or intentionally made the utterance''; and

(5) by redesignating the last sentence as subparagraph (C).

SEC. 5. DEADLINES FOR ACTION ON COMPLAINTS.

Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended by adding at the end thereof the following new paragraph:

''(7) In the case of an allegation concerning the utterance of obscene, indecent, or profane material that is broadcast by a station licensee or permittee—

''(A) within 180 days after the date of the receipt of such allegation, the Commission shall—

''(i) issue the required notice under paragraph (3) to such licensee or permittee or the person making such utterance;

''(ii) issue a notice of apparent liability to such licensee or permittee or person in accordance with paragraph (4); or

''(iii) notify such licensee, permittee, or person in writing, and any person submitting such allegation in writing or by general publication, that the Commission has determined not to issue either such notice; and

''(B) if the Commission issues such notice and such licensee, permittee, or person has not paid a penalty or entered into a settlement with the Commission, within 270 days after the date of the receipt of such allegation, the Commission shall—

''(i) issue an order imposing a forfeiture penalty; or

''(ii) notify such licensee, permittee, or person in writing, and any person submitting such allegation in writing or by general publication, that the Commission has determined not to issue either such order.''.

SEC. 6. ADDITIONAL REMEDIES FOR INDECENT BROADCAST.

Section 503 of the Communications Act of 1934 (47 U.S.C. 503) is further amended by adding at the end the following new subsection:

''(c) ADDITIONAL REMEDIES FOR INDECENT BROADCASTING.—In any proceeding under this section in which the Commission determines that any broadcast station licensee or permittee has broadcast obscene, indecent, or profane material, the Commission may, in addition to imposing a penalty under this section, require the licensee or permittee to broadcast public service announcements that serve the educational and informational needs of children. Such announcements may be required to reach an audience that is up to 5 times the size of the audience that is estimated to have been reached by the obscene, indecent, or profane material, as determined in accordance with regulations prescribed by the Commission.''.

SEC. 7. LICENSE DISQUALIFICATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 503 of the Communications Act of 1934 (47 U.S.C. 503) is further amended by adding at the end (after subsection (c) as added by section 6) the following new subsection:

''(d) CONSIDERATION OF LICENSE DISQUALIFICATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—If the Commission issues a notice under paragraph (3) or (4) of subsection (b) to a broadcast station licensee or permittee looking toward the imposition of a forfeiture penalty under this Act based on an allegation that the licensee or permittee broadcast obscene, indecent, or profane material, and either—

''(1) such forfeiture penalty has been paid, or

''(2) a forfeiture penalty has been determined by the Commission or an administrative law judge pursuant to paragraph (3) or (4) of subsection (b), and such penalty is not under review, and has not been reversed, by a court of competent jurisdiction,

then, notwithstanding section 504(c), the Commission shall, in any subsequent proceeding under section 308(b) or 310(d), take into consideration whether the broadcast of such material demonstrates a lack of character or other qualifications required to operate a station.''.

SEC. 8. LICENSE RENEWAL CONSIDERATION OF VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 309(k) of the Communications Act of 1934 (47 U.S.C. 309(k)) is amended by adding at the end the following new paragraph:

''(5) LICENSE RENEWAL CONSIDERATION OF VIOLATIONS OF INDECENCY PROHIBITIONS.—If the Commission has issued a notice under paragraph (3) or (4) of section 503(b) to a broadcast station licensee or permittee with respect to a broadcast station looking toward the imposition of a forfeiture penalty under this Act based on an allegation that such broadcast station broadcast obscene, indecent, or profane material, and—

''(A) such forfeiture penalty has been paid, or

''(B) a forfeiture penalty has been determined by the Commission or an administrative law judge pursuant to paragraph (3) or (4) of section 503(b), and such penalty is not under review, and has not been reversed, by a court of competent jurisdiction,

then, notwithstanding section 504(c), such violation shall be treated as a serious violation for purposes of paragraph (1)(B) of this subsection with respect to the renewal of the license or permit for such station.''.

SEC. 9. LICENSE REVOCATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 312 of the Communications Act of 1934 (47 U.S.C. 312) is amended by adding at the end the following new subsection:

''(h) LICENSE REVOCATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—

''(1) CONSEQUENCES OF MULTIPLE VIOLATIONS.—If, in each of 3 or more proceedings during the term of any broadcast license, the Commission issues a notice under paragraph (3) or (4) of section 503(b) to a broadcast station licensee or permittee with respect to a broadcast station looking toward the imposition of a forfeiture penalty under this Act based on an allegation that such broadcast station broadcast obscene, indecent, or profane material, and in each such proceeding either—

''(A) such forfeiture penalty has been paid, or

''(B) a forfeiture penalty has been determined by the Commission or an administrative law judge pursuant to paragraph (3) or (4) of section 503(b), and such penalty is not under review, and has not been reversed, by a court of competent jurisdiction,

then, notwithstanding section 504(c), the Commission shall commence a proceeding under subsection (a) of this section to consider whether the Commission should revoke the station license or construction permit of that licensee or permittee for such station.

''(2) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall be construed to limit the authority of the Commission to commence a proceeding under subsection (a).''.

SEC. 10. REQUIRED CONTENTS OF ANNUAL REPORTS OF THE COMMISSION.

Each annual report submitted by the Federal Communications Commission after the date of enactment of this Act shall, in accordance with

section 4(k)(2) of the Communications Act of 1934 (47 U.S.C. 154(k)(2)), include the following:

(1) The number of complaints received by the Commission during the year covered by the report alleging that a broadcast contained obscene, indecent, or profane material, and the number of programs to which such complaints relate.

(2) The number of those complaints that have been dismissed or denied by the Commission.

(3) The number of complaints that have remained pending at the end of the year covered by the annual report.

(4) The number of notices issued by the Commission under paragraph (3) or (4) of section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) during the year covered by the report to enforce the statutes, rules, and policies prohibiting the broadcasting of obscene, indecent, or profane material.

(5) For each such notice, a statement of—

(A) the amount of the proposed forfeiture;

(B) the program, station, and corporate parent to which the notice was issued;

(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

(D) the status of the proceeding.

(6) The number of forfeiture orders issued pursuant to section 503(b) of such Act during the year covered by the report to enforce the statutes, rules, and policies prohibiting the broadcasting of obscene, indecent, or profane material.

(7) For each such forfeiture order, a statement of—

(A) the amount assessed by the final forfeiture order;

(B) the program, station, and corporate parent to which it was issued;

(C) whether the licensee has paid the forfeiture order;

(D) the amount paid by the licensee; and

(E) in instances where the licensee refused to pay, whether the Department of Justice brought an action in Federal court to collect the penalty.

SEC. 11. SENSE OF THE CONGRESS.

(a) REINSTATEMENT OF POLICY.—It is the sense of the Congress that the broadcast television station licensees should reinstitute a family viewing policy for broadcasters.

(b) DEFINITION.—For purposes of this section, a family viewing policy is a policy similar to the policy that existed in the United States from 1975 to 1983, as part of the National Association of Broadcaster's code of conduct for television, and that included the concept of a family viewing hour.

SEC. 12. IMPLEMENTATION.

(a) REGULATIONS.—The Commission shall prescribe regulations to implement the amendments made by this Act within 180 days after the date of enactment of this Act.

(b) PROSPECTIVE APPLICATION.—This Act and the amendments made by this Act shall not apply with respect to material broadcast before the date of enactment of this Act.

(c) SEPARABILITY.—Section 708 of the Communications Act of 1934 (47 U.S.C. 608) shall apply to this Act and the amendments made by this Act.

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 108–436. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider Amendment No. 1 printed in House Report 108–436.

AMENDMENT NO. 1 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. UPTON:

In subsection (d) of section 503 of the Communications Act of 1934, as added by section 7 of the bill, strike paragraph (2) and insert the following:

''(2) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

In the matter that follows paragraph (2) of section 503(d) of the Communications Act of 1934, as added by section 7 of the bill, strike '', notwithstanding section 504(c),''.

In paragraph (5) of section 309(k) of the Communications Act of 1934, as added by section 8 of the bill, strike subparagraph (B) and insert the following:

''(B) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

In the matter that follows subparagraph (B) of section 309(k)(5) of the Communications Act of 1934, as added by section 8 of the bill, strike '', notwithstanding section 504(c),''.

In paragraph (1) of section 312(h) of the Communications Act of 1934, as added by section 9 of the bill, strike subparagraph (B) and insert the following:

''(B) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

In the matter that follows subparagraph (B) of section 312(h)(1) of the Communications Act of 1934, as added by section 9 of the bill, strike '', notwithstanding section 504(c),''.

In section 10, insert ''and'' at the end of subparagraph (C) of paragraph (7), strike ''; and'' at the end of subparagraph (D) of such paragraph and insert a period, strike subparagraph (E) of such paragraph, and after such paragraph insert the following new paragraphs:

(8) In instances where the licensee has refused to pay, whether the Commission referred such order to the Department of Justice to collect the penalty.

(9) In cases where the Commission referred such order to the Department of Justice—

(A) the number of days from the date the Commission issued such order to the date the Commission referred such order to the Department;

(B) whether the Department has commenced an action to collect the penalty, and if such action was commenced, the number of days from the date the Commission referred such order to the Department to the date the action by the Department commenced; and

(C) whether the collection action resulted in a payment, and if such action resulted in a payment, the amount of such payment.

The CHAIRMAN pro tempore. Pursuant to House Resolution 554, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished whip of the House, an original cosponsor of our legislation, and once a proud member of our proud subcommittee.

Mr. BLUNT. Mr. Chairman, with any luck, a future member of the chairman's subcommittee.

Mr. Chairman, I appreciate the great work the gentleman from Michigan (Mr. UPTON) did on this bill, bringing this bill to the floor at this time. I also want to say how much I appreciate the gentleman from Texas (Chairman BARTON), the new chairman of our committee, moving quickly to get this legislation to the floor, and also to join my colleagues in our appreciation for and our concern about our former chairman, the gentleman from Louisiana (Mr. TAUZIN), as he and his family deal with a health crisis right now.

Mr. Chairman, I think this bill is a bill that we need to do. The gentleman's amendment is one that improves the bill and clarifies the process through which people would have to go if they are subject to the penalties of the bill.

I think the penalties here, the enhanced penalties we heard from many, many people, that the current penalties just are not a deterrent. Not only are the penalties now more in the range that they become a real thing for people who are given custody, temporary custody, of the airwaves to think about, but there is also the possibility they could actually lose their license if they become repeat offenders.

Anybody can have something happen on one occasion that they do not expect to happen, do not anticipate happening, do not approve, are embarrassed by, but the gentleman's bill makes the case that these airwaves do belong to the American people, that this is commercial airspace. If repeatedly somebody chooses to try to benefit financially by what they put on the air that goes beyond the bounds of decency, goes beyond their agreement when they are given custody and right to use these airwaves, I think this bill and the gentleman's clarifying amendment is an amendment that the House needs to deal with.

We all know that it was the Super Bowl half-time show that sort of brought this issue to everybody's attention in this current context, but we also know that if you watched the Super Bowl, if you were watching sort of halfway as I was the half-time show, that we see so much there drifting beyond where we need to be in family entertainment. There are plenty of opportunities in other kinds of entertainment that are not on the airwaves used by commercial television and radio for that.

I appreciate the gentleman's hard work in bringing this bill to the floor in such important and quick fashion, and I rise to support the bill and the gentleman's important amendment to it.

Mr. UPTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, obviously I rise in strong support of the Upton amendment. This amendment ensures that

those who are the subject of indecency complaints are provided with a constitutional right to due process. For instance, until a forfeiture penalty has been paid or a court has finally determined that a forfeiture penalty is justified, a complaint should not be held against the broadcast station license.

□ 1230

Just like someone who is presumed innocent until proven guilty, this amendment guarantees that a broadcast license cannot be revoked or license renewal rejected until all of the appeals have been heard. This is a good amendment, it was pointed out in our hearing at the very end, and I would hope has bipartisan support. It tightens the loophole.

I just want to say in closing in support of this amendment, I want to thank in particular, I think, the many Members who have been so engaged in this legislation, and I want to thank the staff as well. On our side of the aisle, we have had terrific staff that have worked with the very good staff, terrific staff on the other side as well; but I want to particularly cite a number of individuals: Will Nordwind, Howard Waltzman, Neil Fried, Kelly Zerzan, Joan Hillebrands, Sean Bonyur, Jim Barnette, Jaylyn Connaughton, and Andy Black for their hard work in making sure that this bill got to the floor quickly and swiftly, and that, in fact, it was in a very strong bipartisan fashion.

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

Mr. MARKEY. Mr. Chairman, if there is no one seeking recognition in opposition, I ask unanimous consent to control the time in opposition, even though I support the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objecton.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

I would like to say that this is a good amendment. It has been crafted on a bipartisan basis. We have worked very closely together, Democrat and Republican, on this issue right from the beginning; and this amendment reflects that continuing level of cooperation. I just want any of the Members who are listening to this debate to understand that that consensus has been reached.

Mr. MARKEY. Mr. Chairman, I have no other Members seeking recognition, and I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 108–436.

AMENDMENT NO. 2 OFFERED BY MR. SESSIONS

Mr. SESSIONS. 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. 2 offered by Mr. SESSIONS:

After section 10 of the bill insert the following section (and redesignate the succeeding sections accordingly):

SEC. 11. GAO STUDY OF INDECENT BROADCASTING COMPLAINTS.

(a) INQUIRY AND REPORT REQUIRED.—The General Accounting Office shall conduct a study examining—

(1) the number of complaints concerning the broadcasting of obscene, indecent, and profane material to the Federal Communications Commission;

(2) the number of such complaints that result in final agency actions by the Commission;

(3) the length of time taken by the Commission in responding to such complaints;

(4) what mechanisms the Commission has established to receive, investigate, and respond to such complaints; and

(5) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints.

(b) SUBMISSION OF REPORT.—The General Accounting Office shall submit a report on the results of such study within one year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

The CHAIRMAN pro tempore. Pursuant to House Resolution 554, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

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

My amendment is a simple contribution to this bill that I believe will bring some additional accountability and enforcement to the FCC's current process of handling broadcasting complaints and proposed violation of FCC rules.

My amendment to this legislation would give the General Accounting Office 1 year to study and report back to Congress on the number of complaints concerning the broadcasting of obscenity, indecency, and profane material to the Federal Communications Commission; the number of such complaints that result in final agency actions by the commission; the length of time taken by the commission in responding to such complaints; what mechanisms the commission has established to proceed, investigate, and respond to such complaints; and whether such complaints to the commission are adequately informed by the commission of their responses to those complainants.

I believe that this amendment will help this body to conform with third-party data and the relevant facts and figures that the FCC is doing its utmost to carry out the intent of the important legislation that we are considering today.

The Upton legislation will crack down on indecent over-the-air broadcasts and will bring much-needed accountability to our public airwaves. Last year, there were over 240,000 complaints against 375 programs, but the FCC issued only three notices of proposed violations. I believe that Congress should get more information about what the FCC is doing to help us perform an important oversight function over the FCC's action and its accountability to the American public.

I would like to thank the gentleman from Michigan (Chairman UPTON), the gentleman from Texas (Chairman BARTON), and the gentleman from California (Chairman DREIER) for their important work and leadership in bringing this legislation to the floor today. I urge my colleagues to support this amendment to allow the GAO to gain more information from the FCC about how they are handling complaints that they receive on indecent material.

Mr. Chairman, I would simply ask that we include this amendment, and I ask for its immediate consideration.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim the time in opposition?

The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–436.

There being no further amendment in order, 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. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SESSIONS) having assumed the chair, Mr. ISAKSON, 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. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language, pursuant to House Resolution 554, 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 any 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 amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. UPTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by two 5-minute votes on suspending the rules and adopting House Concurrent Resolution 15 and House Resolution 540, as amended.

The vote was taken by electronic device, and there were—ayes 391, noes 22, answered ''present'' 1, not voting 19, as follows:

[Roll No. 55]

AYES—391

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—22

Ackerman
Baird
Berman
Clay
Grijalva
Harman
Honda
Jackson-Lee (TX)
Jones (OH)
Kucinich
Lee
Lewis (GA)
Lofgren
Nadler
Paul
Schakowsky
Scott (VA)
Serrano
Stark
Velázquez
Waters
Waxman

ANSWERED ''PRESENT''—1

Sherman

NOT VOTING—19

Bell
Berkley
Cardoza
Conyers
Davis (IL)
DeFazio
Doolittle
Fossella
Gibbons
John
King (NY)
Lewis (CA)
Maloney
Miller (FL)
Rodriguez
Sanchez, Loretta
Tauzin
Udall (CO)
Wicker

□ 1303

Mrs. JONES of Ohio changed her vote from ''aye'' to ''no.''

Mr. GINGREY and Mr. MCINNIS changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MALONEY. Mr. Speaker, I was unavoidably delayed and missed rollcall vote No. 55. Had I been present I would have voted "aye," in favor of H.R. 3717, the Broadcast Decency Enforcement Act of 2004.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3717.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

House Concurrent Resolution 15, by the yeas and nays;

House Resolution 540, by the yeas and nays.

These remaining electronic votes will be conducted as 5-minute votes.

COMMENDING INDIA ON ITS CELEBRATION OF REPUBLIC DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 15.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 15, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 56]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr

Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bell
Berkley
Cardoza
Davis (IL)
DeFazio
Fossella
Gibbons
John
King (NY)
Lewis (CA)
Miller (FL)
Rodriguez
Tauzin
Udall (CO)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1313

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES OF HOUSE OF REPRESENTATIVES FOR UNTIMELY DEATH OF MACEDONIAN PRESIDENT BORIS TRAJKOVSKI

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 540, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 540, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 57]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky

Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Bell
Berkley
Camp
Cardoza
Davis (IL)
DeFazio
Fossella
Gibbons
Istook
John
King (NY)
Lewis (CA)
Marshall
Miller (FL)
Norwood
Nunes
Pelosi
Rodriguez
Souder
Tauzin
Udall (CO)
Wicker

□ 1324

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of California. Mr. Speaker, due to personal business, I was unavoidably detained during rollcall votes 55 and 56 on March 11, 2004. Had I been present for rollcall 55 on H.R. 3717, the ''Broadcast Decency Enforcement Act of 2004,'' I would have voted ''yea.'' Had I been present for rollcall 56, H. Con. Res. 15, ''Commending India on its celebration of Republic Day,'' I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, I would like to offer a personal explanation of the reason for my absence on March 10 and 11, 2004. Last week, former Governor of Nevada Mike O'Callaghan passed away and I had to leave Washington this Wednesday afternoon, March 10, to attend funeral services for Governor O'Callaghan.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted:

Rollcall vote No. 48, on agreeing to the Scott (VA) amendment—''no'';

Rollcall vote No. 49, on agreeing to the Watt amendment—''no'';

Rollcall vote No. 50, on agreeing to the Andrews amendment—''no'';

Rollcall vote No. 51, on agreeing to the Ackerman amendment—''no'';

Rollcall vote No. 52, on agreeing to the Jackson-Lee amendment—''no'';

Rollcall vote No. 53, on agreeing to the Watt amendment—''no'';

Rollcall vote No. 54, on agreeing to the Resolution, H.R. 339—''yes'';

Rollcall vote No. 55, on passage of H.R. 3717—''yes'';

Rollcall vote No. 56, on passage of H. Con. Res. 15—''yes''; and

Rollcall vote No. 57, on passage of H. Res. 540—''yes.''

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I wish to address the House for the purposes of inquiring of the acting majority leader the schedule for the coming week; and I would be glad to yield to my good friend, the gentleman from Ohio (Mr. PORTMAN), who chairs the leadership committee, or I am not sure of his exact title, but he is my friend and an able Member of this body, and I am glad to yield to him.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Maryland for yielding to me, and I would be happy to talk about the schedule for next week.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning business, 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those will also be sent to Members' offices by the end of this week. Any votes called on those suspensions will be rolled until 6:30 p.m., as has been our custom.

On Wednesday and Thursday, Mr. Speaker, the House will convene at 10 a.m. We still hope to consider the budget resolution for fiscal year 2005, although that is being worked out.

In addition, as we all know, next week is the anniversary of the start of Operation Iraqi Freedom, as well as the anniversary of Saddam Hussein's chemical weapons attacks against the Kurds. So on Wednesday, the House will consider a resolution remembering these historical events and commemorating the allied forces, including our troops, for the liberation of Iraq.

Finally, I would like to remind all Members that we do not plan to have votes next Friday, March 19.

I thank my friend from Maryland very much for yielding to me, and I would be happy to answer any questions, or try to answer any questions, he might have.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information he has provided us.

This is the first time at least that I have heard of the consideration of the Iraqi resolution next week. I understand the timing of that and the date on which that effort began. Because I have just heard about this and have not had an opportunity to talk to our ranking members on either the foreign affairs committee or on the defense committee, can the gentleman inform me as to whether or not this resolution has been put together in a bipartisan way, with participation by the minority? The reason I ask the gentleman that is I think all of us want to ensure that we are united on it.

I have not seen the statement so I do not know what it is, but clearly we are, I think, all proud of the actions of our Armed Forces; and they carried out their mission in an extraordinarily effective, efficient, and courageous manner. We are all proud of our men and women in uniform for what they have done. We are all pleased, as well, that Saddam Hussein has been captured and is in custody and no longer at least poses a personal threat; but I am sure my friend from Ohio agrees that hopefully this statement will be one which is reached in a bipartisan way and we can have overwhelmingly bipartisan support of.

I certainly, as one who supported, as my colleague knows, the effort in Iraq and supported the funding for that effort, want to be able to support it. I have not seen it, but I am hopeful that we do this in a bipartisan way.

I would be glad to yield to my friend to comment on this issue.

Mr. PORTMAN. Mr. Speaker, I thank my colleague for yielding, and I have not seen the resolution either. It has not been introduced yet. My understanding is that the gentleman from Illinois (Chairman HYDE) has taken the lead on that and the Committee on International Relations, and he will be consulting with the gentleman from California (Ranking Member LANTOS), and I am sure he would appreciate any input that Members have on both sides. It would be good if we could as a House support this resolution on a bipartisan basis because it will be, as my colleague said, important to be able to show that support for our troops who are currently in Iraq performing for us and for the American people.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information; and I understand he is a little bit in the same position I am, having just learned of this in the last few minutes. I am pleased to hear that the gentleman from Illinois (Mr. HYDE) will be communicating with and working with the gentleman from California (Mr. LANTOS). Again, while there are, obviously, as we all know, disagreements on the prosecution of that effort, whether we should have undertaken it, there is no, I think, dispute on the underlying support of our troops, their effort, their safety, and their objectives. Hopefully, that is what we will articulate.

I thank the gentleman for his information, and I will surely be talking to the gentleman from California (Mr. LANTOS), as I know our leader will, to try to make sure that we are all together on this statement, which I think will be good for our troops and good for the world to see as well. I thank the gentleman.

We had expected to see the budget resolution on the floor next week. Then, frankly, we had heard in the last few hours, or few minutes, that that was not going to be the case, that the markup had been called off or cancelled, rescheduled by the gentleman

from Iowa (Mr. NUSSLE) for next week. Our presumption was, if that was the case, then the budget would be delayed a week.

Now the information is, and I know the gentleman from Texas (Mr. DELAY), the leader, is not on the floor, it is my understanding that perhaps he is working on trying to effect agreement, but can the gentleman tell me whether or not he has confidence that that will be on the floor next week, or are we waiting to see what is going to happen today to make that final decision?

Mr. PORTMAN. Mr. Speaker, if my colleague will yield further, it is still up in the air. As the gentleman knows, we had planned to have the budget marked up in committee today and then brought to the floor next week. It is important that we keep our time frame because it is important that we have our appropriations bills done in a timely manner. So we are still hopeful that can happen, but we have had some delays in the markup today. We did get started on the markup. We had some good opening statements, and we are going back into committee later today, but there are currently negotiations over whether we can finish that today or not.

I will say that we are excited about the budget document. It does restrain spending, which we believe is the right thing to do. There have been some disagreements between the bodies, even between Members, on both sides of the aisle, over some of the budget enforcement mechanisms. Those are more the issues here that have to do with caps and PAYGOs and those sorts of issues; but the budget itself, this resolution, we hope to be able to mark up today. If not, we will certainly mark it up next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Last week, I asked the leader and would ask the gentleman, as we approach next week, assuming that the budget is to be on the floor next week, about the commitment of the majority to allowing the minority, as has historically happened, to have various alternatives. As the gentleman knows, the Congressional Black Caucus has always had the opportunity to offer an alternative that was a thoughtful, persuasive budget. I did not always support it.

□ 1330

We have other caucuses who may want to offer alternatives as well, and clearly the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget on our side of the aisle, will want to offer a substitute as well.

Is the gentleman aware of whether or not, as has happened in the past, we will be afforded the opportunity to offer various alternatives to the budget document that will be reported out of committee?

Mr. Speaker, I yield to the gentleman.

Mr. PORTMAN. I thank the gentleman for yielding further.

It is my understanding that, as in prior years, the Committee on Rules will give preference to complete substitutes rather than amendments to the budget document. It is my understanding further that we will provide adequate time, as we have in the past, for both general debate and for these substitutes.

Historically, this debate has varied between 3 to 5 hours for general debate and 40 minutes to 1 hour for amendments or substitutes. It is my understanding that it is the intention once again for the Committee on Rules to provide those kinds of rules. Of course, they have not seen the various resolutions yet, including the one that comes out of the Committee on the Budget. But that is certainly the intent of the Committee on Rules at this point.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation, and I would hope we do follow that practice. Because, clearly, while the budget document, in particular for those of us who serve on the Committee on Appropriations, is a relatively broad-brush document, it does very pointedly speak to the priorities that Members have and that we think our country ought to have. Because of that, it becomes even more important, I think, in the people's House that the people's representatives have an opportunity to offer alternatives so that not only Members, but the American public can form a judgment of their own as to what alternative is in the best interest of our country.

So I appreciate the gentleman's observation that full substitutes, and usually, as you know, that is what we have been offering, and certainly it is the intention of the gentleman from South Carolina, as the ranking member, to offer a substitute. Of course we do not know what ultimately is going to happen, we will have to see what the Committee on the Budget produces, but I am sure that the gentleman from South Carolina will want to offer a substitute.

The gentleman mentioned enforcement mechanisms. The Senate, as you know, the other body, has adopted an enforcement mechanism, which we think if you are going to have an enforcement mechanism makes sense.

First of all, does the gentleman know whether the enforcement mechanism will be in a separate piece or legislation included in the budget offering itself?

Mr. Speaker, I yield to my friend.

Mr. PORTMAN. Let me say at the outset that we welcome a substitute from the gentleman from South Carolina (Mr. SPRATT), better yet that he supports the substitute the gentleman from Iowa (Mr. NUSSLE) will offer in committee. But certainly having an alternative is welcome and the debate will be a healthy one.

With regard to any budget enforcement mechanisms, there has not been a decision whether that will be part of the budget resolution. I think that is part of the discussion now whether there will be separate legislation. There are advantages and disadvantage to both, I suppose, but that decision has not been made yet.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's response. In addition, of course, to the substitute, or an amendment to the budget in the form of a substitute, I am sure that we would be, depending upon what comes out of the committee, very much committed to offering an enforcement mechanism proposal of our own. We believe that the enforcement mechanism that was in place some years ago was effective in reaching balance and, in fact, taking us into surplus. That was allowed to lapse, and is not in force now, which allowed us to do the tax cuts that were passed over the last 3 years.

Is the gentleman of the view that we will be allowed to have, under the rules, a substitute and/or amendments to the proposal for enforcement that is reported out of the Committee on the Budget?

I yield to my friend.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding to me.

I do not know what form it will take. If it is part of the budget resolution, I suppose then other budget resolution substitutes, as we talked about earlier, might include enforcement mechanisms as well. The gentleman mentioned the ranking member may indeed offer one of his own. If it is separate legislation, the Committee on Rules would take that up.

I do not know, I would say to my friend from Maryland, I do not know when that would be. I do not know if it will be the same time as the budget. There are other committees, particularly the Committee on Rules, that will have jurisdiction of any enforcement mechanism. Ultimately, it is up to the will of the Congress, is it not, as to how we enforce our budgets?

I just do not know what the likely form will take. Again, I think our goal would be to have a healthy debate over the enforcement mechanisms. We feel strongly that spending ought to be subject to the pay-go rules. We feel strongly that the tax relief that was enacted over the last 3 years has now turned this economy around and we are beginning to see growth. So we would hate to subject those to the kinds of pay-go rules that would not have permitted, during the time when the economy was in bad shape, for us to begin to get some economic stimulus and growth.

So this may be some of the debates we will have on the floor, and I would think we would encourage that.

Mr. HOYER. Mr. Speaker, I understand the gentleman's comment, but as he knows, Mr. Greenspan, who has not been necessarily an advocate of our side of the argument, as a matter of fact, has been on the gentleman's side of the argument on the tax cuts, has

made it very clear that he believes, for the interest of economic security and stability in the country, that the pay-go rules ought to apply on both the spending and the tax side. Because, of course, in either event, you can plunge yourself, as we believe we have, into deep deficits.

So I think that will be a good debate. We will obviously point to Mr. Greenspan's assertions, which we agree in this instance, that it is very difficult to control if you do not have pay-go applying on both sides of the ledger.

Lastly, if I might, as a distinguished member of the Committee on Ways and Means, a senior member of the Committee on Ways and Means, the gentleman knows that the Foreign Sales Corporation legislation has been pending for many, many months now. We are concerned, as you know, that the Europeans are now imposing sanctions as a result of the WTO's finding that we are not in compliance.

Can the gentleman tell me whether or not the FSC legislation will be on the floor any time soon; and, if so, whether or not the Rangel-Manzullo alternative will be made in order as an alternative?

I yield to my friend from Ohio.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Maryland for yielding to me again.

The legislation is very much on our minds. As you know, the Committee on Ways and Means has worked hard on this legislation already. The gentleman mentioned the substitute which the gentleman from New York (Mr. RANGEL) may want to offer in committee. The tariff increases are beginning to take effect, increasing by 1 percent every month, so it is something we are working hard on.

We do want to work closely with the other body on this to be sure that we can actually enact legislation, as well as with the President and with his team, the U.S. Trade Representative's Office and the Treasury Department in particular. So we are working closely with them.

I do not know when legislation may come to the floor, but I understand that the Committee on Ways and Means is planning another meeting next week to discuss certain aspects of this, to be sure that as we repeal the FSC/ETI provisions, we are also providing adequate benefits for U.S. companies who are involved in global competition.

So this is a very high priority on our side of the aisle and we continue to work toward that goal.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments, and while I accept his premise that it is a high priority, very frankly, I will tell my friend from Ohio, there is no doubt we could have passed a bipartisan supported bill here with a very substantial number of votes many, many months ago. That was not the determination, apparently, of the committee to report out such a bill. We think that is unfortunate.

We believe that if the Rangel-Crane or the Rangel-Manzullo bill, or the Manzullo-Rangel bill were reported out, I think we would see well over 225 to 230 votes for that, maybe more. But in any event, I appreciate the gentleman's comments.

Mr. PORTMAN. Mr. Speaker, if the gentleman will yield a moment.

Mr. HOYER. Mr. Speaker, I would be glad to yield to the gentleman.

Mr. PORTMAN. I respect the gentleman's vote-counting ability, as he knows, but being on the committee, I can say that I am not certain such a bill could have even been reported out the committee because there are many complexities with responding to this tough issue.

Mr. HOYER. Reclaiming my time, Mr. Speaker, if I can just briefly, I share the gentleman's view. I do not think such a bill could be reported out of the Committee on Ways and Means either. Our perception is, as the gentleman well knows, it is tough to pass bipartisan bills out of the Committee on Ways and Means because I do not think there is any interest in doing that. I think that is unfortunate because this is a critical problem confronting us.

I think we could have, as we have in the past, and the drug reimportation being a perfect example of a bill that passed very handily in a bipartisan fashion through this House. Unfortunately, it did not make it out of the conference committee. Notwithstanding the fact that both Houses were for it, there were people who were not for it.

But this is a critical problem, and my only suggestion to my good friend, with whom I have worked in a very bipartisan fashion on very successful legislation, and I know the gentleman's inclination is to do that, to legislate, not just to throw bombs at one another. I thank the gentleman for his observation and hope, in fact, that he is correct and we move on this quickly. And if it is not a bipartisan bill as it comes to the floor, I hope that we do provide for the minority an opportunity to offer an alternative which we think will be in the best interest of this country. We will debate that and the majority will prevail.

Mr. Speaker, I thank the gentleman for his comments and thank him for the information.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will recognize Members for special order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. 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 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 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.)

LOSS OF JOBS IN OHIO

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. Mr. Speaker, yesterday President Bush made a campaign trip to Cleveland to speak to small business people to explain his economic policy and to try to answer why Ohio has lost 300,000 jobs in the last 3 years; to try to explain why Ohio has lost 160,000 manufacturing jobs; that one out of every six manufacturing jobs in Ohio has disappeared, likely permanently for most of them. One out of six jobs in manufacturing has disappeared since President Bush took office.

He also came to Ohio to answer why the head of his council, the chairman of his Council of Economic Advisers, Gregory Mankiw, said that outsourcing of jobs, jobs moving overseas, that Mr. Mankiw said and the President signed a report supporting this, that outsourcing was a good thing because it makes the economy more efficient.

Now, Mr. Speaker, I think the President needs to explain a little better. Last week, I was in Akron, in my district. Akron, Ohio. I spoke to some company owners who own small machine shops with 50 employees, 30 employees, or 100 employees, but all small manufacturing businesses. One owner of a machine shop came up to me before I spoke. He gave me a stack of these fliers. He actually gave me about four times this many, about six or seven inches of fliers. He told me that he gets about this many fliers every month, and he says these fliers are auction fliers. They basically are notifications from companies all over the United States that are having fire sales; that are having going-out-of-business sales.

□ 1345

Mr. Speaker, here is an auction flyer that says high-tech manufacturing plant closing in Elk Grove, Indiana.

Another one is a plant closed, everything sells, from Verona, Pennsylvania.

Here are two complete stamping and machine tool shops closing. They are selling all their equipment. They are looking for buyers. This is from Oak Brook, Illinois.

Here is a plant closing, everything must sell, from North Carolina.

Another one here from Marion, Ohio, complete shop close-out auction. The absolute auction, Cuyahoga Falls, Ohio, in my district, complete liquidation of the Cuyahoga Falls plant.

Precision C&C job shop downsizing because of outsourcing, from Scottsboro, Alabama.

Another one from Massachusetts, large-capacity fabricating and machine shop closing.

Another one, 3 days, two tremendous public auctions, two companies, machinery and equipment and real estate. Plant closed, everything must go, real estate for sale.

Another company, plant closed, everything sells.

Another one from Ross, Ohio, plant closing due to relocation overseas.

Another one from Medina, Ohio, facility closed, all must go.

Mr. Speaker, I do not think the President understands the depths of this problem in this country. These are companies, hundreds and hundreds and hundreds of companies representing hundreds of thousands of workers who are going out of business, who are downsizing, who are shipping their jobs overseas; yet the President says that he supports outsourcing, that outsourcing is a good thing.

The President needs to look in the eye of some of those 800,000 workers in this country who have seen their unemployment compensation expire in the last 3 months, and this Republican Congress refuses to extend those benefits. It is not just 800,000 workers. It is 800,000 families; it is millions of children; it is communities; it is our schools. Everyone is affected by the plant closings.

The President's answer, if there is bad economic news, and if he looked at some of these plant closings, fire sales, going out of business auction brochures, he would say we need to do more tax cuts for the wealthy, maybe some of it will trickle down and create jobs; we need to do more trade agreements like NAFTA. That is the President's answer to every bad piece of economic news. When the President sees unemployment goes up, he says more tax cuts for the most privileged and more trade agreements that hemorrhage jobs overseas.

When the President sees bad economic numbers, terrible trade deficits, the highest in history, our trade deficit with China alone is now $124 billion, and that is where a lot of these companies are going, the President's answer is we need more trade agreements like NAFTA and tax cuts for the wealthiest people in the country.

Mr. Speaker, we need to pass Crane-Rangel, which will give incentives for domestic manufacturers and small businesses. We need to extend unemployment compensation to those 800,000 families.

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER 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 California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER 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 Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ECONOMIC GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, a few months ago I came down to the floor to talk about our economy and the steps that President Bush and Congress have taken to offset the recession and the trillion-dollar impact of September 11 on our economy.

Part of my remarks that day focused on tax relief and the effect it has had in helping our families, working families, and small businesses weather what has been some tough economic times; and I think it is important that we reiterate our support for tax relief because there are those across the aisle who are increasingly supportive of raising your tax bill. I want to let my constituents in the Seventh Congressional District of Tennessee know that I am standing beside tax relief legislation. I stand with cutting their tax bills.

In 2003 under Republican leadership and under Republican tax legislation, 91 million taxpayers received on average a tax cut in the amount of $1,126. This is real relief for 91 million Americans. So when the rhetoric from the other side of the aisle starts flying that tax relief is only for the rich, you can judge for yourself whether you think 91 million Americans would consider themselves rich.

A few months ago, candidates for the Democratic nomination were all calling for tax increases. Virtually all of them opposed the tax relief which has allowed 91 million Americans to keep more of their hard-earned paychecks. On July 28, a Washington Post column proclaimed: ''Candidates Not Shying Away From Tax Talk: Candidates Discuss Raises, Not Cuts.''

It is important to note they may think you can tax your way to prosperity, but you cannot. You cannot. We know that it is important to leave that money with the taxpayer. Well, today we have a single Democratic candidate, and he is on record for raising some income tax brackets to pre-Bush levels. The question every American needs to consider is this: Why should we raise taxes? What do higher taxes do to the economy? It is a simple answer: higher taxes take capital out of the private sector and give government more money to spend.

I think a vast majority of Americans, and I know the folks in my district, know that higher taxes do not grow our economy; they grow the government.

Something else I think the American people should know is that the tax relief that we have passed, the tax relief responsible for giving 91 million Americans an average of $1,126 in relief last year is not permanent. In short, this tax relief will end in 2011; and at that point, virtually all taxpayers will start facing higher tax bills. Democrats largely do not support making this relief permanent. Americans will again be subject to the marriage tax, the death tax. A family of four making $36,268 will see a tax hike of over $2,000; that is if we do not make permanent our tax relief legislation, and that is something that we are working to do.

The President and this Congress are working to ensure that this relief is permanent, and I look forward to the debate because we are on the side of lower taxes, economic growth, not tax hikes and big government. We are for leaving the money with those who earn it.

MCGOVERN-DOLE FOOD FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, currently there are more than 300 million chronically hungry children in the world. Around 130 million of these children, mainly girls, do not attend school. The rest go to school hungry, severely limiting their ability to learn. The U.S. Department of Agriculture's McGovern-Dole International Food for Education Program is helping to change this grim reality. One exciting example of this program is taking place in Afghanistan where World Vision is making a difference in the lives of 37,000 children.

In Afghanistan, 52 percent of children under 5 are malnourished. Access to education is extremely limited, and the quality of education, when available, is poor. The Taliban largely excluded girls from formal education, and women were prohibited from teaching. The World Bank estimates the primary

school enrollment rate at 39 percent for boys and 3 percent for girls. In the current environment, the demand for education opportunities far outstrip supply. Schools run multiple shifts, and many classes meet outside with the barest minimum of basic material, teachers, and facilities.

This particular McGovern-Dole International Food Program is being implemented in 115 schools in the remote provinces of Badghis and Ghore in the western region of Afghanistan. In this area, out of a school-aged population of 60,000, only 23,000 students were enrolled in schools last year; and just some 3,400 were girls.

World Vision is providing 37,000 students with a monthly ration of wheat, rice, lentils and vegetable oil for attending school, which also serves as an incentive for poor Afghan families to send both their sons and their daughters to class. These commodity are provided by hard-working farmers in Washington State, California, Tennessee, Wisconsin, and Minnesota. In the most remote areas, World Vision is using donkey trains to transport the food to the schools.

In each of the 115 schools, World Vision trains community volunteers to help identify pressing needs and will provide all 37,000 students with a student kit including notebooks, pens, pencils, erasers, sharpeners, shoes, a book bag, and a cloth wrap for girls so they are not excluded from education in conservative areas due to cultural taboos.

World Vision also works with community volunteers to make sure that the school is a proper learning environment for the children and will be supplying each school with chalkboards and chalk, desks, tables, cabinets, maps, books, water systems, and latrines.

World Vision is building nine schools over the course of the next year in the Jarwand district, where there are only six schools covering just 4 percent of the total school population. While nine schools cannot address all of this need, it will allow another 3,600 students to attend classes. These schools will replace and greatly expand four temporary schools set up last year under UNICEF plastic tents. Five of these schools are being constructed with McGovern-Dole funding, and the other four are being built with private resources raised by World Vision.

World Vision is working with local councils so some of these schools will be set up exclusively for girls. World Vision's agronomists are also helping each school set up its own garden to raise cucumbers, tomatoes, eggplants, okra, onions, carrots, spinach, hot peppers, turnips and watermelon, which will complement the U.S.-grown commodities with the micronutrients that vegetables can supply. These garden projects also teach improved agricultural techniques to students and interested community members which they can use in their own family farming; and they help the schools establish a microenterprise, selling the excess production and using the funds to defray the schools' cost.

World Vision is training 675 teachers in the new ministry of education curriculum, designed by UNICEF to replace the Taliban's restrictive system. It is also complementing teachers' meager salaries with food baskets so they can dedicate their full time to teaching instead of taking on jobs outside the schools.

This support comes at a critical time in Afghanistan's transition as the new government struggles to reestablish infrastructure in these remote areas.

Originally, World Vision's Afghanistan program was designed as a 2-year program; and in the second year it would have greatly expanded benefits to additional communities, students, and teachers. Unfortunately, President Bush severely cut funding for the McGovern-Dole International Food for Education Program, and this Congress failed to protect the program in the appropriations process. Sadly, many projects have been cut back to 1 year.

Mr. Speaker, I call on the leadership of this House to significantly increase funding for the McGovern-Dole International Food for Education Program so its many worthy projects like the World Vision program in Afghanistan can reach even more needy children and communities.

IRAQ AND THE WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GERLACH) is recognized for 5 minutes.

Mr. GERLACH. Mr. Speaker, I rise today in an effort to dispel continuing myths which have been propagated with regard to the role of Iraq in the larger war on terrorism. While many Democrat Members have worked hard to promote these myths, it is time that we who know and understand the truth come forward to fully explain it.

Let me be perfectly clear. The war against Iraq is a central component in the global fight against terrorism. The Hussein regime's support for terrorism, within and outside of its borders, its appetite for the world's most dangerous weapons, and its openly declared hostility to the United States were a combination that was a gathering and growing danger to our country.

In light of the September 11 terrorist attacks, ending this regime was central to the war on terrorism and central to ensuring that more attacks on American soil, like the September 11 attacks and the 1993 World Trade Center bombing, never occur again.

□ 1400

The Hussein regime established significant and numerous ties with terrorist organizations like al Qaeda for over a decade prior to September 11, 2001. This included the provision of training, financing and sanctuary. In fact, the Iraqi foreign minister admitted in March 2003 that Iraqi funds were sent to families of Palestinian suicide bombers who attacked and killed innocent Israeli citizens, and also 12 Americans in Israel in 2003. Even the Clinton Administration agreed and repeatedly asserted connections between al Qaeda and Iraq, and explicitly said that Hussein posed a threat to the United States itself.

By ending the Hussein regime, the United States has taken away yet another incubator of terrorism. Terrorist groups benefited for years from support of Saddam Hussein and his regime. Further, by acting decisively in Iraq, the United States has sent very strong signals to other nations that have been or could be terrorist sympathizers. Had the United States not acted in Iraq, Libyan leader Muammar Qadhafi would likely not have declared his weapons programs, submitted to international inspections and voluntarily dismantled its programs. In addition, it is very likely that United States action in Iraq caused Iran to open its nuclear facilities for international inspection and suspend its uranium enrichment activities.

The list goes on and on, from Syria to North Korea. We are seeing changes in the way these nations deal with terrorism because of our actions in Iraq.

Those who like to spread misconceptions and myths often point to the fact that no weapons of mass destruction have yet been found in post-war Iraq. They say the President and his administration deceived the American people and the international community.

However, David Kay, our chief weapons inspector, has stated repeatedly that it was prudent to attack Iraq, and that as the inspection process continues, as it does, we will find that Iraq was more dangerous than we actually understood at the time because the regime was collapsing and Iraq was a country that had capabilities to develop weapons of mass destruction that terrorist groups have sought repeatedly.

Had the Hussein regime lost control completely, Iraq would have become a breeding ground for international terrorism, much like Afghanistan was under the Taliban, the only difference being that Iraq had the wealth and the resources necessary to build weapons that could have been directly threatening to the United States and our allies.

Further, not only the United States, but the French, British, Germans and the United Nations all thought Hussein possessed weapons of mass destruction before the United States intervened.

There is also the myth that the United States and our allies intervened in Iraq solely based only evidence of weapons of mass destruction. This is not true. Again, according to David Kay, Iraq clearly was in violation of United Nations Resolution 1441. This resolution required Iraq to come clean and report on all of its activities.

To date, hundreds of cases have been found that show Iraq was engaged in activities that were prohibited under that resolution and under the initial resolution, 687.

Our case for war was and remains clear. The majority of the American people understand that, the House of Representatives understood that when this body agreed in the 107th Congress by passing H.J. Res. 114 by a vote of 296 to 133, and our allies around the world understood that and continue to share our resolve.

Clearly, there are those Democrat candidates who are using this election year for partisan politics to cloud the truth. These tactics will ultimately fail because we all understand that the United States is safer today and our citizens are far less likely to be victims of domestic terrorist attack because we have removed the Hussein regime and are on the way to helping establish and ally in the Middle East.

Mr. Speaker, it is also important to remember that who made this security possible. The thousands of American sailors, soldiers and airmen who drove the once powerful dictator to cower in a hole are owed the praise of the entire Nation.

I would ask that all Americans take a moment to think about our friends, sons, daughters, mothers and fathers who are serving proudly in Iraq and around the world as part of the global war on terrorism. They are ensuring our safety and working hard to make sure that another day like September 11 never happens again. To Members of our armed services, I say thank you. I would also remind them that no matter what they hear to the contrary from Democrat politicos, their actions in Iraq are justified and necessary.

NEED FOR CONCERN OVER JOB LOSS

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, as has been noted here on the floor earlier by my colleague the gentleman from Ohio (Mr. BROWN), the President came to Ohio yesterday. It was his 15th visit since being elected, or since ascending to the presidency.

The fact is that he should come to Ohio, because Ohio is a suffering State. Ohio has lost approximately 300,000 jobs since the President has been in office. About 160,000 of those jobs have been good paying manufacturing jobs, living wage jobs, jobs with good benefits. And, quite frankly, there is no recovery in Ohio as I stand here in this Chamber today. The recovery may be happening on Wall Street, it may be happening in other States, but the recovery has not yet come to Ohio. So I think the President should be concerned.

Just yesterday in this Chamber, a group of high school students from my district, from Jefferson County, were visiting here in the Nation's Capital, and during the question and answer session that I had with them in this Chamber, a high school student asked me what I could say to those who had worked at Weirton Steel, those who had retired, had been a part of this community and of this company, and are now being told that their health benefits are no longer there for them, that their pensions are being reduced.

Quite frankly, it is difficult to answer a question like that coming from one of my constituents, because the sad, sad fact is, there are good citizens, law-abiding, patriotic Americans, who have worked all their lives and are now finding themselves in the most difficult circumstances. They may be in their mid-fifties, with major health problems, only to find that they are no longer covered with health insurance.

So we need to focus on Ohio, and the President needs to be thinking about job creation. But that is why I am so disappointed in the President's recently published economic report to the Nation. In that report there is this sentence: ''If a good or a service can be produced at lower cost in another country, it makes sense to import that product rather than to produce it domestically.''

Now, the fact is that nearly every job in this country can probably be performed at lower cost in another country. The fact is that the Chinese and the Indians, the Vietnamese, those from Australia, they are doing the producing and they are taking jobs from this country. As is the case in Mexico that I visited a couple months ago, paying $38 a week, an American company paying $38 a week for 9½ hour days, well, of course they can produce it at lower cost there. But the last thing we need is for the President to indicate that this is a good thing.

That economic report was issued under President Bush's signature, so he is responsible for that conclusion, that statement, ''if a good or a service can be produced at a lower cost in another country, it makes sense to produce it there, rather than to produce it domestically.''

But what do you say, what do you say, Mr. President, to the unemployed steelworkers, to those along the Ohio River, on both the West Virginia, Pennsylvania and Ohio portions of that river, whose jobs depend on producing china and pottery, these jobs that are being threatened by imports from China, when your administration is wanting to reduce or eliminate the current tariffs of 28 percent? What do you say to them?

Of course you can make a plate cheaper in China, if you are going to pay pennies an hour or dollars a week, but that does not make it right. We need a President who is willing to stand up for American jobs, American workers, American communities and American industries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair and not to the Executive Branch.

PRESIDENT'S GRAND STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, as Paul Harvey says on his radio show, now for the rest of the story.

It is interesting, many of the Democrats have talked about job loss in America, but they do not mention the fact that trade has actually brought jobs into America. In Ohio, the Honda plant now paying high wages for its employees assembling Honda automobiles. In South Carolina, I know the Democratic governor was very instrumental in getting BMW and other companies to come to their State to create jobs for their citizens, high-wage, high-paying jobs.

You can look at one-half of the spectrum and say we have real problems. We are trying to find employment for every American. But they seem to ignore, they seem to ignore the fact that trade has brought jobs to this country, good jobs to communities that were desperately in need of those jobs.

This morning in a 1-minute, I was extraordinarily critical, rightfully so, of the Democratic candidate for the presidency. I am not allowed under House rules, I was admonished today, for using the name of a Senator, so most of us know who I am talking about.

But the word and phrase used yesterday on an open mike was that this administration is corrupt and is lying. That is the charge by the Democratic nominee for President about the sitting President of the United States of America. I called it this morning despicable and disgraceful, and I stick by that terminology, because that is the truth.

Now, look at who they are talking about. We are talking really about Iraq, because they keep using that as the reason they are calling this President a liar. They are saying Iraq is the reason he should be called these derisive terms, which I believe are disrespectful for any sitting chief executive President of the United States.

So what does that say ultimately, that we should not have done anything in Iraq, we should not have gone to Iraq, we should not have dealt with Iraq? That is their conclusion.

Well, today in the New York Times, ''Saddam team skimmed billions in aid projects. Cash in suitcase.''

In its final years in power, Saddam Hussein's government systemically extracted billions of dollars in kickbacks from companies doing business with Iraq, funneling most of the illicit funds through a network of foreign bank accounts in violation of the UN treaties.

Millions of Iraqis were struggling to survive on rations of food and medicine, yet the government's hidden slush funds were being fed by suppliers and oil traders from around the world, who sometimes lugged suitcases full of cash to ministry offices.''

That is who they are defending. Saddam Hussein, who killed hundreds of thousands of his own citizens, we should not have gone there and interrupted his killing spree. We should not have done anything to stop the demonic leadership of Saddam Hussein.

I reject the comments, and I am entering the entirety in the RECORD, because I want people to be able to read in the RECORD what the New York Times discovered about the cash-skimming operations of this ugly regime.

Now, another article that I will enter in its entirety in the RECORD, because it talks again about an outside observer's view of this President, an outside observer. It happens to be Bill Sammon of the Washington Times. The headline, ''Bush's Grand Strategy Overlooked by Liberal Historians.''

''An influential Democratic historian has credited President Bush with instituting one of only three grand strategies in the history of the U.S. foreign policy, by trading in the doctrine of containment for preemption. John Lewis Gaddis of Yale said his fellow historians have not paid sufficient attention to the importance of Mr. Bush's sweeping overhaul of U.S. foreign policy because they are blinded by their liberal bias. He also accused former President Bill Clinton of failing to adequately address global threats that gathered on his watch,'' the World Trade Center first bombing, Khobar Towers, the two embassies, all during the watch of Clinton.

''The Bush team really did, in a moment of crisis, come up with a very important statement on grand strategy, which has not been taken as seriously as it should have been taken, particularly within the academic community.

''Mr. Gaddis writes that America's three grand strategies were instituted by Mr. Bush,'' this President Bush, ''John Quincy Adams and Franklin Delano Roosevelt. All three strategies were prompted by rare, catastrophic attacks on America by foreign enemies.''

He goes on to quote, ''The Clinton administration was somewhat like the Harding and Coolidge administrations after World War I, Mr. Gaddis said. There was the sense that the war had been won, the fundamental processes in world politics were favorable to us, and therefore we could sit back and let them run. But these processes of globalization and self-determination during the Clinton administration did nothing to stop terrorists from using minimal resources to inflict massive death and destruction against the United States and its interests. The former President did not act decisively to head off a gathering threat.''

I bring you to September 11. I bring you to the carnage of September 11 as a result of our not being willing to take on any enemy.

□ 1415

Look at what has happened because of his leadership: Iraq. Look at North Korea turning over nuclear documents. Look at Libya surrendering nuclear hardware. Look at Pakistan and India, finally talking over Kashmir. These are the results of a determination by this President to root out terrorism.

I conclude by saying this, and this is important in context to this article. Mr. Gaddis, who describes himself as a very long-term disillusioned Democrat who still has hopes for the Democratic Party, disputed the liberal stereotype of the President as a lightweight. There certainly have been tendencies to underestimate President Bush himself and to view him in the way that Reagan was viewed when he first came in, as being a cipher, manipulated by his own advisers. That turned out not to be true of Reagan, and it is turning out not to be true of George Bush.

Mr. Speaker, I will at this time enter the entirety of this article into the RECORD, along with other documentation referred to earlier. I salute our President. I am proud of our President and proud to stand with him in Florida in the coming months.

[From the New York Times, Mar. 1, 2004]

SADDAM TEAM SKIMMED BILLIONS IN AID PROJECT CASH IN SUITCASES/UN SANCTIONS VIOLATED

(By Susan Sachs)

BAGHDAD.—In its final years in power, Saddam Hussein's government systematically extracted billions of dollars in kickbacks from companies doing business with Iraq, funneling most of the illicit funds through a network of foreign bank accounts in violation of United Nations sanctions.

Millions of Iraqis were struggling to survive on rations of food and medicine. Yet the government's hidden slush funds were being fed by suppliers and oil traders from around the world who sometimes lugged suitcases full of cash to ministry offices, said Iraqi officials who supervised the skimming operation.

The officials' accounts were enhanced by a trove of internal Iraqi government documents and financial records provided to The New York Times by members of the Iraqi Governing Council. Among the papers was secret correspondence from Saddam's top lieutenants setting up a formal mechanism to siphon cash from Iraq's business deals, an arrangement that went unnoticed by UN monitors.

Under a UN program begun in 1997, Iraq was permitted to sell its oil only to buy food and other humanitarian goods. The kickback order went out from Saddam's inner circle three years later, when limits on the amount of oil sales were lifted and Iraq's oil revenues reached $10 billion a year.

In an Aug. 3, 2000, letter marked urgent and confidential, the Iraqi vice president, Taha Yassin Ramadan, informed government ministers that a high-command committee wanted extra revenues from the oil-for-food program. To that end, he wrote, all suppliers must be told to inflate their contracts by the biggest percentage possible and secretly transfer those amounts to Iraq's bank accounts in Jordan and the United Arab Emirates.

Iraq's sanctions-busting has long been an open secret. Two years ago, the U.S. General Accounting Office estimated that oil smuggling had generated nearly $900 million a year for Iraq. Oil companies had complained that Iraq was squeezing them for illegal surcharges, and Saddam's lavish spending on palaces and monuments provided more evidence of his access to unrestricted cash.

But the dimensions of the corruption have only lately become clear, from the newly available documents and from revelations by government officials who say they were too fearful to speak out before. They show the magnitude and organization of the payoff system, the complicity of the companies involved and the way Saddam bestowed contracts and gifts on those who praised him.

Perhaps the best measure of the corruption comes from a review of the $8.7 billion in outstanding oil for food contracts by the provisional Iraqi government with UN help. It found that 70 percent of the suppliers had inflated their prices and agreed to pay a 10 percent kickback, in cash or by transfer to accounts in Jordanian, Lebanese and Syrian banks.

At that rate, Iraq would have collected as much as $2.3 billion out of the $32.6 billion worth of contracts it signed since mid-2000, when the kickback system began. And some companies were willing to pay even more than the standard 10 percent, according to Trade and Oil Ministry employees.

Iraq's suppliers included Russian factories, Arab trade brokers, European manufacturers and state-owned companies from China and the Middle East. Iraq generally refused to buy directly from U.S. companies, which in any case needed special licenses to trade legally with Iraq.

Iraq also created a variety of other, less lucrative, methods of extorting money from its oil customers. It raised more than $228 million from illegal surcharges it imposed on companies that shipped Iraqi crude oil by sea after September 2000, according to an accounting prepared by the Iraqi Oil Ministry late last year. An additional $540 million was collected in under-the-table surcharges on oil shipped across Iraq's land borders, the documents show.

A lot of it came in cash, recalled Shamkhi Faraj, who managed the Oil Ministry's finance department under the old government and is now general manager of the ministry's oil-marketing arm. I used to see people carrying it in briefcases and bringing it to the ministry.

UN overseers say they were unaware of the systematic skimming of oil-for-food revenues. In any case, they add, they were focused on running aid programs.

The director of the Office of Iraq Programs, Benon Sevan, declined to be interviewed about the oil-for-food program. In written responses to questions sent by e-mail, his office said he learned of the 10 percent kickback scheme from the occupation authority only after the end of major combat operations.

As the details of the corruption have recently emerged, law enforcement authorities in several countries said they had opened criminal and civil investigations into whether companies violated laws against transferring money to Iraq. Treasury Department Investigators have also been helping the Iraqi authorities recover an estimated $2 billion believed to be left in foreign accounts. So far, more than $750 million has been found in foreign accounts and transferred back to Iraq, said Juan Zarate, a deputy assistant Treasury secretary.

To some officials of Iraq's provisional government, what is perhaps most insulting is how little their country got for its oil money. Taking stock of what was bought before the U.S.-led invasion toppled Saddam last spring, they have found piles of nonessential drugs, mismatched equipment and defective hospital machines.

You had cartels that were willing to pay kickbacks but would also bid up the price of goods, said Ali Allawai, a former World Bank official who is now interim Iraqi trade minister. You had rings involved in supplying shoddy goods. You had a system of payoffs to the bourgeoisie and royalty of nearby countries.

Everybody was feeding off the carcass of what was Iraq.

The UN Security Council first imposed a trade embargo on Iraq on Aug. 9, 1990, one week after Saddam's invasion of Kuwait. It has kept in place after the Gulf war in 1991, with the provision that sanctions would be lifted after Iraq destroyed its unconventional weapons and ended its weapons program.

But as living conditions deteriorated, the council made several offers to let Iraq export limited quantities of oil to buy food and medicine. The two sides agreed on a mechanism only in 1966.

In 1999, Iraq was permitted to sell as much oil as it wanted, with the proceeds going into an escrow account at Banque Nationale de Paris, supervised by the United Nations. The new rules also allowed Iraq to sign its own contracts for billions of dollars in imported goods.

As ministry officials and government documents portrayed it, the oil-for-food program quickly evolved into an open bazaar of payoffs, favoritism and kickbacks.

The kickback scheme worked, they said, because the payoffs could be included in otherwise legitimate supply contracts negotiated directly by the former government and then transferred to Iraq once the United Nations released funds to pay the suppliers.

We'd accept the low bid and say to the supplier, ''Give us another 10 percent'' said Faleh Khawaji, an Oil Ministry official who used to supervise the contracting for spare parts and maintenance equipment. ''So that was added to the contract. If the bid was for $1 million, for example, we would tell the supplier to make it $1.1 million.''

The contract would then be sent to the U.N. sanctions committee, which was supposed to review contracts with an eye only to preventing Iraq from acquiring items that might have military uses. The kickbacks were paid into Iraq's accounts, and designated ministry employees withdrew the cash and brought it to Baghdad on a regular basis, according to Khawaji and Iraqi financial records.

U.S. and European investigators said they were trying to determine whether the banks knew they were being used for illegal financial dealings with Iraq.

Under the oil-for-food program rules, the United Nations' oil overseers had to certify that Iraq was selling its crude oil at fair value. Until the overseers changed the pricing formula in late 2001, Iraq's oil sold at a discount compared with similar oil from other producers.

At the same time, Oil Ministry officials said, purchasers of Iraqi oil were required to pay a surcharge, either in cash or by transferring money into Iraqi accounts in foreign banks.

When oil companies complained to the United Nations about the per- barrel surcharges, Iraq levied higher charges on ships loading at its port.

When Dr. Khidr Abbas became Iraq's Interim minister of health 6 months ago, he discovered some of the effects of Saddam's political manipulation of the oil-for-food program.

After a review of the ministry's spending, he said, he canceled $250 million worth of contracts with companies he believed were fronts for the former government or got contracts only because they were from countries friendly to Saddam.

[From the Washington Times, Mar. 11 2004]

BUSH'S ''GRAND STRATEGY''—OVERLOOKED BY LIBERAL HISTORIANS

(By Bill Sammon)

An influential Democratic historian has credited President Bush with instituting one of only three ''grand strategies'' in the history of U.S. foreign policy by trading in the doctrine of containment for pre-emption.

John Lewis Gaddis of Yale said his fellow historians have not paid sufficient attention to the importance of Mr. Bush's sweeping overhaul of U.S. foreign policy because they are blinded by their liberal bias.

He also accused former President Bill Clinton of failing to adequately address global threats that gathered on his watch.

''The Bush team really did, in a moment of crisis, come up with a very important statement on grand strategy, which has not been taken as seriously as it should have been taken, particularly within the academic community,'' Mr. Gaddis said in an interview.

The eminent Cold War historian makes his argument in the new book called ''Surprise, Security and the American Experience,'' published by Harvard University Press, which has caught the attention of National Security Adviser Condoleezza Rice and other White House advisers.

It also has earned the derision of Sen. John Kerry's presidential campaign.

''There's nothing visionary about a reckless, arrogant and rigidly ideological foreign policy that's lost America influence and cooperation in the world to win the war on terror,'' said David Wade, a spokesman for the Massachusetts Democrat.

Mr. Gaddis writes that America's three grand strategies were instituted by Mr. Bush, John Quincy Adams and Franklin Delano Roosevelt. All three strategies were prompted by rare, catastrophic attacks on America by foreign enemies.

In 1814, after the British burned the White House, Adams, then secretary of state, resolved to secure America through preemptive continental expansion, a grand strategy that endured for a century.

After the Japanese attack on Pearl Harbor prompted the United States to lead the Allies to victory in World War II, Roosevelt and his successors as president went about securing America through a grand strategy that came to be known as containment of communism. But that strategy became obsolete when the Cold War ended shortly before Mr. Clinton took office.

''The Clinton administration was somewhat like the Harding and Coolidge administration after World War I,'' Mr. Gaddis said. ''There was the sense that the war had been won, the fundamental processes in world politics were favorable to us, and therefore you could just kind of sit back and let them run.''

But these processes of globalization and self-determination during the Clinton administration did nothing to stop terrorists from using minimal resources to inflict massive death and destruction against the United States and its interests.

The former president did not act decisively to head off this gathering threat, Mr. Gaddis said.

''It just seems to me that any good strategist would be unwise to sit back and assume that things are going our way,'' he said. ''You ought to be thinking through how what appear to be favorable trends can produce backlashes.''

Such a backlash occurred on September 11, 2001, necessitating a new grand strategy, which was implemented by Mr. Bush.

The strategy included pre-emptive attacks on enemies such as Iraq that had the potential to use weapons of mass destruction, an aggressive push to democratize the Middle East and an unwillingness to be constrained by international organizations such as the United Nations.

Although Mr. Gaddis faults the president for not gathering sufficient international support before the invasion of Iraq and underestimating the challenges of postwar Iraq, the professor supported Operation Iraqi Freedom.

Many other academics opposed the war, making them reluctant to credit the president for a change in U.S. foreign policy that could very well endure for the next half-century, Mr. Gaddis said.

''The academic world is of course predominantly liberal, predominately Democratic, so there is a predisposition to be less critical of a Democratic administration than there is a Republican administration,'' he said.

Mr. Gaddis, who described himself as a ''very long-term, disillusioned Democrat who still has hope for the Democratic Party,'' disputed the liberal stereotype of the president as a lightweight.

''There certainly has been a tendency to underestimate Bush himself and to view him in the way that Reagan was viewed when he first came in—as being a cipher, manipulated by his own advisers,'' he added. ''That turned out not to be true of Reagan, and it's turning out not to be true of Bush as well.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISSA). The Chair would remind all Members not to make personally offensive references to Members of the Senate, even if not by name but by inference, including candidates for President.

WESTERN UNITED STATES STUDENTS ARE TREATED UNFAIRLY BECAUSE OF LARGE PORTIONS OF LAND OWNED BY FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I wish to present a situation to the body that is somewhat unique which we in the West will be talking about in greater detail and more frequently as time goes on. I feel competent in being able to address this issue, because before I joined this august body I spent 16 years in the Utah legislature as Speaker at the end; but all 16 years I was a member of the Public Education Finance Committee, or Appropriations Committee. I also, as I have frequently mentioned on this floor, served for 28 years as a high school teacher before I joined this group. Even though I recognize that money does not equal education excellence and we can do many things to improve our education system without money, at some time, we still have to build schools, and teachers at some time still have to eat.

So I wish to present before the body three factual phenomena of which my colleagues may not be aware. First of all, the fastest growth in the student

population happens to be in the States of the Mountain and Pacific time zones. Twelve of the 15 fastest growing States are in the West. In the West we have an average growth in our student population of 7 percent, where in the East, the average growth is a negative 2.6 percent. Ten of the 13 States with the highest teacher-student ratio are also in the West. And as the map that I am looking at right now shows, as far as growth in expenditures per pupil, 12 of the 15 slowest-growth States also happen to be in the West. The amount of money increased to public education for funding of students in the East was 57 percent. In the States of the West, it was half of that, at only a 27 percent rate.

Now, the question we should ask is, Why are these red States in here that are all encompassed in the West, why are they growing so slowly? It is not because we are not taxing our people. Indeed, the tax rate for both local and State governments in the West is actually higher than what it is in the East. It is not because we are not trying to present our portion of the budget for education. In my State of Utah, 42 percent of the budget goes to public education. If we add higher education, then it is up to almost 65 percent of the budget.

The reason for it is very simple, and it deals with this particular chart. What it means is that land and property tax driven by land propel local governments and school funding, and also income brought from property propels local government and school funding. The bottom line is, as we look at this map, the West land is taken from and controlled by the Federal Government. The blue areas within each of these States represent the portion of that State which is controlled by the Federal Government; and thus, the land is taken off the property tax rolls.

The State of Maine has a whopping .8 percent controlled by the Federal Government. New York has .3 percent. The large State of Texas, and it was smart when it became a State because they kept their own debt, but they also control their own land, only 1.5 percent is controlled by the Federal Government. But of the States in the West, every one of them has at least 25 percent of their land controlled by the Federal Government, and the States with over half of their land controlled by the Federal Government are, once again, all found in the West. The States of California and Arizona, Wyoming have 40 percent of their land controlled by the Federal Government. Oregon is 50 percent. Idaho and Alaska are 62 percent. My State is 65 percent, and 83 percent of Nevada is owned and controlled by the Federal Government and off the tax rolls. On average, 52 percent of the West is owned by the Federal Government compared to only 4 percent of the East.

Now, the bottom line for that means we simply do not have the resources to fund our education system accurately and we are falling behind other States, and it is an unfortunate concept. There are several different ways in which that happens.

When these States were entered into the Union, there was an enabling act which provided for this unfairness to be rectified. That has yet to take place, as the Federal Government has changed its policies towards land, and we are now talking about an amount of land that has a value of close to $14 trillion. Secondly, no property tax can be generated from those lands. If we average the acreage at merely $500 per acre and compare that with the tax rate that this land could have generated, these Western States should have been generating $4 billion, which could be used to fund education in the West.

Now, the Federal Government recognizes that because we have a program called PILT, Payment in Lieu of Taxes, in which the Federal Government will compensate Western States. The problem is, what happened in the year 2001, this land should have generated $4.2 billion. The Federal Government compensated these States to the tune of $165 million in the PILT program, and all of this money is going to governments that were local and, once again, not to education.

The bottom line, Mr. Speaker, as we will be talking about at some time in the future is students in the West should be afforded an equal, an equal education opportunity, and they are not. This land is controlled by all of us, and we are saying all of us should be paying for the benefit, because students in the West are still being disproportionately affected unfairly.

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS 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. CHOCOLA) is recognized for 5 minutes.

(Mr. CHOCOLA 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 Ohio (Mr. KUCINICH) is recognized for 5 minutes.

(Mr. KUCINICH 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 Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–173)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond March 15, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on March 14, 2003 (68 Fed. Reg. 12563).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sections against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 10, 2004.*

HIGHLIGHTING UNSTEADY BUSH BUDGET POLICIES RELATING TO AFRICAN AMERICANS

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 today to highlight the unsteady budget

policies of President Bush in regards to allocating Federal resources to African Americans and many working American families.

Yesterday, I was joined by the House minority leader, the gentlewoman from California (Ms. PELOSI), and my colleagues in the Congressional Black Caucus to issue a report that paints an accurate picture of how the Bush 2005 fiscal year budget will impact not just African American families but the majority of middle- and lower-income families. Our findings and those of others in the advocacy community reveal that the Bush budget ignores the very urgent challenges facing Americans across this great Nation. In fact, in the face of historic unemployment, President Bush seeks to cut, if not completely eliminate, critical education, health care, housing, and small business development programs that help families and employers survive during difficult economic times. Last Friday, the United States Department of Labor reported that not one, not one single private sector job was created during the month of February, and that the national unemployment rate remains at a staggering 5.6 percent.

This terrible news is particularly frightening for the African American community. The African American unemployment rate for February was 9.8 percent, almost double the national average. What is worse, since President Bush took office, the number of African Americans without jobs has increased by 20 percent. Sadly, Mr. Speaker, the outlook for the Bush 2005 budget is just as dismal as the Bush track record on job creation.

President Bush touts steady leadership, but his actions say otherwise. He once said that he would be a uniter, but his budget proposes to divide Americans by rewarding the wealthiest 1 percent of our population while leaving the rest of the American people behind. The Bush budget is bad news for the 8 million African American children enrolled in our national elementary and secondary schools. It is no secret that schools with high concentrations of low-income minority students spend significantly less per pupil than schools with fewer low-income students.

Instead of rising to the challenge, the President's budget underfunds his own No Child Left Behind legislation by over $9 billion. Additionally, Mr. Speaker, the Bush budget cuts in half the funding for after-school programs that enable parents to educate their children and hold down jobs. If this Congress is truly committed to family values, we must support all families from birth through the golden years.

Mr. Speaker, I want to yield to another member of the Congressional Black Caucus as we come together to highlight the budget of President Bush and how it affects African Americans, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the chairman for his leadership on the budget issues.

Mr. Speaker, before we discuss what we cannot fund, we have to discuss a little bit about where we are in the budget. One cannot discuss these numbers without charts, because we hear rhetoric, and it is confusing. But when we see the numbers on the chart, we get an idea of where we are and how deep a hole we are in.

This is the on-budget deficit for years beginning with the Johnson administration through Nixon and Ford and Carter, Reagan and Bush, larger deficits; the green is the Clinton administration where we passed a budget in 1993 without a single Republican vote in the House, without a single Republican vote in the Senate, and were able to exercise fiscal responsibility, digging ourselves out of the deep hole and into a surplus. And this is an on-budget surplus, so that the Social Security and Medicare are temporary surpluses and are in a lockbox to be used for Social Security and Medicare in the future. We had a surplus.

When the Republicans came in after the 1994 elections, they passed significant tax cuts that President Clinton vetoed. They threatened to close down the government, as my colleagues will remember; and he vetoed them again. They closed down the government, and he still refused to sign those massive tax cuts because they were fiscally irresponsible. When President Bush came in after the 2000 elections, they passed those same tax cuts again, and we see how much damage has been done to the budget. Now, this is a net surplus in the budget, going down to almost $700 billion, a total swing of approximately $750 billion deterioration in our budget situation.

Let us put that into context: the entire revenue from the individual income tax, everybody's individual income tax, less than $800 billion. We have seen a deterioration in the deficit, $750 billion.

Now, this chart shows it another way: the percentage of the budget paid for with borrowed money. You see, this is World War II, you come through the years. The Clinton years, we went into significant surplus; and when this President Bush came in, we started spending, paying for more and more of our budget with borrowed money.

□ 1430

We are up now to over 30 percent, well over 30 percent of the budget, the Federal budget is paid for with borrowed money. And you will notice that that is a level we have not seen since World War II.

Now, we got there with tax cuts. It is interesting to know who got the tax cuts. This chart shows what the upper 20 percent, the next 20 percent, the middle 20 percent and the other 20 percentiles, how much of the tax cut they got. If you look at the top 20 percent and just look at the top 1 percent, about half of the tax cuts have gone to the upper 1 percent of the taxpayers. To put it another way, you can look and see approximately what you got if you made more than a $1 million on average you get about $89,000 tax cuts. $500,000 to $1 million, you got about $13,000. And on average as you get down to $50,000 to $75,000, you are getting about $132. And below $50,000 you hardly need any ink to draw the bar. Off the chart for millionaires, do not need ink to draw the bar for ordinary Americans.

Now, we were told we had to do that to create jobs. Let us see how many jobs have been created because we went so far in debt. We were willing to go so far in debt and give tax cuts to the wealthy, how many jobs were created? Well, we have lost, have not gained, we have lost almost 3 million jobs during this administration.

Now, we hear the great excuse: ''9/11.'' Everything that goes wrong is because of 9/11. Because of 9/11 we lost jobs. But wait. Every 4 years back to Harry Truman, everybody has been gaining jobs, everybody has been able to end their term of office with more jobs than they came in with. President Eisenhower, in his second administration he lost about 200,000 jobs but he gained 1,900,000 in his first term to his net plus 1,700,000 jobs. Everybody else, every 4 years gained jobs.

If you want to blame 9/11, you ought to notice that this chart includes not just 9/11, but it also includes the Korean War and the Vietnam War, hostages in Iran, the Persian Gulf War from 12 years ago, the Cold War, Kosovo, Grenada, everything else, everybody is gaining jobs until the result of this fiscal irresponsibility has actually cost us jobs.

Now, when you run up this kind of debt, you have to pay interest on the national debt. This chart shows the interest on the national debt we expected to pay after President Clinton left office going down to zero because we were on target to paying off the entire national debt.

This red line is the interest on the national debt we are going to end up having to pay because of our fiscal irresponsibility. By 2009, the difference is almost $300 billion. Now, let us put $300 billion into perspective. At $30,000 a piece, you can hire 10 million people with $300 billion. 10 million. And it gets wider and wider as you go out.

This is an opportunity that we are going to lose because we are going to be $300 billion less than we thought we were going to have when President Clinton left office.

We also have to recognize that the Social Security program will be a challenge. These red bars represent the fact that we are bringing in more Social Security funds than we are paying out. That is because we recognize that when the baby boomers retire, we will be paying out more than we are bringing in. And we need to build up the trust fund so that hopefully we can pay this as much as we can.

2017 it goes into deficit. We are now spending all of this Social Security surplus on the present budget. We are in deficit even after we have spent the Social Security and Medicare. The Medicare chart looks similar to this. We are spending the Social Security surplus.

Now, when you cross the 300 line, 2025, somewhere in there, when you cross the 300 line that is $1,000 for every man, woman, and child including those on Social Security. Every man, woman, and child $1,000. When you cross the 600 line, that is $2,000 for every man, woman, and child just to make this, just to pay the Social Security shortfall.

Now, you may look at this and decide, well that is too challenging, we never could have paid it. It is just too much of a problem. But when you look back at this chart, we have been told that if you just look at what this administration wants to give to the top 1 percent, top 1 percent, that would have been enough to pay Social Security benefits without reducing benefits, without increasing the age for 75 years, or you can give the top 1 percent a tax cut.

Now, Mr. Greenspan told us that if you extend the tax cuts like it looks like this administration will propose, it has proposed, if we extend the tax cuts we should cut Social Security. Now, I think he used the word ''adjust'' Social Security. He is talking about increasing the age, reducing the COLA. I think most people, including the Republican officials, have categorized that as a cut. And I think most people would view that as a cut; they are going to be getting less than they would have if you had not made that adjustment. I would certainly call that a cut.

But he said if you extend the tax cuts, you have to cut Social Security. The GAO issued a report recently that showed that we are on track to disaster. A great political philosopher once said, ''If you do not change directions, you may end up where you are headed.''

Well, the GAO says that we are headed towards a situation in a few years, a couple of decades where the Social Security deficit and interest on the national debt alone will absorb all of the projected Federal revenues for those years. In other words, all of the revenues will be insufficient to pay just the Social Security shortfall and interest on the national debt. That is without Medicare, and Medicaid, and that is without any other Federal spending. Just the Social Security shortfall and interest on the national debt will absorb all of the Federal revenues.

Obviously, that is a direction we should not be going in. We need to change directions. And the reason we cannot fund many of the things that you mentioned that the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Black Caucus, mentioned is because we are using up the money in interest in the national debt.

We are having trouble funding police officers, 100,000 police officers. And we said we could with the $300 billion additional interest on the national debt that we will be paying in just a few years, we could have hired 10 million people at $30,000 apiece, 5 million at $60,000 a piece, and we are having trouble trying to find funds to hire 100,000 police officers.

We cannot properly fund veterans benefits, education, health care. There are a lot of things we cannot do because it is all being absorbed by the interest on the national debt necessitated because we have put our budget in unprecedented deficit.

Now, the idea that we are going to get a promise that the deficit will be cut in half in 5 years is really insulting. We should be talking about how we get back up into surplus where we were when this administration came in. Instead of running up debt, we ought to be running up surpluses so we will be prepared to meet the challenges of Social Security.

At this rate, with all this red ink, we will be so far in debt that we will not have anything for Social Security. We will not have anything for Medicare. We will not have anything for jobs because we are paying interest on the red ink that we are running up. That is the problem that we have. And the additional problem that we have is that the tough choices that created this green ink, were tough choices, politically tough choices. And you can not make those tough choices until you have at least acknowledged a problem.

This administration refers to this graph and the deficit as ''manageable.'' That is why we need a graph to show the people what we are talking about. This administration refers to this job graph by saying that the tax cuts are working. The tax cuts are not working. We have lost 3 million jobs. And so you need the graph to show specifically what we are talking about in this budget and how bad it is.

And, so, I would say to the chairman of the Congressional Black Caucus, I thank him for the opportunity to present the problem so that we can, as others participate, can talk about the things that we cannot fund because we have this situation where we are so far in the hole with a graph such as this. You cannot create a graph like this by accident. We are far in the hole, and we need to dig ourselves out so that we can make the important investments in education, in health care, in veterans benefits and the other important challenges that we have before us. And I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding.

Mr. CUMMINGS. Mr. Speaker, if the gentleman from Virginia (Mr. SCOTT) will yield for a second, I want to ask the gentlemen a few questions. They call this a jobless recovery. Would my colleague agree that there is a recovery?

Mr. SCOTT of Virginia. Mr. Speaker, this is the problem with using rhetoric without using charts to show what we are talking about. You have indicated that some have looked at this chart and said we are in a recovery. Others have said the tax cuts are working. One looks at the chart, this is a miserable failure. We have lost 3 million jobs. I do not call that a recovery.

Now, if you go back 50 to 75 years, they blame a recession. The experts will say that this administration did not inherit a recession. The recession began on this administration's watch.

Whenever it started, it has been over by all accounts since the end of 2001. Since then, we have had all of 2002, and 2003 and we are into 2004. No recession from the beginning of any recession in the last 50 years, we have always within about 30 months recovered all of the jobs that were lost during the recession within about 30 months. Here we are almost 40 months after the beginning, whenever they say it started, it has been at least 40 months, we have not recovered the jobs yet.

This is the worst recovery we have had in modern history. That is not a recovery.

Mr. CUMMINGS. Mr. Speaker, there has been a question that has been raised over and over again, and, as a matter of fact, I think I just heard the President say this within the last few days, that one of the problems was 9/11, and that 9/11 caused us to go through some extra economic problems. And I was just wondering when my colleague takes a look at his charts, is he taking into consideration, when he talks about 40 years back, is he taking into consideration the fact that we had this very, very unique situation and regretful situation with 9/11?

Mr. SCOTT of Virginia. Mr. Speaker, when people talk about 9/11, they have to take into consideration that this chart goes back to Truman and Eisenhower, that includes the Korean War, it includes Kennedy, Johnson, Nixon, it included the Vietnam War, the Cold War, the hostages in Iran, Grenada, Somalia, Kosovo, the Persian Gulf War. All of those are on this chart. Everyone created jobs during their four-year administration.

□ 1445

President Clinton, 10 million jobs the first term, over 10 million both the first term and over 10 million jobs over the second term. Everyone has had problems. There have been recessions all the way up and down here. Everyone has been able to deal with adversity and create jobs. Until you get here.

Now, if the President had offered an economic plan that had been rejected, he might say that because you rejected my plan, if you had only adopted my plan, things would have been better. We adopted his plan. We passed, I did not vote for them, but Congress passed his plan. And it resulted in a massive deficit and job loss.

Mr. CUMMINGS. In other words, when you have the loss of jobs and you

have, in looking at the very end of your chart there, does that, how does that affect the overall economy?

Mr. SCOTT of Virginia. When you lose jobs, there are things that, first of all, I do not know how you can spend that kind of money. Right after 9/11, we appropriated $40 billion. At $40,000 each you could have hired a million people. I do not know how you end up losing jobs; 9/11 actually should have stimulated jobs, not lost jobs. The problem is that this administration does not look at money, financial responsibility, with anyone. They decided to do something. It does not matter how much it costs.

Just look at the war in Iraq. The Persian Gulf War 12 years ago cost the United States $7.4 billion, 7.4. Now, the 60, 70, $80 billion was the total cost; but because we had allies, total cost was $7.4 billion.

When we appropriated $87 billion a few months ago, we had already spent $79 billion on the war. Total $166 billion; 7.4, 166, just to implement the my-way-or-the-highway, go-it-alone strategy. Had we developed some allies so that someone else could help pay the money and absorb some of the causalities, it is not all our money and all our causalities, it would have been closer to the 7.4 than the 166.

Now, we are going, the estimates are about $50 billion. The chairman of the Committee on the Budget has estimated about $50 billion will be coming next year for Iraq, so that is another 50, 7.4, 166, 50 and who knows what after that.

Let us put the 166 in perspective. That is more money than we spent in a year on the Department of Homeland Security for the security of the United States; and the Department of Education, the entire Department of Education budget. Plus, it is still more than the Department of Transportation, all road-building we are supposed to be doing. And it is more than the Department of Labor and Department of State. Add them all up, combined.

Mr. CUMMINGS. Combined.

Mr. SCOTT of Virginia. Combined. Homeland Security, Education, Transportation, Department of Labor, Department of State, add them all up, it does not come to $166 billion; 7.4, 166. How much do you have to spend before someone suggests that the spending is out of control?

Mr. CUMMINGS. One of the things that I remember when the President was considering going to war, one of the things that was asked of the President by the Congressional Black Caucus was exactly how were we going to pay for this war and exactly where was this money going to come from, because we have a limited situation. But I guess what you are saying is that what we are doing is we are overspending. I am trying to put it in laymen's terms.

Mr. SCOTT of Virginia. If you are going to spend $166 billion and we would be willing to spend whatever it takes to make the United States safe. We are now debating whether we are safer or not as a result of spending as a result of spending $166 billion. It looks to me that there are a lot of other things you could have done with a $166 billion budget that would have made America a lot safer than we are today.

But look at the red ink. I mean, when you start adding it up, there was not a peep mentioned about how we were going to pay it. No sacrifice. And, in fact, when you look at some of the things that the House passed right after 9/11 with most of the votes coming from the Republican side of the aisle, we passed one provision which was a repeal of the alternative minimum tax for corporations. That is kind of technical, but what we found about 15, 20 years ago was that a lot of corporations were paying out dividends year after year after year. They were profitable companies; but because they had so many loopholes and deductions, they were paying no income tax. And so they passed a provision many years ago called the alternative minimum tax for corporations. In the alternative for no tax, at least pay a minimum tax. And that has been a law right after 9/11 when everyone was supposed to be sacrificing. The House passed a provision to eliminate the alternative minimum tax for corporations.

They took that opportunity when everyone is supposed to be sacrificing to eliminate the alternative minimum tax for corporations. And while they were at it, they have made the repeal retroactive for 15 years. So if you had paid the alternative minimum tax in the last 15 years, you would get your money back. Several corporations would be getting a billion dollars back. Enron would get $250 million.

Now, if you had a company and you got a billion dollars retroactive tax relief, an employee of that corporation would be no more likely to have a job the next day than the day before. That is not stimulating the economy. There is no more demand for your product. Now the uppity-ups in the corporation would be more likely to get their bonuses, the stockholders more likely to get their dividends. But an employee for the company, because there is no more demand for the product, is no more likely to have a job the next day than the day before. That is the kind of provision that this House passed.

Thankfully, there was a Democratic majority in the Senate at that time and that was defeated in the Senate. But when you talk about sacrifice and how do you pay for a $166 billion war, well, you do not worry about it; you just let the next generation pay for it. You pay for it out of the next generation's Social Security. You borrow the money and worry about it later. That is not the fiscally responsible thing to do. It is not how you stimulate the economy. It is not how you produce jobs, and it is not what you ought to be doing to the next generations.

Mr. CUMMINGS. One last question. I will never forget when the President talked about the war in Iraq, when the President talked about the war on Iraq. I am sure you will recall one of the things that he said was that this war had been brought to us. I shall never forget it. I was sitting in this Chamber. And he said to us we need to take this responsibility so that our children and our grandchildren would not have to address it. And it sounds like what the gentleman is saying is that at least in part this war will have to be paid by our children and our grandchildren, at least, if not our great grandchildren because of the way things are going.

The other issue is this: one of the things we hear over and over again from the President is that he keeps talking about, saying that this side of the aisle wants to increase the taxes on Americans. And basically what he is saying is that if we do not extend and make these tax cuts permanent, that is like increasing taxes on Americans. That is a very interesting way to put it.

I just want to know what you thought.

Mr. SCOTT of Virginia. The idea that if we do nothing, that that is a tax increase. The important thing is not to worry about what the label is. The important thing is to look at this chart. The policies of this administration which have been pretty much adopted in total have resulted in a deterioration in the budget almost equivalent to the total amount of money that we get from the individual income taxes.

Mr. CUMMINGS. You said that is $800 billion.

Mr. SCOTT of Virginia. The money we get from the individual income tax totals less than $800 billion. We have a $750 billion deterioration in this budget in just 3 years. And so whatever you call it, whatever label you put on it, look at the chart. This is called tax cuts are working, deficit is manageable, whatever you want to call it. Look at what this administration's policy resulted in.

Now, you talked about who is paying for it. Part of the war is being paid for by veterans benefits. We are debating now as to whether or not we are going to at least maintain present services.

Mr. CUMMINGS. To veterans.

Mr. SCOTT of Virginia. For veterans.

The President's budget does not include enough money to maintain just the little present benefits for veterans. They want some veterans to pay more fees for health services, some not to be eligible, less services, while the war is being fought. So the veterans themselves will have to come back and pay the interest on the debt on the war that they fought in. That is not right.

We are not able to fund the kind of things like Cops on the Beat. Now remember, in just 5 years we will be spending approximately $300 billion more in interest on the national debt than we should have had to pay. You can hire at $30,000 a piece, 10 million

people for that amount of money or 5 million at $60,000. We are trying to find a little money to hire 100,000 police officers, to hire teachers, health care workers; and we cannot find the money because it is all being used up in interest on the national debt that is run up because you have to pay interest on the national debt since you are obviously not paying off any debt while you are in the hole. You only pay off debt when you are above the line. When you are in the hole, you are running up more debt, you have to pay more interest on the national debt.

We cannot pay for our transportation projects. There are so many things that we cannot do because we are running up so much interest on the national debt. And remember that we have the exploding Social Security problem in just a few years. We ought to be preparing for that, not wake up in 2014 and wonder why the Social Security surplus is no longer there. It is not going to be there after 2014. We are going to have to come up with more money. We will not have the gravy train of 100-some billion dollars or go up to $275 billion in Social Security surplus to run through.

It is a growing deficit, and there is no provision in the President's budget or the Committee on the Budget's budget that we are about to, that they will probably adopt; there is nothing in there to prepare us for the Social Security shortfall and the interest on the national debt.

The GAO just issued a report in the last few days that shows if we keep going in the direction we are going, in just a couple of decades the Social Security shortfall and interest on the national debt will absorb all Federal revenues. That means no Medicaid, no Medicare, no Federal spending on anything including defense. You spend all your money just in Social Security and interest on the national debt unless there is a profound change in direction.

Mr. CUMMINGS. What change could reverse that?

Mr. SCOTT of Virginia. Well, you need to make tough choices; and, fundamentally, the strategy ought to be the green.

In 1993 when President Clinton came in, we made tough choices. He vetoed bills that were inconsistent with his tough choices and we went into surplus. These are tough choices. This was the strategy that created fiscal responsibility and 20 million jobs in 8 years. Fiscal irresponsibility is when you start passing massive tax cuts without paying for them, just borrow the money for the tax cuts. Some say we are giving you your money back. No, no, no, no, no. We have spent your money. We are sending back money we have borrowed from overseas and giving it back because we spent your money.

□ 1500

We spend your money and everybody else's money and Social Security and everything else, a deterioration in the budget, $750 billion, almost the same as the total amount that we received from the individual income tax.

Mr. CUMMINGS. I want to thank the gentleman for the explanation and for his excellent work on the budget.

Mr. Speaker, the Bush budget eliminates all kinds of programs, as the gentleman from Virginia (Mr. SCOTT) just talked about. There is one program that eliminates and that is the Even Start program. A lot of times, Mr. Speaker, we look at the numbers in a budget and we look at them purely based upon figures; but the impact on human beings and citizens and children in our country is phenomenal.

For example, this Even Start program is meant to uplift children and families through a combination of childhood education and adult literacy programs. That is very important; and when the gentleman from Virginia (Mr. SCOTT) talked about the whole jobless situation, it is one thing to have opportunities at some point in the future, hopefully. It is another thing for those parents of those children to be prepared to take advantage of those jobs and for them to be able to raise their family. It takes money to raise a family.

Then the Bush budget freezes funding for Head Start, which provides education and nutrition service for over 297,000 African American children, very, very significant. How do you even put a value on a child being able to get a head start in life and in school and to be able to go to school ready?

When we look at health care, the picture gets even worse. The Bush budget does absolutely nothing to hold down the costs of prescription drugs. It jeopardizes medical benefits for the 4.6 million African American children who receive health care through Medicaid, and it severely underfunds programs that combat the spread of HIV/AIDS and the increase of health disparities among minority communities.

These are things that go to the essence of life; and I have often said as we talk about the budget and other issues that the Congressional Black Caucus, as we do that, we are not just speaking for African Americans. A lot of people get a little bit confused. They see African American Congresspeople stand up, and they assume that in all our districts the majority of people are African American. That is just simply not true. We represent a wide range of people of all races and colors, religions in our caucus, and so over 26 million people in total.

But those costs that I just talked about, those are the costs, I guess, like I said, you cannot put a value on making sure that a child is well taken care of because it used to be a commercial that said you either pay me now or pay me later. If you do not give that child a good head start in life, then government, through State government in most instances, will pay later on through, unfortunately, juvenile detention centers, sometimes prisons, sometimes all kinds of programs, teenage pregnancy programs, things of that nature, to help lift people up after they have fallen.

Mr. SCOTT of Virginia. Mr. Speaker, the President's budget eliminates funding for the juvenile justice programs, the prevention programs, the early intervention programs, the kinds of things that you can pay now and pay less later. He had to cut those out because having spent all the money in tax cuts and having gone so far in debt, there is nothing left over for those important programs; and you are talking about hundreds of millions of dollars. This is hundreds of billions of dollars that we are in deficit, and we cannot make the little kinds of payments.

My colleague talked about jobs. The small business program which is just less than $100 million, that is one-tenth of $1 billion. Here we are almost $700 billion in the hole, one-tenth of $1 billion, and that program creates jobs. The only thing the government has to pay out is when the loan defaults because it is a loan guarantee program. So just for every now and then there is a default we have to pay. For every 2 or $3,000 we pay out, we are creating a job because tens and hundreds of thousands of dollars has been borrowed, guaranteed, paid back. So we do not have to pay anything. For every 2 or $3,000 we actually have to pay out, we have created a job.

When you start going in the hole hundreds of billions of dollars and have a program that can create jobs for 2 or $3,000 a piece, why did that get cut out? Because you just ran so far in debt that you did not have any money left over.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT).

I want to yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for his leadership on this issue and the gentleman from Virginia (Mr. SCOTT).

I am joining my colleagues because I see now that the President's budget is cutting about 20-plus programs, and those programs are critical to our districts. And you are absolutely right, our districts do not comprise all African Americans. We are talking about Cambodians, Filipinos, Samoans, Vietnamese, Guamanians; and they are all concerned about the loss of jobs.

In L.A. County alone, which is the largest county in California, we have lost over 136,000 jobs. In the State of California, we have lost over 300,000 jobs. No State, no city, no county can be sustained with those types of job losses; and so this budget is absolutely the most outrageous budget I have ever had to deal with because it has no funding in there for No Child Left Behind to any great degree. We know the last budget was $8 billion short. I think now it is $9 billion short; and so here

we are trying to grapple with educating our children, some 53-plus million children in this country. California has over 6 million, and we do not have the funding to do that.

I think it has just gone off the chart, and so I thank the gentleman for allowing me to come and speak on this because I have never seen a budget that is so ill-fated, that has absolutely nothing to speak to the American people, when we have 11 million children who are uninsured, and over 44 million adults, and this budget does not speak to insuring them. It is an atrocity, and so I join you in saying this administration's budget is a hoax; it is not for the American people. It is everything but for the American people.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for her statement; and I am just reminded, I think it was just yesterday the President went to Ohio. He stood there in front of quite a few people, and he said, basically, hold on, hold out; I am the one that gave you these tax cuts. Basically what he said, I still believe in this trickle-down theory and that things are going to get better.

The fact is that the President has been saying that over and over again. As a matter of fact, a little bit earlier this year, in his economic report, he projected that he would be producing some 2.6 million jobs before the end of the year.

Mr. SCOTT of Virginia. Mr. Speaker, if the gentleman would yield, I think they have been revising that number back and forth, but whatever the projections are, let us look at the results. No President has left office in over 50 years with fewer jobs than they started off with until this administration. We are down 3 million jobs; and if you are interested in jobs, remember that in just a few years we will be spending $300 billion on additional interest on the national debt that had not been anticipated when President Clinton left office, $300 billion dollar. At $30,000 each, you can hire 10 million people. There are only 9 million people unemployed and receiving unemployment in America today. Instead of an unemployment check, you have enough money there in additional interest on the national debt that we should not have to pay to hire everybody that is drawing an unemployment check.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentlewoman.

Ms. MILLENDER-McDONALD. Mr. Speaker, the gentleman and I sit on the Committee on Transportation and Infrastructure. That bill alone would bring the types of jobs for folks that have good wages and good benefits, and yet we have asked for over $375 billion for that bill. He has now cut that bill down to some $258 billion. How can we get Americans back to work if we are not going to put the type of funding in programs and on bills to support that?

So we are just outraged. It is outrageous to even speak of the fact that they are going to have so many jobs per month, because that growth is not coming.

Mr. SCOTT of Virginia. On those transportation jobs, is there not something unique about those jobs? We keep talking about transferring jobs overseas. When you have a transportation-created job, where does that work take place?

Ms. MILLENDER-McDONALD. That work takes place right here in America, in the heartlands, in the rural, in the urban areas of our cities and States; and this is why, if the President is really interested in getting jobs to the American people, he would invest in this transportation bill that will keep those jobs right here. They are great construction jobs. There are other suppliers jobs that come from that, and it is a multiplying effect. So if you get those jobs, those jobs create other jobs and, therefore, will bring back a lot of those jobs; but if he is not willing to invest the $375 billion in a transportation bill, then he is not really anxious about getting jobs back to Americans.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, let me just say this. As my colleagues were talking, I could not help but think about how the President talks.

Could we bring that chart back up, the first one. The President talks so much about that. It is the one that talks about the tax cuts, I mean how much money people get.

Mr. SCOTT of Virginia. This?

Mr. CUMMINGS. You had one with red, that one.

Mr. SCOTT of Virginia. This is if you are making 50 to $75,000, you are on average, the average income group, $132. Below that you hardly need any ink to draw the bar. However, if you are making more than $1 million, you explode way off the chart.

Mr. CUMMINGS. The reason why I wanted to point that chart out is because something interesting is happening here, and we are seeing it in all of our States.

The tuition, for example, in Morgan State University in my district, I sit on the Board of Regents, has gone up some 25, 30 percent. The average family at Morgan State has an income around about $50,000, $55,000. So about how much would they be getting based upon that chart in tax cuts?

Mr. SCOTT of Virginia. Fifty to $75,000: $132. Now there are a lot of different variations in that, depending on the child tax credit. If you have a lot of children, you may get more tax credit. If you are single, you may not get anything at all. On average, 50 to $75,000, you are getting $132 a year.

Mr. CUMMINGS. Let us take it up to $500. I will give them an extra $500 instead of $132. The tuition has gone up almost that much, and Pell grants are being leveled off; and we have got a situation where like other States we suffered a deficit. The State is not getting as much money so, therefore, the State's going through its difficulties. So now our colleges are not getting as much money.

My point is that Americans have to understand that no matter what they are going to pay, they are going to pay one way or another. Property taxes are going up, but yet and still our President runs around talking about how great a tax cut we are getting when, in fact, I think Americans are going backwards and services are being less than they have to be. It is the only way that you can do all of this and still keep institutions open.

Mr. SCOTT of Virginia. Mr. Speaker, the problem is that unless you recognize that there is a problem you are not going to come make the tough choices to fix it. Most people would glance at this chart and say we have a problem. This administration says that this is manageable, and on the job chart where he looks like he will be the first one to leave office with fewer jobs than he started off with, the tax cuts are working. No, the tax cuts are not working. We are losing jobs. If we passed the transportation bill, millions of jobs would be created.

This will go above the line. Pass the transportation bill. There are a lot of things we can do to stimulate jobs. Tax cuts to the wealthy have not worked. Transportation jobs will work. Tax cuts to those in the lower end, who will actually spend it and buy stuff with it, will work.

A millionaire, if he wants a television, he would have already bought a television. If he wants a car, he would have already bought a car. Someone in the lower brackets, if they get a couple hundred extra dollars, they are going to spend the money.

So there are a lot of things. Repealing the alternative minimum tax for corporations, we discussed, will not create any jobs; but that is how we were trying to spend the money, and that is why, as a result of all that spending, it still ended up no jobs. If you look at the study of the Republican-dominated Joint Committee on Taxation, when they looked at the 2003 and looked at tax cuts and looked at the taxes that were cut, they concluded you might have a little short-term spike in jobs. As a direct result of passing that bill, you will have fewer jobs in the fullness of time than you started off with, and that is because you did it with borrowed money. There was limited stimulus, and because you have got to pay interest on it, on the debt that you ran up in the fullness of time and just a few years as a direct result of passing the bill, you will have fewer jobs than you started off with.

We should not be surprised because of the taxes we cut that we are below the line. Had we used the money for transportation, for targeted tax cuts where they would have made a difference to help fund States or other programs, where we actually use the money in such a way that people will be hired, with all the spending, this thing ought to be off the chart. The budget has deteriorated $750 billion, almost the same

as what we get from the entire individual income tax. With that kind of spending, it should have been able to create some jobs.

□ 1515

Ms. MILLENDER-MCDONALD. Mr. Speaker, if the gentleman will yield once again. The other thing that would create the climate for jobs would be small businesses. And yet here at the end of last year, the 7(a) loan program, which is really the driving force for financing for small businesses was absolutely turned out. No money in it. It was eliminated. But because we raised so much havoc on it, they have brought that back, but with fewer dollars. So we still do not have the infusion of money for this powerful engine that drives the economy through job creation, which are the small businesses.

So, again, the President is not operating in the true sense of helping Americans to get back to work.

Mr. CUMMINGS. Mr. Speaker, again, the Congressional Black Caucus stands up, as we have over and over again. It is said that we are the conscience of the Congress. I claim we are the conscience of the United States of America.

The fact is that President Bush is doing no favors for not only the African American community but communities throughout this country; for hardworking Americans who got up early this morning, some of whom had a job, but for others who are about to lose their job, and still others, Mr. Speaker, who do not have to go to work because they have already lost their job. I just find it very interesting that the President would go to Ohio, a State where there has been phenomenal job loss, and tell people who do not have a paycheck to hold on and hold out.

CONDOLENCES TO TERRORIST VICTIMS IN SPAIN; AND PUBLIC TRANSPORTATION SYSTEMS VULNERABILITY AND REDUCTION ACT OF 2003

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to offer my condolences to the families of the terrorist victims in Madrid, Spain.

This heinous act of violence is becoming all too common an occurrence. This morning, as we are all painfully aware, a series of explosions ripped through several packed commuter trains in Madrid during the morning rush hour. The blast killed at least 173 people and wounded 600.

Last month, in an all too familiar circumstance in Moscow, a bomb exploded inside a crowded subway train during the morning rush hour, killing at least 39 people and wounding more than 130.

Securing our Nation's public transportation system has been a top priority of mine. At the outset of the 108th Congress, I introduced the Public Transportation Systems Vulnerability and Reduction Act of 2003, which is H.R. 1148. For years, Mr. Speaker, governments around the world have recognized that public transportation is a major terrorist target. Until 9–11, the United States had been largely spared the kinds of terrorist campaigns waged against public service transportation. However, we cannot wait for a tragedy to happen to prompt us to address our vulnerabilities.

In October 2001, a study released by the Mineta Institute, Protecting Public Surface Transportation Against Terrorism and Serious Crime: An Executive Overview, cites that between 1920 and 2000, there have been approximately 900 terrorist attacks and other significant criminal incidents involving public surface transportation systems. However, all but 14 of these attacks occurred after 1970, the year that marks the beginning of modern terrorism.

Attacks against transportation and transportation infrastructures accounted for about 42 percent of all international terrorist attacks according to the most recent statistics provided by the U.S. DOT Office of Intelligence and Security in 1998. We are seeing these statistics play out before our eyes on CNN.

My legislation, the Public Transportation Systems Vulnerability and Reduction Act of 2003, will provide our Nation's transportation systems and workers with the training and funding to help protect our homeland. This legislation will provide funding for ongoing vulnerability assessments which would build continuously on information collected, allowing for easier implementation of new technology that will assist in averting terrorist attacks on all modes of public transportation. It will have training programs for front-line transit employees, ensuring that these employees, who are the eyes and ears of transportation systems, are prepared to respond to emergency situations. And it will develop and have implementation of local and regional emergency preparedness plans that fully utilize a community's transportation resources.

Mr. Speaker, I ask all my colleagues to join me in continuing to work to give our Nation's transportation systems and employees the resources to protect our communities. I urge my colleagues to support the Public Transportation Systems Vulnerability and Reduction Act of 2003.

Mr. HOEKSTRA. Mr. Speaker, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I want to thank the gentlewoman for yielding, because I want to identify with the remarks she made starting off her 5-minute speech. I was going to start my special order in the same way, recognizing and extending our sympathy to the families of the victims in Spain.

It was only a short period ago that the prime minister from Spain was here, and last summer I had the opportunity to visit in Spain with the prime minister, along with the Speaker of our House, to express our appreciation to our colleagues in Spain who have been very involved in the war on terrorism. And so I thank the gentlewoman for bringing that to the attention of our colleagues here in the House.

I will also take a look at the legislation that the gentlewoman has authored, recognizing that the war on terrorism is a real war.

Ms. MILLENDER-MCDONALD. Reclaiming my time, Mr. Speaker, I thank the distinguished gentleman for his interest.

IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, today, I am joined in this special order by my colleague, the gentleman from Indiana (Mr. PENCE). As my colleague from California just indicated, we come to the floor of the House recognizing the tragedy of the terrorist attacks in Spain. We are not quite sure who was responsible, but we know there was a significant loss of life.

We know that Spain has been an ally in the war on terrorism. Their soldiers have fought with our troops in Iraq. Their prime minister was here a couple of months ago indicating their strong support and their partnership, whether it was al-Qaeda, whether it was domestic terrorism, or whatever.

But we join in expressing our sympathy to the government and the people of Spain for the loss that they suffered today and reaffirm our commitment to the people of Spain that we will continue to work and fight with them in this war on terrorism that in so many different ways has reared its ugly head not only in Spain, the United States, but in Africa, in Saudi Arabia, and with the USS *Cole* and a number of other attacks throughout the world.

Today, we want to talk a little bit about the situation that has gone on in Iraq and kind of put that in context. We have recognized this war on terrorism. We have recognized the threats from Saddam Hussein and others for a long period of time. It was back in 1992 that Senator Gore was talking about what a threat Saddam Hussein and Iraq was.

Here is a quote from a speech he gave in 1992. Senator Al Gore: ''He,'' meaning Saddam Hussein, ''had already launched poison gas attacks repeatedly, and Bush looked the other way. He had already conducted extensive terrorism activities, and Bush looked

the other way. He was already deeply involved in the efforts to obtain nuclear weapons and other weapons of mass destruction. Bush knew it, but he looked the other way. Well, in my view,'' and the ''my'' was Senator Gore, ''the Bush administration was acting in a manner directly opposite to what you would expect with all the evidence it had available to it at the time. Saddam Hussein's nature and intentions were perfectly visible.''

Already in 1992, Senator Gore had identified Saddam Hussein and Iraq as a threat to American Security and to the security of the Middle East and as a danger to his own people. And I think that goes on to President Clinton, who, during the 1990s, identified Saddam Hussein and Iraq as a threat. And I think my colleague from Indiana may have some of the statements that President Clinton was making.

This is not to say what should or not have been in the 1990s, this is saying that through the last 10 to 15 years we knew Saddam was a threat.

Mr. Speaker, I yield to my colleague from Indiana.

Mr. PENCE. Mr. Speaker, I thank the gentleman for hosting this special order. And having just returned from Iraq, it is particularly meaningful to me to acknowledge the gentleman's leadership in this Congress in traveling to Iraq since the end of hostilities more, I think, than any other Member of Congress; and having just learned what that has meant to our troops and what that has meant to the people in the transition process at the coalition authority, I want to thank him for that.

There is no question this issue of weapons of mass destruction, which has become such a political football in America today, represents some form of an intelligence failure, if by that we recognize that we have not found the vials of chemical and biological weapons. But it is absolutely imperative, as the gentleman suggests, to know that if it was an intelligence failure, it was a world intelligence failure and it was an intelligence conclusion that was drawn by at least two previous administrations.

I cite in evidence the remarks of President Bill Clinton on February 17, 1998. Again, these are the words of the President of the United States about what official U.S. policy was relative to the possession of weapons of mass destruction by the regime of Saddam Hussein.

President Clinton said. ''And they,'' referring to predators of the 21st century, ''they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them.'' President Clinton went on to say, ''We simply cannot allow that to happen. There should be no doubt,'' President Bill Clinton said, ''There should be no doubt Saddam's ability to produce and deliver weapons of mass destruction poses a grave threat to the peace of that region and the security of the world.''

President Clinton went on to say, ''There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region,'' and he went on to describe Iraq as, ''a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists who have traveled the world. If we fail to respond today to Saddam Hussein, he will be emboldened tomorrow by the knowledge that he can act with impunity.''

These are the words of the 42nd President of the United States of America, William Jefferson Clinton, about the conclusions of the Intelligence Community and his personal conclusions as our Commander-in-Chief that Iraq did possess biological and chemical weapons in the year 1998.

□ 1530

Mr. HOEKSTRA. Mr. Speaker, what we know is through the 1990s, there was a consensus that there was a war on terrorism that was being fought, that there were issues dealing with Iraq and dealing with Saddam Hussein. It was not only the President; it was the Clinton administration. Madeleine Albright said ''Hussein's weapons will not discriminate if and when they are used, and therefore it is important for the region to understand that he is a threat.''

In September 1998 she said, ''Our adversaries are likely to avoid traditional battlefield situations because there American dominance is well-established. We must be concerned instead about weapons of mass destruction and by the cowardly instruments of sabotage and hidden bombs. These unconventional threats endanger not only our Armed Forces, but all Americans and America's friends everywhere.'' That is September 9, 1998.

So the threat of weapons of mass destruction, but most importantly the larger threat not specifically identifying what terrorist organizations would use, but recognizing the emergence of a different kind of threat to American, to Western Europe as the Cold War collapsed of unconventional threats that would endanger not military folks, but that would target civilians.

Mr. PENCE. Mr. Speaker, on February 18, completely consistent with Secretary Albright's remarks, ''In the next century the community of nations will see more and more of the very kind of threat Iraq poses now.'' In describing it, President Clinton said, ''A rogue state with weapons of mass destruction ready to use them or provide them to terrorists.''

Mr. HOEKSTRA. Mr. Speaker, I think the quotes go well on to other folks in 2000. So this is a continuing story of intelligence. As we move through this process, on a bipartisan basis, this is what we believed the threat was to the United States. One of the things that we are going to focus on here today, not what we think about here in Washington, when we put this in context, we will talk about the threat that Saddam Hussein was, not to America, not to the Middle East, but most importantly to his own people.

Mr. PENCE. Mr. Speaker, to that end, and I am anxious to get to that conversation, I have to tell my colleague that the search for weapons of mass destruction found for the Iraqis that I spoke to in Basra, it found its locus the day Saddam Hussein was captured by American troops. This is a man who, according to former prisoners of war, he and his regime were responsible for the death by incarceration or other means of 1.2 to 1.3 million of their countrymen. According to Amnesty International, we have identified the remains thus far in 270 mass graves of 400,000 men, women, boys, and girls in the mass graves of Saddam Hussein.

But the weapons-of-mass-destruction issue is an issue, and the gentleman from Michigan (Mr. HOEKSTRA) is right to address it in the beginning inasmuch as it is in the mind of the American people. But none other than Senator DASCHLE, who has been the majority leader of the Senate in recent years, but at the time in 1998 and President Clinton's decision to fire cruise missiles and attack Iraq was minority leader, Senator DASCHLE said, ''We are here today to affirm that we and the American people stand with the President and the international community in an effort to end Iraq's weapons of mass destruction programs and preserve our vital and international interests.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair reminds Members not to refer to individual Members of the other body.

Mr. PENCE. Mr. Speaker, there is no question whatsoever that the position of the administration and others in America supported the conclusion that the intelligence community, not just of the Bush administration, but of the administration that preceded it came to a singular conclusion: that Iraq was in possession of weapons of mass destruction.

I am always anxious to remind my constituents in eastern Indiana that the reason we know Saddam Hussein possessed weapons of mass destruction was because he used them. He used them on his own people. He used them to kill thousands in Kurdistan in the early 1990s in the immediate aftermath of the first Persian Gulf War. We are told by eyewitness accounts of men, women and children running in the middle of the night out of their bedrooms, out into the streets, grabbing their throats as they were asphyxiated by mustard gas or some other chemical agent and killed in the streets and towns of Kurdistan. Chemical weapons were used against his own people. It is not a subject of theoretical analysis or

intelligence analysis; but as the gentleman from Michigan knows, it is a matter of historical fact and record that Saddam Hussein in the early 1990s possessed and used chemical weapons against his own population.

What became of them in the days immediately prior to Operation Iraqi Freedom, we will continue to investigate. I traveled by the site of the Iraqi survey group in Baghdad just 1 week ago, and I know in meeting with the intelligence community there that that search goes on. And as we continue to bring Iraq forward in the family of nations, and as the people of Iraq, I believe, become more confident in their own future and in the end of the dark days of Iraq and the regime and the thugs that preceded this new Iraqi Governing Council and this new government, more people will speak and more daylight will shine, and we will eventually find out what became of this program and its horrendously dangerous by-products.

Mr. HOEKSTRA. Mr. Speaker, during much of the 1990s this was done on a bipartisan basis, which is maybe different than what we see today; but here is Vice President Gore talking on May 23, 2000: ''The classic challenges of war and peace, of course, extend beyond Israel's immediate neighborhoods to Iraq and Iran. In 1991, I broke with many in my own party and voted to use force to stop Saddam Hussein's aggression in the Middle East. I believe in bipartisanship most of all when our national interests are at stake.'' Going on, he wants to build bipartisan bridges to bring Democrats and Republicans together in support of policies that would promote what is in our Nation's best interest.

As my colleague has gone through and read some of the quotes, there was a bipartisan understanding about Iraq and the threat that it posed. Here again is Al Gore, the Vice President, in May of 2000: ''Despite our swift victory and our efforts since, there is no doubt in my mind that Saddam Hussein still seeks to amass weapons of mass destruction. You know as well as I do that as long as Saddam Hussein stays in power, there can be no comprehensive peace for the people of Israel or the people of the Middle East.''

Mr. PENCE. Mr. Speaker, a very moving part of my trip to Baghdad was our meetings at the headquarters of the Coalition Provisional Authority at Saddam Hussein's palace.

Mr. HOEKSTRA. One of many palaces.

Mr. PENCE. One of 100. It was the size of three or four resorts in Florida and twice as opulent. But across the street, there is a bunker underground hidden underneath what appears to be a garbage dump or a broken and destroyed building. It was three stories underground. It was one of those sophisticated bunkers we hear about; but what was most provocative to me was to learn that in that bunker was an enormous financial investment in a ventilation system which was designed as a countermeasure to the distribution of chemical or biological weapons. There was a decontamination room to essentially remove chemical or biological agents that were on a person before they could enter the bunker itself.

For a regime that, according to some of the administration's critics, never had weapons of mass destruction, Saddam Hussein's own bunker, literally down the street from his primary palace, had an enormous multi-million dollar investment to protect him from weapons that he apparently did not possess.

Mr. HOEKSTRA. Right. And we knew that he used these weapons, and so he had them at one time. The interesting thing about what Vice President Gore said in May of 2000, ''We have made it clear that it is our policy to see Saddam Hussein gone,'' that became the official policy of the United States, was to remove Saddam Hussein, not only because of the weapons of mass destruction, but because of the threat that he posed to his own people, to the Middle East, and to the rest of the world.

We can go on and there are lots of quotes by other folks who have talked about that. This morning we had the opportunity to meet with Dr. Kay again, the original head of the Iraqi survey group, taking a look at exactly what was going on in Iraq. He has said, and I tend to agree with him after having met with him a number of times and after having gone to Iraq, we may not find the weapons of mass destruction. They may actually not be there. But what he has said is take a look at what was going on. He was developing the capability to go into quick production of weapons of mass destruction. He said I am not going to inventory this stuff, but as soon as the U.N. inspectors are gone, as soon as the sanctions are lifted, I will have the capability that 3 to 6 months I will be able to produce all of the chemical or biological weapons I need, so why store them. Get rid of the inspectors, develop the capability under what appear to be legitimate purposes; but they are dual-use capabilities. I will use them to make this, but just with the flip of a switch and fine-tuning, I can use those to make weapons of mass destruction. We know that he was developing those capabilities.

There is evidence that he was doing human testing to fine-tune the capabilities that he would have and the weapons and products that he would eventually produce. We know that he was doing research on UAVs, unmanned aerial vehicles, potentially to be the means for delivering weapons of mass destruction.

We know that he was developing a missile capability well beyond the authorized levels that had been established by the U.N. So in all of these areas, he was either moving his program forward secretly or moving them beyond what the U.N. sanctions had said. So there is no doubt, and that is the message through the 1990s.

We are not sure exactly what was there because it was a very secretive society. He was very good at deceiving others when we were trying to penetrate into what was going on in Iraq. But there is no doubt about what his plans and intentions were. This is why Dr. Kay will say we may not have found exactly what we were expecting to find when we got into Iraq; but what we found was as dangerous, if not more dangerous, than what we had anticipated that we would find.

Mr. PENCE. Mr. Speaker, if the gentleman would yield, I think that the statement that the gentleman just made is extremely important. I think that statement should be highlighted and underscored and chiseled in a place where every American can read it.

As he said again here on Capitol Hill, Dr. David Kay, weapons inspector who led the original effort after the war with the Iraqi survey group, he said what he found was more dangerous than what they believed would be there. In terms of the establishment of a diverse program of chemical and biological weapons, as the gentleman has with great particularity described, was prepared in the event of the strictures being lifted, was prepared to produce large amounts of these types of weapons.

Of course we found the nose cones on missiles hollowed out just for the size of an inclusion of a vial of certain types of agents that would have no other reason to be hollowed out as a warhead in that way. We found these munitions in large numbers. But David Kay said that what we found was in many respects more dangerous than what we expected to find.

Mr. HOEKSTRA. Mr. Speaker, I think it is a very valuable debate to have here in the United States about what did we find versus what we expected to find; and that will force us to seriously look at our intelligence capabilities, what do we need to do to improve our intelligence capabilities to give us as policymakers better information on which to make decisions in the future; and we will have that discussion and debate. The President is fully cooperating with the various commissions that are out there to do an investigation of the intelligence community.

□ 1545

The Senate Intelligence Committee is doing it, the House Permanent Select Committee on Intelligence is doing it. We all recognize that the intelligence business is a very, very difficult business; that we do not get all the information we would like to have; that when we go into a place like Iraq or try to take a look at what is going on in North Korea, Libya or Iran, as we are trying to look in and figure out what is going on, these folks are trying to hide and deceive us so that we do not understand what is going on.

Mr. PENCE. If the gentleman will yield, I would like to know why President Bill Clinton got it wrong. I would like to know why Vice President Gore had the weapons of mass destruction estimate for Iraq so wrong. And I do not say that in a partisan spirit, I say that because if, in fact, there were never any weapons of mass destruction following the time he used them against his own people in the early 1990s, then there was an intelligence failure. But if it was, it truly was an institutional failure; not, as some would suggest, not associated with the present administration, but associated with an institutional failure that, I will add one other point if the gentleman will permit me, was not just an intelligence failure of the U.S. intelligence failure, but it was, as I said at the beginning, a world intelligence failure.

The intelligence communities of every one of our allies in the western world, in this cause, and even many who chose not to join us, France and Germany and Russia's intelligence community, as their votes in the U.N. Security Council support, all of them came to the conclusion, unequivocally, that Saddam Hussein possessed biological and chemical weapons.

Mr. HOEKSTRA. I get a little nervous talking about saying we got it wrong, because I have had the opportunity, having served on the Permanent Select Committee on Intelligence now for 3 years, to have met a lot of our men and women involved in this process.

The first thing we have to recognize is they got a very important thing right, Saddam was a threat. It is not like we got into Iraq and it is like, wow, there is nothing here; he was not doing anything, he was just trying to build the country for his people. He was focused on delivering them quality healthcare, education. You guys got it all wrong.

That is not the Saddam Hussein we see and this is not the Saddam Hussein that his own people saw. They got it right, that this guy had every intent of restarting a weapons of mass destruction program, and we missed that he changed his strategy, from stockpiling to producing these things on demand.

So we got some of those things wrong.

But overall, the strategic analysis, because these men and women we have in our Intelligence Community, this is an art, and Saddam Hussein was a master at deceit, and we did not necessarily give our intel folks everything they needed to figure it out.

Mr. PENCE. The gentleman has caught me in a little bit of a rhetorical joust, and it seems to me that those who want to say we did not find what would have amounted, if we were absolutely correct, to a two-car garage load of biological and chemical weapons, it would not have filled more than that. But if we were wrong at the time, we went to war that that did not exist, that is the straining of the gnat when we ignore the elephant in the room.

The elephant in the room is the man and his regime were a weapon of mass destruction, terrorized and killed over 1 million of his own people, had these weapons and used them against his own people in the past, and, as the gentleman from Michigan says eloquently, most assuredly our conclusion that he was a menace and threat was accurate.

Mr. HOEKSTRA. Let us go to where the gentleman wanted to go today. I was in Iraq last year in August, I went back in September of last year, and then I was there 3 weeks ago. You were there last week. If there is any question about whether Saddam was an instrument of mass destruction, I think you and I were most touched when we actually had the opportunity to talk to the people of Iraq and their response. Then you talk to the next group that has had the most interaction with the Iraqi people on a personal level, and that is our troops. Then you talk to the policymakers and all of those kinds of things.

But the closer you get to the people who were closest to Saddam, I think my colleague will agree, that, by and large, the vast majority of those folks, and I will admit and recognize that Iraq continues to be a very dangerous place; there are people there who want to kill our troops; there are people there who want to kill the Iraqis that are working towards building a new Iraq; but for the average person in Iraq, they are absolutely thrilled and thankful that Saddam Hussein is gone.

Mr. PENCE. Apart from the inspiration of meeting particularly Hoosiers in uniform in Baghdad, the most inspiring for me, and this picture gives evidence, was the opportunities we had a week ago to meet with ordinary Iraqis, people working construction, men and women of various traditions, and even various faiths.

One of our meetings, and it may astound some that could be looking in, Mr. Speaker, is we had a meeting with a Shia cleric, a Shiite Muslim politician and the Catholic Bishop of Basra, who walked in in full religious garb, embraced the Shia cleric, as they obviously had great affection for one another, and then spoke of the religious pluralism that was a tradition for over 800 years in the communities of Basra in southeastern Iraq.

Mr. HOEKSTRA. What we forget is the rich tradition of Iraq. I do not know whether you have got it, but I have some things that have been posted on the Internet by folks who recount the history of this part of the world. It is a rich cultural heritage, the cradle of civilization, and that is what the people of Iraq want to be recognized and remembered for. They want to forget about the days of Saddam Hussein, because he robbed them of that great history and tradition.

Mr. PENCE. That is absolutely right. Basra itself is just south of the convergence of the Euphrates and Tigris Rivers, which the Bible records to be the location of the Garden of Eden. At Tallil Air Base, you can see essentially a pyramid from 2100 B.C. that marks the birthplace of Abraham, what was known as Ur of the Chaldeans. It is a place of incalculable historical value and significance, and the people reflect that.

But I have to tell the gentleman from Michigan, Mr. Speaker, that I fell in love with the Iraqi people that I met. The two qualities of the people that I met, and, again, it was only 60 or 70 regular Iraqis that we spent significant time with in the course of that weekend, but the Iraqi people that I met were highly literate, most of them spoke functional English, which was helpful to me, and the two characteristics, there were three. Number one, they were people who had very strong opinions, which made me feel at home, being from Indiana and the Midwest, as the gentleman from Michigan is.

We sat in a meeting, and, boy we heard it. Some people did not like how we were spending money on construction, other people did not like how we were investing in domestic security. But they had strong opinions, they were articulate, and they were revelling in the ability to express the opinions for the first time in their lifetimes.

Mr. HOEKSTRA. I experienced some of the same stuff when I met with the Iraqi people. You went right to where I was going. They are learning the ability to speak out, because under Saddam Hussein, if they had spoken out, they would be dead. So they are aggressive, and sometimes you kind of say look, you cannot say it that way or whatever. But, wait a minute, they have only had the opportunity to speak out for the last 8 months. You are right, they do not know everything they have to do to be politically correct.

But what a wonderful experience for them for the first time to be able to speak out, to meet with Members of the U.S. Congress or of the Parliament from Britain or members from Spain, but representative government, and for the first time, to have the ability to express their opinions and their vision for their own country and communities.

Mr. PENCE. I thank the gentleman. That was evident. The reason I start with that is to say this was not a group of people that were handpicked to tell four Congressmen what they wanted to hear. These people had some sharp elbows. But when you would ask any Iraqi, what do you think of our decision, along with 33 other nations, to remove Saddam Hussein, they would stop in many cases, their eyes would well up with tears, they would often grab us by the hand, and, as one Shia cleric looked me in the eye and said through an interpreter, Saddam Hussein was a nightmare, and I quote, he said, because I will never forget it, he said, ''The day you defeated Saddam Hussein

was like a dark curtain being lifted off of the Iraqi people and the daylight shone in.''

The sense of gratitude among the Iraqis, not only leaders, but rank and file folks that we met, was deeply moving to me as an American, and it was real and it was genuine. And I believe that from what they said, that among the 10 million souls who call themselves Iraqis, it is the dominant, overwhelming opinion of the people, one of gratitude to the people of the United States of America for ending a nightmare in their Nation.

Mr. HOEKSTRA. It is the same experience I had. In September I had the opportunity to spend a day with one of my constituents who is kind of heading up the healthcare rebuilding in Iraq, Jim Hoveman. I spent the day, and we went through one of the facilities where they are rebuilding an administrative building.

Again, I am just kind of walking through the building, and I stopped and talked to two of the construction workers. It was not long, and I had about 40 of them around me, kids, maybe 18 years old, and then individuals that were probably getting closer to 45 or 50. But they wanted to talk, and they wanted to ask questions. But you could see the excitement that they felt, to have the opportunity to talk with people, to express their views and express their appreciation.

Then we went to one of the hospitals. The doctors and everybody focused finally on equality of healthcare, meaning it was going to be available all across the country. In Basra, they did not have much at all. This is a country that spent like $1 per individual.

A couple of weeks ago, I had the opportunity to be at the White House where the First Lady introduced the program that they are going to do with Project Hope to build a highly technical state-of-the-art Children's Hospital in Basra.

There is some debate as to whether this hospital should be built or whether the money should be spent in a different way. Again, we will have that debate. But what it says is is it not awesome that for the first time, rather than seeing a high quality healthcare system that deteriorated for 30 years, now there are people that are looking at going into Iraq and creating a state-of-the-art children's hospital so that not only all the kids from Iraq, but that children from around the Middle East will now go to Iraq for quality healthcare and special care for the kids.

Mr. PENCE. These are the stories, Mr. Speaker, that are not being told. These are the stories of compassion that are, however, reaching the Iraqi people. They may not make it on American broadcast television with great frequency, but they are reaching the hearts of the Iraqi people. You can see from this photograph, which is one of literally dozens I returned with, these men were construction workers at a USAID program, and some were attending a class on democracy. And we just stopped, and I think you can see even from this poor reproduction the warmth with which I was greeted by regular Iraqis.

I share one anecdote. We walked into a classroom, they are holding these democracy classes all over Iraq, and they are probably at, what we would say in the United States as a 5th grade level, where they are teaching what it means to live under a constitution, what the Bill of Rights are. We went into one of these classes. They are all adults. And I walked in, and, of course, was listening in for a time as they spoke in Arabic.

Then they rose and started to greet me and a few other Members of Congress. Several women wearing traditional garb walked up. I said, ''Do you speak English?'' They all said yes. They proceeded to share with me, and I have got them in my office, handwritten poems about what democracy means to them. And on my Web site, Mike.Spence.House.Gov you can see this picture, literally these women handing this to me as if it were a newborn infant, this poem, their hands literally shaking at excitement with the idea of being able to be involved in representative democracy as citizens.

I close on this point. I looked them in the eye and I said, ''You all are like the founding generation of the United States of America. You are like the people that lived in 1776.'' I said, ''I envy you, because future generations of Iraqis will look back at you and thank you for your courage and your success and your belief in a free future.''

□ 1600

And they all giggled with delight; they understood what I meant and were obviously thrilled with the comparison to our founding generation.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding; and I think he has it exactly right, because we have to recognize how far these people have to go and where they are coming from. I mean, whether it is in Afghanistan where they were under the control of the Russians and the Taliban for 12 years and their per capita income is $150, where they do not have the rule of law, they do not have police agencies in place, they do not have a judicial system in place, they do not have transparent government agencies, so they have to go through that whole building process and they have to learn about representative government.

It is unrealistic for America, for Congress, or for anyone else to expect that by July 1 they will be like us, that they will fully understand representative government. That is going to take a tremendous amount of work; and we are doing this work in a very difficult environment, because there are still folks there who, if they saw and could identify the Iraqis that were meeting with the gentleman from Indiana (Mr. PENCE), those folks will become targets. There are groups out there, this is still a very deadly environment, but the gentleman is absolutely right. These people are going to be at the leading edge of building a new country.

Mr. PENCE. Mr. Speaker, I thank the gentleman, because the point he just made to me is a colossal one. The very willingness of regular Iraqis to attend democracy classes sponsored by the United States Agency for International Development is an act of personal courage. The day after we left Baghdad, literally a week ago, was the bloodiest day in Iraq since the end of the war. Four mosques were attacked in Karbala and in Baghdad where we just were. Nearly 300 Iraqis were killed; many more hundreds injured, and all of the mosques that were attacked, as the gentleman alluded to, all the mosques that were attacked were clerics and imams who were cooperating or understood to be cooperating with the transition to democracy in Iraq.

One last point. The Iraqis that we spoke to were rather incredulous that we were in any way surprised by the violence. I will never forget the Iraqi who said to me, these people killed over a million of our countrymen to hold on to power. Why does it seem surprising to your people that they would kill to get it back?

And I yield back.

Mr. HOEKSTRA. Mr. Speaker, some ask, are you winning the war on terror, and the level of violence in Iraq is something that we are very, very disappointed in. But the gentleman is absolutely right. We should not be surprised. There was a letter that we intercepted and captured a couple of weeks ago that clearly indicates we are making progress, because the letter indicates that, Hey, we need to kill Americans and coalition forces; but where we really now need to move to, because we know that they are being successful, we need to target Iraqis, either to discourage them from moving forward to building a new Iraq, and to try to create divisions between the Shiites and the Sunnis and the Kurds and try to incite civil war. The terrorist organizations and individuals who feel that they will be disenfranchised because they are associated with the former regime will do just about anything to keep power, and that anything right now means that they will target and kill Iraqis.

When we were there, we had the opportunity to meet with 600, 500, 600 police cadets, and we went there because the week before we were there, again, two bombings and over 100 either police recruits or policemen were killed. They are the first step in building a civil society, keeping law and order on the streets. And we talked to them; we laid a wreath at the academy and spoke with them about how we were going to stand with them. Because we know that these young men and women, men and women in their police academy, the day they leave that academy, they

are going to go into an environment where the police are going to have a price on their head. But when we went through, and I mean the gentleman had the same experience with the folks that he saw, the first thing you did is you looked in their eyes. They were glad that we were there. You looked in their face and there was a smile on their face. You heard what they had to say, and I think there was appreciation in what they had to say. You shook their hands, and it was a firm handshake.

Something that I had not experienced in my previous trips: when we were at the police academy, after just about every handshake and every thank you, they put their hand over their heart and then put it at their side. I said, What does that mean? I got it wrong; sometimes I would start with that. And they said, no, no, no, you end with that. What they said when they explained, they said, that demonstrates the intensity and the sincerity with which they are expressing their appreciation and their feelings to you for being there. So we had six Members of Congress who went to their academy and said, thank you, and as the gentleman states, our chairman was very eloquent when he talked to them, saying that you are the generation that will create the foundation for a new Iraq, and people will remember you because of what you are doing and the risks and the sacrifices that you may take. I yield to the gentleman.

Mr. PENCE. Mr. Speaker, I thank the gentleman, and I thank him for that moving explanation. I can candidly tell the gentleman that I did not have the presence to ask why almost every one of the nearly 80 Iraqis that I met ended every conversation like this; but I am very moved to learn it on this blue carpet, that it meant this is the intensity of the gratitude and the feelings. But I can attest on this floor that virtually every Iraqi with whom I spoke ended with their hand on their heart, speaking to me as a member of the United States. And I really believe, although intelligence estimates are that we are dealing with 1,000 to 2,000 insurgents, left over thugs, imported terrorists, people that are doing the killing that is going on and purposing to do more, but this is 1,000 to 2,000 essentially criminals and terrorists in a country of 10 million. And I believe in my heart, and I know the gentleman is my senior in Congress and often cautions me about over generalizations, but I believe in my heart if the Iraqi people could look the American people in the eye and rise as one man or one woman, they would be standing with their hand over their heart.

The people of Iraq that I spoke to are profoundly and overwhelmingly and emotionally grateful to the people of the United States of America, of Great Britain and Spain and all of the 33 nations that freed them from this nightmare of Saddam Hussein. I think of particularly the moment where a man who had been jailed 12 times over 25 years, who now is heading up an organization to identify the fate of nearly 1.2 million Iraqi men, women, and boys and girls who are still missing, who were dragged from their homes because of the belief in their disloyalty to Saddam Hussein. No due process of law, no trial of a jury of their peers, simply dragged away, never to be heard from again. And that man, as I expressed my appreciation for his courage, put his hand over his heart and expressed his thanks to the people of the United States of America for ending the nightmare, as he described it, of Saddam Hussein.

Mr. HOEKSTRA. Mr. Speaker, let us take a look at a different layer, because the gentleman and I know that when we are in Iraq, we do not get to go to all of the places we would like to go. I mean, when I have been in Baghdad, it is kind of like there is a lot of commerce, there is a lot of cars, the roads are busy, there is lots of people; and you want to just grab your driver and say stop, let me out, and let me spend the next half hour, hour just walking down the streets and talking to the people of Iraq, because I want to find out whether you are giving me the straight scoop. I think I am getting good input from the Iraqis, but are you selectively feeding me people that will only come with a smile on their face and those kinds of things.

The gentleman and I have both had the opportunity to talk to another layer of people who have interacted with the Iraqi people, and that is the American and coalition troops. When I was there last time, I had the opportunity to have dinner with 10 soldiers from Michigan, and my colleagues had dinner with 10 to 15 troops from their States. So we are talking to 75, 80 troops. And then I also had the opportunity to talk to parents or spouses whose husbands or wives are over in Iraq; and the American troops and the coalition troops, they are the ones, the ones that I met with. They are the ones that are patrolling the streets of Baghdad. Baghdad is divided into sectors, and the group that I had dinner with, they are patrolling four segments. So you ask them and say, What are the Iraqi people saying to you? And our troops, although I have not spoken to all of them, so I cannot say all of the troops, but the ones that I have spoken to have no doubt that we are there for the right reasons.

The gentleman from Indiana is right, they are not worried about whether we found weapons of mass destruction. Again, they have heard the stories of the torture, the killings, the brutality they have seen, how Saddam took care of himself and did not take care of his own people. They know all of this stuff. And they will tell us we are there for the right reasons. The Iraqi people are thrilled that we are there. The Iraqi people are frustrated that some of the rebuilding is not going as quickly as they would like it, that the security is not where they would like it, it is not where we would like it. But at the end of the day, they are glad we are here, they are glad Saddam is gone, and they are going to help us rebuild. They will tell us great stories about interacting, handing out books, rebuilding schools, digging wells, cleaning up irrigation trenches, getting the power going, and doing all of these things to help the Iraqis on a personal level.

I think the gentleman from Indiana had an opportunity to meet with some of the troops, and I yield to my colleague.

Mr. PENCE. We did, Mr. Speaker. As this picture attests, this is the gentleman from Indiana (Mr. BURTON), who led our delegation with great distinction, and me with a number of Hoosiers in the Air Force at the air base south of Baghdad. We were able to dine, as the gentleman from Michigan did, with a number of men and women in uniform; and it was truly inspiring.

As the gentleman suggested, Mr. Speaker, I just have to say that among the Iraqis with whom I spoke when I was in Baghdad and Basra, and among the soldiers, both British and American, when I would bring up the subject of weapons of mass destruction or the lack thereof or the search therefore, people would be completely uninterested. I remember speaking to an American intelligence officer who had been in charge of surveying a handful of the 270 mass graves that we found so far. And I looked him in the eye and I said, What say you of the lack of weapons of mass destruction? And he looked at me and he looked down at his shoes covered with sand, and he looked back at me with emotion in his eyes and he said, sir, from what I have seen, we did what needed to be done, whether we ever find any of those kinds of weapons or not. And this was the attitude that I got among our troops. I will say this without hesitation.

Having walked into the palace of Saddam Hussein myself and walked into another one of his palaces and seen the opulence with which he indulged himself and his cronies, and then having walked through the ruination of Basra, which is a city with 20 percent of the sewage capacity that it requires, with 50 percent of the electricity it requires, 30 years of neglect and repression, and the tyranny and murder of over 1 million people, I am going to agree strongly with that intelligence officer. We did what needed to be done in Iraq and we, as these soldiers reflected again and again, and the gentleman from Michigan got this as well in his words, these soldiers know we were on the side of the right in ending the 30-year reign of a murderous dictator, Saddam Hussein.

Mr. HOEKSTRA. Mr. Speaker, I have not had the opportunity to go to Basra, but the gentleman from Indiana talked about the Third World conditions. Again, I spent more time in the health care area in talking on a pretty regular basis with Mr. Haveman, talking about

what is going on there and what existed before. This is actually what the first lady talked about when she was talking about the new hospital we want to build in Basra. Decades ago Iraq had one of the strongest systems. But here are some of the stories.

Mothers tell stories of watching their children die because doctors do not have a small enough tube to give them oxygen. When parents bring their children to the hospital, they must also bring food, bedding and clothing, even their own blood supply. Under Saddam Hussein, one in eight children died before the age of 5. One in three was malnourished. Infant and child mortality rates doubled in 10 years while low birth weights increased from 4.5 percent to 30 percent. Today, infant mortality rates, and this is when the coalition came in, infant mortality rates in Iraq are similar to those in much less developed countries in sub-Saharan Africa. The prevalence of leukemia has also increased dramatically in the past decade and continues to grow at an alarming rate. Children in the United States with leukemia have a 90 percent survival rate.

□ 1615

In Iraq, the rate is less than 10 percent. Saddam took care of himself, his family, and a core group of Baathists, but other than that, the country just totally slid. And those folks received very little health care, very few benefits from the government.

Mr. Speaker, I will yield to my colleague.

Mr. PENCE. Mr. Speaker, I just remember when my colleague first returned from Baghdad, he shared with a number of us, his colleagues, video footage of Baghdad as a bustling city, a very modern city, which it was. And the reason we went to Basra the first day was because Ambassador Bremer and other officials were locked in round-the-clock negotiations over the constitution. So they sent us as the first delegation of American Congressmen to Basra.

I have to tell you that going from Basra, which is like a Third World country, I mean it is ravaged not by war, it is ravaged by 30 years of neglect and tyranny by Saddam Hussein who refused to, even though billions of dollars were flowing from the Oil for Food program into his regime, and he was building more and more palaces, these monuments to his own greatness with marble floors and crystal chandeliers the size of minivans hanging from the hallway ceilings, but then go to Basra, and there is ramshackle dirt buildings falling down, roads in disrepair, sewers in disrepair, it demonstrated to me that contrast more than anything between the bustling city of Saddam Hussein to a city under the control of Basra, the Shiite population, the mendacity of this regime and the self-indulgence and evil of this regime letting so many people live in poverty while they live in sinful opulence.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from Indiana (Mr. PENCE) for bringing it up. It reinforces the amount of work that needs to be done there: Getting a constitution, establishing a law, getting the police force in place, getting the judiciary, getting government institutions in place, and then also practicing the art of representative government.

But there is no doubt that I believe the people of Iraq are thankful that we are there, that we are making progress in that. And we have talked about the people in Iraq that my colleague and I have personally had the opportunity to meet. We have talked about our second hand accounts that are told to us by our troops who are interacting with the Iraqi folks on a daily basis.

Then there is one other level that I just want to get to before we run out of time, and that is before I went to Iraq the last time we spent a day in Libya. And for those who do not believe that we are making progress in the war on terrorism, there are a lot of folks who are believing that we are not winning or making progress in the war on terror, or that we are not serious about it, Muammar Qaddafi, Colonel Qaddafi believes that we are making progress, that we are serious about winning this war on terrorism.

The changes that have happened in Libya are dramatic, going from somebody who had a weapons of mass destruction program, a nuclear program all under development, all secret, to where we are today, fully exposing it, telling us not only what he has, but how he got it and these types of things.

We do not fully understand exactly why, but I do not doubt that there is some relationship to what we did in Iraq and where we said we are going to be focusing on, a war on terrorism, focused on it like a laser, we are going to go after it, and however he got to where he is and however Libya got to where they are today, we ought to be thankful that in this element of the war of terrorism, we have made that much progress in a very short period of time.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding. This photograph illustrates a brief meeting that we had with Ambassador Paul Bremer across the hallway from the negotiations over the constitution. My colleague spoke of the long work we have ahead. There is a new interim Constitution, which is a radical document in the Middle East, people have basic Bill of Rights freedoms in this ancient land for the first time ever in their history. In this picture actually appears the draft of that interim constitution that Ambassador Bremer calls it.

If we will stay the course, not only will we see the changes and the repentance that we have seen of Colonel Qaddafi, but I believe we are going to see the transformation of the society of Iraq as an Islamic country in their own form of democracy and freedom and a society built on rights that will transform that part of the world for our children and grandchildren and for the children and grandchildren of the good people of Iraq.

Mr. HOEKSTRA. Mr. Speaker, there is no doubt we are making progress. I want to read a couple of quotes from a speech that we heard in Libya. And if it becomes the role for the Middle East, we will have made great progress. Think about this quote. This is one of the Libyan parliamentarians. ''I believe God created man on this earth. Therefore, they have natural needs and natural rights. These are not bestowed by anyone else and they cannot be taken away by men.'' This is in Libya.

Now, think if they move that that direction. ''Every person has the right to develop to their full potential to live in peace, security and prosperity.'' ''How can you enslave people who are born free?''

There is something that is inside of all of us that we recognize these types of rights as being basic rights. And as we help bring those rights to Libya, as we help bring and foster those rights in Afghanistan and Iraq, we do not light the spark or the flame in these peoples, we give the flame the opportunity to grow and flourish. It is there. That is something that is in all of us, the right to be free, to be secure. And what we are doing is we are giving them the right to do that. But we also, at the same time, recognize the difficulty and also the number of people who want to extinguish that flame and enslave these people one more time just like Saddam did.

With that, Mr. Speaker, I yield back the balance of my time. I thank my colleague for joining me today.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 98. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, Members of the House, once again it is a wonderful day to be here in the House and share not only with my colleagues, but with American people, the issues that are facing not only our economy but our children's future.

I guess I would have to start, since this is budget time and as we are here on the floor simultaneously, the Committee on the Budget is meeting to try to work out this $2.4 trillion budget

that the President has sent here to the Hill. I must say to my colleagues that it is important on behalf of Americans, on behalf of working Americans, and on behalf of individuals that are unemployed in our country, that we make the right decisions not only for the future but for today.

I can tell you that I am very, very concerned about the direction we are going in right now of Members just following this White House with what they send us. We are trying to do the same thing with what they send us, as we just rubber stamp it and send it through. We cannot allow that to happen.

Under this budget, the reason we are in trouble today is it relates to just under 3 million jobs that have been lost and Americans out of work as we speak today. It is important for us to remember that we still have a health care plan that we have to put forth not only for Americans, but also to allow small businesses to be able to provide a health care plan for Americans who do not have it.

I will tell you right now for those that do have it, in many cases, their contribution is so high and it is continuing to grow, it is just really getting out of hand. But being a creature of the State legislature, where I used to be for some 8 years in the State of Florida, I cannot help but stand here on behalf of State legislators throughout the country, Democrats and Republicans, Independents and non-party, members of the legislatures throughout this country need representation here in the U.S. House of Representatives. And also local government, nonpartisan local government members, partisan local government members need a voice here in the Capital and, not only a voice, but they need action.

I will tell you I came to the floor this afternoon just to share a few things with my colleagues so that they do not think that this is just a Kendrick-Meek report. And there are a few Meeks out there that are a little disgruntled as it relates to the President's budget that falls short of a good vision for our country.

Let me just make a case in point. I could not help this morning when I knocked the dew off the paper here in the Capital city, I could not help but find that the National Association of State Legislatures, that I was a member of for 8 years, is a bipartisan group. That is, legislators come together to make sure that States are not left behind and that they are able to put forth the best government possible for their particular State.

And I could not help but see this article that is on the Federal page of the Washington Post today, and it says, ''President's Unfunded Mandates Criticized. Group says that States face huge bills.''

Now, I want to make sure that the American people understand what I am talking about. When the President says that he wants to make his tax cuts permanent, he speaks very passionately about making tax cuts permanent on behalf of the most wealthy Americans. Now, I think we can all be under the umbrella as it relates to middle-class tax cuts, as it relates to child credit, as it relates to tax cuts that are helping small businesses. But when you start looking at the big tax cut for the wealthiest Americans, I do mean the individuals who are not knocking on the doors saying I need a tax cut, we are giving it to them. And we are giving it to them at the detriment of our education system.

This points out Leaving No Child Behind as an unfunded mandate to States. I think it is very, very important for us to remember that it is okay to talk about standards because that is free. We can hand standards down to State governments and they can hand standards down to local school boards that will then impose them on children. Nothing wrong with that under a plan that is going to work.

But that makes that very problematic for hard-working teachers and for students that are trying to achieve this goal and for legislators that are trying to put together a budget because States that do not have the luxury that we have here in Washington, D.C. where we will just put it on the charge card. We will forestall it off to another generation or this generation to pay it later because we want to be the ice cream and cake Congress, or ice cream and cake administration.

At a time of war and at a time that we are looking at the deficit that is, I must say, $520 billion in change, that is going to continue to happen or continue to roll out unless we stop this President now as it relates to his budget and do not make these tax cuts permanent.

Let me take an excerpt, Mr. Speaker, from this article today in the Washington Post. ''The President's budget next year will increase the burdens to States $34 billion, according to the report made public in a news conference at the National Council of State Legislators in their winter leadership meeting in Washington, D.C., accusing the Federal Government of cost shifting.

That is not just something that they are saying. It is for real. Accusing the Federal Government of cost shifting. Utah House Speaker Stevens, who is a Republican, I must add, president of the National Council of State Legislators said, ''We have seen increases in practice of these recent years, and we are concerned that this is going to get worse.''

Let me tell you, ladies and gentlemen, there is no way in the world that State governments that are facing a $78 billion deficit across the country are going to close that gap if we are thinking about the wealthiest Americans. We cannot shore up the Social Security trust fund and making sure that we are able to provide Social Security, the promise that we made to so many Americans, if we make these tax cuts permanent.

Now, the President is saying that the tax cuts are going to help the economy. Well, I beg to differ. Because right now we are looking at a job loss of 3 million jobs, just under 3 million jobs. And he would have to go north of that number to even be able to show an increase. So since the Great Depression, no president like this one under his watch has actually seen this kind of job loss.

And I think it is important that we take very close note to what this situation is, not only to us as Americans, adult Americans, but to our children. People talk about our children's children. I think it is also important that this article talks about we like to pass things that sound good.

□ 1630

We want to pass clearer skies. I doubt if there will be funding. We have already passed the Leave No Child Behind, which States are now saying that the Federal government, as it recommends, the Federal commitments, we have done just that, we have left children behind.

We like to talk about the war on terror. I must say the effort on terror because wars are very costly, and I think it is very, very important that we remember, and especially as it relates to my colleagues who were just on the floor commending the President and the justification on behalf of the whole Iraq experience, let me just say this, it is important that we support our troops. Our troops are going to do what they are told to do. Rightfully so. The Commander-in-Chief is the leader. But I will tell you that as Americans, we have to pay very close attention to what one may do to take the attention off of the real agenda.

And I will tell you time after time again, if you watch the President as he moves throughout the country and has press conferences and things of that nature, we talk about standards. He talks about standards. He talks about the fact that he is compassionate towards seniors and veterans and all of the soft music that may be in the background as it relates to his speeches; but I will tell you in the real world that is not the case. We are leaving the troops's children and their parents and their loved ones that are over there with sand in their teeth in Iraq or Afghanistan or in Haiti behind.

It is important that we have remember and we look at the fine print here. We have veterans that are waiting 3 months to get a prescription filled through the VA. Now, I do not fault the good people who are trying to work with what they have at the VA. But I wish that the President and I wish that this Congress would move forth in this budget to make sure that the VA can cut that in half.

Concurrent receipt. I am so glad that my colleagues on the Democratic side had enough gumption to be able to pull a bill up to this floor to allow a veteran that is disabled, so they do not have a veterans tax, of taxing them while they

are disabled and a veteran at the same time. This leadership is important.

I want to make sure that the American people do not feel that this is some sort of partisan argument against the President. I will tell you individuals will have their opportunity to stand in judgment of this administration in the coming months. But I will tell you this as Members of Congress, it is very important that articles like this where you have Republican members of the State legislature saying that we are shifting the cost to them, and when we cut the Federal commitment, which when we give this huge tax cut that has already been given to the most wealthy Americans, that there will be no money to respond to the States.

Now, how this works in the real world when you have $78 billion in deficit throughout the country, then what do the States do? Do they raise taxes? Nine times out of ten, they do not. They increase fees. Your driver's license costs a little bit more. For individuals that are in coastal States, registration for your boat may go up a little bit more. For individuals that buy hunting licenses throughout this country, sportsmen, they pay more for their hunting license because the wildlife officers or the wildlife commission, their budget is going to be cut. So when that happens, what happens to the counties, our counties? They were just up here. Well, the cities were up here and I am going to get to them in a minute.

Our counties were just up here recently. And they were so very, very concerned. They are thinking that help is on the way, and that they are going to get some sort of relief. They look to the States for relief. The States are not going to give them the dollars that they used to give them rightfully. So what they should do so they can put forth the function to be able to make sure their residents, taxpaying Americans, are able to have some level of government services, or some level of police services or fire services, or homeland preparedness.

That is not going to happen. You make these tax cuts permanent for the most wealthy Americans, this country is going to continue to see what this speaker said, the president of the Senate of Utah said, that we are concerned it is going to get worse.

So basically, if we do not listen to the chairman of the National Conference of State Legislators make his arguments, it is almost like this Congress, Mr. Speaker, taking out a carton of milk and taking a smell of it and saying, wow, it is spoiled. Let me put it back in the refrigerator. Maybe it will be fresh tomorrow. We do know that is not going to happen.

I feel so bad for my colleagues that are ''deficit hawks.'' It must be very difficult to come up with an argument of where we can kind of cut this deficit in half. How can you do it when you have got a President that is willing to say, let us make sure that we make the tax cuts permanent and the more taxes you pay, the more money you should get. That may sound good in a speech, but in reality, you have Americans receiving on average somewhere maybe 50, $300 in rebate, and then you have millionaires receiving thousands, hundreds of thousands of dollars so that they can go on and do the things that they do, and it does not help the economy whatsoever.

Job growth. Let us just talk about that for a minute, because it is important since we have themed this special order to talk about States, talk about counties, talk about local governments, talk about school boards, about how the devolution of taxes will end up affecting every American's life. Let us talk about that for a minute.

The President said, hang in there. He was talking to some workers the other day. Just hang in there a little longer. It will be okay. It is going to work itself out. I must beg to differ with the President, because I feel this is the sour milk scenario once again. Let us put it back in the refrigerator. Maybe it will be fresh tomorrow. We know it will not be. The evidence is not there to justify the economic backing of what the President may feel as it relates to giving more tax cuts.

My colleague, the gentleman from Texas (Mr. DELAY), on the other side of the aisle, the Republican leader, last year he said there is nothing better the government can do, I am paraphrasing, than at a time of war than to give tax cuts.

Cake and ice cream.

We can not do that. We are supposed to be the responsible ones. Members of Congress who know better should do better. And unless we stop marching in lockstep, I must say on the Democratic side that is not the case, but on the Republican side, there seems to be a sense of pride that we need to just kind of hide behind this administration saying that it is okay. But it is not okay. For us to get to the top of where we were, I must adjust 3½ years ago looking at surpluses, now we have the largest deficit in the history of the country.

How did we get here in such a short time? Let us just give the tax cuts to the most wealthy individuals. Just put it this way, 56 percent of the tax cuts under the Bush plan is to the most wealthy Americans.

Now, I am not standing here saying I do not like individuals who are able to do the things they do, but these are the wealthiest of the wealthy. And it is very, very important for those of us that are here and have the power to do so, bring about the kinds of change that this country deserves.

Now, let me just say as it relates to the jobs, the 3 million jobs lost, the administration has changed the forecast 3 times. Well, we are going to be here by this day. No, I am sorry. We will be here by this day. No, we will be here by this day, just to try to get some sort of goal that could be met. And it is just not adding up, and I will tell you that it is very, very important that we remember that as Members of Congress, that we stand on behalf of what is right for the country, not just because administration and the Vice President comes here and he gets over here in the side room and the next thing you know, you have Members on the other aisle walking back in feeling very beat down and, well, I guess I got to go here and be with the home team.

Well, the home team has gotten us into a 3 million job deficit, the largest deficit in the history of the country and climbing. We have State legislators that are saying, oh, my goodness, they are shifting the burden over to us. And this budget alone, the next year, increased burdens will be on the States on top of what I am telling you right now will be $34 billion. That is not change. That is real money.

What is going to happen to you American people that are working every day, that are taking care of your family every day, that are doing all the things that this country has asked you to do to make us strong? Your children, they go to school every day. They are trying to make their lives better every day. They have hopes of going to college one day. But what we are doing here and what this administration, what the Bush administration is putting on this country right now is very, very unfortunate, and I am sorry to say it, dangerous economically. And our democracy depends on a strong economy.

Now, I will tell you that when the States make their budgets, obviously, they have to look at cuts. Their commitment is going to cut to local government. That means that the feeding program in your local community is going to probably end up reaching the ax. Here in the Federal, in this budget, we cut the COPS program, putting community police officers in communities to what? Prevent crime. Not respond to it, but prevent it. That is cut. You think the States are going to be able to pick up that burden? Of course not.

Then you look at programs as it relates to your quality of life, parks and recreations, that builds character in our communities throughout America. What has going to happen there? Maybe the summer program may not be there for your child. It does not matter what community you live in. I am not talking about Chicago, even though that would be an issue. I am not talking about Los Angeles, even though that would be an issue. I am not talking about just Miami and just my district because the State commitment has been cut because the Federal commitment has been cut to be able to allow tax breaks, permanent, on behalf of the most wealthy Americans.

I am not just talking about those cities. I am talking about Youngstown, Ohio. I am talking about small cities like Ocala, Florida. I am talking about towns and villages that count on State dollars to be able to help make and

provide the good services on behalf of their constituents.

Let us talk about cities. Well, cities, they count on counties. They counts on State governments. They count on the Federal Government. The cities were up here last week, which was quite interesting, and I took the time to listen to their arguments. And I will tell you right now, the cities are very concerned about the direction that we have continued to head in. They want homeland dollars. We talk about homeland security here in Washington. Yes, it is a good thing. I am on the Select Committee on Homeland Security. Yes, that is a very important committee. We have an appropriations subcommittee on homeland security. But let me tell you where the front line security takes place. That is in our cities and that is in our counties and that is in our small towns. And I will tell you right now they are hurting and they are feeling the pinch.

Now, you may, in a speech made by the President or by some Members on the other side, defending the President's policies of 3 years, of not really a job growth. And then when you see a job growth, it is about that big. And then we start talking about trying to get McDonald's and Burger King to recategorize to make it manufacturing jobs to try to add on to say, okay, we have a nice little stack there now of jobs. Look what I have done.

This is so very, very important that we remember that we cannot allow this to happen, what the President has put forth in this budget of making these tax cuts permanent.

Now, I think it is important as we look at homeland security or homefront security. We have police departments right now that need equipment. We have already taken the COPS program and snatched that rug out from under them, the most positive and aggressive program of preventing crime in this country in a very long time. And because we have taken those dollars away, police chiefs and sheriffs are hurting. Right now they are responding to crime in many cases. They are not preventing it.

□ 1645

I will tell you right now, I guarantee you I do not even have to take a poll. I do not have to call CNN or MSNBC or any of the networks or the talking heads that are on 24 hours. And I guarantee you, walk up to any American and you can ask them this question: One, do you want to prevent crime or do you want crime to happen and be reported? And as we start looking at this bad trend of the Bush administration of fighting on behalf of the wealthiest Americans, that is going to continue to happen. Crime will go up. Police chiefs are going to have to work with what they have on behalf of providing the very safety that Americans deserve in big and large cities. So when we talk about tax cuts and act like it is really not anything that affects Americans, it does.

Let us talk about what is happening as relates to property taxes. Because of our efforts here, or lack thereof, to stop the Bush administration on this tax cut for the wealthiest Americans, we have a bad situation as it relates to being able to stop property taxes from going up when we talk about local commitment. What is happening as this devolution of taxation, as we continue to move down and putting these unfunded mandates on that the State legislatures are saying that we are, local communities have to raise taxes, property taxes of home-owning Americans.

Let me just share this with you. For me to stand here as a Member of Congress, I have never raised taxes on the American people. When I was in the State legislature I never raised taxes on Floridians. For us to be able to say in the county, well, we do not want to raise taxes, but I shared it with you earlier in my presentation that they come in the form of fees, of increasing fees, need a new tag or hunting license or fishing license, things of that nature, this is kind of invisible what happens in local governments. You all of the sudden see the rate of your property taxes go up because they have no choice.

This is the last area to pass the buck, city and county governments; and it is very unfortunate, very unfortunate that we put those local governments in that position. As we are up here in Washington speaking here on this floor, there are local governments right now scratching their heads, wondering how they are going to meet a budget, how are they going to be able to provide the services to Americans. So while we are putting $50, $200, $300 in a tax cut, they are taking $500, $600, $1,000 out of everyday Americans' pockets as it relates to property taxes because they do not have what we have.

I am going to tell you I am very disappointed as it relates to this. It is really bad to be a Member of the Congress and say you are a Member of the 108th Congress that oversaw the largest deficit in the history, not in recent years, in the history of this democracy of the Republic. I am so happy because I am glad that there is some sort of difference here as it relates to the budget and how Members feel.

We have a Republican and a Democratic side; and I will tell you, my colleagues on the Republican side, I feel for them because for them to try to figure out how they are going to make an argument and not offend the administration, I know that job is getting more difficult every day; and it is so very, very important we let the American people know how their local property taxes are being increased, how their local police services are being decreased. Not because local government is saying we want to cut community policing. We are saying it because we want to stand up on behalf of the wealthiest Americans.

I will tell you this. I am very proud of the Democratic side of this Congress that believes in middle-class tax cuts, but as it relates to these wealthiest Floridians, wealthiest Americans, that are celebrating, an administration that stands up on behalf of giving them big tax cuts towards the detriment of local government and Americans that are trying to work every day. So it is not adding up.

I continue to see article after article of failed attempts by this administration to try to get this economy moving in the right direction. That is creating jobs; that is not a jobless economy.

I will tell you, this one Member of Congress, along with several other Members on the Democratic side, we are very concerned. Not only concerned, we are willing to take action, if given the opportunity, to put this country in the right direction.

Let us look at this, this ''Deficit in Trade,'' New York Times today. It is not just me, a Kendrik Meek report. This is a report, a reputable newspaper here in this country, ''Deficit in Trade Tops $43 Billion.''

Let me just say this. We give the administration too much credit. We give them too much credit; and I will tell you, I think on the Republican side, it is time to start asking the tough questions. It is time to start taking some action or the American people will stand in judgment of all of us, and those that are willing to stand on behalf of the American people, everyday working Americans, not just the wealthiest Americans that are celebrating this tax cut and the President speaks so passionately about, you would assume he would talk about, he would go and say, well, on behalf of No Child Left Behind, we have to fully fund that. You would assume that this President would knock down the door to try to fight on behalf of dollars to be able to go to local governments and provide teachers with the things that they need to educate our children.

Better yet, we speak passionately about making sure that we make the tax cuts permanent, outsourcing jobs. Like I said, we cannot give the administration the credit or this Congress as some Members of this Congress as though they are the authority and they have a good track record. There is no good track record. If there was one, I would not be able to stand here on this House floor speaking to my colleagues, speaking to the American people in the way that I am speaking right now.

I can speak with great evidence and great backing of how States are concerned about the direction that we are going in. How we are cutting the Federal, I keep saying it, the Federal commitment to local governments and cutting the Federal commitment to the American people.

I will tell you, as we define in the coming months, with this being an election year, yes, people will do things that they ordinarily would not do; but I will tell you one thing that has been consistent. The fact that the President has said that these tax cuts to the

wealthiest Americans will help the economy has not happened. Three million jobs lost, that is a long way to go to say that you created something, and I will tell you this. It is very, very important, very, very important in this budget time that this Congress, not just my friends on the Democratic side, but my friends on the Republican side, it is time for some Members of this Congress to go see the wizard and get some courage on behalf of the American people who allowed us to be a part of this Congress.

Remember, Members of the 108th Congress here in this U.S. House and in the other body, history will reflect on the fact that we oversaw and the Republican-controlled Congress, I must add, oversaw the largest deficit in the history of this country that children will have to pay, that living Americans will have to pay for a very, very, very long time.

I cannot help but get off of this wealthiest Americans getting this tax cut that the President wants to make permanent. It just does not add up. With all the needs that we have, efforts against terrorism, efforts to be able to make sure that we provide or we talk about the terrorism, we talk about our troops, being able to have a good national defense, but how about those individuals that have served? How about those veterans? How about those individuals that wore the uniform? How about those members of the American Legion? How about those individuals that are out doing community service like the Shriners and others that are veterans in this country and they are being stepped upon?

They are being stepped upon because they are being devalued as it relates to the commitment that they should have from this White House. Yes, there are some Members of Congress that have now said, okay, Mr. President, I am sorry, I know you want to fight on behalf of the wealthiest Americans; but we have these veterans and they are in my district, and we are going to have to do something about it.

Republicans came together with some very courageous Democrats that put forth a bill. A Member from Florida put forth a bill, but could not get it up under a Republican-controlled Congress. Democrats came together to be able to provide that opportunity so that hopefully we can do some things about concurrent receipt, which is the tax on veterans.

Remember I said earlier about how we pass it on in fees and different things that may take place, like delays on being able to see an ophthalmologist at a VA center, having backlogs at VA centers continue to increase instead of decrease, if we are really honoring and standing towards the commitment of Americans that have allowed us to be able to celebrate the very freedom that we live under and breathe under today.

Police officers, I cannot help but have a level of compassion towards police officers that are out there making $30-something-thousand a year, carrying a weapon, protecting our communities, protecting our highways. I used to be a State trooper. I was a State trooper in Florida for 5 years. I know what it means not to have what you need to have to be able to provide the protection that you raised your right hand and said that you would do and put the other one on the Bible. I will tell you that it is important that we do not leave them behind.

So when we look at these efforts of this White House to send a $2.4 trillion budget to this Congress, that is making tax cuts permanent on behalf of the wealthiest Floridians, I mean wealthiest Americans and Floridians I must add, the wealthiest, not folks that are just kind of, you have a good job, you are making a family income of about $80,000 a year. We are not talking about that group. We are not talking about the individuals that are making a little bit over $100,000.

□ 1700

We are not talking about those individuals. We are not talking about those individuals that are making under $20,000 or $35,000 a year as a joint household income. We are talking about individuals that are making hundreds of thousands of dollars a year, and who are celebrating a great representative in the White House right now, and that is the President of the United States.

But do not take my word, just look at how it is presented. When the President starts talking about tax cuts, of course he does not say we need to make sure the wealthiest Americans receive the tax cuts. But it is somewhere in the message. When you look at how it is playing out, the majority of the money in his tax cuts go to the wealthiest Americans. So it is not like he is fighting on behalf of everyday working people and saying that we want to provide that tax cut for you.

I talked earlier about the legislatures and how they are feeling the pinch and how they are passing that pinch on to local government. But police officers need equipment, and not only for homeland security but they need equipment to be able to provide safety in our local communities.

Now, let us talk for a minute about health care. I mentioned that at the top of my presentation here today before this Congress. There is no health care plan, and there will not be any money for a health care plan if we make tax cuts permanent on behalf of the wealthiest Americans. Do not think it will fall out of the sky. It will not happen. We cannot have cake and ice cream and meet a commitment that we should make to the American people.

Yet we are able to provide a health care plan that we here in this Congress celebrate. We have a health care plan that is just really something else. But I do not think my constituents sent me up here saying to me, well, we are so delighted and we love you so much that we want to give you health care that we cannot even have or afford. I do not think that was their message.

What I am saying to my colleagues on the other side of the aisle is that this is important. And to those who are either listening to me right now in their offices or have even made it back home, since we have finished business this week, think about it over the weekend, about what you have to do on behalf of those individuals at the airport when you get off that plane; think about that ticket agent that is there; think about that individual that is sitting there in that airport who is a development representative on behalf of a small shoe company who needs health care and cannot afford it. Think about those individuals when we start standing in judgment of this budget.

If we allow the wealthiest Americans to receive a tax cut over good health care on behalf of every day working Americans, some that are traveling by car, some that are traveling by plane, some that are trying to make ends meet, it is really a travesty and a shame. We cannot give this Bush administration the rubber stamp and continue to allow them to move forth on failed economic policies that are going to drive this country down, not up. Much more has happened to the American worker than for the American worker, and we have to pay very close attention to that. Let us not just watch the show, let us be a part of the show and make it better on behalf of the American worker.

I would say now that the decisions that are coming out of this White House on the economic front are a shame, and individuals should be embarrassed. People should be fired. We should be able to bring in a new team of strategists and advisers. But I do take comfort in the fact that this is 2004, and in a few months Americans, will be able to make the kind of decision they need to make.

I guarantee that when you do not have health care and you have to go to an emergency room for that health care, or when you are a veteran and you have to go to a Veterans Hospital to get some sort of assistance and you are waiting 3 months to see the ophthalmologist or the cardiologist, or whatever the case may be, that is not a partisan issue. That is an issue of leadership. So whether you are a Democrat, an Independent, or a Republican, whatever the case may be, there is a lot of blame to go around.

We will not be blamed on the Democratic side. I guarantee you we will not be jumping up and down on making these tax cuts permanent on behalf of the wealthiest Americans. I am just so glad that God has allowed me to have enough breath in my body to come here and put this on the RECORD and to let Americans know that we should not allow the wealthiest Americans these tax cuts. And I am not hating on them,

I am hating on the leadership of this country as it relates to the President of the United States that keeps selling to the American people that this is a good thing. I just do not know how it is.

And I will say this right now. We need to stand up on behalf of those individuals working every day and that have to stay healthy to be able to provide health care and some sort of way of life on behalf of their families, men and women, some two-parent households, some one-parent households, and with their price of health care continuing to rise, and the price of health care continuing to rise for small businesses, then we are standing up with the President for the wealthiest Americans.

I am sorry if someone is disappointed because I am here speaking on behalf of everyday Americans. The people that work in the Federal Government do not have the kind of health care they need to have, and we need to fight on their behalf. We need to say no to the President as relates to providing tax cuts to the wealthiest Americans. I am going to keep saying it, and I think that Members of this Congress should keep saying it.

I am trying to make the job easier on behalf of my friends on the Republican side that want to say it but cannot say it. And the reason why they cannot say it is that they will fall out of step with the administration. I have seen it. It has been all over the papers, the kind of pressure that this administration put on good Members of Congress who are trying to make good decisions on behalf of their constituents. It is well documented. This is not the Kendrick-Meek Report, this is the report of the reality of what is going on in this Capital city.

We should not stand by and allow this to happen, and I do mean those of us who are carrying 108th Congress voting cards. We should not allow this President to continue to make decisions and give him credit where credit is not deserved, based on the report of this administration and the fact they have not been able to create positive job creation since the President has been President. Just short of 3 million jobs.

Some say we are on our way up. Well, three million is a long way to go. Try to tell that to an individual whose unemployment has ran out and they cannot find a job. Meanwhile, we have a President who thinks and who is talking about, oh, it is good to send jobs overseas.

So while we are here fighting, and the majority, I must add, I am hoping that we can get them to really think the way they want to think and act the way they want to act and saying no to the President of the United States; that we will not allow this to happen. Because the Social Security Trust Fund will never be resolved and it will be going down into deficits.

We believe in community policing, we believe in providing health care for those that have worn the uniform and who are entitled to the respect they should receive, many of whom have lost limbs and have diseases that they cannot shake because they fought on behalf of this country. They should not be waiting 3 to 6 months to try to see a doctor or to try to get some sort of specialty treatment at a VA Hospital.

The VA hospitals should not be closing, but they are closing, because we are about to take away their money. It is already happening, only we are going to make it permanent. So where is the money going to come from? The President is going to walk around and say we have cut taxes, we have made them permanent. Well, that sounds good. Taxes have been cut. But the reality of it is that the majority of Americans are not the ones that are receiving this, 54 percent of the dollars in that tax cut. And it is little increments as relates to every day working Americans, but huge tax cuts, in the hundreds and tens of thousands, to the wealthiest Americans, who will receive and continue to receive as far as the eye can see.

But we are here talking about where are we going to be able to provide affordable health care, talking about why we cannot stop property taxes going up. If there is a local school or bond question on the ballot in your State's primary, or a question on the ballot as relates to a local election, it is not because the school board failed you, it is not because the county government failed you, it is not because of the school boards that are operated by the city, it is not because the city has failed you, it is not because the State has failed you. It is because the President of the United States thought it was important to make sure that we provide a tax cut, and to make it permanent, I must add, on behalf of the wealthiest Americans.

As I close, I just want to say that, and this is important, that these tax cuts for the wealthiest Americans have nothing to do with the effort against terrorism. It has nothing to do with it. Nothing patriotic about giving tax cuts to the wealthiest Americans. I did not see a millionaire or a billionaire coming to my office saying, Congressman, I sure need you to fight on my behalf. I want you to make these tax cuts permanent.

You know the reason why they are not coming to my office saying that? Because they cannot look at me straight in the eye, nor can they look at the American people straight in the eye and say that. But this President, and you need to check it for yourself, this President goes flying around, burning all kinds of Federal jet fuel, talking about it is important that we make it permanent. He leans on the podium carrying on and looking and winking and all that kind of stuff, and that is good for the television, but in reality, he is telling us to forget about a health care plan because there is not one. We can forget about a good Medicare prescription drug plan, because there will not be one. There is not enough money to be able to do it.

And I do not even want to start about what this Congress was told and about what happened afterwards. Millions of dollars underforecast as relates to the plan that was passed. I do not even want to get into that. That is another entire special order. But as far as community policing, we can begin to look to our local communities not preventing crime but reporting crime. We had those days. We want to get away from those days, but I think those day will come back.

Veterans. Veterans. Oh, my goodness, I am so glad this is an election year and that they are getting some level or maybe a small response that is just starting from this Bush administration because of the pressure and the reality of what they have to live under, not being able to receive the kind of health care that they need and waiting in lines.

Mr. Speaker, I close by saying this: I go back to the Washington Post today. State government leaders. The Utah Speaker of the House, Mr. Stevens, said that ''we have seen an increase in that practice in recent years and we are concerned this is going to get worse.'' That is what the evidence shows. That is what will continue to happen if this House allows this President to make these tax cuts permanent on behalf of the wealthiest Americans.

State governments, brace yourself. Local communities, brace yourself. Property owners, brace yourself. Hunters and sportsmen alike, and sportswomen, brace yourself. Brace yourself because you will be paying the price because we want to fight on behalf of the few. We want to make sure individuals that live in gated communities and who burn a full tank of gas getting to their front door get their tax cut.

On behalf of the Democratic side, and on behalf of some Republicans that are thinking in their mind that they want to be able to say something, not only say something but want to vote against some of this stuff that the President is putting down, I am asking this Congress does not continue to follow this President down a track of continuing not only to outsource jobs, but continuing to put this country in economic jeopardy.

I have a problem with us knocking on the bank of China saying we need money to pay down money on the largest deficit under our watch. Something is fundamentally wrong with that. And you can talk about Democrat-Republican, but the reality is there was a surplus until President Bush took the White House, then all of a sudden we have record deficits. We have red lines that are running deep you can lose consciousness.

I think it is important, my colleagues, as we take this recess over the weekend that we come clean with the American people about what is to come. I hope and pray on behalf of veterans that we do better by them.

I pray on behalf of children, who are trying to rise up to the standards that have been set by this administration without the resources in this budget that will be able to respond to the needs of every day teachers and administrators that are working to be able to make sure that they can provide an environment and also be able to put forth an education system that is going to help our children learn, outside of just having test centers and having rhetoric out there, these one-liners talking about how we have raised standards.

I hope and I pray that Members of Congress stand on behalf, and especially on the majority party, because on the Democratic side I know where we stand, but I am hoping and praying that someone, some Member stands up and gets other Members on the Republican side to say no to the President of the United States; I do not care if it is an election year or not, Mr. President, you will not make tax cuts permanent on behalf of the wealthiest Americans. And not just because we do not want you to, but because the Republic depends on the very resources you are willing to give away to individuals who do not even need it, and which will provide for health care, for Social Security, for a prescription drug plan that actually is a plan on behalf of the American people and that will drive costs down, and which will also make sure that we have police officers in our communities that are going to prevent crime and not report it.

□ 1715

ISSUES FACING CONGRESS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I thought we would finish up this week touching on several issues. We just heard about a lot of issues from the other side of the aisle; and I have several things that I want to address, and the gentleman from New Mexico (Mr. PEARCE) is here to speak as well. I want to speak on the reauthorization of the transportation bill that we will be taking up in the latter weeks of this month. I want to talk a little bit about where we stand on fighting and winning the war on terror, and I would like to finish up with a discussion about retooling Medicare and debunking some of the myths that we have heard expressed on the floor of this House this week.

Mr. Speaker, I yield to the gentleman from New Mexico (Mr. PEARCE) to speak on his part of the discussion.

Mr. PEARCE. Mr. Speaker, first of all, I would like to talk about education and an exciting thing that is occurring in my district.

I would also address some of the economic factors that this Nation has faced and will continue to face. We have important things about Medicare that we need to communicate to the American people, and I will do that this afternoon also. If we get a chance, we will talk about the concurrent receipts issue, an issue of fairness for our veterans that this Congress, under Republican control, took care of. It had been a problem since 1892 when the bill was passed that disallowed concurrent receipts. The Democrats continue to say that we have not taken care of our veterans, and yet we took care of that concurrent receipts issue, which was a problem during the entire time of the 40 years of uninterrupted power that the Democrats held in this Congress and they refused to take care of it. They refused to hear the bill, refused to get it out of committee, and now they are claiming that we did not do that. The facts speak differently.

Mr. Speaker, returning to my education issue first, Roswell High School, New Mexico, is in my district. They recently have been named as one of 12 breakthrough high schools in the Nation by the National Association of Secondary School Principals, the NASSP. The breakthrough high schools project identifies and showcases exemplary high schools which have met the challenges of low-income, high-minority student populations, which describes my district. It describes some of the most desperately needy high schools in the Nation. That is the reason No Child Left Behind was put into place. It causes our school systems to acknowledge the difficulties of teaching the low-income, high-minority student populations because they are the ones that are being left behind.

Roswell High School's success is one of the best examples of school turnaround that I personally have seen. No Child Left Behind gives schools the resources, the flexibility and local control to make great changes. I am both excited and proud to talk about Roswell High School and its principal, Mike Kakuska from the floor of this House. Mike Kakuska is my hero. He is the one who deals with young people on a day-to-day basis, encourages them to do better, convincing them that they can do better, all of the while making progress in his school. His comment is that we have a credo here: dinosaurs disappeared because they did not change. If something does not work, we change it. The education system in America has not been working. We were leaving too many children behind, and simply the title of the bill says it best. Let us stop leaving kids behind because it is the poorer and disenfranchised who never will have an opportunity to go to a different school.

No Child Left Behind has channeled tremendously increased resources at education. When President Bush came to office, the expenditure from a Federal level was about $27 billion on education. That number is over $50 billion now and increasing. Yet we are told by the Democrats that we are underfunding education when they know, when they are talking about the fact that we have increased over double what they funded education at during their tenure.

The most egregious example of Democrats misusing facts is when they send our constituents in to say we are not funding IDEA, the Individuals with Disabilities Education Act; and yet the facts tell us that traditionally from the very onset of IDEA, the funding was around $1 billion. Finally after about 30 years, under President Clinton the funding increased from $1 billion to $2 billion; yet in the time that President Bush has been in office, funding has increased from $2 billion to over $11 billion.

Mr. Speaker, I think that we need to tell the American people the truth. The greatest thing that I see No Child Left Behind doing is that it allows local flexibility and local control. Local school districts are given four different income streams where they can move money back and forth between programs. They are given the flexibility to direct money where it belongs.

If a school is failing, increased resources are sent to that school for mentorship, 101 training, or whatever it takes to get each individual student up to par. One of the most important aspects of No Child Left Behind is right now there are over 150 school districts nationwide who have 100 percent control over the education dollars that go to their school from the Federal Government.

We think that if the local school board will make decisions, if the local school board is responsible for the education of their children, if we take education out of the hands of Washington bureaucrats, if we take Washington out of the hands of the State bureaucrats that local school boards and local administrators and teachers will solve the problem.

The No Child Left Behind Act begins that process of giving local autonomy and local control. I think that Michael Kakuska and Roswell High School are the best examples in my district of what No Child Left Behind can do, and I commend them for that.

Mr. Speaker, I will speak later on about taxes, Medicare, and a few other issues.

Mr. BURGESS. Mr. Speaker, we will transition from the part of the infrastructure in our communities that is responsible for education to the part of the infrastructure in our communities that allows us to get to schools. I am talking about our transportation infrastructure.

Mr. Speaker, in regards to transportation, we are at a crossroads in this country. We are at the intersection of the demands for creating the type of infrastructure that will facilitate commerce and move our citizenry and trying to achieve some type of rational spending limit within our Federal budget.

Back home in my area of north Texas, we face a silent crisis. This crisis is largely unrecognized by residents

until they find themselves in an unbearable commute to work, or unable to make the necessary connections between home, work and other activities in their daily lives. My area of north Texas has experienced an increase in traffic over the past 3 decades which is the result of unprecedented population and employment growth. Added to this is the underinvestment of Federal transportation dollars to my area.

Mr. Speaker, the time is now to make the necessary investments in our transportation infrastructure. In Texas, our transportation needs outstrip available funding three to one, and these are not trivial funding needs, these relate to supporting international trade, streamlining the environmental process, and expanding innovative financing techniques.

Handling taxpayers' dollars with care is one of our highest callings here in the House of Representatives. That obligation is enshrined in the Constitution. Our charge as congressional representatives is to protect dollars taken from the taxpayer by streamlining and improving activities of the Federal Government, not just to simply spend and dispose of those dollars.

Sadly, when Federal dollars are not handled with care, important Federal programs such as our transportation programs find themselves being hurt and neglected. Last year shortly after my election to my first term in Congress, I was very fortunate to be chosen a member of the House Committee on Transportation and Infrastructure.

I wanted to be sure that the United States Department of Transportation was ensuring the most efficient business practices within the agency. I requested and had a meeting with the Department of Transportation Inspector General, Mr. Kenneth Mead. We discussed the business practices of the agency and how Congress could better facilitate removing inappropriate expenditures in relationship to transportation spending.

Mr. Speaker, the Department of Transportation has not changed the way the agency disburses transportation funding to State and local entities since President Eisenhower was in office. The Inspector General recommended that if one cent had been saved out of every dollar spent over the last 10 years in transportation programs, the Department of Transportation would have had an initial $5 billion to spend. That is $5 billion. That would equate to the amount of funding needed for four of the 11 major transportation projects currently under way in this country. Clearly, greater efficiency within the Department of Transportation could have an enormous impact on more efficiently spending taxpayer dollars.

The Inspector General shared with me examples of how transportation projects could be used as examples or models of government efficiency. In the State of Utah in the preparation for the Winter Olympics, Interstate 15 needed substantial improvement. By streamlining the design-build process on that project, Interstate 15 was completed ahead of schedule and underbudget and available for individuals traveling to the Winter Olympics that year.

Similarly in north Texas, the Dallas Area Rapid Transit System worked within their budget last year and actually returned over $20 million in transit funding to the Federal Government. Unfortunately, there are examples of transportation projects which are not carefully managed; and as a result, taxpayer dollars are not wisely spent.

The Ted Williams Tunnel, the central artery project in Boston, Massachusetts, the project known as the Big Dig, is the poster child for inefficient Federal spending on a transportation project.

The GAO has estimated that for fiscal years 1998 through 2001, the highway trust fund account lost over $6 billion because of the ethanol tax exemption and the general fund transfer. Using the Department of Treasury's projections of gasohol tax receipts, the General Accounting Office has estimated that the highway trust fund account will not collect $13 billion because of the tax exemption from fiscal years 2002 through 2012. There is an almost $7 million shortfall from the general fund transfer between the same years.

Prior to the last reauthorization bill in 1998, the highway trust fund earned interest on its balance which was paid by the general fund. If the highway trust fund had continued to earn interest on its balance, the United States Department of Treasury estimates that the highway trust fund would have realized about $4 billion from September 1999 through February 2002.

Mr. Speaker, between modifying the Department of Transportation's practices with State and local governments and reevaluating the true purposes of the highway trust fund, I believe we can work together to ensure that the Federal Government is more effective and efficient for the American taxpayer, and we have more dollars to spend on needed transportation projects.

If we are unwilling to make the monetary investment and the necessary policy changes, then I am afraid our vision for our Nation's highways will be of a congestion-bound commuter sitting in a traffic jam literally watching the bridges and roadways crumble before their very eyes.

There are policies that we could put into this year's reauthorization bill which would have a dramatic impact on the efficiency with which our highway dollars are spent. I believe we need to have policies included which will allow States the flexibility to complete large projects in less time and consequently save money. Streamlining the design-build process, as was done with Interstate 15 in Utah, will achieve this goal; and I seek inclusion of this concept in the final reauthorization legislation. More funding and flexibility, which allow for an increase in efficiency, will equate to better roads, better bridges, and better transit facilities.

Logically following from that, we can expect less congestion, improved safety, as well as the economic value of increased commercial transportation.

□ 1730

I remain committed to working with Federal, State and local officials during this reauthorization year to address the long-term needs, not just of my district, not just of my State, but of the country at large. We need to ensure that our Federal Government wisely spends the taxpayer dollars on transportation infrastructure. We need to do our work. We need to produce a bill which adequately provides for our economic security, creates and sustains jobs, enhances safety and continues to improve mobility for our Nation's citizens.

I think a worthwhile goal, Mr. Speaker, would be to allow Americans to spend as much time in family discussions at the dinner table as they currently spend simply trying to get home.

I yield back to my friend from New Mexico.

Mr. PEARCE. I thank the gentleman from Texas.

Mr. Speaker, right now we have National Guard members in Iraq who are defending not only the freedom of this Nation in fighting back in the war on terror that began on 9/11 in this country, Mr. Speaker, but those National Guard troops are serving and putting their lives on the line. And that is not new. Our National Guard has been doing that throughout our history.

In World War II at Omaha Beach, some of the greatest casualties occurred in the Virginia National Guard. Members of my own New Mexico National Guard in World War II were in the Pacific. They made a thing called the Bataan Death March. I have known about that event throughout my entire life because I had next-door neighbors who were on the Bataan Death March. It was not until I went to the New Mexico House of Representatives that I began to understand why we had so many of those, and that is because the New Mexico National Guard was activated, sent there, they did their duty and many of them died.

It is with this backdrop that I was profoundly disappointed several weeks ago when Terry McAuliffe, the chairman of the Democratic National Committee, said President Bush served in the National Guard, but never served in our military and our country.

I will tell you, those comments are so demeaning to the people who served in our National Guard that I was offended and asked for an apology. I am now asking that the chairman of that committee would resign over his comments that detract from the service of all of our National Guard Members.

I came to the floor of this House several weeks ago to talk about the rhetoric that was starting in the campaign, and just earlier today we saw a report from the leading Democrat contender for President where he referred to the ''crooks and liars on the other side.'' I will tell you as a Republican, I will say that his comments were unfounded, they were extremist and they have no basis in fact.

He has already turned down a demand for an apology. I do not think he will do that, because I do not think he is a large enough person to do it. But I am profoundly disappointed by the comments from the Democrat candidate for the office of President.

I yield to the gentleman from Texas for the next segment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Chair would remind Members not to make personal references to Members of the Senate, even if not by name, including candidates for the presidency.

Mr. BURGESS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I heard those same comments last night when I was working late in my office, and I, too, took offense at those. I was reminded that the founder of our party, Abraham Lincoln, said that if a man asserts something to be true, even if he does not know whether it is true or false, that man is in fact himself guilty of a falsehood. When an individual refers to all members of this Republican side of the aisle and this body as crooks and liars, I assert that that that man is in fact himself guilty of a falsehood, and then thereby becomes that which he condemns.

I join with my friend from New Mexico in asking for an apology from this individual. I think it is only proper that he do so.

Since the gentleman was talking about the service of our troops and our National Guard overseas, let us also think about our success in the war on terror. We must remember that our President, our leader, George Bush, led us into this battle, and in fact if a Member of the other body had been in control, Saddam Hussein would still be the dictator in Iraq, brutalizing and terrorizing his people. The President and the Republican-led Congress are winning the war on terror and bringing the light of democracy to all corners of the world.

Just this morning on a conference call with Ambassador Bremer in Baghdad, he talked about the signing of the Iraqi Constitution that took place earlier this week. In fact, it was not quite a week ago that all parties were gathered to sign the Constitution, but it did not happen last Friday.

Of course, we saw that reported rather generously in the newspapers, that the signing of the Constitution did not occur at the time that it was supposed to. We did not read that much about its signing on Monday, other than the fact that it was indeed signed. All 25 members of the Iraqi Governing Council signed the Constitution. There was no change in verbiage that occurred between Friday and Monday. Whatever differences there were worked out with a concept of compromise that is apparently a new concept in the country, the free country of Iraq.

The signing of that Constitution was such a big event that sometimes something happens that is so big it almost gets lost and you almost do not realize how big it was and how much that means, not just for that area of the world, but for our country. Maybe not for people in our lifetimes, but certainly in our children's lifetimes, they are going to see a world markedly different because of the work that has gone on in that country, really for not quite a year's time. I believe next week will be the one year anniversary of the beginning of Operation Iraqi Freedom.

Certainly the press in Iraq was amazed by the fact that they had come this far to craft an interim Constitution, the fact that it had happened this quickly. Certainly they have got an aggressive task ahead of them in Iraq in getting approval for this interim Constitution, but Ambassador Bremer emphasized this was indeed a revolutionary concept in the country of Iraq. They are going to be governed under the rule of law, which is a new concept for them.

They have a robust component of individual rights built within that Constitution. I believe, if I am not mistaken, there is a provision that 25 percent of the elected representatives in that country will now be women, a marked change from what they were looking at before. They will have an independent judiciary. They will have majority rule, but the rights of the minority will be protected. There is a commitment to democratic principles. There is freedom of religion, but there is also freedom to practice religion as a person sees fit.

All of these are enormous concepts that have been crafted, again, in a relatively short period of time in an area of the world that has not known much freedom for the last 20 or 30 years.

I was in Iraq just a little over 2 weeks ago. In fact, we heard on the floor of this House earlier this week some criticism of the administration because there is no capture of Osama bin Laden yet, and that the effort was diverted by what was going on in Iraq.

Well, I also visited the country of Afghanistan and the country of Pakistan. I met with both President Musharraf and President Karzai respectively in those countries.

I want to share with this House a picture which was given to me by General Austin of the 10th Mountain Division out of Fort Drum, New York. This is a picture where I think one picture worth 1,000 words, probably so. This picture demonstrates the degree to which our soldiers are going to capture, contain and kill those who would harm innocent Afghani citizens, certainly bring harm to our troops.

This was an individual who was sought by the coalition forces in Afghanistan. He thought he was relatively immune from prosecution, living high on a steep mountainside. He was visited by some of our forces. Then, to bring him to justice, they landed half a helicopter on his house. You can see his campfire still burning down there. He was brought up to the roof and loaded into the back of the helicopter.

Think of the effort involved in the capture and containment of that individual. I do not recall whether that was a Taliban or al Qaeda or simply a warlord that they were attempting to bring to justice, but it was quite a startling turn of events for that man that morning when half of that helicopter landed on his roof to bring him back to meet whatever fate awaited him.

I cannot tell the gentleman from New Mexico how glad I am that he brought up the service of the National Guard in this country. When I was in Iraq and we spoke to the General of the Fourth Infantry Division, General Odierno, the division that captured Saddam Hussein, he said under his control, I cannot say numbers, but there were a substantial number of Guard and Reserve under his command, and he said, ''I cannot tell you at this point who is Guard and who is regular Army. They are all the same in my eyes.''

As the father of a young man in the Air National Guard back in Texas, I thank the gentleman from New Mexico for bringing up the valor of their service, not just in this conflict, but throughout the history of this country.

Mr. PEARCE. I thank the gentleman for yielding. As I look at that picture, I wonder about the person that is taking the picture. That is a stunning shot from high up in the mountains there, taken at the moment of impact, and it just expresses in detail the fine job that our troops are doing.

At the end of October of last year, October 31, November 1 and 2, I was in Iraq. I visited with our troops to find out what their attitudes were. I can tell you that every single troop I visited with, both from New Mexico and from outside New Mexico, they all believed in what they were doing, they were highly motivated, well trained and doing great work.

Their one comment was, ''Why do the people in America not find out the good things we are doing?'' I cannot tell them why the news will not cover the good things that are going on in Iraq, the very positive rebuilding efforts, the winning over of the hearts and minds of the Iraqi people, but I can tell you that those soldiers know about it. They see firsthand that people in the neighborhoods who have been told their entire lives, for 35 years under Saddam Hussein, that Americans are evil and will be coming there to hurt them, and as the Iraqis find that not to be true, they bring their kids out in

the streets and hold them up to see the Americans eyeball-to-eyeball, and that is touching the lives of the young men and women from New Mexico serving there. I compliment our troops for the fine job that they are doing.

But our reconstruction efforts are going well. We have about 75 percent of Iraq is fairly stable. About 25 percent is unstable. But I visited also with General Odierno. That was before we captured Saddam Hussein. He told me, ''My troops have stepped on his tail a couple of times and we missed him.'' He said, ''It is going to be my people to capture him,'' and the gentleman from Texas (Mr. BURGESS) pointed out it was the troops under General Odierno that captured Saddam Hussein.

I will tell you that when I look back on the short time that we have been engaged in the war on terror, we have the Taliban completely uprooted and out of Afghanistan. Al Qaeda is on the run. The funds raising mechanism in Saudi Arabia that was funding the war on terror has been eliminated. Under A.Q. Khan, nuclear armament components were being sold on the world market, and that completely marketing network of nuclear armament has been taken down and disassembled. We have gone back and repossessed some of the nuclear things that were sold to countries. Pakistan now is energized and willing to help us in the war on terror. Iran is admitting publicly that they had nuclear weapons and nuclear capability. Syria is beginning to change their attitude. Libya has changed theirs.

We have come so far in this war on terror. It disturbs me when I hear the national campaign from the Democrats saying we should back up, we should bring our troops home, we should rethink it. I will tell you that the worst thing we could do is to stop the war on terror, because that is one of the events that destabilized our country.

People wonder why we are doing the tax cuts. I will tell you, our economy has suffered three deep shocks. The first, of course, was the dot.com collapse. That occurred in the last years of the President Clinton term. We had stocks that were valued at way over their actual dollar value. That occurred because people were euphoric. Some of these companies had no products, they had no net income, they had no sales. They just had a name and a concept, and people were bidding the stock up from nothing to $200 and $300 per share. That euphoria in a market cannot be sustained. What we found is that the dot.com collapse came, as well it should have.

□ 1745

It brought a correction into the market to bring reality into the market, but it also set our economy back on its heels. We were just about out from underneath that recession when the 9–11 attack occurred. That was approximately a $2 trillion shock to our economy and over 2,000 lives in one day. When people worry about the cost of the war, I would just remind them, yes, it is extremely expensive. War is never inexpensive. It is at almost $200 billion right now. But I will tell my colleagues that $2 trillion in one day is over 10 times the total cost up to now of the war.

Mr. Speaker, 9–11 set our economy back yet a second time into a little bit different and deeper recession. Finally, we are just about to come out of that when the Enron, Global Crossing, the WorldCom collapses began to occur and people started taking their money out of the stock market. That was a deeper shock still to the economy, causing an interruption in the confidence of the American people in our system. During those three events, we found that our economy was so resilient that it never got plunged as deeply as it could have into recession, but it was always lingering in the last phases of it.

We gave the tax cut in this institution, we voted for the tax cut because tax cuts create jobs. We had hoped when we offered the tax cut that we could get a 3.5 percent rate of growth in our economy. We were stunned in the third quarter to find out that the rate of growth was actually 8.2 percent instead of the 3.5 percent that we had hoped for. The rate of growth has settled down to a more modest 4 percent, but Alan Greenspan says that he expects that number to remain constant; and I will tell my colleagues, if we can remain at the 4 percent growth level, that this economy is going to be in good, good shape.

There are many reasons that the tax cuts were given, but one of the most important things that occurred is that 75 percent of the people in the higher income brackets that got tax cuts are small business owners. When we give small business owners a tax break, we are affecting over half of the employees of the United States. Small business is one of the most vibrant forms of employment in this country; and the tax breaks, the expensing for small businesses, the accelerated depreciation were two of the most dynamic parts of the equation. They are the things that caused our orders of manufactured goods to increase, the orders of vehicles, of large equipment, of new capability; and it is that expansion that brings on new jobs into this economy.

When our opponents talk about the number of jobs lost, they simply refuse to talk about the number of jobs that are sent overseas by hard policies and too invasive regulation. I was in committee the other day, Mr. Speaker, and the Committee on Resources was talking to the people who cut timber and who process timber into lumber. Those fine union members of that group declared to us that 3 million jobs in that one industry had been sent overseas by policies that refuse to let people cut timber anymore. The Democrats on that committee said, you will be okay, you will be fine. You will have jobs in tourism. The members of those unions in that meeting told the Democrats, we do not want jobs in hotels; we want our good, high-paying jobs in the timber industry back.

Many times we fail to account for the jobs that are sent overseas by the regulations that we impose as a government. I think that it is an important consideration in the job loss for this country, because I know that our companies would rather stay here and compete as long as they can.

Mr. Speaker, I yield back to the gentleman from Texas (Mr. BURGESS) before I go into my next discussion. I would ask him to let me know when we would like to yield back the floor.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding. I would like now to move on to the topic of Medicare and perhaps health care in general; but let us start with, let us start with a discussion of Medicare. When I do my town halls and discussions back home, I am asked, Why in the world did you even take on the task of trying to reform Medicare? Why even do it? It is such a heavy lift. It is such a big job.

The fact remains, Mr. Speaker, that in 1965 when the Medicare bill was signed into law, they covered the two things that arguably would pose the greatest financial threat for a senior citizen, and that would be a major surgical procedure or a prolonged hospitalization, say for example, for treatment of pneumonia or a bad kidney infection. The prescription drug benefit was not written into law at that time because prescription drugs available, I think, looking back at that time, I was not in practice, but I think we had penicillin and cortisone and those two were interchangeable; but prescription drugs and the availability of treatments for medical illnesses has drastically changed over the last 39 years since the enactment of Medicare. And to have modern-day practice of medicine without the ability to provide prescription drugs essentially made no sense. We were looking at a situation where, and we have heard this quoted many times on the floor of this House during the debate, we would be more willing to pay for the end-stage renal disease or the amputation than we would be willing to pay for the medication to treat the diabetes to prevent the end-stage condition from happening in the first place.

So it was important, from the standpoint of the perspective, if you are going to have a Medicare system, and I realize that there are people who would argue that perhaps the Federal Government should not be doing that, but the fact is, we are doing it, we have been doing it for almost 40 years now. And if you are going to have a Medicare system in the year 2004, we cannot have a publicly funded health care system that does not provide a way to provide prescription drugs to the beneficiaries.

We also hear a lot of criticism from the other side of the aisle that we did

not go far enough, we are not spending enough in this process. We are either spending too much or not enough. But we have to look at who is targeted for coverage under the Medicare Modernization Act that we passed last November.

The individual who is targeted for coverage is the individual who is of extremely low income, the person who is at 150 percent of poverty or below, and those individuals who have high out-of-pocket expenses, the so-called catastrophic drug coverage that was provided in the prescription drug bill as part of the Medicare Modernization Act. Yes, that does leave a group, a segment in the middle that is not going to be covered for every drug purchase; and if someone finds themselves in that area, certainly they can be grateful that they are not at 150 percent of poverty or below as far as an income and that they do not have the needs of catastrophic coverage, and we should always be thankful for good health.

Paying for health care in this country, and I read a rather disappointing op-ed article last December from Ronald Brownstein of the Los Angeles Times when he talked about how you pay for health care in this country, there are only two ways. It is either an employer-derived insurance policy, or it is a government-funded proposition. Mr. Speaker, I would suggest that there are at least two other ways. I know from my years of practice of medicine there is a good number of bills that just simply are not paid, so there is uncompensated care or a gift, if you will, by the hospital or provider that they are not going to be paid for the services rendered. And then, of course, there are individuals who will pay for their care themselves.

Mr. Speaker, tapping into that group of people who are willing to pay for their care for themselves is an enormous reserve that we as yet have not properly addressed in this country. We had the old Archer Medical Savings Account from 1996, and I myself had a medical savings account and found it a very, a very worthwhile type of medical insurance to have. But in the Medicare Modernization Act that we passed in November, we allowed for the formation of what are called health savings accounts, not just for seniors. This is for anyone, any age group in the country who wants to put dollars away for their health care needs in the future. They are now going to have a mechanism for doing that within the health savings account program. This is an enormously powerful way to put money back in the hands of the consumers and put consumers in charge of making their own health care decisions. Because after all, the consumer is going to be more wise with spending their money than they are with someone else's money, and I think someone made the point on the floor of this House back when we were having this debate about, you never spend money washing a rented car. Well, of course not, it is not yours; you do not care what it looks like when you turn it in.

Well, the same can be true, if you are not actually paying yourself for your health care, you do not care how much money you spend. But if it is your money and you are allowed to control it, you tend to be a much wiser steward with health care dollars. I know that from my own experience from having a medical savings account for the last 5 or 6 years.

Other aspects of health care that we need to address, and I believe we are addressing, the Republican leadership is addressing in this House and, in fact, the President of the United States when he stood up and gave his State of the Union address in this House at the end of January, the daily newspaper Roll Call, Mort Kondracke who writes a column for that, not necessarily a great friend of the President or the administration, but talked about the President's speech afterwards and, in a way, he was actually being critical of the President. He said the President's health care initiatives that were outlined in the State of the Union message would only cover about 25 percent of the uninsured in this country. Only about 10 million people would be covered by the programs that the President outlined.

Well, Mr. Speaker, I would submit to my colleagues that if we have within our grasp right now the means of bringing coverage to 10 million uninsured in this country that, for heaven's sakes, we ought to be about the business of doing that.

The President outlined in his State of the Union address the deductibility, full deductibility for old income tax deductibility for a high deductible insurance policy, the one that would fit well with the concept of an HSA. This is a tremendously valuable concept. For the first time, if we will do that in this House, if we will provide that full deductibility of a high deductible insurance policy or a catastrophic insurance policy, anyone who pays income taxes in this country has no excuse for not having health insurance. We will have provided them the health savings account to grow that money tax deferred and the tax deductibility for buying their catastrophic coverage. Mr. Kondracke and I might argue about the number of people who would actually be covered by that, but that is a substantial number of individuals who would have coverage available to them in this country who today, voluntarily, do not have insurance coverage.

Association health plans, a bill that was passed by this House in June of last year, association health plans allow small businesses, and we heard about the value of small businesses and growing our economy, allow small businesses to band together across State lines, if need be, to get the purchasing power of a larger corporation and by having that larger purchasing power, or having that same purchasing power of a large corporation, go out into the insurance market and purchase insurance policies for their employees at a lower price. It is a win-win proposition for both the small business owner and for the employees. This House has passed that bill last June. It languishes and I, for one, do not understand why we do not pick up and get that done, get it to conference and get that bill out there, going to work for the American people.

Finally, there is the concept of tax credits for the uninsured. When talking about the deductibility for a catastrophic policy, well, if somebody does not make enough money to pay income tax, they are going to say well, that is a great program for someone who makes more money than I do, but I do not pay income tax anyway, so that is not going to help me. The gentlewoman from Texas (Ms. GRANGER), my neighbor down in Tarrant County, has a bill on the floor that we have yet to vote on that would allow for tax credits for the uninsured. This is, again, an enormously powerful concept that would bring insurance a pre-fundable tax credit, if you will, that would be available to someone at the beginning of the year before they file their income taxes to purchase health insurance for that year. These three things done together, expansion of the HSAs, tax credits for the uninsured, association health plans, and we are covering 25 percent of the uninsured in this country, right now, this year, without any heavy lifting, again, I do not understand why we do not go forward with those three plans and simply get that done.

The Congress has done the work on health savings accounts and those are now part of the law of the land; full deductibility for the catastrophic policy needs to happen right away. Association health plans have been passed by this House, they await activity on the other side of the Capitol, and I would welcome some activity in the near future. And then finally, tax credits for the uninsured we could take up this spring and pass, get it over to the Senate and get their sign-off on it and provide that coverage to 10 to 15 million of the uninsured in this country and get that done right now.

I will be happy to yield to my friend from New Mexico for his comments.

□ 1800

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Texas (Mr. BURGESS) for yielding.

As he talked about the Medicare bill I began to remember my own discussions in our offices and also with my family about this. The discussions right now that are critical of this Medicare bill that has been passed and signed into law was that there is this donut hole. I called my mom before we voted on it the first time, I asked her, I said, ''Mom, you are going to fall in the category that they are describing as the gap in coverage or the donut hole.'' She said, ''Why would that be?'' I said, ''Because your assets are high

enough and your yearly income is up. We are targeting the poor and we are targeting the people with catastrophic health care, prescription drugs cost.'' She said, ''Son, we have been very blessed. I do not mind paying more if I can pay more.''

And I feel like that that is the way most Americans are going to approach this, that they do not mind paying more if they can pay more.

Again, I told my mom that. She said, ''Exactly why are you doing that?'' And I said, ''It is so we do not break the country, so we do not tag the next generation with more cost than they could ever pay. So the gap in coverage is there because you are able to do it and we do not want to pass those costs on to the next generation.''

My colleague has adequately pointed out the great work that was done, and I want to commend the gentleman as one of the physicians in this freshman class, I think he was very instrumental in driving many of the components of this bill, and I congratulate him for that.

The health savings account is a thing that I talked from the floor of this House last night. Basically it is a medical IRA. You can put the money in tax free, you can take the money out tax free. The difference between this medical IRA the health savings account and other IRAs is that you can take the money out at any age if you pay for medical expenses. You can pay for your premiums, you can pay for deductibles, you can pay for prescription drugs, or you can pay for your doctor visit, dental, whatever.

Now, the nice thing about this account is that not only is it yours, and it is yours to dispose of the way that you would, but it is the part of your estate and it goes to the next generation, to your sons and your daughters to help them pay for their medical costs if you do not use it.

I think that it is one of the most important pieces of legislation that we passed this year. It is in law. It is a part of the prescription drug Medicare bill and has been signed by the President of the United States and is actually in law at this time.

We recently sent a mailer out to my district talking about Medicare in general, but the health savings account particularly got calls back to the office wondering where can we buy them right now.

One of the most significant things that I found there New Mexico that we did in this Medicare bill is that we began to offer certain reforms. To me it is never made sense why Medicare could not do some of the screening so it would catch the diseases up front, so that we catch them before they get to catastrophic stages.

That is one thing that happened in this Medicare bill is we allow preventative care and screening. We allow physical exams for the first time so that we understand if people have a cholesterol problem or have an impending heart problem because the blood pressure is too high, that we take care of it before it becomes catastrophic. And we all know if you take care of medical problems before they are catastrophic, they are much cheaper to take care of. I think that those components make this bill a very good bill. But in New Mexico in my rural district, it is a 9-hour drive across my district at 75 miles an hour, we have got almost 60,000 square miles, it is a very large district, and we have not too much access to health care, but the access that we do have was reimbursed at a different rate.

As a physician, you understand that the urban areas were given far greater reimbursement for the same treatment that would be received by a rural hospital. I campaigned saying that this inequity needed to be fixed. Much to my surprise, we fixed it in this bill. Rural hospitals receive 100 percent of the reimbursement that the urban hospitals receive because of the actions that we took in this bill.

Another thing that I campaigned about, Mr. Speaker, was that our border hospitals are tagged with an expense to take care of the medical cost of immigrants who come to the border. Our immigration law says if they present themselves at the border with a medical problem, that the local hospital or the local county will take care of the problem.

I am on the Mexico border. My district borders the Mexico border. And yet my rural hospitals tell me they have carried people in an ambulance to Denver, Colorado, had heart surgery for them, and when they were recovered, they had to go up in an ambulance, pick them up and take them back to the border. I will tell you that our country was not reimbursing at all the expenses that our border hospitals were having to be faced with. And this bill adds $1 billion into a pool of money to be shared by those hospitals which are currently being faced with those expenses.

So for those two reasons, for rural areas and especially for my district, it was a good bill. But there are good things beyond that. One of the greatest complaints that I hear among my constituents is they do not like the prescription drug manufacturers. I think that they are just mostly upset with them. I think that they would do more than what we should. But we did ring the bell here in this bill for a prescription drug manufacturers. We did not want to choke all of the profits out from the drug manufacturers because the research and development is creating miracle drugs that are causing the fastest growing population group to be the over-100 population.

The second fastest group that we have, the second fastest growing group is 85 to 100. These changes are brought about by prescription drug makers who make great products, but they were doing some things that we felt like we ought to ring the bell on, maybe bring them back.

So we are in the Medicare bill bringing generics to the market much sooner. We also stopped the process of extending patents almost indefinitely to where now we give them patent protection for one period and we extend it for one period, but not the continual extensions that were being gotten before.

Both of these actions serve to lower in the long run the cost of medications that we find in the country. And, of course, we know that that starting right now, everyone that is 150 percent the rate of poverty and below has access to the two drug cards this year and next year, which provides immediate cash relief.

Mr. Speaker, this Medicare bill combined a lot of elements of reform, it combined elements of change for rural areas, it brought in the health savings account, it brought prescription drug coverage to those who most desperately need it who are having to choose between food and medicine. And I am telling this Chamber that this bill is good for people in this New Mexico.

Mr. Speaker, I yield back to the gentleman from Texas (Mr. BURGESS.)

Mr. BURGESS. Mr. Speaker, I thank my friend for yielding.

And the gentleman makes an excellent point that by speeding the availability of generic drugs, we are bringing down the cost of prescription drugs in this country. In other words, an important point that I failed to make in my initial comments is this program is entirely voluntary. No one is forced into this program. You do not have to buy prescription drug coverage. You do not have to change any aspect of Medicare. If you enjoy what you are doing today, it does not have to change for you.

The gentleman from New Mexico (Mr. PEARCE) spoke about the cost of prescription drugs. And, Mr. Speaker, I want to again quote from the Washington periodical Roll Call, Mort Kondracke's column, again, not necessarily any friend of the Republican majority or the administration, but writing in Roll Call a couple of weeks ago, Mr. Kondracke said, ''Mr. KERRY and Mr. EDWARDS regularly attack drug companies for price gouging, neglecting to observe that it costs an average of $700 million to bring a new drug to market. They want, in effect, to impose price controls on drugs by allowing the government to negotiate with drug companies on behalf of the Medicare and Medicaid program and legalizing mass importation of drugs from Canada.''

He goes on to say, Mr. Speaker, that Medicare does not negotiate with providers such as doctors and hospitals on reimbursement levels. I know this full well. I lived under Federal price controlled my entire professional life.

Going back and quoting from the article, ''It imposes them and Congress often gets into the act of changing formulas.'' The reasons that drugs are cheaper in Canada and Europe is that governments there fix the prices based

on the production costs of new drugs, escaping participation in the astronomical cost of drug development.

In other words, Mr. Speaker, our trade laws which should protect us from this type of activity, are, in fact, asking our poorest individuals, our seniors without prescription drug coverage, to foot the cost of research and development of life savings pharmaceuticals for the rest of the world. And that is wrong. And that is what needs to change, not how we handle reimportation of drugs at the border.

Finally, I do want to, in the few minutes that are left, I want to address something else. We actually heard this this afternoon on the floor of the House from the individual on the other side of the aisle who was talking about health care, and was critical of the prescription drug plan passed by this Congress because of the cost of the prescription drug plan. $395 billion was the Congressional Budget Office estimate for 10 years. The White House Office of the Budget came back with a different figure that was some $500 billion over 10 years time. And that discrepancy has attracted a great deal of attention.

Mr. Speaker, the fact remains that it is almost impossible to precisely fix what the cost of this drug program is going to be over 10 years time. Chairman THOMAS, when he brought the conference report to us last fall, admitted that there was no attempt on the Congressional Budget Office to factor in any cost savings in the Medicare program by virtue of the fact that we were treating illnesses in a more timely fashion and that we were bringing disease management, we were going to be more aggressive about preventative care in the new Medicare with the new Medicare Modernization Act.

Mr. Speaker, in the few minutes, that are left I have to make this point. This House a year ago passed H.R. 5, which was the medical liability bill that would cap the medical liability awards for non-economic damages, pain and suffering at $250,000. We actually did this back in my home State of Texas. And medical liability rates have fallen dramatically. But, more importantly, more importantly, when you look at the cost of defensive medicine in this country, and, in fact, that was looked at in a study at Stanford University in 1996. And these are 1996 dollars, several years ago, the cost of defensive medicine for the Medicare program was estimated to be $50 billion a year.

Mr. Speaker, if we are concerned about the cost of the prescription drug program, we could pay for it by our savings in defensive medicine if we could simply pass that medical liability bill that is stuck on the other side of the capital that we got through this House a year ago. We need to get that bill passed and get it to conference and get on about the business of reducing this high tariff, this high cost of defensive medicine in this country.

Mr. Speaker, we have almost consumed a full hour of talk. And I just wanted to yield to my friend from New Mexico if he had any closing comments. I really appreciate his being here with me and staying in town late today so we could bring our good Republican message to the floor of this House, to the country at large. And I really appreciate him being here and helping me with this discussion this afternoon.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for yielding one last time. Again, I want to talk in one sense if possible to say thanks to those people who work in our education establishment, those who are out there on the front lines of the education war, especially those success stories like Roswell High School in New Mexico. That is one of the 12 break-through high schools in the Nation. I think that this kind of outcome is exactly what we had hoped for when No Child Left Behind was passed.

If the administration in any school is dedicated to the changes that are allowed under No Child Left Behind, I believe that the program will be the success that each of our parents wants throughout the Nation.

So thanks again to the gentleman from Texas (Mr. BURGESS) for yielding time to me today.

□ 1815

HOUR OF MEETING ON FRIDAY, MARCH 12, 2004

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. BONNER). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

ADJOURNMENT FROM FRIDAY, MARCH 12, 2004, TO TUESDAY, MARCH 16, 2004

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, March 12, 2004, it adjourn to meet at 12:30 p.m., Tuesday, March 16, 2004, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PEARCE. 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 New Mexico?

There was no objection.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

The SPEAKER laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 98) providing for a conditional adjournment or recess of the Senate.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 98

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 11, or Friday, March 12, or Saturday, March 13, or Sunday, March 14, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, March 22, 2004, at 12 noon.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of official 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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY, for 5 minutes, March 16.

Mr. FOLEY, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 11, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 506. To provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

H.R. 2059. To designate Fort Bayard Historic District in the State of New Mexico as

a National Historic Landmark, and for other purposes.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Friday, March 12, 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:

7141. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan; Technical Amendment [Docket No. 03-017-3] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing 727 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA1767SO or SA1768SO [Docket No. 97-NM-232-AD; Amendment 39-12858; AD 2002-16-19] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance With Supplemental Type Certificate ST00015AT [Docket No. 97-NM-234-AD; Amendment 39-12860; AD 2002-16-21] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7144. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specific Aviation Activities [Docket No. FAA-2002-11301; Amendment No. 121-302] (RIN: 2120-AH14) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7145. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30402; Amdt. No. 446] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7146. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Imposition of Accuracy Penalty; Imposition of Fraud Penalty; Frivolous Return Policy (Rev. Rul. 2004-33) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7147. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Personal, living, and family expenses (Rev. Rul. 2004-32), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7148. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Depreciation of MACRS Property That is Acquired in a Like-kind Exchange or As a Result of an Involuntary Conversion [TD 9115] (RIN: 1545-BC27) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7149. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Insurance Costs of Eligible Individuals (Rev. Proc. 2004-12) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7150. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidline: All Industries; Losses Claimed and Income to be Reported from Lease In/Lease Out Transactions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3261. A bill to prohibit the misappropriation of certain databases, with an amendment; adversely (Rept. 108–421, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, and Mr. SKELTON):

H.R. 3936. A bill to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed 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 Mr. HASTINGS of Washington (for himself and Mr. CASTLE):

H.R. 3937. A bill to amend the Congressional Budget Act of 1974 to establish macroeconomic congressional budgets; to the Committee on Rules, and in addition to the Committee on the Budget, 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. NEY (for himself, Ms. VELÁZQUEZ, and Mr. SCOTT of Georgia):

H.R. 3938. A bill to establish an Office of Housing Counseling to carry out the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to establish a toll-free telephone number to provide referral to entities providing such counseling, and to make grants to such entities for providing such counseling, and for other purposes; to the Committee on Financial Services.

By Mr. ROTHMAN (for himself, Mr. LOBIONDO, Mr. PALLONE, Mr. PASCRELL, Mr. MENENDEZ, Mr. SAXTON, Mr. ANDREWS, Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. HOLT, Mr. GARRETT of New Jersey, and Mr. FRELINGHUYSEN):

H.R. 3939. A bill to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''; to the Committee on Government Reform.

By Mr. DINGELL (for himself, Ms. SOLIS, Mrs. CAPPS, Mr. MARKEY, and Mr. WYNN):

H.R. 3940. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination; to the Committee on Energy and Commerce.

By Mr. LAMPSON (for himself, Mr. CHABOT, Ms. MILLENDER-MCDONALD, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. CRAMER, Mr. FOLEY, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. BERRY, Mr. THOMPSON of Mississippi, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. COSTELLO, Mr. MOORE, Mr. WYNN, Mr. TIERNEY, Mr. ETHERIDGE, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. TURNER of Texas, Mr. BAIRD, Ms. BALDWIN, Mr. FARR, Mrs. TAUSCHER, Mr. POMEROY, Mr. CARDOZA, Mr. HONDA, Mr. RUSH, Mr. PASCRELL, Mr. GORDON, Mr. EDWARDS, Mr. MCDERMOTT, Mr. MATSUI, Mr. PALLONE, Ms. SLAUGHTER, Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SHIMKUS, Mr. WEINER, Mr. MCNULTY, Mr. DEFAZIO, Ms. LOFGREN, Mr. RUPPERSBERGER, Mr. MCGOVERN, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. VISCLOSKY, Mr. VAN HOLLEN, Mr. CAPUANO, Mr. ISRAEL, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Mr. LANGEVIN, Mr. REYES, Ms. ESHOO, Mr. LANTOS, Mr. BECERRA, Ms. NORTON, Mr. LIPINSKI, Mr. BURTON of Indiana, Mr. KIND, Ms. PELOSI, Mr. OLVER, Mr. ACKERMAN, Ms. BERKLEY, Mr. HINOJOSA, Mr. JOHN, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KING of New York, Ms. LEE, Mr. MCINTYRE, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. WEXLER, Mr. LEWIS of Georgia, Mr. PETERSON of Minnesota, Ms. SCHAKOWSKY, Mr. DOYLE, Mr. RANGEL, Mr. OBERSTAR, Mr. STUPAK, Mr. HOYER, Ms. MCCOLLUM, Mr. EVANS, Mr. GEPHARDT, Mr. HEFLEY, Ms. DEGETTE, Mr. GONZALEZ, Mr. HILL, Mr. DOGGETT, Mr. CROWLEY, Mrs. LOWEY, Mr. OSE, Mr. DAVIS of Tennessee, Ms. HART, Mr. BELL, and Mr. BEREUTER):

H.R. 3941. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and 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. KENNEDY of Rhode Island (for himself and Mr. LANGEVIN):

H.R. 3942. A bill to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''; to the Committee on Government Reform.

By Mr. CRANE (for himself, Ms. MCCOLLUM, Mr. HOUGHTON, Mr. DOOLEY of California, Mr. WELLER, Mr. CASE, Mr. KOLBE, Mr. EVANS, Mr. PITTS, Mr. CROWLEY, and Mr. LARSON of Connecticut):

H.R. 3943. A bill to extend nondiscriminatory treatment (normal trade relations treatment) to the products of Laos; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 3944. A bill to provide for the conveyance of a small parcel of Natural Resources Conservation Service property in Riverside, California, and for other purposes; to the Committee on Agriculture.

By Mr. CALVERT:

H.R. 3945. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Corona Water Utility, California; to the Committee on Resources.

By Mr. CAMP (for himself, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. UPTON, Mr. LEVIN, Mr. EHLERS, Mr. STUPAK, Mr. CONYERS, and Mr. KILDEE):

H.R. 3946. A bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. EVANS, Mr. SANDLIN, Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, Mr. CLAY, Mr. VAN HOLLEN, Mr. FROST, Mr. TOWNS, Mr. BISHOP of New York, Mr. HINCHEY, Mr. OWENS, Mr. ACKERMAN, Mr. WEINER, Mrs. MALONEY, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. NADLER, Mr. RANGEL, Mr. MCHUGH, Mr. GORDON, Mr. ISRAEL, and Mr. REYNOLDS):

H.R. 3947. A bill to amend title 38, United States Code, to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits paid by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FATTAH:

H.R. 3948. A bill to amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into post-secondary education; to the Committee on Education and the Workforce.

By Mr. GRAVES:

H.R. 3949. A bill to amend the Trade Act of 1974 to delegate to the Under Secretary of Commerce for International Trade the functions relating to trade adjustment assistance for firms, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself, Mr. BALLENGER, Mr. BRADLEY of New Hampshire, Mr. EVANS, Mr. LIPINSKI, and Mr. ROHRABACHER):

H.R. 3950. A bill to amend title 10, United States Code, to provide for the establishment of a combat artillery badge to recognize combat service by members of Army in the artillery branch; to the Committee on Armed Services.

By Mr. HAYES:

H.R. 3951. A bill to amend title 10, United States Code, to require notification to Congress and the public when waivers to certain domestic source requirements are made, and for other purposes; to the Committee on Armed Services.

By Mr. HENSARLING (for himself and Mr. BAKER):

H.R. 3952. A bill to amend the Community Reinvestment Act of 1977 to increase the aggregate asset size limitation of the small bank regulatory relief provision, to provide for future adjustments of such amount for inflation, and for other purposes; to the Committee on Financial Services.

By Mr. HOEKSTRA (for himself, Mr. CAMP, Mr. MANZULLO, and Mrs. JONES of Ohio):

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain systems installed in nonresidential buildings; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 3954. A bill to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes; to the Committee on Resources.

By Mr. ISRAEL:

H.R. 3955. A bill to require the Securities and Exchange Commission to require public companies to disclose their payments to foreign governments for the purposes of natural resources exploration, development, and extractions rights; to the Committee on Financial Services.

By Mrs. JOHNSON of Connecticut (for herself and Mr. SHIMKUS):

H.R. 3956. A bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 3957. A bill to amend the Trade Act of 1974 to extend trade adjustment assistance to certain service workers; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 3958. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Rules, 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. LOBIONDO:

H.R. 3959. A bill to amend title 49, United States Code, to authorize the Secretary of Homeland Security, acting through the Under Secretary for Border and Transportation Security, to provide air marshal training to law enforcement personnel of foreign countries; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-MCDONALD:

H.R. 3960. A bill to authorize the use of Federal funds for research on human embryonic stem cells irrespective of the date on which such stem cells were derived, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OSBORNE (for himself and Mr. BOSWELL):

H.R. 3961. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to implement the United States Animal Identification Plan developed by the National Animal Identification Development Team, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, 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. SHAW:

H.R. 3962. A bill to amend title 10, United States Code, to establish a program of interest-free loans to members of the Selected Reserve who experience financial hardship due to service on active duty in the Armed Forces; to the Committee on Armed Services.

By Mr. SHAYS (for himself, Mr. COOPER, Mr. CASTLE, Mr. FRANK of Massachusetts, Mr. ENGLISH, and Mr. MORAN of Virginia):

H.R. 3963. A bill to amend the Congressional Accountability Act of 1995 to extend to employees of the legislative branch certain protections available to other employees of the Federal Government under certain laws, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Education and the Workforce, 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. STARK (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. MATSUI, Mr. LANTOS, Mr. BERMAN, Ms. PELOSI, Ms. WATERS, Mr. BECERRA, Ms. ESHOO, Mr. FILNER, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mr. FARR, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mrs. CAPPS, Ms. LEE, Mr. BACA, Mrs. DAVIS of California, Mr. HONDA, Mr. SCHIFF, Ms. SOLIS, Ms. WATSON, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3964. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in California; to the Committee on Education and the Workforce, 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 Ms. WOOLSEY (for herself, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. LAMPSON, Mr. CONYERS, Mr. BACA, Mr. SHERMAN, Mr. SCHIFF, Mr. MOORE, Mr. CARDOZA, Ms. SLAUGHTER, Mr. CHABOT, Mr. PAYNE, and Mr. THOMPSON of Mississippi):

H.R. 3965. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H.J. Res. 89. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives; to the Committee on the Judiciary.

By Ms. LOFGREN:

H.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives when, in a national emergency, a significant number of Members are unable to serve; to the Committee on the Judiciary.

By Mr. VITTER:

H. Con. Res. 382. Concurrent resolution affirming that the intent of Congress in passing the National Wildlife Refuge System Improvement Act of 1997 was to allow hunting and fishing on public lands within the National Wildlife Refuge System and declaring that the purpose of reserving certain lands as public lands is to make them available to the public for reasonable uses; to the Committee on Resources.

By Mr. MEEHAN:

H. Con. Res. 383. Concurrent resolution expressing the sense of Congess concerning the well-being of members of the Armed Forces and calling on the Department of Defense to do its utmost to see that deployed military personnel have the best force protection equipment the Nation can make available, and for other purposes; to the Committee on Armed Services.

By Mr. RANGEL:

H. Con. Res. 384. Concurrent resolution calling for the removal of all restrictions from the public, the press, and military families in mourning that would prohibit their presence at the arrival at military installations in the United States or overseas of the remains of the Nation's fallen heroes, the members of the Armed Forces who have died in Iraq or Afghanistan, with the assurance that family requests for privacy will be respected; to the Committee on Armed Services.

By Mr. HYDE (for himself, Mr. DELAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. GOSS, and Mr. HUNTER):

H. Res. 557. A resolution relating to the liberation of the Iraqi people and the valiant service of the United States Armed Forces and Coalition forces; to the Committee on International Relations, and in addition to the Committee on Armed 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 Mr. BEREUTER (for himself, Mr. WEXLER, Mr. GILLMOR, and Mr. SHIMKUS):

H. Res. 558. A resolution welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO), and for other purposes; to the Committee on International Relations.

By Mr. GIBBONS (for himself, Mr. REYES, Mr. FOLEY, and Ms. DUNN):

H. Res. 559. A resolution expressing condolences to the families of the individuals killed in the terrorist bombing attacks in Madrid that occurred on March 11, 2004, and expressing deepest sympathy to the individuals injured in those attacks and to the people of the Kingdom of Spain; to the Committee on International Relations.

By Mrs. MCCARTHY of New York (for herself, Ms. BORDALLO, Mrs. TAUSCHER, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Mrs. KELLY, Ms. HARRIS, Mrs. BIGGERT, Mrs. JONES of Ohio, Mrs. CAPPS, Ms. ROS-LEHTINEN, Mrs. LOWEY, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Ms. PRYCE of Ohio, Ms. PELOSI, Ms. SLAUGHTER, Mrs. MALONEY, Ms. NORTON, Mrs. BLACKBURN, Ms. MCCOLLUM, Ms. HARMAN, Mrs. DAVIS of California, Ms. DEGETTE, Ms. WATERS, Ms. CARSON of Indiana, Mr. WEXLER, and Ms. MILLENDER-MCDONALD):

H. Res. 560. A resolution expressing the sense of the House of Representatives that the Girl Scouts of the United States of America should be commended, on its 92d anniversary, for providing quality age-appropriate experiences that prepare girls to become the leaders of tomorrow and for raising issues important to girls; 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. 25: Mr. THORNBERRY.

H.R. 173: Mr. SHAYS, Mr. DAVIS of Tennessee, and Mr. PITTS.

H.R. 284: Mr. MCKEON, Mr. SHIMKUS, Mr. DEMINT, Mr. COLLINS, and Mr. AKIN.

H.R. 375: Mr. BURNS.

H.R. 476: Mr. BOUCHER, Mr. BACA, and Mr. STENHOLM.

H.R. 570: Mr. FERGUSON.

H.R. 571: Mr. CALVERT.

H.R. 677: Mr. KIND.

H.R. 728: Mr. GOODE.

H.R. 839: Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, and Mr. LOBIONDO.

H.R. 857: Mr. NORWOOD.

H.R. 935: Mr. FATTAH.

H.R. 962: Ms. WATERS.

H.R. 968: Ms. CARSON of Indiana.

H.R. 970: Mr. LATOURETTE, Ms. HOOLEY of Oregon, Mr. SCOTT of Georgia, Mr. CHABOT, Mr. BRADLEY of New Hampshire, Mr. TOWNS, Mr. VISCLOSKY, Mr. JOHNSON of Illinois, Mr. GALLEGLY, and Ms. ESHOO.

H.R. 977: Mrs. CHRISTENSEN.

H.R. 1034: Mr. WAXMAN, Ms. MCCARTHY of Missouri, and Ms. LOFGREN.

H.R. 1083: Mr. BERMAN, Mr. SANDLIN, Mr. BACA, and Mrs. WILSON of New Mexico.

H.R. 1084: Mr. ROGERS of Michigan.

H.R. 1501: Ms. WOOLSEY, Ms. DEGETTE, Mr. RUSH, Mr. ACEVEDO-VILÁ, Mr. MCDERMOTT, and Mr. SCHIFF.

H.R. 1567: Mrs. JO ANN DAVIS of Virginia.

H.R. 1690: Ms. ROYBAL-ALLARD.

H.R. 1700: Mr. PAYNE.

H.R. 1726: Mr. WOLF.

H.R. 1734: Mr. CRAMER, Mrs. CAPITO, and Mr. UDALL of Colorado.

H.R. 1742: Ms. LEE and Mr. ISSA.

H.R. 1864: Mr. ANDREWS.

H.R. 1873: Mr. SENSENBRENNER.

H.R. 2107: Mr. FRANK of Massachusetts, Mr. RUSH, and Mr. LANTOS.

H.R. 2173: Ms. WOOLSEY, Mr. LEWIS of Georgia, and Mr. MEEKS of New York.

H.R. 2402: Mr. FRANK of Massachusetts.

H.R. 2536: Mr. BROWN of Ohio and Mr. CARDOZA.

H.R. 2612: Mrs. DAVIS of California.

H.R. 2732: Mr. CHOCOLA.

H.R. 2735: Mr. BROWN of South Carolina, Mr. CLAY, and Ms. BERKLEY.

H.R. 2863: Mr. HOLDEN.

H.R. 3090: Mr. FRANK of Massachusetts.

H.R. 3104: Mr. CLAY, Mr. OLVER, Mrs. KELLY, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Ms. HART, Mrs. DAVIS of California, and Mr. MEEKS of New York.

H.R. 3177: Mr. MILLER of Florida.

H.R. 3192: Mr. FARR.

H.R. 3193: Mr. GARY G. MILLER of California and Mr. ISSA.

H.R. 3215: Mr. COLLINS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. SMITH of Michigan, and Mr. WELDON of Florida.

H.R. 3313: Mrs. JO ANNE DAVIS of Virginia.

H.R. 3350: Mr. BISHOP of Georgia and Mr. WAXMAN.

H.R. 3359: Mr. KILDEE.

H.R. 3369: Mr. SMITH of Texas.

H.R. 3390: Mr. INSLEE and Mr. PAUL.

H.R. 3429: Mr. BROWN of South Carolina.

H.R. 3436: Mr. KING of New York.

H.R. 3438: Ms. MCCARTHY of Missouri, Mr. BOSWELL, Mr. BERMAN, and Mr. TOM DAVIS of Virginia.

H.R. 3446: Mr. LIPINSKI, Mr. SCHIFF, and Mr. FARR.

H.R. 3453: Mr. ROGERS of Kentucky.

H.R. 3460: Mr. SMITH of New Jersey and Mrs. JO ANN DAVIS of Virginia.

H.R. 3476: Mr. STRICKLAND, Mr. GORDON, Mr. ISSA, Mr. GERLACH, Mr. SABO, Mr. LEACH, Ms. HARRIS, Mr. LINDER, Mr. DEUTSCH, and Ms. MAJETTE.

H.R. 3507: Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. GALLEGLY, Mr. WAXMAN, Mr. ANDREWS, and Mr. LARSON of Connecticut.

H.R. 3545: Mr. MCDERMOTT and Mr. HINCHEY.

H.R. 3619: Ms. LORETTA SANCHEZ of California and Mr. MATHESON.

H.R. 3651: Mr. CANNON.

H.R. 3678: Mr. PAYNE.

H.R. 3699: Mr. BALLANCE, Ms. CORRINE BROWN of Florida, and Mr. TURNER of Texas.

H.R. 3701: Mr. FRANK of Massachusetts and Mr. MORAN of Virginia.

H.R. 3712: Mr. JONES of North Carolina, Ms. CORRINE BROWN of Florida, and Mr. MEEK of Florida.

H.R. 3731: Mr. EVANS.

H.R. 3763: Mr. FEENEY.

H.R. 3773: Mr. BACHUS, Mr. HOSTETTLER, and Mr. SENSENBRENNER.

H.R. 3781: Mr. NEUGEBAUER.

H.R. 3784: Mr. CRANE, Mrs. MUSGRAVE, and Mr. FLAKE.

H.R. 3799: Mr. RYUN of Kansas.

H.R. 3801: Mr. THOMPSON of Mississippi, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, Mr. FEENEY, and Mr. KING of Iowa.

H.R. 3802: Mr. PLATTS, Mr. CLAY, Mr. SKELTON, Mr. LIPINSKI, Mr. BALLANCE, Mr. BOUCHER, Mr. SCHIFF, Mr. STARK, Mr. GRIJALVA, and Mr. LATOURETTE.

H.R. 3803: Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Ms. CARSON of Indiana, Ms. JACKSON-LEE of Texas, and Mr. GRIJALVA.

H.R. 3804: Mr. BURR.

H.R. 3818: Mr. LARSEN of Washington, Mr. GREENWOOD, Mr. MOORE, Mr. MEEKS of New York, and Mr. SULLIVAN.

H.R. 3847: Mr. ROTHMAN.

H.R. 3857: Mr. CRANE and Mr. SHAW.

H.R. 3860: Mr. RYAN of Wisconsin.

H.R. 3867: Mr. DAVIS of Illinois and Ms. MAJETTE.

H.R. 3879: Ms. CORRINE BROWN of Florida.

H.R. 3888: Mr. JACKSON of Illinois and Mr. HOEFFEL.

H.R. 3913: Mr. BAKER.

H.J. Res. 56: Mr. NEY.

H. Con. Res. 314: Mr. OLVER and Mr. KENNEDY of Rhode Island.

H. Con. Res. 321: Mrs. MCCARTHY of New York.

H. Con. Res. 332: Mr. UDALL of Colorado, Mr. PORTER, Mr. MOORE, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. HOLT, and Mr. BALLANCE.

H. Con. Res. 369: Mr. GRIJALVA, Mr. SCOTT of Virginia, and Mr. KUCINICH.

H. Con. Res. 371: Mr. FOLEY.

H. Con. Res. 378: Mr. FILNER.

H. Res. 38: Mr. PAYNE.

H. Res. 313: Mr. WAMP and Mr. PLATTS.

H. Res. 402: Ms. ROS-LEHTINEN.

H. Res. 466: Mr. STARK and Mr. HINOJOSA.

H. Res. 528: Mr. HERGER, Mr. WYNN, Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Mr. PENCE, and Mr. WOLF.

H. Res. 542: Mrs. LOWEY, Mr. BRADY of Pennsylvania, and Mr. BERMAN.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, MARCH 11, 2004 No. 31

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Donald A. Harp, Jr., of the Peachtree Road United Methodist Church, Atlanta, GA.

PRAYER

The guest chaplain offered the following prayer:

Let us pray.

O God, our help in ages past and our hope for years to come, we offer our words of thanksgiving for our Nation and the freedoms that are ours. Hear our words of thanksgiving for those men and women who gave their lives that this freedom is ours today.

Inspire this body to reach decisions based on truth, wisdom, compassion, and fairness for all. Bless each Senator with the ability to reach decisions reflecting our heritage as a ''nation under God.''

Bless our President and the decisions he reaches on behalf of our Nation. Watch over and care for those men and women in our military and bring them home safely. We offer this our prayer in God's 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will work toward completion of our consideration of S. Con. Res. 95, the budget resolution. There are 14 hours remaining under the statutory time limit for debate. Under the Budget Act it is in order to yield back time, and that may occur at the managers' discretion over the course of this morning and early afternoon.

Once time is used or yielded back, we would expect to begin a series of rollcall votes which would include passage of the resolution. Again, the timing for that final vote will be determined by the number of amendments and how soon we get to the series of rollcall votes. I do want to encourage our colleagues that once we begin that series of rollcall votes, we do it in a very timely, orderly fashion.

We made very good progress on the resolution yesterday, conducting six rollcall votes and disposing of eight amendments. The chairman and ranking member are here today on the floor ready to work through the amendments to the resolution. Therefore, Senators should expect a very busy day, as we all know and have appropriately planned for a late evening tonight, with rollcall votes throughout.

MEASURE PLACED ON THE CALENDAR—H.R. 1997

Mr. FRIST. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

Mr. FRIST. I object to further proceedings.

The PRESIDENT pro tempore. The bill will be set on the calendar.

Mr. FRIST. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con Res. 95, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

Pending:

Corzine amendment No. 2777, to eliminate tax breaks for those with incomes greater than $1 million and reserve the savings to prevent future cuts in Social Security benefits.

The PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent the pending amendment be laid aside.

The PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, I have yet to have a chance to review the amendment of the Senator from California. I object at this point and I expect in the near future I will be happy to accommodate our friend. She can begin her debate and maybe that will help clarify the intention of her amendment.

Mrs. BOXER. Mr. President, I appreciate that. I am so sorry. I was sure Senator NICKLES had seen this amendment. I don't think there is anything surprising. It is essentially a jobs amendment, initiatives that have been introduced by other Senators. We packaged it in one package.

The PRESIDENT pro tempore. Does the Senator from California seek time from the manager on your side for proceeding?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mrs. BOXER. I ask Senator CONRAD if he wants me to take time by discussing Senator CORZINE's amendment and making other remarks or take time off the managers' time? Either way he wants it.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. How much time would the Senator need?

Mrs. BOXER. I was hopeful, when I spoke last night, that I could have 20 to 30 minutes for the entire amendment. That would be fine for me.

Mr. CONRAD. Mr. Chairman, might we agree to a time on her amendment of 30 minutes equally divided?

Mrs. BOXER. No, no, 30 minutes on my side, or 20 minutes on my side.

Mr. CONRAD. Then 40 minutes equally divided? Is that what the Senator is seeking?

Mrs. BOXER. No, 20 minutes a side.

Mr. CONRAD. Yes, 40 minutes equally divided.

Mr. NICKLES. I still haven't reviewed the amendment. I will do this: I tell my colleague I am happy to enter into time agreements on a lot of amendments but I will state I want to see the amendments first. I know there is a whole package of amendments. I suggest we go under the assumption it will be that. I will grant you that in just a moment.

Mr. CONRAD. I yield 20 minutes to the Senator from California at this point, just for her side.

The PRESIDENT pro tempore. The Senator is recognized for 20 minutes.

Mrs. BOXER. I thank my colleague very much. I have been looking forward to offering this amendment. I hope at the appropriate moment in time I will be able to send it to the desk.

Mr. President, if you were to go out all over this country and ask most of our constituents from every State in the Union what is on their minds, they are going to say it is the economy; it is jobs; it is their security. In this particular budget we should do much more to ensure that jobs are created and that our families are protected. So what we do in this amendment, which we pay for, is a number of initiatives which will help us create and retain jobs in this great country.

First of all, I want to give my colleagues a sense of why this is so important. The amendment I am offering is cosponsored by Senators DASCHLE, SARBANES, CLINTON, SCHUMER, KENNEDY, KOHL, DURBIN, LEVIN and DODD. I see Senator KOHL is here. I am hopeful he will want to make a few comments as well.

Let me paint a picture of where we are. I think the best way to do it is just show a series of charts, that are very clear:

Private sector jobs decline: Three million jobs lost since January 2001.

We see the incredible graph that just shows, essentially, almost a straight line down. We did see in February we had a little increase of 21,000 jobs, as I understand it, in the public sector. There is very little in the private sector.

Mr. NICKLES. Mr. President, will the Senator from California yield?

Mrs. BOXER. I will if I can reserve the remainder of my time.

Mr. NICKLES. Mr. President, we have entered into a time agreement where the total time consumed on the Boxer amendment will be 20 minutes equally divided.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2783

Mrs. BOXER. Mr. President, I ask unanimous consent to set aside the Corzine amendment and send my amendment to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Mr. KOHL, Mr. DURBIN, Mr. LEVIN, and Mr. DODD, proposes an amendment numbered 2783.

Mrs. BOXER. 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:

(Purpose: To create jobs, to discourage the shipping of jobs overseas, and provide adjustment assistance for dislocated workers, by changing the tax treatment of certain income from runaway plants and by reducing tax breaks for individuals with incomes in excess of one million dollars per year, without affecting middle-class taxpayers)

On page 3, line 9, increase the amount by $8,000,000,000.

On page 3, line 10, increase the amount by $8,000,000,000.

On page 3, line 11, increase the amount by $8,000,000,000.

On page 3, line 17, increase the amount by $8,000,000,000.

On page 3, line 18, increase the amount by $8,000,000,000.

On page 3, line 19, increase the amount by $8,000,000,000.

On page 4, line 20, increase the amount by $8,000,000,000.

On page 4, line 21, increase the amount by $8,000,000,000.

On page 4, line 22, increase the amount by $8,000,000,000.

On page 5, line 3, decrease the amount by $8,000,000,000.

On page 5, line 4, decrease the amount by $16,000,000,000.

On page 5, line 5, decrease the amount by $24,000,000,000.

On page 5, line 6, decrease the amount by $24,000,000,000.

On page 5, line 7, decrease the amount by $24,000,000,000.

On page 5, line 11, decrease the amount by $8,000,000,000.

On page 5, line 12, decrease the amount by $16,000,000,000.

On page 5, line 13, decrease the amount by $24,000,000,000.

On page 5, line 14, decrease the amount by $24,000,000,000.

On page 5, line 15, decrease the amount by $24,000,000,000.

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR JOB CREATION.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $24,000,000,000 over the total of fiscal years 2005 through 2009 for a bill, joint resolution, motion, amendment, or conference report that would provide resources for job creation, discourage outsourcing of jobs, provide a tax credit for the creation of new manufacturing jobs in the United States, provide small businesses with a tax credit for health care coverage, restore funding to the Manufacturing Extension Program and to the Advanced Technology Partnership, increase spending on federal science research activities, prohibit the use of tax dollars to outsource non-defense and non-homeland security government contracts abroad, require employers to provide workers advance notice of any intention to move their jobs offshore, and expand Trade Adjustment Assistance to include service workers and improve access to affordable health care.

Mrs. BOXER. Mr. President, let me continue with the story that is not a very happy story about job loss. We have seen 3 million jobs lost in the last 3½ years. We see unemployment for 27 weeks or longer. We see that 1.9 million workers are unemployed for more than 6 months. We have statistics that say although the unemployment rate looks to be 5.6 percent, in reality it is over 9 percent if you factor in the people who have given up their search for jobs. We see the smallest share of the population at work since 1994, with 62.2 percent of the population unemployed. These are startling statistics.

Manufacturing jobs in America: From 1993 to 2000, 385,000 manufacturing jobs created; and from 2001 to 2003, 2.785 thousand jobs lost. That is 75,270 jobs lost per month. For my people in California, we have seen an enormous drop in manufacturing jobs.

I want to show my colleagues the context of this job loss if we look back to other administrations. This is the average number of jobs created or lost per month. Under Ronald Reagan, we had 165,000 jobs per month; under George H. Bush, we had 47,604 jobs created every month; under Bill Clinton, we had 236,625 jobs created per month; and under George W. Bush, 58,815 jobs per month on average lost.

By any standard, this is a unique time. We have a chance to do something about it with this budget resolution.

California jobs: From 1993 to 2000, under the Clinton administration, 25,644 jobs were created per month in my State of 35 million people. Under George W. Bush, 284,900 jobs lost. That is 7,913 jobs lost per month. Nearly 8,000 jobs are lost per month in my State. That is about 8,000 family members coming home to tell their families they are in big trouble. We ought to do something about it. The good news is we can do something about it with this amendment I offered.

I want to show one more chart.

President Bush promised a whole different story—promises, promises, wishful thinking on jobs. The Bush administration has consistently over-predicted job growth for 2002, 2003, and 2004.

Today, I read in the paper that the President is going to appoint a manufacturing jobs czar. He came to a decision about the individual he wants to appoint. We have learned that this particular individual built a plant in China. Whether he will continue with that nomination, I do not know, but clearly that sends a very mixed signal, to be polite about it.

Let me talk for a moment about the amendment I am offering to protect America's jobs.

How much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 15 minutes 42 seconds.

Mrs. BOXER. Thank you.

Our amendment creates a $24 billion job reserve fund for the following purposes:

The Manufacturing Extension Partnership Program, $110 million cost; Advanced Technology Program, $125 million cost; Federal science at $1 billion cost; new manufacturing jobs tax credit at $7 billion cost; small business health insurance tax credit at $14 billion cost; stop jobs from moving overseas and end the runaway plant tax break, which saves $2 billion; the Dodd amendment with no Federal funds for outsourcing, no cost; worker notification, which is Senator DASCHLE's amendment in relation to jobs moving overseas, no cost; and worker assistance and trade adjustment expansion for service workers and expanded health insurance, $2 billion.

The way we pay for this amendment is the following: We end the runaway plant tax break, which brings in $2 billion, and we reduce tax breaks for millionaires, which brings in another $1 billion.

I want to spend just a moment explaining why I think that is fair. If you earn over $1 million, under the Bush tax cut you are going to get a refund of about $140,000 every single year.

Let me rephrase that. You are going to get a tax cut of $127,000 every single year. We reduce that refund to $85,000 for a very noble purpose. That purpose is to get America back to work and to help our middle-class families.

I think if you ask the average person in your State, just from what I can tell by looking at polls and talking to people, they will say even if they were in that millionaire category, we will have a stronger economy and more people working by not giving millionaires $127,000 a year from their taxes.

We reduce it to $85,000. Let us talk about that. They will now get back $85,000. How much is that? That is 7.5 times the annual income of a minimum-wage worker, just in the millionaire tax cut. We are, in fact, cutting it to $85,000, but that is 7.5 times the annual income of a minimum-wage worker. It is also two times the median household income. If you are a millionaire and get back $85,000 a year instead of $127,000, you are still getting back every year twice the median household income and 7.5 times the annual income of a minimum-wage worker.

I want to briefly tell you about each of these job creation plans.

Be providing a tax credit for creating new manufacturing jobs—this is a tax credit that goes to businesses that create jobs in manufacturing, originally sponsored by Senator JOHN KERRY—the manufacturing jobs tax credit gives the tax cut to companies that create a new factory job in 2004, 2005 and 2006. This is a good thing for business. It is a great thing for workers. It is a good way to deal with this issue.

We increase the funding for the Manufacturing Extension Partnership. It sets aside $110 million of the reserve fund for the Manufacturing Extension Partnership Program. In 2003, this program helped create or retain 35,000 jobs.

The administration only asks for $13 million in 2004, and it is requesting only $39 million for 2005. They say they care about jobs, but they ought to do more, and $110 million will create a lot more jobs.

For the Advanced Technology Program, this amendment sets aside $140 million in the reserve fund. The administration proposes zeroing out this ATP program. The ATP helps companies get to market and grow, and that means jobs. Of the first 33 small companies to complete ATP programs, 60 percent doubled in size, and 4 grew more than 1,000 percent. The ATP program bridges the gap between the research lab and the marketplace. We need to see that go up to this $140 million level. I might say, even with that, it is still less than we have spent in the past on the program. George Bush, in 2005, requests zero for this important program.

Then we have Federal research and development, which is so key, at the National Science Foundation. It falls $1 billion short of what is called for in the bill we passed 5 years ago. It is very important. When President Bush says he increases Federal research by 5 percent, the problem for our Nation's researchers and research institutions is that increase is largely targeted for weapons development. However, we have other things we need to do which will create jobs, as well. That is the purpose of this amendment.

The health insurance tax credit for small business is clear. If business pays health insurance for its people, we think they ought to get a tax break. That is the kind of tax break we believe in on this side of the aisle because it is to encourage businesses to help employees with their health care.

We end tax subsidies to U.S. companies that send plants overseas. This is a Dorgan-Mikulski idea. This amendment includes language bringing to an end tax subsidies for employers that ship production of goods abroad. This part brings $2 billion.

We prohibit Federal funds from being used for offshore jobs. This is Senator DODD's amendment that passed the Senate 70 to 26. When we give State and local governments Federal funds and when we decide to issue contracts, the jobs ought to stay here.

In my own State, the Defense Department wanted to buy rice for Iraq. Instead of buying it from California, which has the best rice in the world, they bought it from a foreign country. That is my farmers, taxpayer dollars, and all my people's dollars going into the war effort. We give a contract on rice to a foreign country when the sons and daughters of our farmers and our people are going to war. I don't get it.

This is an important amendment. We are improving the Trade Adjustment Assistance Program and extending it to service workers. That means help for people who are pushed out of a job because of trade agreements.

I will save some time for colleagues. How much time remains?

The PRESIDENT pro tempore. The Senator has 7 minutes 24 seconds.

Mrs. BOXER. I yield 4 minutes to Senator KOHL.

The PRESIDENT pro tempore. Senator KOHL is recognized for 4 minutes.

Mr. KOHL. I come to the Senate today as a cosponsor to the Boxer-Dodd amendment.

I thank my colleague from California for pulling together this package—and for including a provision I authored to restore the funding for the Manufacturing Extension Program, MEP. I hope my colleagues will join us in resounding, bipartisan vote for the amendment. It remedies a serious failing of the budget before us.

A budget worthy of the Senate's support should have vision. It should point the way to a better world for our workers, our families, and our communities. Senator BOXER's amendment has a vision for bringing good jobs back to our shores—and training a workforce able to fill and create such jobs. Without the Boxer amendment, the budget will remain a document whose only answer to the deterioration of the manufacturing job base is upper income tax cuts cloaked in discredited trickle-down economic theory.

I am particularly pleased that Senator BOXER's amendment provides the resources to increase funding for the Manufacturing Extension Program from the $39.6 million suggested in the President's budget to $100 million, fully funding the program for fiscal year 2005. I intended to offer this as a free-standing amendment, but in the interest of time, I will defer to my colleague from California. I commend her for allowing the Senate to go on record on this vital program.

Manufacturing makes up 25 percent of Wisconsin's economy—making Wisconsin the fourth largest manufacturing State in the Nation, tied with Michigan. While that statistic may conjure up images of huge businesses, in Wisconsin, 89 percent of our manufacturers have fewer than 100 employees. These small- and medium-sized firms are consistent forces for manufacturing job creation and are less likely than larger firms to outsource jobs. Smaller manufacturers pay good wages and contribute to the overall vitality of the local economy.

In Wisconsin, the unemployment rate dropped to 5 percent, but these figures hide the disappearance of the solid manufacturing jobs on which Wisconsin's prosperity once rested. In January, the number of factory jobs in Wisconsin fell to the lowest level in more than a decade—even as unemployment fell. Since 2000, we have lost one out of every seven manufacturing jobs—79,000 in total.

In Wisconsin, and across our Nation, MEP is one Federal program actively and effectively combating this deterioration of the manufacturing base. By helping small- and medium-sized manufacturers streamline production, integrate new technologies, and improve competitiveness, MEP has created or saved more than 35,000 manufacturing jobs nationwide during the last fiscal year. In Wisconsin, the program is supported—and used—by scores of manufacturers and the largest business association in my State: Wisconsin Manufacturers and Commerce.

I ask unanimous consent that a letter of support for the MEP from Jim Haney, President of Wisconsin Manufacturers and Commerce be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WISCONSIN MANUFACTURERS & COMMERCE,
Madison, WI, February 27, 2004.

Hon. HERB KOHL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KOHL: It was a pleasure to tour Berntsen International with you last week in Madison. This company is just one example of many WMEP success stories that I have personally witnessed in Wisconsin. I completely agree with you that MEP is one of the best government investments around, and it should be fully supported at the state and federal level.

Wisconsin Manufacturers and Commerce is an association representing 4,300 members. As the largest business association in Wisconsin, we are first and foremost concerned about the business climate in the state. Our primary priorities are to reduce the tax and regulatory burden on our businesses. But we also recognize where smart and appropriate investment of public dollars can produce results for business in the state.

We need to prioritize our economic development initiatives and judiciously place taxpayer dollars in those investments that provide the best return for our state and our country. There are many programs that should not make the cut. However, MEP is one government investment that ranks at the top when evaluated against criteria of national need, effectiveness and results. We should not shortchange or undercut this excellent program.

I understand the Senate Commerce, Justice, and State Appropriations Committee will be reviewing manufacturing support priorities with Secretary Evans this week. Please urge Secretary Evans to do what he can to restore MEP funding support to the FY03 level of $106 million.

Feel free to call me at 608–258–3400 to talk more about MEP and its impact in Wisconsin.

Sincerely,

JAMES HANEY,
President.

Mr. KOHL. Let me quote from that letter:

We need to prioritize our economic development initiatives and judiciously place taxpayer dollars in those investments that provide the best return for our state and our country. There are many programs that should not make the cut. However, MEP is one government investment that ranks at the top when evaluated against criteria of national need, effectiveness and results. We should not shortchange or undercut this excellent program.

I ask my colleagues, isn't MEP exactly the sort of program a budget with vision would support, a program, as Mr. Haney says, that brings real returns—jobs, economic growth, hope—from our scarce taxpayer dollar, a program that has received strong bipartisan support at the State and national level, a program that faces our challenges head on—and taps the innovation and work ethic of American businesses to solve them?

The Boxer amendment in so many ways adds vision to a budget that is blind when it comes to the trials of the American manufacturing sector. It adds courage to a budget frightened to acknowledge the serious jeopardy our economy faces. And it adds common sense to a budget that calls for short sighted cuts in programs, like MEP, that offer a tenfold return on taxpayer dollars.

I urge my colleagues to support the Boxer amendment. I urge the Senate to continue to work to amend this Budget resolution to turn it into the plan that our Nation needs and deserves.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized for 2 minutes.

Mr. PRYOR. Mr. President, I wish to ask the Senator from California a question. I have been reading in the business magazines and the newspapers about the jobless recovery we are having and I wonder, if the Senator from California feels so passionately about creating jobs in this country, if she could give me a historical perspective about what we are talking in job creation in the last 3 years.

Mrs. BOXER. I thank the Senator for asking this question. I have never known that we have offered such a comprehensive jobs amendment on a budget resolution. These are not ordinary times.

My friend is right when he asked this question. If we go back over time to Herbert Hoover in the Depression years in the 1930s, that is the only time we have actually lost jobs. We have created jobs under Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, George H.W. Bush, Clinton, and now we are down to this and we have seen 3 million jobs lost. We need a jobs amendment.

Mr. PRYOR. If the Senator will yield for another question, I notice in all the statistics, small business is the sector of the economy that creates jobs and R&D is critical for creating jobs; also, the area we are struggling in in this country is manufacturing jobs.

Again, the Senator from California is so passionate on this issue. I would like to hear the Senator's perspective and how this amendment will help those sectors.

Mrs. BOXER. Clearly, we give tax breaks in this amendment to small businesses that pay or help pay for their employees' health benefits.

When we talk to people, they are scared about the cost of health insurance. They are frightened. They are frightened that the costs are going up, that they may lose it, not to mention their entanglements with HMOs that want to walk away.

We say to employers, employees, we will help if, in fact, you pay for your employees' health care, or at least part of it.

We also give a manufacturing jobs tax credit. And this is Senator KERRY's idea.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mrs. BOXER. Madam President, do I have a remaining minute on my time?

The PRESIDING OFFICER. All the time has been used.

Mr. CONRAD. Madam President, I yield an additional 20 minutes off the resolution to the Senator from California.

Mrs. BOXER. I thank my friend.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

Mrs. BOXER. So I say to my friend from Arkansas—because I would like to continue this give-and-take—what we are seeing is a devastating change in what has been known as economic progress in America—a devastating change—something we have not seen since Herbert Hoover. This is serious business.

For our small businesses that are creating whatever jobs are being created—although we still are not seeing a net increase in those jobs—we need them to get help. So in this amendment not only do we suggest a reserve fund to help our workers, but we suggest tax credits and tax breaks to our businesses that create manufacturing jobs. For every job they create, they get a tax credit, and also for those businesses that pay for health care for workers.

So I think the question was right on the mark.

I would be glad if my friend has any other questions.

Mr. PRYOR. Madam President, will the Senator would yield for another question?

Mrs. BOXER. I am happy to yield.

Mr. PRYOR. So it seems you are providing tax relief for companies that are trying to, in effect, stimulate the economy and trying to create jobs in this country. Again, as I understand economic principles and the reality of this economy, it is small businesses that create jobs in this country. With all due respect to the top 500 or 1,000 companies—we love to have them, and I am proud of what they do—it is the small

businesses, when you are talking about the bread-and-butter job creation, that do that.

I know the Senator's amendment would help small businesses considerably, not just in the manufacturing sector but in other areas.

I would just like you to comment on that.

Mrs. BOXER. Absolutely.

This health care tax credit is very important as well.

In my State, my small businesses that do the right thing by their employees are being hurt. We ought to recognize if you do the right thing, you ought to get rewarded for it. So that is why we do this.

I say to my friend, he is right; this jobs amendment helps workers and helps businesses. It is a balanced approach.

Here is how we encourage the creation of American jobs: We provide tax credits to companies that create new jobs. We provide tax credits to help small businesses pay for health insurance. We expand funding to the Manufacturing Extension Partnership and the Advanced Technology Program, which really helps small businesses in an enormous way. What we do with these programs is we help them go from the research part of things to the marketing part of things. It has been a huge success.

Unfortunately, the President has zeroed out the ATP. I cannot understand it. This is something our businesspeople really want.

Also, as to basic scientific research, we see it in the budget, but it is mostly for defense weapons programs. We do not have it on the civilian side.

Again, coming from a State—I am sure your State has them, as well—with very entrepreneurial people, who really can take off from scientific research, it is very important.

I say to my friend, we pay for this. We pay for this by ending—this is Senator DORGAN's idea—we end the tax break for companies that move offshore. Oh, yes, they are creating jobs, but they are creating jobs offshore. And we pay for it by saying to the millionaires—people who make over $1 million a year—we are saying to those folks: Instead of getting $127,000 a year back, can you take $85,000 a year back? That is still 7.5 times more than a worker at the minimum wage.

So this is a golden moment for this Senate to come together across party lines on behalf of our small businesses, on behalf of our workers, and create jobs.

I have already shown my colleague the historic proportions of this moment in history in which we find ourselves: the worst record since Herbert Hoover, the only Presidency since Herbert Hoover not to create jobs. This is an extraordinary moment. We need to take a moment to realize if a millionaire gets back $85,000 instead of $127,000, that is not a great sacrifice to make for putting people to work, for giving a lift to small business.

Mr. PRYOR. Madam President, I just have one more observation to make, and I will be glad to yield the floor. It seems to me our economy is changing. As a Congress, we need to recognize that, we need to understand that, and try to harness that change in a positive way for our economy.

One area our economy has changed quite a bit in the last several years is we have gone more and more to a service-oriented economy rather than just purely a manufacturing economy. Back in the 1960s, the Congress passed something called Trade Adjustment Assistance. What it did is it provided sort of a package of various programs for workers who had been dislocated—who had been downsized, in today's vernacular.

What I think we ought to do, and what this amendment does—and I think it is very smart to do this and move in that direction—is it gives workers in the service industries those same TAA benefits.

The reason I think that is important is because a much larger percentage of our economy is now based on the service industries, and what we are seeing is the trend that those service jobs are moving offshore. We have heard about call centers and other things going offshore. That is exactly what we are seeing.

So, here again, the Boxer amendment acknowledges the economic reality today and tries to help people who need help most.

Mrs. BOXER. Madam President, I thank my friend because he is exactly right. This outsourcing is a very tough issue. I say to my friend, before he goes to his committee hearing, I met a young man in California who had an excellent job as a computer program manager. He is a newlywed and very excited about his life. He finds out he is being fired, not because he is not a good employee—he is a great employee, terrific—but because his job is being outsourced to another country. And the person over there is going to get a quarter of what he makes. Now, here is the real kicker. He is told he has to train his replacement.

I have to say, this is what is happening all over America. If we cannot take a stand in this budget which reflects all of our priorities as a nation, if we cannot take a stand for America's workers and America's small businesses, I do not know why we are here. What are we here for?

I ask my friend again to look at this chart which shows that the smallest share of the population is at work since 1994. This is not a good chart when you translate it into real lives of real people—and we know the stories in our States: a mother wakes up worried because her company says it no longer will pay health care—that is why we give a health care tax credit in this amendment—a gentleman, as I described, is told by his boss: You are losing your job. It is being outsourced, and you have to train your replacement. This is what is happening in America.

I know some colleagues are here who would like to be heard on this amendment, which I am very pleased about.

Madam President, I ask unanimous consent to have printed in the RECORD this Washington Post article from today: ''Bush Choice for Manufacturing Post in Question.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 11, 2004]

BUSH CHOICE FOR MANUFACTURING POST IN QUESTION

(By Mike Allen and Jonathan Weissman)

Six months after promising to create an office to help the nation's struggling manufacturers, President Bush settled on someone to head it, but the nomination was being reconsidered last night after Democrats revealed that his candidate had opened a factory in China.

Several officials said the nomination may be scrapped because of the political risk but said that had not been decided. Bush's opponent, Sen. John F. Kerry (D-Mass), has made job losses his chief point of attack, and some administration officials feared the nomination could hand him fresh ammunition.

In late afternoon, the administration announced that the new assistant secretary of commerce for manufacturing and services would be named at a ceremony this morning. Industry officials were told that the job would go to Anthony F. Raimondo, chairman and chief executive of a Nebraska company that makes metal buildings and grain silos.

But Kerry's campaign, tipped off about the impending nomination several hours earlier, hastened to distribute news reports that Raimondo's firm, Behlen Manufacturing Co. of Columbus, Neb., had laid off 75 U.S. workers in 2002, four months after announcing plans for a $3 million factory in northwest Beijing.

Bush aides said Behlen, founded in 1936, has four U.S. plants employing 1,000 people and a 150,000-square-foot plant in China employing 180.

A senior administration official, who refused to be named because Raimondo has not been nominated, said Behlen has exported products to China since 1984 but was losing market share to other U.S. firms. The official said that half the equipment used to build the factory was made in the United States.

''This is not a case of making goods more cheaply in China to sell back in the U.S.,'' the official said.

Democrats contended, however, that Raimondo's record helps illustrate why the nation has lost 2.2 million jobs, most of them in factories, during the Bush presidency. The layoffs have been concentrated in such swing states as Pennsylvania, Michigan and Ohio.

Seventy-five minutes after the administration announced a news conference with Commerce Secretary Donald L. Evans to name the official, an advisory went out saying the event had been ''postponed due to scheduling conflicts.''

By last night, three senior administration officials said Raimondo's nomination might be scuttled but said they did not know for sure. Bush announced the new office with fanfare on Labor Day, and Democrats had been saying for weeks that the long delay in naming the new assistant secretary reflected the low priority that Bush puts on preserving jobs.

An aide close to Bush said last night the uncertainty about the nomination had

''nothing to do with Senator Kerry or his baseless charges.'' This aide, who thought the nomination would go forward, said the delay ''more has to do with congressional notification issues and things like that than it does anything else.''

The congressional issues concerned one of the senators from Raimondo's home state, Sen. Chuck Hagel (R). An aide said last night that Hagel had no comment.

Bush's White House prides itself on orderliness but has been on the defensive on economic issues. Last month, the White House had to disavow its own estimate that 2.6 million jobs would be created this year. The same economic report, issued under Bush's signature, touted the economic efficiencies of sending certain types of U.S. work overseas.

Business groups praised plans for the new position, which quickly became known among industry officials as a ''manufacturing czar.''

Raimondo, who is chairman of the Omaha Branch Board of the Kansas City Federal Reserve Board, contributed the maximum of $2,000 toward Bush's reelection in June, a month after the campaign opened for business.

Raimondo is a longtime board member of the National Association of Manufacturers. Michael E. Baroody, the group's executive vice president, called Raimondo ''a class act who understands manufacturing and understands public policy.''

When Bush announced the new position Sept. 1, he noted that the nation had ''lost thousands of jobs in manufacturing . . . some of it because production moved overseas.'' He made the announcement in Ohio, which last year suffered the second-worst job losses of any state, mostly in manufacturing.

Mrs. BOXER. Madam President, I will only read the first paragraph, and then I would like to yield 5 minutes to my friend from New Jersey, Senator CORZINE.

Here is what it says:

Six months after promising to create an office to help the nation's struggling manufacturers, President Bush settled on someone to head it, but the nomination was being reconsidered last night after Democrats revealed that this candidate had opened a factory in China.

Now, I ask you, what signal are we sending to the workers of America, to the businesses of America, when the President's No. 1 choice for manufacturing czar has opened a business in China?

So if you put together this fact with this fact, with the chart I showed you that illustrates the worst problem in job creation since Herbert Hoover, we have an explosive situation on our hands. The vote on this amendment should not be about parties; it should be about our people, whether they are in Alaska, Wyoming, New Jersey, Michigan, or California.

I yield 5 minutes to the Senator from New Jersey and ask, after yielding that time, how much time would be remaining on my side?

The PRESIDING OFFICER. The Senator would have 4½ minutes on her side.

Mrs. BOXER. I yield Senator CORZINE 3 minutes and Senator STABENOW 4 minutes.

Mr. CONRAD. Madam President, I say to the Senator from California, I would be happy to yield time off the resolution to the Senator from Michigan so it would not come out of her time.

Mrs. BOXER. Excellent. So how much time will the Senator yield off the resolution?

Mr. CONRAD. I could yield 10 minutes off the resolution to the Senator from Michigan. How much time does the Senator from New Jersey seek?

Mr. CORZINE. I would use 3 to 5 minutes.

Mr. CONRAD. I am happy to yield 5 minutes off the resolution to the Senator from New Jersey.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I thank the Senator from California for both raising the issue and addressing it with resources through this budget resolution. There is hardly an issue in America that is more important than that which has been very ably demonstrated by the series of charts the Senator from California has provided.

We have before us the worst record of job creation in the last 70 years. It is one that is not getting better anytime. The only observation I will add to the presentation of the Senator from California is that not only are we losing jobs, but when we lose those jobs it makes the competitive market for wages and real income for Americans go down.

The reality is for those people who lose their jobs—and there have been roughly 3 million in the private sector—their likelihood of retaining another job that pays the same as the one they have lost or the benefits they had in the job they have lost is virtually nil. You see about 75 or 80 percent of the equivalency of the compensation for individuals who lose their jobs.

The problem is, we are putting more people on the job market. The normal economics of supply and demand are undermining the real wages of the people who remain in the workforce. So not only are we getting more unemployed and fewer people working in the overall workforce, but we are seeing a reduction in real wages in the economy.

This is an extraordinarily negative cycle that is being set up. It is absolutely important that we reverse it. That is why this amendment is so important. It will encourage the creation of American jobs in a way that begins creating greater demand which is going to raise the wage of what we pay for the jobs we have.

Certainly, we need to stop this mad rush of sending jobs overseas which is undermining also not only the number of jobs in America but, as I say, is lowering the real cost of real wages, which is undermining the quality of life for everyone, not only the people who are unemployed but those who are working.

This is a dangerous phenomenon. The Senator from California has absolutely focused on the right thing, making sure we are using our tax system to generate jobs. It is one of those issues that is going to resonate most strongly with the American people in 2004 because it matters in people's lives more than anything else.

We have the worst job creation record in 75 years. Contrast that with what went on in the previous 8 years up through 2000, where we created 22.5 million jobs with an entirely different tax structure. We were focused on making sure we were increasing the real wages, increasing the earning power of Americans. We did it by increasing the demand.

The Senator from California has focused on just the right issue. Frankly, as the chart now before us illustrates, in job creation not only for the 1990s but all the way back through President Bush 1 and President Reagan as well, there was a serious effort to try to create jobs. We have a series of economic policies right now that are undermining not only job creation but the real wages of American workers. It is time we all take steps to try to correct that.

Mrs. BOXER. Will the Senator yield for a question before his time expires?

Mr. CORZINE. Certainly.

Mrs. BOXER. When my friend goes home to New Jersey and talks to people, does he find what I find; that people are anxious, they are insecure, they are concerned about retaining their job, retaining a good job, retaining health benefits? What I find is, even if people have good jobs, they are fearful of the cost of health insurance.

As the Senator knows, in our Democratic jobs alternative, we give a tax credit to businesses that pay for all or part of health insurance. I wondered if my friend has that same sense when he goes to talk to his people at home?

The PRESIDING OFFICER. The Senator from New Jersey has used 5 minutes.

Mrs. BOXER. I ask my friend if he will yield an additional minute to the Senator.

Mr. CONRAD. I yield an additional 3 minutes to the Senator from New Jersey off the resolution.

Mr. CORZINE. I appreciate the opportunity to respond.

First, a week ago Friday in New Jersey, we closed our next to last oil production facility. At the end of 2005, an industry that used to have several hundred thousand workers in New Jersey, as recently as 10 years ago, will have zero autoworkers now. We closed a Ford plant a week ago Friday. At the end of 2005, our final auto production facility for GM will close.

We have seen the shrinkage of workers in the telecommunications industry, Lucent, and AT&T, which have been truly remarkable. Over 100,000 telecommunications jobs have been lost over the last 4 years. It is incredible the tension and the anxiety that people feel about both their ability to work and to care for their families. But

then to think about the responsibility of health care and their retirement security is overwhelmingly a part of the concerns that middle-class Americans have. The kind of proposal the Senator from California is putting forth addresses those real concerns. I reemphasize, it is not only the people who lose their jobs; it is the people who live next door to those folks who see their real wages being depleted to low levels. We are undermining the economic health and well-being of the Nation.

Mrs. BOXER. If the Senator will yield, he is so right. Consumer confidence is almost everything in our economy, which is a consumer-based economy.

I took economics, so I have an economics background from my college years. But my friend practiced economics and did very well at it. What he says is so important. If your next-door neighbor is suffering because of a loss of jobs or downward pressure on job income, it has a contagious impact. A lot of this lack of consumer confidence is what we are seeing today.

I wish to ask my friend another question that has to do with the fact we paid for this amendment. We paid for this in two ways. First, we eliminate the tax loophole for companies that send their jobs overseas. That brings in $2 billion to pay for this reserve fund for jobs. We also say to millionaires, we know you are going to get back $127,000—and people who earn more than that will get exponentially more—so instead of getting back $127,000, you get $85,000. That difference is more than a minimum-wage worker's salary for an entire year.

As my friend looks as his people in New Jersey and knows the median income level there, do you think this is a fair thing we do here, ask everybody to sacrifice?

To reiterate, we are saying to the millionaires of this country, we are proud of you, that you got the American dream; and you worked for it—most of them did, not all of them. Can't you make that sacrifice so we can put people to work and turn around these numbers?

Look at this chart. We talked about this before, going back to Ronald Reagan. We haven't seen this kind of deal since Herbert Hoover. Looking at New Jersey and the people making over $1 million who would be impacted, does my friend not believe we pay for this in a fair way?

Mr. CORZINE. I think the Senator from California is talking straight common sense. I think even those who are doing very well in our society can understand it.

First, the millionaires you are talking about are two-tenths of 1 percent of the total amount of the taxpayers who would be impacted—two-tenths of 1 percent. What the Senator is talking about is moving marginal tax rates back to the level where they were during the nineties, at a time when 22.5 million jobs were created.

Think about it. Moving it back on two-tenths of 1 percent of the population, to a point in time when economic growth was the highest and the most sustained we had in the 20th century, the most expansionary period we had in the 20th century.

What we are trying to do is turn around the economic performance of the Nation so all will benefit as the performance of our economy spreads out. I think it is fair. It is smart because it actually has been exhibited by history that these kinds of rate structures are not inhibiting to the economy; they were a part of the economy at the most successful period in the 20th century.

Mrs. BOXER. I have one more question and that is it. First, I ask unanimous consent that Senators MIKULSKI and DORGAN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Will the Senator make the Senator from New Jersey a cosponsor?

Mrs. BOXER. I ask for that as well.

When we look at the promises made and the reality, I would like my friend——

The PRESIDING OFFICER. The initial time has expired.

Mrs. BOXER. I will wait on that. I thank my friend from New Jersey.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I rise to speak in strong support of this amendment. I am pleased to be a cosponsor. I, first, thank my friend from California for her ongoing leadership, her eloquence, her understanding of these issues, and also my friend from New Jersey, who speaks with such common sense about what this is all about.

There are several pieces to this amendment that are critical for my State. Frankly, there is nothing more important right now in Michigan than creating a level playing field for our businesses and our workers, helping them to lower the cost of their health care, helping and supporting those efforts to invest in innovation and education, and the ability to move forward with increased skills and productivity and compete in the world economy.

I am very pleased that in this amendment is the type of manufacturing tax credit I first introduced last fall and have been working with the Finance Committee on to make sure we are rewarding those who are creating manufacturing jobs in the United States of America. We need to make sure they have a lower tax rate, and we need to make sure our tax system does not encourage those who wish to take our jobs and export them. We want to export products, not our jobs. That is what this amendment does. It allows us to focus on those things that create jobs in America, good-paying jobs, that focus on work, not wealth, in our country.

It is very common sense to say, rather than another tax cut for the privileged few, we want to invest in jobs and strong businesses in America for everyone. That is what this amendment is all about.

In speaking about this, I want to, once again, raise concern that after 6 months of the President talking about putting someone in the Department of Commerce to focus specifically on manufacturing, we have yet to see that person appointed.

My deep concern is that I read in the paper today the person now being considered, after we have been encouraging this month after month, is someone who actually has—I don't know this gentleman and this is certainly not a personal attack. I certainly don't know him, but I do know of my concern that his company, Behlen Manufacturing, of Columbus, NE, laid off 75 workers in 2002, 4 months after announcing plans for a $3 million factory in northwest Beijing. As Yogi Berra said: It's deja vu all over again.

This is the kind of headline we get every day now in my State. I don't want somebody heading up the manufacturing effort who is doing that. I want to see someone who has made a commitment to America and American jobs and to help American businesses stay here and be productive. That means fighting for a level playing field on trade policy, currency manipulation, and tackling health care issues. It also means focusing on those issues that help our companies be more competitive, more efficient.

Two of those programs, which I have been deeply involved in now for over 7 years, in the House and now in the Senate, are the Manufacturing Extension Partnership and the Advanced Technology Program.

Mrs. BOXER. Will my friend yield for a moment?

Ms. STABENOW. Yes.

Mrs. BOXER. She was right on target about this manufacturing czar, this potential nominee, who may be a very lovely gentleman; nonetheless, what a poor choice. We should be rewarding people and companies that create jobs for the American people.

You know, I wish the world well. I want Iraq to have democracy and the Haitians to have democracy. I want the people of Afghanistan to thrive. Lord knows, we spend enough money there to help them. What about people at home? Isn't that our first responsibility?

I am telling you, when I have to hear stories from constituents who say, Not only was I laid off and my job is going to be outsourced to a foreign country but I have to train my replacement—I say somebody may call that outsourcing; I call it painful. I call it wrong.

Mr. ENSIGN. Madam President, regular order.

Mrs. BOXER. My friend from Nevada wants me to get to the question and I will.

When this gentleman moves his jobs to China, does he not get a tax advantage? And are we not closing that loophole—it is the Dorgan idea—and does my friend support that, as well as the other items on this list?

Ms. STABENOW. Absolutely. This is an issue we have to address. We have to make sure our tax policy rewards those who create jobs here.

As the Senator from California was speaking about individuals, I would like to share for the record two of literally hundreds of letters I have received from people in Michigan speaking about their personal situation. This is not economic theory. These are real-life experiences of businesses and individuals in Michigan who are desperately impacted right now by our unwillingness to have policies that are good for American businesses and jobs at home.

One example: A Michigan resident from Union City, MI, writes:

> My wife and I own a small machine shop in Union City, MI. At one time, we had seven employees. Now my wife, my son, and myself are all that's left. Most of the time we don't even have enough work for ourselves. I watched as many of my friends and competitors have gone out of business and just closed their doors or filed for bankruptcy. While we fight the war on terrorism, if we are not careful, we will lose a much bigger war to the rest of the world without firing a shot.

This economic war, this need to fight for a level playing field for our businesses and workers, is every bit as serious to our quality of life as what is happening abroad.

One other part of a letter I will share, and this is from a resident in Clyde, MI:

> My husband, a 25-year mechanical engineer, designer of automotive special machines, has been laid off seven months. The company he worked for was bought by Fiat and within two years, began outsourcing the engineering to countries such as Bosnia where engineers will work for $6 hourly. Our workers can't compete with that obviously. The engineering department is now closed completely, everything outsourced. He is 55, laid off 2½ weeks short of his retirement vesting at 100 percent, can't draw social security and has been unable to find work. The market is flooded with engineers because outsourcing is happening all over . . . .
>
> If we want to maintain the quality of our environment and keep our families fed, we need legislation to address the inequities in manufacturing standards globally, balancing tariffs, something. Our workers can't compete with the salaries outsourcing provides from other countries . . . .

And maintain our standard of living. I hear this story every single day in my State.

Before my time is up, I wish to address a couple of very important provisions from which Michigan has greatly benefited, in addition to the issues on tax policy and health care, and the other provisions.

The Advanced Technology Program is exactly the kind of program we ought to be doing in this country and we have been doing, although we have been fighting to keep it going. Now the President this year has zero in his budget for this program, even though we hear from the administration rather than tackling issues such as smart trade policies and currency manipulation, they say we should focus on education and innovation. Great. But when we have the innovative programs, such as ATP, they have zero in the budget to fund them.

What does this do? It allows industries, such as the automotive industry, to come together and partner with our universities on programs and research projects that allow them to be more competitive. It allows them to do activities such that got a headline yesterday in the Detroit Free Press:

> Detroit-based automakers can take pride in a report on the latest issue of influential and assiduously objective Consumer Reports magazine that they have surpassed the Europeans in vehicle reliability.

I know some of the ways they do that have been to come together in projects funded by the ATP to allow them to create greater reliability, greater efficiencies, to compete in the world economy.

The Boxer amendment makes sure we continue this important partnership. It is partly funded by the Federal Government and partly funded by the businesses. It is critical.

Madam President, I ask for an additional 5 minutes from my esteemed colleague on the Budget Committee.

Mr. CONRAD. Madam President, I am happy to yield an additional 5 minutes to the Senator from Michigan off the resolution.

Ms. STABENOW. I thank the Senator from North Dakota.

In Michigan, 154 different businesses have been involved with 68 completed and ongoing partnerships. They are joint ventures as well as single business applicants. These are exactly what we hear from the administration we ought to be doing: partnerships, public-private sector, working with the universities, small investment, big results.

The other important part of this amendment that relates to moving forward and being positive is the manufacturing extension partnership. It is interesting; some of us have been involved with agriculture and cooperative extension. This program is based on that model of bringing together the best management practices, cutting-edge information, and working with manufacturers to increase productivity and efficiency to compete in a global economy. A very small amount of dollars is involved in this particular program, and it yields tremendous results.

In Michigan, the Manufacturing Extension Partnership funding is credited with more than $80 million in sales impact, more than $32 million in cost reductions, and through the regional offices they have assisted over 250 companies in my State alone in achieving certification to industry quality standards. This is important. It helps our small and medium-size manufacturers.

It has had, in the past, strong bipartisan support. I was deeply disappointed in the Budget Committee when I offered an amendment to restore funding for MEP and ATP, and we did not have bipartisan support. It was a party-line vote. We certainly can correct that today because I know in the past there has been good bipartisan support for this amendment.

I simply say to my colleagues this amendment gives us an opportunity in a very broad sense to focus on what is the most critical issue facing our families and our businesses today, and that is the ability to compete in a global economy in a way that keeps jobs and our standard of living in the United States.

There is not a business I talk with that does not say: Give us a level playing field and we will do the rest. We know if, in fact, we have the right kind of policies and the right kind of investments, we can do that.

This budget is all about choices. It always is. We are asking for a small change rather than investing, once again, in the success of those privileged few who have been getting tax cuts and are set to get the most tax cuts right on down the line; that we take a portion of that and invest it back in the health of our U.S. economy and the strength of the economy for the future and in the quality of life of every American, and in those policies that will allow us to have the strongest possible businesses, the best workers, and the most successful workers in the world, because the Boxer amendment gives us the ability to do what we need to do to put us on the right track for the future and to continue the quality of life we all want for our families.

I strongly support the Boxer amendment. I thank my colleague from North Dakota for yielding me time. I am very hopeful we will see a strong bipartisan vote.

Mr. BAUCUS. Madam President, I am going to have to oppose this amendment offered by the Senator from California, Mrs. BOXER, and I would like to take a moment to explain why.

The spending proposed by the amendment is for a good purpose. We can and should find ways to fund this important goal.

But I do not believe that we need to roll back tax relief that Congress enacted in 2001 to fund this amendment. I supported those 2001 tax cuts. Congress enacted them in a time of massive surpluses. Returning some of those surpluses to the taxpayer was the right thing to do.

We can find other offsets to pay for the spending in this amendment. Offsets such as the closing of corporate tax shelters currently pending in the JOBS bill come readily to mind. Before we start rolling back the tax relief that we enacted in 2001, we should ensure that we have taken all reasonable steps to obtain revenues through closing down abusive tax shelters.

And so, I shall reluctantly oppose this amendment, as I did the amendment offered by the Democratic leader,

Mr. DASCHLE, the day before yesterday increasing veterans' funding—and for the same reason.

I shall look forward to working with my colleagues to find other offsets for their amendments—offsets that as much as possible avoid rolling back the tax relief that we enacted in 2001.

Mr. ROCKEFELLER. Mr. President, I rise in support of the amendment offered by my colleague from California. I urge all Senators to side with working Americans and vote for this amendment.

There has been considerable media attention recently to the dire employment situation in America, but this problem is so acute that I think it bears repeating. Eight million Americans are currently looking for work. Of these, nearly 2 million workers have already been unemployed for more than 6 months.

The Labor Department told us last week that almost 400,000 Americans are not even counted by the unemployment statistics because they have simply given up and left the workforce. In the last 3 years, the Nation has lost 2.5 million jobs—2.5 million.

This situation demands a response from the Nation's leaders that will actually help create jobs. Unfortunately, the Bush administration is failing this test. Instead of appreciating the crisis facing those who have lost their jobs, this administration presses ahead with failed economic policies.

The President continues to call for additional tax cuts tilted toward the wealthiest Americans. He opposes extending unemployment benefits to help families weather the difficult economy. And recently, his administration actually endorsed the shipment of jobs overseas. The budget resolution before us today makes the mistake of affirming the President's failed policies.

The amendment offered by Senator BOXER offers a starkly different direction. Her amendment includes a series of provisions that will respond to the employment crisis facing America by helping American companies stay here and add jobs.

First, this amendment creates a temporary tax break for businesses that create jobs. In order to help employers feel more confident in adding new workers to their payroll, this amendment would reduce the cost of hiring during this uncertain time.

In addition, the amendment would require the Federal Government, whenever possible, to hire American workers when spending taxpayers dollars. This is the least that we owe workers who are struggling to pay their taxes as they worry that their jobs will be shipped overseas.

The amendment also ensures that our Tax Code does not provide incentives for companies to move their factories to other countries. American businesses should not be allowed to avoid taxation on income from production that it moves overseas only to ship the goods back to the U.S. The amendment before us would eliminate this perverse incentive in our Tax Code.

In cases where corporate executives have determined that it is in the best interests of their companies to ship jobs overseas, this amendment requires that the companies show some respect for their workers and communities by providing sufficient notice before pulling up their stakes.

The amendment also calls for increased investment in programs that we know help our small- and medium-sized manufacturing companies benefit from new science and technological developments. Both the Manufacturing Extension Partnership and the Advanced Technology Program help our manufacturing companies globally. This amendment calls for adequate funding for these important programs.

These are just a few of the important provisions of this amendment. The message that this amendment sends is very simple: Congress understands that Americans need good jobs and we are prepared to support policies that will help create and maintain these jobs.

In my own State of West Virginia, hard-working people expect Congress to understand how devastating it is when factories close their doors and ship the jobs overseas. Since President Bush came to office, West Virginia has lost nearly 10,000 good manufacturing jobs.

Manufacturing jobs have traditionally provided a path to the middle class. They offer good wages, health care benefits, and pension plans. Having worked for years to bring new jobs to my State, I know how important it is to have public policies that will support job creation and protect American workers. That is what this amendment would do, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I yield myself such time as I may consume off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I thank the Senator from California for this very important amendment. It is becoming increasingly clear jobs are very much an endangered species in this economy. It is the No. 1 subject. When I go home and go from town to town, the No. 1 subject is economic opportunities, jobs, economic growth, and a deepening concern that we are not seeing the kind of economic growth and job opportunities all of us would like.

We saw yesterday in the very steep selloff in the stock market an increasing concern that economic growth is already stalling out.

We have seen in the jobs reports that job growth is badly lagging behind what all of us would like to see, and badly lagging behind what we have seen in other recessions.

On March 9 in the New York Times, Paul Krugman, the noted economist, had this headlined article: ''Promises, Promises.'' The subheadline was ''Wishful Thinking on Jobs.'' He went back and looked at the job history from 1999 to 2004 and then looked at the forecasts of the administration. He pointed out that back in 2002, the administration said by this time, or January of 2005, we would have 138 million jobs. Obviously we do not have 138 million jobs. We are at 130 million jobs now.

Then in 2003 they refined that estimate and lowered it substantially and said, Well, no, we will not have 138 million jobs; we will have 135 million jobs. Now this year they revised the estimate again and said, Whoops, we were wrong again. We are not going to have 135 million jobs; we are going to have 132.7 million jobs. As of the end of February, we are nowhere close to that. We are at 130.2 million jobs.

I will go to this chart that shows what has happened in every recession since World War II. In every one of these recessions, we have seen on average, 17 months after the business cycle peaked, the job recovery really took off. That has been the pattern of the nine recessions since World War II.

Let's compare it to what is happening this time. That is the black line. Here we are 36 months since the business cycle peaked and we still see almost no jobs recovery. Something is wrong and it is seriously wrong. We are now 5.4 million jobs short of the typical recovery going all the way back to World War II. Look at nine previous recessions. In those other recessions, the job market was soaring by this time. Not now. Something is wrong.

Even when the administration dramatically altered and lowered their projection of jobs by January of next year, they still said there would be 2.6 million more jobs by the end of 2004 than 2003. If that forecast is to come true, they will have to generate 520,000 jobs a month between now and the end of the year. The most recent month was not 520,000 jobs; it was not 420,000 jobs; it was not 120,000 jobs; it was 21,000 jobs and every one of them was a Government job. There was no growth in the private sector. Something is wrong.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. SARBANES. The quote stating that they expected 2.6 million more jobs, was that by the Chairman of the Council of Economic Advisers?

Mr. CONRAD. That was Mr. Mankiw, the Chairman of the Council of Economic Advisers.

Mr. SARBANES. Is that the same administration official, high economic official, who told us in the annual report, the one President Bush signed off on, that outsourcing jobs was a good thing for America?

Mr. CONRAD. He did say that. It is a rather remarkable statement. He thought it was good for the country that jobs were outsourced overseas.

Mr. SARBANES. Yes.

Mr. CONRAD. I think he has regretted that remark, but that is what he said. He is the Chairman of the Council of Economic Advisers to the President. He is the same person who said there were going to be 2.6 million more jobs in 2004 than the jobs we saw in 2003. We can see that to achieve that goal, they would have to be generating 520,000 jobs a month. In February, they had 21,000, and not a single one of them in the private sector.

If we think about it, the President says his tax policies are working. If his tax policies were working, the jobs that would be generated would not be in the Government. The Government jobs are not developed by his tax plan. One would expect he would be generating jobs in the private sector, and yet if we look at February there were no new jobs in the private sector. The only new jobs that were created were Government jobs, and it was only 21,000.

By the way, they would have to add 128,000 jobs a month just to keep pace with the new people coming into the job market, just to stay even. In February there were only 21,000 new jobs, and none of them in the private sector—all of them in Government. As I say, that is 500,000 jobs short of the necessary number of new jobs that would have to be generated to meet the President's chief economic adviser's forecast.

Mrs. BOXER. Will my friend yield for a quick question before my colleague continues? I find this give-and-take very helpful.

I read an economic report that said although the jobless rate is officially at 5.6 percent, if one factors in the people who have given up, it is well over 9 percent. I wonder if my friend could comment on that, because he talked about how important it is to just keep up with the people who are coming in. What about the people who have given up?

Mr. CONRAD. If we just think in our own lives who do we know who is out of work, and I started thinking about my extended family and my close friends, and you start adding up the number of people who are out of work, in my own family there are people who are highly educated, have had really excellent careers who now are approaching 60 years of age, are out of work and finding it extraordinarily difficult to find new work. These are people with advanced degrees who have had very successful careers, and yet, because of outsourcing, because of this job weakness, they are out of work and cannot find new jobs. Not only do we see it in these statistics, but there is another statistic that also tells us something is wrong, and that is the wage growth of production workers is now starting to fall behind inflation. I think that is why people feel under so much pressure.

The Senator from California mentioned the number of people who have given up looking for work. Once one gets past a certain point, they are no longer counted as unemployed because they have been unemployed so long they are no longer included in the statistics. Being out of work is not just a statistic; it is not just a number on a page; it is a real person living a real life with a real family who has lost hope, who has lost an opportunity, who has lost a chance. That is why I think there is such growing concern about what is happening.

I had a gentleman who is an executive in the machine tool industry who told me, Senator, at this stage of a recovery our order books ought to be full. They are not. Something is happening that is structurally different than previous recoveries. He said he believes the jobs are being created, but the jobs are being created in China, in India, in Mexico. They are not being created in America.

That is why I have to say I believe the amendment of the Senator from California is important. We need to be much more aggressive and proactive at creating job opportunity in this country.

The Senator from California is offering amendments to provide incentives for businesses to create jobs in America. She is also paying for it, which is the responsible thing to do, instead of just sticking it onto the debt. I might remind my colleagues that the budget resolution before us runs up the debt by almost $3 trillion over the next 5 years, and at the worst possible time, right before the baby boomers retire.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CONRAD. I will be happy to yield.

Mr. SARBANES. I say to the very able Senator from California, who earlier showed a chart about how the rate of people participating in the workforce has dropped, what has happened is you have 4.4 million workers today who are working part time for economic reasons. In other words, they want to work full time but they are only working part time.

When you compute the unemployment rate, they are counted as employed, not as unemployed, but really they are only partially employed.

Then you have another 4.6 million people who are discouraged and not currently looking for work who want to work. So they have been knocked out of the labor force as well.

Actually, there are 13.3 million Americans unemployed, and if you use the broadest measure that the BLS prepares, they report an unemployment rate of 10.3 percent. That is factoring in everybody. That is your broadest measure and that is not usually the figure that is focused on. Ordinarily, when the unemployment rate figure comes down, those other figures shrink as well. But it is not all moving in the right direction.

One of the reasons the unemployment rate figure has dropped just a little bit is because people are dropping out of the workforce and they are not looking for a job or they are being shifted from full-time to part-time work. I think that is one of the reasons why, as the able Senator from North Dakota points out, as he moves around his State, he is encountering more and more people who are concerned about the unemployment problem.

What the administration says is this particular rate is the unemployment rate, but that only tells part of the story. That is only part of the story. You have to, in effect, complete the story by looking at those who are working part time but want a full-time job. Of course, if they have been cut from full time to part time, that makes it more difficult to support their family.

Then there are the people who want a job but they are so discouraged and pessimistic that they have dropped out of the effort to find a job. They don't get counted in that unemployment rate.

Mr. CONRAD. I would say in response to the inquiry of the Senator, in terms of what I found at home, North Dakota has one of the lowest unemployment rates in the Nation. We have a very low rate of unemployment in our State. Yet job anxiety is growing there. Why? It is not because the unemployment rate is high; it is because good jobs are not available. It is because people who are more highly educated, more highly trained, are not able to get jobs commensurate with their training and education, and this is creating a whole level of people who are what we would call underemployed—underemployed based on their previous job experiences, underemployed in terms of their education and training.

I say to my colleagues, there was a cartoon in the New Yorker magazine that my wife drew to my attention the other day. The cartoon was two guys who kind of looked like deadbeat guys.

One guy says to the other: You know, you are out of work, aren't you?

He said to the gentleman: I have quit looking. I understand that's good for the economy.

No, it is not good for the economy. That I think is what is increasingly of concern to people. These are middle-class people, people with good education, with good training, who had good jobs.

I have a relative who was very advanced in a major corporation and his entire division was laid off. These are very highly skilled people, very highly trained, very highly paid. They found all of their jobs were being shipped to India. To add insult to injury, they were asked to go to India to train the people to take their jobs.

Mr. SARBANES. Will the Senator yield on that point? The President was in Ohio a day or two ago. Of course, Ohio has been badly hit. They have lost manufacturing jobs and they are being hard hit by, in effect, the flow of jobs overseas.

This morning's paper says we ran a record trade deficit last month of $43 billion. That monthly rate translates into well over a $500 billion annual trade deficit—a $½ trillion trade deficit. Of course, people say we are exporting goods and that is true. But we are importing far more than we are exporting, so much so, that we have set a record monthly trade deficit figure. That only again reflects the flow of jobs out of this country, overseas, exactly the point the Senator is making. In particular, it is the flow of some very good-paying jobs.

The manufacturing sector has been very hard hit. The Administration set up this post of an Assistant Secretary for Manufacturing. They waited 6 months, they didn't nominate anyone, and now it looks as if the person they are nominating they are not going to go through with because it turns out he was establishing a factory over in China and cutting back on jobs in this country. Can you imagine that?

I thank the Senator from California for her amendment. She is right on target. This is an extremely important amendment. The package she has put together is a very sensible package to try to address this problem.

Mr. CONRAD. I want to pick up on a point the Senator was asking about; that is, what are the implications of these massive deficits, both budget and trade?

The Senator mentioned yesterday we just got the latest month's trade deficit, $43 billion. Over a year, obviously, that would be a trade deficit of over $500 billion. At the same time we are running a budget deficit of nearly $500 billion.

This article from the Washington Post of January 26 caught my eye about the long-term effects of these massive deficits, both budget and trade. I think these are warning signals to us all. We are on a dangerous course with these massive deficits. This is what the article said: Currency Traders Fretting Over That Dependency.

The dependency they are talking about is these massive deficits, the trade deficit the Senator from Maryland referenced and the budget deficit.

The currency traders, those who trade currency for their living, are concerned over that dependency, the dependency on borrowing—

> They have been selling dollars fast and buying euros [that's the European currency] furiously. The fear is that foreigners will tire of financing America's appetites. Foreign investors will dump U.S. assets, especially stocks and bonds, sending financial markets plummeting. Interest rates will shoot up to entice them back. Heavily invested Americans will not be able to keep up with rising interest payments. Inflation, bankruptcies, and economic malaise will follow.

If we look at what has happened to the value of the dollar against the euro in the last 2 years, it ought to sober us up about these deficits. The dollar has declined more than 30 percent in value against the European currency in just the last 2 years.

I note Warren Buffett, who, as I understand it, is the second wealthiest man in the world, second wealthiest American as well, worth tens of billions of dollars, has now placed a major bet against the value of the U.S. dollar.

He has made a $12 billion bet against the value of the dollar in part because of the economic weakness of our country reflected in these massive budget and trade deficits.

I believe deeply we have to get serious about the budget deficit and the trade deficit. Why is it the Comptroller General of the United States is warning us these deficits are too large? Why is it the International Monetary Fund is warning us of the danger of these deficits, that they will put upward pressure on interest rates, which will choke off economic growth, which will choke off job creation, and leave us in an even weaker position?

Again, I say this is why I believe the amendment of the Senator from California is so important. It is an insurance policy to prepare for the economic weakness we are already seeing, the job losses we are already experiencing, and to help us prepare for what might yet come.

Mrs. BOXER. Madam President, will my friend yield for a question?

Mr. CONRAD. I am happy to yield.

Mrs. BOXER. I thank Senator SARBANES and Senator CONRAD for their enormous contribution in support of this amendment, which is really an amendment that is made up by the contribution of various members of the Democratic caucus, including Senator DODD, who has just come to the floor. An important amendment ensuring Federal contracts should not be outsourced passed this Chamber with flying colors. It is important. As a matter of fact, I met with my local elected officials and I asked, Do you have any idea whether any of your department jobs are outsourced? They looked at me, and said, I don't know. I will go back and make sure tax dollars aren't being used to create jobs overseas.

I thank my friend for his contribution to this amendment. I want to ask my friend a question. It has to do with this whole notion of the anxiety in this country. I think anyone watching this debate understands there are many reasons for people to feel anxious. They feel anxious when there are deficits as far as the eye can see. It is stunning to think back to 3½ years ago. There were surpluses as far as the eye could see. What mismanagement.

I say to my friend the shocking part is—and when I was an economics major a long time ago we thought when there were big deficits it would create a lot of jobs. Here we have a circumstance where you have runaway deficits, runaway debt, and no job creation whatsoever. In fact, there is a net job loss.

I want to say to my friend from North Dakota, when he talks about the budget deficit, the trade deficit, the twin deficits, there is also the job deficit. Now you have the tripling. I think my friend made a good point when he talked about people being laid off and then having to train their replacement workers. I met such a gentleman who was a newlywed. He had a job as a computer program manager and he had to train his replacement. I cannot tell you the look on this man's face. He is leaving my State. He thought for sure this could never happen in the Golden State. As we know, it is happening in California and all over this country.

This is a stunning moment in history. That is why this amendment is so important.

The budget document is in fact the priority of the country. If we turn our back on the people of this country who need to work for a living, we shouldn't be here, to be honest, because that has to be an essential part of what we do to protect the country, from the standpoint of defense, protect workers and make sure they have jobs.

I want to ask my colleague this point about the anxiety in the land. I think what is feeding it is when your next-door neighbor loses a job, or someone in your family loses a job, you begin to feel anxious. When your next-door neighbor loses his health insurance or pension, you begin to get anxious yourself. Then when you pick up the papers—I put a lot of this together last night, and you can read this. ''Analysts Gloomy Over Job Creation''; ''Growth In Jobs Is Still Sluggish''; ''Job Growth Falls Short of Forecast''; ''Jobs Slump''; ''Fewer Small Businesses Plan To Hire''.

I am saying to my friend I think all of this is creating an anxiety in the land.

I will ask this question: Given everything we said—it is not rhetoric; it is reality; we have shown the numbers. They are real. We have talked about real families. We have seen what is happening. I ask my friend, is not this the time, if there was ever a time, we should say to the American people whom we care about and their families, their ability to have a quality of life, their ability to educate their children and send them to college, and their ability to look at the future with hope and optimism—wouldn't it be the moment we should be united as Republicans and Democrats and Independents here today in passing the amendment we put forward which not only will stimulate jobs directly but will stimulate small businesses by giving them the tax credits they deserve, so they can pay for health care insurance or create jobs? I ask my friend, is this not the moment in time to make this a priority for this Senate across party lines?

Mr. CONRAD. Madam President, I think it is undeniably the case. Something is very wrong with the economic strategy we are pursuing as a Nation. We see the evidence in the job market as clearly as it can be seen. The fact is we are now 5 million jobs behind what we would normally see in a recovery.

Looking at the nine recessions since World War II—I will put that chart back up—this should tell us something is off the track. This is the average job recovery of the nine recessions since World War II that you can see 17 months after the peak of the business cycle peak. We see that, for the average for every one of the 9 major recessions since World War II, the job recovery started soaring 17 months after the business cycle peaked. In this case, we are 36 months past the business cycle peak, and we still do not see job recovery occurring.

At this point, we are now 5.4 million jobs short of the typical recovery for all of the recessions since World War II. If that doesn't tell us something is wrong—and the President's forecasts over and over have had to be revised on jobs. Again, this just appeared in the New York Times on Tuesday. In 2002, the President said by the end of this year there would be 138 million jobs in the country. He revised that in 2003 and said, Whoops, we were wrong in 2002. There will only be 135 million jobs by the end of 2004. At the beginning of this year, they revised their estimates again, and said, Whoops, we were wrong again. There are only going to be 132.7 million jobs by the end of the year, and even now we see we are nowhere close to that forecast. They have been wrong in 2002, wrong in 2003, and it looks like they are going to be wrong again. Their forecast, looking at this year, would have to add 500,000 jobs a month, and in February only 21,000 new jobs were created, a half million behind their forecast for that month, and not a single one of the new jobs is in the private sector. Every one of them was a Government job.

The strategy is not working. I don't know what could be more clear. I think it should tell us it is time for a new game plan.

I think what the Senator from California has offered is entirely constructive and it is the beginning of a plan. What this country needs is a plan. We need a program to go forward.

I thank my colleagues.

At this point, I will yield the floor. I have a colleague who has been very patiently waiting.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself 15 minutes off the amendment. It should not take me longer than that to debunk the rhetoric I have heard on the budget for the last hour or the last hour and 45 minutes. It actually hasn't been on the budget. It has been an attempt to say they care more about jobs than the Republicans do. That is not true. There isn't anything that would bear that out. I have to get this in the RECORD because I am afraid the college students might read this stuff or may have been listening. If they use some of the information they heard, they could fail economics class. I don't want that to happen.

It has been very depressing listening this hour and 45 minutes. This is a 20-minute amendment. That is a long time on a 20-minute amendment. But it is the way this process works. It was 50 hours of time, equally divided, and each side can spend it however they want. We will probably yield ours back, portions of it, to be able to get to some final votes and get this completed.

This has been depressing and wrong. The budget document is a few assumptions that we use. Granted, it is based on a pile of documents, probably 20 pounds worth of paper. There are all kinds of ways to work the assumptions, but when it comes down to it, we set up a few targets. The specific committees get to arrange the bull's eye in that target for the priorities. Then, finally, the Appropriations Committee, if we ever get to that point, will be able to shoot the real bullets at the target, spend the real money.

This is not spending the money. This is coming up with some assumptions or some real numbers based on assumptions. You can use any assumptions you want, obviously, if you have been listening to the discussion.

If you listen to the discussion and what I have said about assumptions, you might think what they are trying to do is rearrange the deck chairs on the Titanic. It is not the real operation of the ship. What we are doing is rearranging the deck chairs on the deck of the finest cruise ship in the world.

I want to be a lot more positive about what the possibility is for this country and the people of this country and what they can do.

First, I want to know how we pay for it. Then I will go into the jobs part. We need to know how most of these amendments work, where they tell us how to pay. The way they will pay is a tax increase. They can say this is going to be a tax increase just on the rich. From the discussions I have heard around here, the Democrat definition of ''rich'' is anyone who makes enough money to pay taxes. If you pay taxes, worry about it; you are part of the rich.

They will say it is those who make over $1 million. It would not be the first time we did something against those who make more than $1 million. Congress once passed a law—this fascinates me—that said a CEO could not make more than $1 million in cash compensation. How could anybody possibly do that? If the American dream is to make money—I really hope that is not the American dream—but to make enough to provide for their family, to buy a home, and to contribute to their community, until we get this country going down that road, we have problems. Right now the emphasis is on how much you make. We try to limit that severely. We have done it with laws.

Now we are saying if you get rich, we will take part of your money, and we will put it into the economy where we think it will do the most good. It does not matter what you think. It does not matter that you have been investing and creating jobs. That does not count. The Government will do it for you. By golly, we have some great programs. These programs will create jobs. Yes, they do create jobs because we hire a bunch of people to run the programs, who tell the successful businessmen how to do it better, and a lot of it goes into regulation. I will talk more about regulation in a bit.

In order to do a tax increase, the Finance Committee has to do it. The only thing we have allowed so far are things that deal with the family. What we would be directing them to do is take away any family benefits.

Who are these rich? Some of them are the small businessmen. Every dime of revenue that is net revenue for a small businessman becomes part of their bottom line taxes for that particular year. They have to pay taxes on that. When they pay taxes on it, they are pulling out a third. Some would like it to be a half; some would like it to be three-fourths. What do they do with what is left? It does not go in their pocket. If their business is growing, it goes right back into the business. If we did not tax them as much, they would put more back into the business. When they put more back into the business, that grows jobs.

Do not tell me you will increase the economy by ripping money away from people who are creating jobs already.

Who cares about jobs the most? Who wants outsourcing? None of us want outsourcing. Why does outsourcing happen? Part of it will be because of a lack of confidence we create in the Senate. We have been talking for 2 hours now about the rotten economy and how jobs are being outsourced. We are creating an impression among every businessman out there that if he is not outsourcing his jobs, he is cheating his investors. Did anyone hear a message different than that? That is not right. That is absolutely not right. We do not have to have the jobs go overseas.

When we keep talking about a bad economy, we help create a bad economy. I am reminded of the 1960s ad that used to run on television that I think was partly responsible for pulling us out of a recession. It was a story about a guy who had a hot dog stand. People loved his hot dogs. So he added on to his hot dog stand. Pretty quickly he had more hot dog stands.

Then his son came home from college and said: Dad, don't you realize we are in the middle of a depression? How can you be expanding? He quit expanding and he laid people off and pretty soon he was out of business.

If we keep telling people they should not hire because it is tenuous, save your money, put it in the mattress, we will have a little problem in this country. We expect to be paid the highest wages in the world, and we expect to buy everything for the lowest prices. Where do you think you are going to buy those things from? I hope everyone out there does a quick inventory on

what they are wearing and where it was made; what they are driving and where it was made; what they are listening to and where it was made.

You have a responsibility, as well. Government does not solve these problems. You solve these problems. You buy what is made in America, the jobs come back to America, and our people get paid more.

Make a law. Right, we can make a law that says you cannot send the jobs overseas.

Mr. SARBANES. Will the Senator yield?

Mr. ENZI. I listened for almost 2 hours to the other side ask a bunch of questions. I would like to get my statement completed in 15 minutes so we can move on to the vote. There should have been more fairness on give-and-take at the time. There was not. So I will reserve my time to finish my comments.

Another reason the jobs go overseas is regulation. What do we specialize in? Regulation. We pile on regulations that make it extremely difficult for businesses in the United States to do work in the United States.

Lastly, one of the reasons we lose jobs overseas is skills. There are jobs out there that are not being filled because American people do not have the skills to take those. The ones who do are already employed in that field.

I want to tell about a little company in Powell, WY. This is what I am hoping for the world. This little company in Powell, WY, makes tachometers, highly specialized ones for race cars, and very durable ones for heavy equipment that vibrates. The guy who designed these and originally made them had the parts manufactured in Taiwan and the construction of them, the manufacturing of them, in Taiwan.

He said: Now, wait a minute. Maybe I can reduce the error rate putting these things together and make more money if I use American labor and those great people in Powell, WY. He tried that, and he was right. Then what does he say? He said: Let's see, I am having to manufacture them over there, but they have an error rate. Maybe I could manufacture them here. And he is going to do that. Wyoming—the United States—is going to steal a job from Taiwan. That is the creative capability of the people in this country. That is what we can do if we give the people a chance.

On a more basic level, how can we give them the chance? We passed the Workforce Investment Act. We got it out of the Labor Committee, which is usually very contentious, unanimously. We passed it on the floor unanimously. Where is that now? Well, the House has already passed one, too, but we cannot do a conference committee on it. This would be training for 900,000 jobs a year, better jobs, more skilled jobs, the skilled jobs people overseas are getting because we cannot fill them.

What is happening to that bill? We are letting it languish because we will not appoint a conference committee. So what are the reasons given for not appointing a conference committee? Well, we don't trust the Republicans to invite us to the conference committee.

I want to tell you, I worked with the Senator from Washington State and the Senator from Massachusetts in putting together a bill that passed the committee unanimously. I worked with them to get it through this floor unanimously. You do not do that without some degree of trust. I have to believe they would trust me to do a conference committee and include them in the conference committee, and anything else is bunk. You do not have to do every bill, but I cannot believe we will talk about who cares about jobs the most in this country and not get a conference committee on the Workforce Investment Act that will train 900,000 people a year for better jobs.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, how much time would the Senator from Connecticut like?

Mr. DODD. Three minutes.

Mr. CONRAD. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. DODD. Mr. President, I thank my good friend and colleague. I know there are other Members who want to be heard on these matters. I will try to be brief.

Mr. President, I will show you a chart. I have great respect for my friend from Wyoming. He is a knowledgeable and good Member of this institution, and he cares deeply about these issues.

I cannot help but note, of course, out of all the States—if I am wrong maybe someone will correct me—one of the single lowest job loss of the 50 States has been the State of Wyoming, according to the analysis we have on job losses in manufacturing.

Mr. President, 1,200 jobs have been lost in Wyoming. I am sorry about those losses, but when you compare that to States of similar size—neighboring States—Utah has lost 15,000, Colorado has lost 38,000, Texas has lost 156,000, Maine has lost 15,000. I am not even mentioning large States. Iowa has lost 26,000, Missouri has lost 40,000, Arkansas has lost 29,000, Oklahoma has lost 26,000.

The point is, we are watching a hemorrhaging on jobs. No one likes to recite all the bad news, but reality says you have to know the facts if you are going to set policy.

Unfortunately, no matter what the conditions are in this country, the administration has one answer: cut taxes for the wealthy. When we had a surplus: cut taxes. When we are in a recession: we need to cut taxes. Job growth is weak: we need to cut taxes. It is a Johnny-one-note, no matter what the economic circumstances are.

All of us who are involved in supporting Senator BOXER's amendment are pointing out that this is maybe the critical issue at this hour. People across the country are worried deeply about job creation. They are worried about jobs leaving the country. They are worried about companies making that decision, and doing so either through tax incentives, where we actually encourage, through the Tax Code, to outsource, or actually using Federal taxpayer money.

I express my appreciation to 75 of my colleagues in this Chamber who, last week—Democrats and Republicans—joined on the amendment I offered that would prohibit the use of Federal taxpayer money to subsidize the outsourcing of jobs.

If a private company, with their money, wants to outsource, I cannot do much about that. But I do not believe you ought to incentivize that decision by offering someone a tax break to do it or providing direct Federal subsidies to do it. We think we ought to be doing everything we can to encourage job growth at home. That does not make you an isolationist. That does not make you a protectionist. It just indicates to us how serious we think this potential problem is.

It is not just us who say this. I would take note that a few days ago, in the Washington Post, in a front-page article was the story of Clintwood, VA, and the loss of 270 jobs. Does anyone think a year or 2 or 5 years ago the loss of 270 jobs in Clintwood, VA, would have merited a front-page story in the leading newspaper in this city or area? I doubt it. Yet the Washington Post, obviously, has some sensibilities about what people care about in this area. And the loss of 270 jobs in one small town in Virginia, that got sent overseas by Travelocity, is yet one more piece of evidence that people are worried about what is going on in this country, particularly when it is occurring because we encourage it through our Tax Code or through direct subsidies.

I am glad the President finally decided to suggest we have a manufacturing czar. But to fail to check to find out if the person you are apparently going to nominate is involved in exporting jobs to a facility in China indicates a lack of sensitivity about this issue. In fact, the other day I read where the administration now is going to do everything it can to fight the efforts some of us are making to slow down the outsourcing of jobs in the country, particularly when outsourcing occurs through Federal subsidies and through tax incentives.

We do not think the Federal Government ought to be in the business of promoting job exportation to another country or suggesting that somehow it is all the same, that it does not make a difference if you have the loss of a product being produced here or a service being performed here and it is now

going overseas, watching someone's job go overseas.

You cannot stop it in every case. We are realists. We understand that. But Senator BOXER has put together a very good amendment which, in part, highlights the outsourcing issue. She goes into other areas as well.

The Manufacturing Extension Partnership Program is being cut by 63 percent. I listened to the President the other day say: I am against outsourcing. What we need to be doing is investing——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask for 1 additional minute.

Mr. CONRAD. Mr. President, I yield the Senator 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DODD. Mr. President, I just would note that the Manufacturing Extension Partnership Program is a significant program that helps U.S. manufacturers, small manufacturers with everything from plant modernization to employee training. This cut means that 11,000 small manufacturers are not going to receive services, and 28,000 employees will either be laid off or not hired.

So even if you agree with the President that we ought to not be talking about outsourcing, not be talking about manufacturing job loss, that we ought to be investing in small businesses, what is he doing when he cuts 63 percent of the budget for the Manufacturing Extension Partnership Program? That is a complete reversal of his rhetoric on these issues.

He also tries to eliminate entirely the Advanced Technology Program, which spurs cutting-edge research in solving manufacturing problems and increasing competitiveness. Here we are eliminating that program altogether and slashing by more than 50 percent the Manufacturing Extension Partnership Program.

That is what we do not understand. He is opposed to doing anything about outsourcing. He is opposed to doing anything to provide tax relief for small manufacturers who need help. And he is going to cut the budget in the two areas that can make a significant difference to our manufacturers.

I applaud the Senator from California for offering her amendment, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to the Senator from Texas such time as he desires on this amendment.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to talk for a few minutes about the Boxer amendment, which would raise taxes by $24 billion, and to say why I think this amendment is a miscalculation. Unless, of course, the intent of this amendment is to try to convince the American people that the American economy is in the tank and offers no opportunity, no hope—something this economy has always provided to American workers, and I believe still does today.

If, in fact, our colleagues across the aisle believe the economy is doing so badly, I wonder why it is that homeownership is at an all-time high in this country. Interest rates are low. Productivity is booming. The gross domestic product is growing by leaps and bounds.

If the economy was really doing badly, which it is not, the last thing you would want to do with a slow economy would be to raise taxes to make it harder for the job creators in this society to create new jobs. I would just ask all of my colleagues to consider what is being proposed here. I believe it is simply the wrong answer to the challenges that confront us when it comes to encouraging further job creation and an economy which continues to be the envy of the free world.

The amendment we are discussing would do exactly the wrong thing. It conflicts with every free market principle this country stands for. We know that entrepreneurs, the risk takers, those who invest their money to try to create a profit for themselves and their families, are the ones who create jobs. When they have more money to invest in their businesses, they create those jobs.

Once again, this amendment is the best indicator that there are still those who believe government really does know best, who want to raise taxes on the American people by $24 billion and throw it around at government's whim and then expect new jobs to somehow miraculously appear.

Let's just step back for a moment and see what the whole picture reveals. Sometimes it seems the world is moving faster every day. New technological advancements have given citizens of the 21st century access to instant information; on-demand services are available everywhere. We have an ability to communicate faster and more comprehensively than ever before in the history of the world. Yet with these technological advancements and enhanced abilities, many companies have come to the conclusion that when it comes to manufacturing and customer assistance and many other areas, location no longer matters. There is not a day that goes by that there isn't another article, another report about a company outsourcing some facet of what they do to another country, to another part of the globe.

Sometimes these changes are noticeable to every consumer, and sometimes not in a positive way. Indeed, what we see with this amendment, and the comments made in the Chamber, demonstrates the backlash that sometimes occurs when jobs leave our shores and go to other countries.

The fact is, there is a real and discernible benefit to consumers from the lower prices that come from efficiencies in labor costs. The dollars American consumers spend on products and services buy them a lot more than ever before.

Yet sometimes these changes are hardly noticeable at all. If a small part of the newest computer is now made in India instead of Abilene, TX, what does it matter to the consumer? It may not matter to them, but it matters to Abilene and it matters to the people who live and work there.

Yet even as outsourcing continues to be a subject of discussion, even as some of my colleagues in this body throw it out as a trend that is bad for America, we all seem to have forgotten that it also runs the other way.

I am proud to say that Texas is one of the leading beneficiaries of insourcing, which is just a fancy way of saying ''out-sourcing by foreign companies on American soil.'' According to the Texas Department of Economic Development, Texas benefits from more than $110 billion in foreign direct investment in the state. There are 430,000 Texans on the payrolls of foreign corporations. There is approximately $5,000 in foreign investment in our state economy per Texan. That is a good thing. That helps create jobs for hard- working citizens of my state.

But I believe we are missing something important in terms of the overall context of the debate. The economy is clearly on the right track back to recovery. The latest numbers bear that out no matter how much some would try to disparage the booming economy and what is reflected in those numbers. That recovery of the economy will take care of the joblessness concerns we all share, regardless of partisanship, regardless of any other issue. Yet we are facing another problem in this recovery, and this recovery is an opportunity for us to face the problem head on: The real motivation behind outsourcing, behind the desire of a manufacturer of a product or a service to find efficiencies in the way they operate so they can grow and continue to prosper and hire more people here in America has to do with the labor force.

Given our advanced technological capabilities, why would a business pay someone in America to do a job when they can go to another country where there is no minimum wage or labor laws or other restrictions on what they do? The conventional wisdom is that no business will choose America merely out of loyalty, that instead they will study the numbers and realize it makes more economic sense to run their telephone banks in Malaysia, for example, instead.

In response, some in this body and elsewhere have concluded that the answer is more job training and funding for education and advanced learning programs. Statistics suggest more and more people are taking advantage of these educational and work-related resources.

Federal Reserve Chairman Alan Greenspan recently commented:

Generic capabilities in mathematics, writing, and verbal skills are the key to the ability to learn and to apply new skills and thus to earn higher real wages over time.

The PRESIDING OFFICER. Time on the amendment has expired.

Mr. NICKLES. Mr. President, I yield to the Senator such time as he may consume from the resolution to complete his statement.

Mr. CORNYN: I thank the Senator from Oklahoma.

Alan Greenspan said:

Generic capabilities in mathematics, writing, and verbal skills are key to the ability to learn and to apply new skills and thus to earn higher real wages overtime. The avenues to acquiring those skills are many, and one effective tool we have developed to facilitate the transition to a new job or profession has been our community colleges. These two-year institutions have been in the forefront of teaching the types of skills that build on workers' previous experiences to create new job skills. Currently almost one in three of their enrollees are age thirty or older, a statistic that suggests that these individuals have previous job experience.

I support the job training and community college initiatives the President has endorsed in his State of the Union Message and which Alan Greenspan just referred to. They are a good and positive thing. They provide much of the answer to the global competitiveness we now find with globalization. I believe much of the instruction they provide ought to have been given at the lower levels, but we can't go back and change that. As it is, these programs give many Americans the opportunity to change their job track midstream and to pursue greater dreams and more fulfilling careers.

But that is not enough. If we in Government fail to acknowledge what the outsourcing crisis truly means, if we think more job training alone is a sufficient answer to the problem, we are just fooling ourselves, and we haven't addressed the real problem.

As Ronald Reagan once said:

We've gone astray from first principles. We've lost sight of the rule that individual freedom and ingenuity are at the very core of everything we've accomplished. Government's first duty is to protect the people, not run their lives.

In America today, we are seeing that all too clearly.

All too many of our states have reached the point where they are simply no longer friendly toward the free market. Why should a business choose to stay in America where they will have to deal with ever expanding red tape and regulation, where they face exponential legal risks in states without real commonsense tort reform and class action reform, where they are virtually guaranteed to pay higher and higher taxes every year?

No, raising taxes won't solve this problem. Job training and educational programs alone won't solve the problem either. The knee-jerk response of many in government, to take more money from the taxpayers so we can throw it around, doesn't work.

The only way we will solve the problem is when we in the Federal Government work in concert with those in the states to effect fundamental change in our government's attitude toward business and the free market—not just for the benefit of business or indeed for an abstract free market, but for the benefit of everybody in this country who wants to work and wants to find a job. We must once again value the principles of free trade and competition. We must encourage success and innovation, and not punish it. We must renew that old American conviction that protecting freedom, not restricting it, is the highest goal of government.

The vision of America as a free market paradise is a very real one, not just the stuff of the so-called overexuberant economists. I strongly believe we have the best workforce in the world, the most dedicated people you can find. We have in this country innovators and thinkers, we have doctors and scientists, and we have all the resources they need. We have people who started businesses in their garage and now create things that change the very way we live and communicate. We have young people who are ready to follow in their footsteps. That is, simply stated, the foundation for a thriving free market economy. It is all right here.

We still hear the voices of those who say the bureaucrats really know best, and government will take care of you if you will give us more and more of your tax dollars. But the truth is the people across this land know that government doesn't know best, and they know government cannot create prosperity; that instead prosperity is created by the entrepreneurs and risk takers, and the people who work hard every day to provide for their families.

The truth is, instead of raising taxes, we ought to reduce the tax burden on the American people by eliminating the tax increases that come with the expiration of the tax cuts this Congress previously passed. There are people, some of whom are in this very body, who still honestly believe we can sue, tax, and regulate our way to economic growth and prosperity.

Finally, I want to say I realize we are in an election season, and there are some who have pinned their political prospects on America doing badly, on unemployment remaining high. When they see that the facts are against the trend they want, that the economy is actually doing better, their only hope for their political prospects is to talk about a ''jobless recovery.'' Well, the economy is recovering; it is creating jobs. But it will not continue to do so if we reverse the policies that have brought us to where we are today. We must ensure that the taxpayers keep more of the money they earn, so they can save it or invest it in a small business—which is a great job-creating engine in this country—the small businesses that proliferate in this Nation, which provide jobs by huge numbers to the American people.

I simply believe we should not let ourselves lose confidence in what has brought us here today. There are those who think they will benefit politically from trash-talking the American economy, from causing a loss of confidence by the American people, from saying that we are no longer the land of opportunity and freedom. But the truth is there are people who are dying to come into this country because they see this nation as their only hope and only opportunity. There are not people knocking down the doors to try to leave this country, because the truth is people are voting with their feet. They understand America remains the last, best hope of freedom-loving people everywhere.

For those who want an opportunity to achieve part of the American dream in the free market system we have in this country—not a government command-and-control system, but a free market system is one that best allows them to achieve those hopes and dreams—they recognize that system is what we need to preserve, not defeat. The effect of passing this amendment and others that would raise taxes on the American people would defeat that system.

I hope we don't listen to the nay-sayers, that we don't believe those who would have us lose confidence in our economic system, because I think that provides the best opportunity for a bright future for all the American people.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I love everybody in this Senate, but I want to finish this bill this week. My guess is we have a few amendments in the pipeline and we have considered one amendment today and we are not quite finished with it. That is not the kind of discipline we need to finish it. I ask, how much time remains on the resolution on both sides?

The PRESIDING OFFICER. Six hours 50 minutes for the Senator from Oklahoma, and 5 hours 39 minutes for the Senator from North Dakota.

Mr. NICKLES. I plan on yielding back some time, as I have said. Unfortunately, we started this amendment at 9:30 and we have been on it now for a couple of hours. It is an interesting amendment, but it is not that interesting. I am troubled. I have 6 hours and 50 minutes. Mr. President, I yield back 4 hours off of our time on the resolution.

The PRESIDING OFFICER. The Senator has that right. That time is yielded back.

Mr. NICKLES. I plan on yielding back additional time. I came in today thinking we should have 10 minutes on each side on every amendment today. I don't want to cut people off from being able to debate their amendments. My colleague from North Dakota is correctly wanting to have time agreements on a multitude of amendments. I am willing to enter into those, but I am insisting on being able to see the

amendment. I know my colleague from North Dakota is trying to get them. A lot of people say I want a time agreement, but they are rewriting the amendment as we speak. That is not fair. We need to have both sides be able to analyze the amendments so we will know what we are debating, especially if we are going to be in a very truncated timeframe. If I am debating an amendment and I say it increases taxes by $24 billion, I want to be accurate. I actually insist on accuracy. It bothers me if we are not accurate.

Mr. President, I am going to speak on the Boxer amendment for a moment. We had a time limit of 20 minutes on each side on the Boxer amendment. It was breached very significantly primarily on the Democrat side, and maybe a little bit on our side. This is an amendment that says we want to do some things to create jobs domestically, but in effect it says we want to sock it to the people creating jobs by increasing their taxes.

Then it says we will give tax credits if you do such and such. It is a tax-spend amendment, $24 billion of increased taxes. Incidentally, the taxes we are assuming for next year—and this has an $8 billion tax increase for 2005. What we are assuming in the budget for 2005 is $2.6 billion for child credit and $5.4 billion on marriage penalty. So this could eliminate the child credit and the marriage penalty. I find it to be a very flawed concept.

Also, I can't help but think the repercussions they would have if we actually did some of what is contemplated in this amendment. We are going to sock it to companies that have runaway plants. I wonder if ''runaway plants'' is defined by Microsoft or by Intel or General Electric or some of our great multinationals we have in this country. If we are going to tax them at rates that are greatly to the disadvantage to their competitors, this amendment is more or less saying we would like your headquarters, Intel, to be in China, or maybe we should have Microsoft's headquarters in Japan. Our Tax Code actually encouraged the location of Chrysler to be in Germany, and this amendment would make it worse: Let's export jobs and headquarters overseas. This may be well intended, it may be a political amendment, but its economic consequence would be a disaster.

The Finance Committee is working on a FSC/ETI bill that has broad bipartisan support. The essence of it is to be WTO compliant and also to assist manufacturers. I do not happen to agree with preferential corporate rates for manufacturers vis-a-vis other corporations, but it has a lot of positive provisions to help make us competitive with particularly our European allies. That bill has bipartisan support. We ought to pass it.

I think the proposal that has been discussed for the last 3 hours would be very detrimental. It is a big tax increase, and since the only tax change we are contemplating is keeping the tax laws as they are for American families, I am afraid this will be a big hit on American families.

At the appropriate time, I will urge my colleagues to vote no on the amendment.

Mr. President, the next order of business is the Senator from Maryland, Mr. SARBANES, to offer an amendment. I ask unanimous consent that we set the Boxer amendment aside and consider the amendment of Senator SARBANES.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Will the Senator yield?

Mr. NICKLES. Not on my time.

Mr. SARBANES. I was going to try to get a time limitation because the Senator seemed anxious to do that. I am happy to try to cooperate in that effort. Would 30 minutes equally divided be acceptable, 15 minutes on a side?

Mr. NICKLES. That will be more than acceptable. I ask unanimous consent that there be 30 minutes equally divided on the Sarbanes amendment.

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Might we also lock in the Dorgan amendment? We have a copy of that amendment, and we have gotten an agreement on our side to have 20 minutes equally divided on that amendment.

Mr. NICKLES. I will agree with that, Mr. President. I amend my request to include the Dorgan amendment to be 20 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending amendment is set aside, and the Senator from Maryland is recognized.

AMENDMENT NO. 2789

Mr. SARBANES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself, Mr. DODD, Mr. JOHNSON, Mr. BIDEN, Mr. LEVIN, Ms. MIKULSKI, Mr. CORZINE, Mr. KERRY, Ms. STABENOW, and Mr. ROCKEFELLER, proposes an amendment numbered 2789.

Mr. SARBANES. 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:

(Purpose: To fully fund the FIRE and SAFER Acts and reduce the debt by reducing the tax breaks for the top one percent of income earners)

On page 3, line 9, increase the amount by $429,000,000.

On page 3, line 10, increase the amount by $1,430,000,000.

On page 3, line 11, increase the amount by $858,000,000.

On page 3, line 12, increase the amount by $143,000,000.

On page 3, line 17, increase the amount by $429,000,000.

On page 3, line 18, increase the amount by $1,430,000,000.

On page 3, line 19, increase the amount by $858,000,000.

On page 3, line 20, increase the amount by $143,000,000.

On page 4, line 20, increase the amount by $429,000,000.

On page 4, line 21, increase the amount by $1,430,000,000.

On page 4, line 22, increase the amount by $858,000,000.

On page 4, line 23, increase the amount by $143,000,000.

On page 5, line 3, decrease the amount by $429,000,000.

On page 5, line 4, decrease the amount by $1,859,000,000.

On page 5, line 5, decrease the amount by $2,717,000,000.

On page 5, line 6, decrease the amount by $2,860,000,000.

On page 5, line 7, decrease the amount by $2,860,000,000.

On page 5, line 11, decrease the amount by $429,000,000.

On page 5, line 12, decrease the amount by $1,859,000,000.

On page 5, line 13, decrease the amount by $2,717,000,000.

On page 5, line 14, decrease the amount by $2,860,000,000.

On page 5, line 15, decrease the amount by $2,860,000,000.

SEC. . RESERVE FUND FOR FIRE ACT AND SAFER ACT PROGRAMS.

The Chairman of the committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,430,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution for firefighter assistance grant programs such as those authorized by Title XVII of the FY 2001 National Defense Authorization Act (P.L. 106–398) and by Section 1057 of the FY 2004 National Defense Authorization Act (P.L. 108–136) and are administered by the Department of Homeland Security.

Mr. SARBANES. Mr. President, as I understand it, I have 15 minutes.

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SARBANES. Mr. President, I offer an amendment today to fully fund the Assistance to Firefighters grant program, and to fully fund the Staffing for Adequate Fire and Emergency Response (SAFER) Act, which, of course, provides for additional staffing.

As a Co-Chairman of the Congressional Fire Services Caucus, I am pleased to offer this amendment. I certainly underscore and recognize the significant role which my colleague, Senator DODD of Connecticut, has played on both the firefighter grant program and the SAFER Act.

In his budget for 2005, the President requested only $500 million for the FIRE grant program. This is a cut of close to $250 million, a third of the

funding for this program from the levels established by the Congress over the past two fiscal years. The fully authorized amount for the current fiscal year is $900 million, and this amendment would seek to take the program to that level.

The FIRE grant program is a competitive grant process that funds firefighting equipment, firefighting vehicles, fire prevention, and safety programs. Unlike many other programs directed toward first responders, these funds go directly to local communities and fire departments and do not pass through the States.

The Staffing for Adequate Fire and Emergency Response Act, the SAFER Act, would provide 4-year grants to career and volunteer fire departments for firefighter hiring. The Congress authorized this program in the fiscal year 2004 Defense Authorization Act at a level of $1.03 billion, and this amendment seeks to fund that program at the authorized level.

Regrettably, the budget the President sent to the Congress, despite the fact he signed the legislation contending the authorization of the SAFER Act, contained no money; indeed, no mention of it, as I indicated before, while the budget he sent to the Congress with respect to the firefighter grant program reduces that program from the previously appropriated amounts in two successive fiscal years of approximately $750 million to $500 million.

The need for both of these programs is very strong; indeed, I would say overwhelming. In December of 2002, FEMA and the National Fire Protection Association jointly released the congressionally authorized Needs Assessment of the U.S. Fire Service. The results of this report were startling. Among its findings, the report noted that an estimated 57,000 firefighters lacked protective clothing; half of all fire engines are at least 15 years old; and approximately one-third of firefighters are not equipped with essential self-contained breathing apparatus, one of the most important and basic safety devices for any firefighter.

The need for the SAFER program is equally evident. OSHA has set a standard that dictates that four firefighters are needed to respond to any structural fire, two inside the structure and two outside. The FEMA-National Fire Protection Association Needs Assessment estimates that, on average, close to half of all fire departments in communities of less than 1 million people are forced to respond to emergencies with fewer than the four firefighters mandated by these standards.

The SAFER Act would go a long way in ameliorating this severe staffing shortage and would provide funding for 75,000 new firefighters over the next 7 years.

This amendment, which provides the full funding for both the Assistance to Firefighters grant program and the SAFER Act, will go a long way in preparing our Nation's firefighters for the hazards that face them.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. I yield myself 1 additional minute.

Mr. President, I say to my colleagues, it is all well and good to run ads on the television that show our firefighters meeting their duty, carrying out their heroic responsibilities. But if we really want to honor our firefighters we need to fund these programs, both to give them the staffing and to provide them the equipment they so desperately need.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in response to the suggestion of the Senator from Maryland, I point out that this amendment not only increases spending but it raises taxes. It is a specific assumption that tax levels will be increased and spending will be directed with those funds to a homeland security function involving first responders, firefighters.

The budget resolution submitted by the President to the Congress asks for $3.6 billion for fiscal year 2005 for first responders. During the appropriations process, the Congress is going to determine the exact level of funding for each program within that general broad category in the budget resolution, but this resolution before the Senate approves and suggests the President's requested level is appropriate and that ought to be the level the Senate approves.

Since the events of 9/11, Congress has responded with significant and generous support for our Nation's firefighters and other first responders. Over $1 billion has been specifically appropriated for direct assistance to firefighters since fiscal year 2002. In addition to specific Federal assistance, States and local communities can use the funds available through the Office of Domestic Preparedness to support the needs of firefighters at the local level. Over $5.7 billion has been appropriated to the State and local grant program through the Office of Domestic Preparedness since fiscal year 2002.

For our most threatened communities, the funds available through the high-threat, high-density urban grant program can also be used to assist firefighters. Over $1.4 billion has been appropriated to this account since fiscal year 2003.

I do not think Congress has ignored the interests of the first responders, nor has this administration. I know of numerous announcements that have been made in my State, as there have been in many other States, of specific grant allocations throughout the States to the local communities that have applied for funds, that have tried to upgrade equipment, and improve training opportunities. This is all for the purpose of making sure our homeland will be protected in the best possible way by those who are on the front lines; that they will have what they need to do their jobs, and that they will have the training to do it safely.

This is a very important matter, and I think not only has the Appropriations Committee responded through the new Appropriations Subcommittee on Homeland Security, but so have the authorizing committees that have made available these new programs, specifically authorizing them for the benefit of those at the local level who are firefighters and who are called upon to be the first person on the scene in the case of a disaster, whether it is a natural disaster or whether it is a disaster that is occasioned by the attack of terrorists.

Like all programs, we are going to continue to listen to those who have the obligation of meeting these responsibilities to be sure they have what they need to do their jobs and to carry out their mission successfully. We are working hard to assist them to the best of our ability.

Any Senator has the opportunity to offer an amendment to a budget resolution to increase spending for any popular program, but at some point we have to recognize that the committee of jurisdiction has a responsibility, too. That is the responsibility to make the tough decision that it is going to be $1 billion for this program, or $2 billion for that program.

These are not easy decisions. But this committee has gone through the process of reviewing the request from the administration, listening to all of the suggestions made in the committee, weighing our responsibilities to provide the moneys we would like to provide and then providing the moneys available to us through the tax process that we can expect to be available for allocation.

This is a tough job. It is not a fun job. I respect the work that has been done by the Budget Committee. As chairman of the subcommittee that has jurisdiction over the funding of the activities of the Department of Homeland Security, we try to bring to the process the same kind of diligence and sensitivity to the needs of those who will receive the funds but also to the budget process and to the integrity of the process so we do not undermine our capacity to get our economy moving again and to continue to grow.

Working within the current fiscal constraints and trying to exercise good judgment, we must set priorities. I urge the Senate to reject this amendment and make the choice to support the Budget Committee.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. SARBANES. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. SARBANES. Mr. President, the budget submitted by the President reduces funding for grants to local police, fire and emergency medical agencies from $4.2 billion in the current fiscal year to $3.5 billion in fiscal year 2005, a very substantial cut.

This cut comes despite a June 2003 report entitled ''Emergency Responders Drastically Underfunded, Dangerously Unprepared,'' issued by a commission headed by our former colleague, Senator Warren Rudman of New Hampshire. The title of that report, again, is ''Emergency Responders Drastically Underfunded, Dangerously Unprepared.''

The President's budget for the firefighter grant program, which provides this badly needed equipment, asks for $500 million. We appropriated $750 million in this year's budget and in the previous year's budget. Yet the President is cutting that figure by one-third. The President's budget provides no funding for the SAFER Act, which this Congress passed last fall, and which provides State, local, and regional agencies with funds to hire firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, and hazardous material workers for local fire departments.

These fire departments desperately need these funds. The question is then, as the Senator pointed out, how will they be paid for? Well, the tax cuts that have been received by the top 1 percent are $45 billion annually. A small percentage of that in the single numbers shifted from that purpose to this purpose would enable us to fund these firefighter programs at the fully authorized level.

These are questions of choice, and the choice very directly put by this amendment is whether a portion of these outsized tax reductions for the top 1 percent of the population ought not to be shifted to enable our first responders to get the equipment and staffing, and get the training which they need in order to handle the situations that face them. It is not a sufficient tribute to firefighters, in my judgment, to show them on TV ads carrying out their heroic responsibilities and then to fail to provide them with the resources they so clearly need in order to be able to do the job.

I urge my colleagues to support this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. There remain 9 minutes on the majority side and 4 minutes 18 seconds on the minority side.

Mr. COCHRAN. One other point I should have made when I was responding to the remarks of my good friend from Maryland was he suggested the administration has somehow failed to fund the so-called SAFER Act. This is legislation that was adopted and signed into law last year, at the end of the year, almost, November 25, 2003, by the President. The budget process for fiscal year 2005 had already begun. The budget submissions were on their way, in fact, through the pipeline. Given there will be an opportunity to review the new authorization that was contained in the SAFER Act, which was actually a part of the Defense authorization bill, it will be reviewed as we go through the next budget cycle and it may be reflected as a specific request for funding next year. I don't want to make the presumption as to what the administration's decision will be regarding specific amounts for this purpose. It was simply premature, I think, to suggest the administration has failed to fund the SAFER Act. That is the point.

I mentioned all the other authorizations the Congress has approved and the requests for funding the administration has made for additional programs. I don't think anyone who has been reading the papers or following the progress of the financial commitments that have been made by the Federal Government to State and local communities for first responders can ignore the fact that there has been a gigantic infusion of funding for these purposes. Local volunteer fire departments, communities that have training facilities and those who do not, have been able to get money to send people for specialized training. Some communities have been able to obtain equipment they had never had an opportunity to purchase, and wouldn't, under the tax structures of these towns and cities, have a chance to obtain. The response has been enormous.

You can say: Well, more needs to be done.

My answer is: More will be done. We are continuing to look for ways to support the activities that are important at the local level to equip our first responders. Firefighters are certainly included. I am proud of the aggressive way the administration has moved to respond and to act in a generous way, and to provide the requests and the support for these training and equipment activities. We have special funds allocated to high-threat urban areas. I mentioned that over $1.4 billion that has been appropriated to that grant program since fiscal year 2003.

I am hopeful we can continue to see the Government respond in a thoughtful way to make sure we continue to set the priorities that need to be set and support those who are responding to save lives and protect the citizens of this country. I am proud of the work we are doing, too, here in the Congress to support these efforts. There is not enough money to satisfy some people, and there never will be. But working together with local communities and State governments to identify the highest priorities, to make sure we allocate the funds in a fair and reasonable way is our obligation. I think the Budget Committee has done a good job sorting through all the requests and the suggestions that have been made by the Senate for this resolution. I think we should applaud them.

I support the committee and hope the Senate will reject this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I again underscore the tremendous need for these resources in order for our firefighters to be able to carry out their responsibilities. In June of last year, not even a year ago, the Rudman Commission, headed by our former colleague Warren Rudman, issued a report entitled ''Emergency Responders Drastically Underfunded, Dangerously Unprepared,'' that found budget shortfalls in the tens of billions of dollars. We need to address this issue.

The history of the administration on this matter is regrettably a sorry tale. When we created the Fire Grant Program in 2000, the Bush Administration, when it came in, moved to eliminate the program in its preliminary budgetary vision for fiscal 2002. We had to fight the administration to put the program back in its budget request for that year. In the end, it proposed flat funding the program.

After the attacks of 9/11—and as I noted earlier, we are now seeing television spots showing our firefighters carrying out their heroic responsibilities—Congress appropriated an additional $210 million in emergency spending for the program, recognizing its significance. The administration refused to spend the money initially, and eventually and reluctantly did so after an outcry from the Congress.

In the fiscal year 2003 budget they proposed rolling this Fire Grant Program into the general first responder account. There was great concern in the Congress about dismantling the specific program. We appropriated almost $750 million to the program in its own account.

Last year the President sought to cut it by a third. Last year the Congress—and I give credit to my colleagues for this—restored the funding to close to $750 million.

This year the budget submitted to us again cuts it to $500 million and there is no money for the SAFER Program, even though it had been authorized back in November.

We need these resources. The Rudman Commission has told us in their report, emergency responders are drastically underfunded and dangerously unprepared. We need to change that equation and we can begin the process of doing so by providing the resources to fund these two programs at their authorized level, paying the firefighters the tribute they deserve by giving them the protective tools and the staffing with which to do their job.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. How much time remains on the amendment?

The PRESIDING OFFICER. There remain 4 minutes 20 seconds for the majority, 34 seconds for the minority.

Mr. NICKLES. Does the Senator from Mississippi mind if I make a couple of additional comments and I will be happy to yield him additional time if he wishes.

I know some people think we never do enough anywhere. Basically they will want to increase spending everywhere. In this particular area we are increasing spending a lot.

The Department of Homeland Security has a 15-percent increase, according to the Congressional Budget Office. That is counting bioshield. That is kind of hard to compute. Take bioshield out. It is a 10-percent increase—a 10-percent increase. Secretary Ridge wants to reallocate some of it into higher threat areas. I know some people want to use homeland security as basically revenue sharing and give more money to every city in the area, or every county in the area, maybe every police department or fire department and say this is for homeland security. Secretary Ridge said we should reallocate some of these moneys. It is still a big increase. Actually, it is the largest percentage increase of any of our major departments, and we should direct this toward the high critical threat area. I compliment him for that.

I also say this is money wasted. A lot of money is being wasted. Maybe a little tightening might be in order.

The District of Columbia used this to outfit leather jackets on the police side; in Maryland, money is used to buy the Prince George's County prosecutor's office a security system.

This is homeland security, but this is all in one pot. We can try to pretend this is going to this or that, but, frankly, we are giving so much money to the appropriators. But we are expecting at least a 10-percent increase going to homeland security.

In Virginia, a small volunteer fire department spent $350,000 on a custom-made fire boat. The Metropolitan Washington Council of Governments used some of the money for janitorial services. The District of Columbia Hospital Association shows a formula that guaranteed every city hospital a share of an $8 million grant. Prince George's homeland security funds, instead of buying protective gear for police officers, they chose to purchase a half-million-dollar digital camera system used for mug shots. The District of Columbia, Leslie Hotaling, director of the District's Department of Public Works said, ''If we can tie it to 9/11 and build capacity into our core functioning, let's do it.'' Her agency spent more than $55,000 on basic training courses such as map reading and handling problem employees.

My point is that Secertary Ridge requested—and he has a very difficult and challenging job—10 percent more money for the Department of Homeland Security, and we have provided it for them. He wants to reallocate some of it to higher priority areas. I think we are trying to give that to him to fulfill that function. Senator COCHRAN manages this appropriations bill, and he does it very well.

I urge our colleagues to vote no on the Sarbanes amendment.

Also, I failed to add this amendment raises taxes by $2.9 billion. It is another big tax increase.

The only taxes we are really assuming in the next couple of years are family-friendly tax cuts. Maybe that means the 20-percent tax credit won't continue to be as broad as it is. Maybe it means the child credit won't be extended.

I urge our colleagues not to support this amendment.

Mr. DODD. Mr. President. I rise in support of this amendment to help the Nation's firefighters safely do their jobs.

Specifically, this amendment does three things. First, it restores funding to the Assistance to Firefighters Grant Program, which I authored in 2000 with Senators DEWINE, LEVIN, and WARNER. This law stands as the first federal grant program explicitly designed to help firefighters throughout America obtain better equipment, improved training, and needed personnel.

Second, this amendment provides funding for the implementation of the SAFER Act. This law, which I authored with Senator WARNER and was enacted last November, authorizes a federal grant program to hire an expected 75,000 new firefighters over the next seven years.

Finally, this amendment allocates much-needed funding for deficit reduction. The Senate budget resolution, which largely reflects President Bush's irresponsible fiscal policies, adds a staggering $2.86 trillion to the national debt over the next 5 years.

Mr. President, $2.86 trillion dollars! These numbers are totally mind-boggling. The Republicans have always claimed that they are the party of fiscal responsibility. Under their Senate Budget resolution, however, $612 billion will be added to the gross debt from 2004 to 2005; the next year $569 billion will be added; the next year $553 billion; the next year $553 billion; the next year $563 billion; and the next year $564 billion will be added to the debt. Despite the claims of President Bush and the Budget Committee majority, I see no significant progress being made at reducing the increases to the debt. In fact, we've gone from record surpluses to record deficits in only 3 years!

The offset we are proposing to pay for this amendment is a reduction in the tax cuts benefiting individuals with annual incomes over $1 million. According to the Center on Budget and Policy Priorities, the Senate budget resolution calls for tax cuts which are extremely beneficial to the wealthiest Americans such as accelerating the repeal of the estate tax by 1 year, and making permanent the capital gains and dividend tax cuts. With the deficit exploding, the country still vulnerable to terrorist attack, and our Nation's firefighters in need of the resources necessary to respond to emergencies and to save lives, it is only right that the top one-tenth of one percent of the wealthiest Americans pay their fair share for homeland security.

In fact, Mr. President, homeland security is exactly what this amendment is all about. The defenders on our home front are not dressed in combat fatigues. They do not drive tanks on the streets of the Nation's cities. They wear firefighter uniforms, and they drive fire engines. They risk their lives to keep us safe just like our troops overseas, and I for one appreciate their efforts greatly.

I know that the fire service has men and women who are willing to do whatever it takes to get their jobs done. We have first-rate firefighters throughout the Nation, but they are underfunded, understaffed, undertrained, and underequiped to deal with many emergencies that may arise.

The responsibilities of America's firefighters have changed. They have certainly come a long way from the ''bucket brigades'' in colonial America, where two rows of people would stretch from the town well to the fire, passing buckets of water back and forth until the fire was extinguished.

Today, firefighters must do more. They still have their traditional responsibilities of extinguishing fires, delivering emergency medical services, and ensuring that fire codes are inspected. Now the fire service has new homeland security responsibilities, such as responding to biological and radiological agents.

The reality, however, is that cash-strapped States and cities simply do not have the resources—financial as well as personnel—needed to single-handedly safeguard their populations. Nor do they have the fiscal reserves necessary to deal with heightened warning levels for any extended period of time.

According to a national Needs Assessment study of the U.S. Fire Service published in December 2002, most fire departments lack the necessary resources and training to properly handle terrorist attacks and large-scale emergencies. The study found that:

Using local personnel, only 11 percent of fire departments can handle a rescue with emergency medical services at a structural collapse of a building with 50 occupants. Nearly half of all fire departments consider such an incident beyond their scope.

Using local personnel, only 13 percent of fire departments can handle a hazardous material incident involving chemical and/or biological agents with 10 injuries. Only 21 percent have a written agreement to direct the use of non-local resources to handle the situation.

An estimated 40 percent of fire department personnel involved in hazardous material response lack formal training in those duties, most of them serving smaller communities.

Finally, an estimated 60 to 75 percent of fire departments do not have enough fire stations to achieve widely used response time guidelines. Many fire departments often fail to respond to fires with sufficient personnel to safely initiate an interior attack on a structural fire.

These statistics are startling. The risks that firefighters are expected to respond to have far outgrown the ability of city governments to equip firefighters to do what we are asking them to do. This situation demands immediate action by the Senate to address these concerns.

Unfortunately, the Bush administration is talking out of both sides of its mouth when it comes to helping firefighters. Secretary Ridge of the Department of Homeland Security talks about training and equipping first responders yet the President's Budget and the Senate budget resolution cuts the FIRE Act grant program by $250 million. This amendment will restore these funds to their authorized level of $900 million for fiscal year 2005.

Mr. President, the FIRE Act grant program has been one of the most successful initiatives in recent years. I am currently working closely with Senator DEWINE to reauthorize this program for the future. The need is certainly out there in all regions of the country urban and rural, large cities and small communities, North and South, East and West—for these competitive, merit-based grants that assist fire departments with their heaviest burdens. For Fiscal Year 2003, the program received approximately 19,950 applications from fire departments across the nation, totaling $2.5 billion in grant requests, while only $750 million in federal funding was available for such grants.

A January 31, 2003 report by the U.S. Department of Agriculture found that 99 percent of program participants were satisfied with the program's ability to meet the needs of their department. In addition, 97 percent of the participants reported that the program had ''a positive impact on their ability to handle fire and fire-related incidents.'' The report concluded that ''overall, the results of our survey and our analysis reflect that the Assistance to Firefighters Grant program was highly effective in improving the readiness and capabilities of firefighters across the nation.'' The FIRE Act grant program is truly a success story, and it deserves the Senate's full support.

It is surprising to me then that President Bush and the Senate budget resolution would slash $250 million from this very successful program. It is also surprising to me that President Bush would show images of firefighters in a campaign advertisement when his budget, as well as the Senate budget resolution, provides not one cent for the SAFER Act, which would fund 75,000 new firefighters over the next seven years. It makes no sense.

The need for additional firefighters on our Nation's streets is great. According to National Fire Protection Association standards, a minimum of four firefighters is required to initiate an interior attack on a house fire. And 73 percent of departments serving populations between 10,000 and 25,000 lack such personnel.

For fire departments serving populations between 25,000 and 50,000, the number climbs to 82 percent.

For fire departments serving populations between 50,000 and 100,000, 76 percent lack the minimum of four firefighters.

And 56 percent of fire departments protecting 100,000 and 250,000 people also do not have the necessary four firefighters.

Then it is 41 percent for departments serving 250,000 and 500,000 people, 40 percent for departments protecting populations between 500,000 and one million people, and 0 percent for departments protecting at least one million people.

Just as the FIRE Act provides the equipment and training resources for firefighters to do their job, the SAFER Act complements it by also providing the human resources to meet the challenge of an extended war against terrorism. Since 1970, the number of firefighters as a percentage of the nation's workforce has steadily declined. Today in the United States there is one firefighter for every 280 citizens. We have fewer firefighters per capita than nurses and police officers.

We need to turn the trend around now more than ever. Understaffing is dangerous for the public and for firefighters. Chronic understaffing means that many firefighters do not have the backup and on-the-ground support they need to do their jobs safely. The sad consequence is that about every three days we lose a firefighter in the line of duty. On some days, the losses are unimaginably high. Firefighters need reinforcements, and the Congress should be prepared to give them all the help they need. This amendment therefore provides funding for the SAFER Act at its FY2005 authorized level of $1.03 billion.

In closing, it is important to recall the important role that firefighters have played in American history since its earliest days. In fact, firefighting can be linked to some of our Nation's most illustrious personages. Benjamin Franklin established the first volunteer fire department in Philadelphia in 1735. George Washington himself was a volunteer firefighter across the Potomac River in Alexandria, Virginia, and he imported the first fire engine from England in 1765.

Of course, on September 11, 2001, 343 members of the New York Fire Department made the ultimate sacrifice in their efforts to save thousands of lives trapped in the World Trade Center. The role played by those firefighters who lived and died in the line of duty on that tragic day made the Nation proud.

On that day and on every other day, they are the first ones in and the last ones out. They risk their own lives to save the lives of others. They stare danger in the face because they know that they have a duty to fulfill.

The Congress has a duty to the fire service as well. We must ensure that there is full funding for the FIRE Act and the SAFER Act, so I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to point out that the examples the chairman of the committee used for the supposed waste of money, other than one, did not involve firefighters. You can drag all these cats and dogs in from anywhere you want. The only firefighter example that was used was a purchase of a firefighting boat. On the face of it, that may well have been a good expenditure.

In any event, these are competitive grants and the judgment on who gets the grants and for what purpose is made by the administration. To the extent you can site something, the ultimate responsibility for it comes back on the administration.

Furthermore—will the Senator give me 2 minutes?

Mr. CONRAD. I yield 2 minutes to the Senator from Maryland off the resolution.

Mr. SARBANES. Furthermore, the Senator says if we are going to get this money, $2.8 billion, you would have to—then he mentions all kinds of possibilities on the tax side. Obviously, we can't direct specific instructions to the tax committee, but we can point out what the opportunities are. The top 1 percent is getting that billion-dollar tax credit. The cost of the Bush tax cut for those making over $337,000 in 2005—the top 1 percent, over a $337,000 income—$45 billion.

We are suggesting very simply that a small portion of that be shifted in order to help address the challenges that confront our firefighters.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will speak on time off the resolution.

My colleague keeps coming back saying we want to sock it to the wealthy. You don't do that in a budget resolution. You tell the committee to raise more taxes. I will tell you that all we are assuming the committee is going to do is extend present law. This would make it so you can't do that. That means low-income people are going to see a tax increase, if we don't extend present law. That is what we are assuming we are going to do.

I know my colleagues would like to raise the 35-percent rate. That is what corporations pay. A lot of us really do not think individuals will pay more

than Exxon. How about a little fairness?

I tell my colleagues that this idea of tax and spend, we are always going to tax that person behind the tree, it is going to be that multimillionaire, that is not the way the Budget Committee works and that is not the way the Finance Committee works.

We have defeated these amendments. I hope we will continue to defeat the amendments that sock it to them by raising taxes and increasing spending.

I hope our colleagues will realize it is not going anywhere, and then maybe we can eliminate a lot of these amendments so we can get some business done.

I am trying to cooperate with my colleague from North Dakota. But we are making very little progress. I know there are a lot of amendments. I am trying to be fair to all colleagues if they wish to debate their amendments. But this idea of spending 3 hours on 2 amendments is not very productive. I hope we will be more successful in moving a little more quickly through amendments, especially ones that are so close to being repetitive.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield myself such time as I might use off the resolution.

I urge my colleagues to support the amendment of the Senator from Maryland. The amendment of the Senator from Maryland does two things: It restores the cuts to firefighters that have been made in this budget, and it reduces the deficit. It reduces the deficit. We have record deficits. The amendment of the Senator from Maryland is a twofer. He restores the cuts to firefighters, the first responders. We know from the disaster of September 11 that one of the biggest failings was our first responders, including our firefighters, who could not communicate with each other. They had units from different jurisdictions and they couldn't communicate. That has to be fixed. That costs money.

The Senator from Maryland has offered an amendment to restore the cuts to firefighters. That makes sense.

Second, he reduces the deficit. To pay for it, he takes a tiny fraction of the tax cut going to the wealthiest 1 percent in this country, those earning over $337,000 a year. The total cost of the tax cuts for that group in 2005 is $45 billion. The Senator from Maryland reduces the deficit and restores the cuts to firefighters by using 1.6 percent of that money over four years.

This amendment is a serious amendment and it deserves support.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized to offer an amendment.

AMENDMENT NO. 2793

Mr. DORGAN. Mr.President, I send an 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 2793.

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:

(Purpose: To increase funding for COPS, Byrne grants, and Local Law Enforcement Block Grants, and reduce the debt by reducing the President's tax breaks for taxpayers with incomes in excess of $1 million a year)

On page 3, line 9, increase the amount by $344,000,000.

On page 3, line 10, increase the amount by $632,000,000.

On page 3, line 11, increase the amount by $510,000,000.

On page 3, line 12, increase the amount by $610,000,000.

On page 3, line 13, increase the amount by $104,000,000.

On page 3, line 17, increase the amount by $344,000,000.

On page 3, line 18, increase the amount by $632,000,000.

On page 3, line 19, increase the amount by $510,000,000.

On page 3, line 20, increase the amount by $610,000,000.

On page 3, line 21, increase the amount by $104,000,000.

On page 4, line 20, increase the amount by $344,000,000.

On page 4, line 21, increase the amount by $632,000,000.

On page 4, line 22, increase the amount by $510,000,000.

On page 4, line 23, increase the amount by $610,000,000.

On page 4, line 24, increase the amount by $104,000,000.

On page 5, line 3, decrease the amount by $344,000,000.

On page 5, line 4, decrease the amount by $976,000,000.

On page 5, line 5, decrease the amount by $1,486,000,000.

On page 5, line 6, decrease the amount by $2,096,000,000.

On page 5, line 7, decrease the amount by $2,200,000,000.

On page 5, line 11, decrease the amount by $344,000,000.

On page 5, line 12, decrease the amount by $976,000,000.

On page 5, line 13, decrease the amount by $1,486,000,000.

On page 5, line 14, decrease the amount by $2,096,000,000.

On page 5, line 15, decrease the amount by $2,200,000,000.

SEC. . RESERVE FUND FOR COPS AND OTHER LAW ENFORCEMENT GRANT PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,100,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution for the Community Oriented Policing Services (COPS) program, the Edward Byrne formula grant program, and the Local Law Enforcement Block Grant program at the Department of Justice.

Mr. DORGAN. Mr. President, I have agreed to a rather short time limit for a debate on my amendment. I know we are facing a lot of votes in the later hours of today and perhaps even tomorrow. So I have agreed to 10 minutes on each side.

This budget that is brought to the Senate deals with choices. We make choices. I have great respect for people who have a differing view than mine on the choices of where to spend money and where to save money. They have every right to share views. I respect their views. There are times with respect to this budget document where we disagree. This is one of them.

My amendment deals with law enforcement. The budget that is before the Senate, consistent with the Administration's wishes, proposes to cut $1.6 billion of proven, critically important domestic law enforcement programs; then it would restore about $500 million in funding, leaving the budget $1.1 billion short for law enforcement programs. This includes the COPS Program. We know that works, but it would be eviscerated by this budget. The Byrne grant program, that is the most important program to help local law enforcement agencies around this country, would be eliminated. The local law enforcement block grant program would be eliminated. We will be $1.1 billion short for these critical law enforcement needs.

My amendment restores that money, and, in addition, reduces the Federal budget deficit by $1 billion. We simply restrict, just restrict, a very small amount of the tax cut that goes to the folks in this country earning more than $1 million a year.

This is just a choice that we have to make, one that says a lot about our priorities.

Last month I held a meeting in North Dakota, as I have on previous occasions. I had county sheriffs, the highway patrol, local police officers there. We were talking about the scourge of methamphetamine. What a devastating scourge to this country. Methamphetamine is destroying lives. Anyone can buy the ingredients for methamphetamine at the local stores. Then you can cook it up in a trunk or abandoned farmhouse. It is literally like a prairie fire out in rural America. It is an enormous challenge to local law enforcement officers. The equipment, the communications opportunities, the manpower, needed to fight this new meth scourge is very substantial. This is the wrong time to be cutting the law enforcement assistance to the states that we have given previously. So I suggest we restore this money and provide the funding from the tax cut that has been given to those earning over $1 million a year.

This choice that we have to make is also about terrorism. We talk a lot about the terrorist threat in this country. The first responders to the next terrorist attack will not come out of the Centers for Disease Control or the

FBI or the Secret Service. The first responders are going to be the local police officers on the scene, the firefighters on the scene. The question is, Do they have the training? Do they have the equipment? Do they have the capability, the manpower to deal with these issues? The Edward Byrne grants and the COPS Programs and the Local Law Enforcement Block Grants go a long way in making sure that our first responders are ready.

Now we discover the priority of the majority and also the administration is to cut that funding. That is, in my judgment, a very significant mistake.

You know, I was here months ago leading the fight to try to stop sending $20 billion of the taxpayers' money to reconstruct Iraq. Why did I feel that way? Because Iraq has the money to reconstruct itself. The Iraqi people can pump Iraqi oil and reconstruct Iraq. The American taxpayer does not need to spend $20 billion for that.

I lost that vote. This money is on its way to Iraq. And we have all these law enforcement programs now in Iraq. So the American taxpayer is going to pay for law enforcement programs for Iraq, which Iraqis could pay for themselves, and we will cut law enforcement programs in this country. What kind of priority is that?

There are some who take a look at those in politics and say: America first; that is pretty selfish.

It is not selfish, in my judgment, to ensure that we protect the American public, that we head off future terrorist threats, that we support local law enforcement and respond to the scourge of methamphetamine and other issues. If we do not have the funds for that but we have the funds to invest in local law enforcement in Iraq, which the Iraqis could have paid for themselves, there is something wrong with our priorities. Our priorities need to be changed.

I have talked about the three programs that the budget would cut. The proposal is to cut a substantial amount of money from the COPS Program, $698 million, $696 million from the Edward Byrne grant program, and $224 million from the local law enforcement block grant. After cutting $1.6 billion, they create a new program of $500 million, roughly, so you are about $1.1 billion short.

Maybe those who say, let's do this, maybe they really think that tax cuts for people who make over $1 million are more important than the Byrne grant. But if you just held meetings with law enforcement officials in your State and understand what they face, the challenge they face every single day, you understand that is a bad choice to be cutting these programs.

I recall that days after the devastating attack on September 11, I went to Ground Zero with my colleagues. I recall looking into the eyes of the law enforcement officers and the firefighters who lost brothers and sisters, who were moving up those buildings as the buildings were coming down. They were not punching a timecard. They were not asking whether they were being paid overtime. They were not talking about anything other than their job. They ran right into the face of danger. Many of them lost their lives trying to save people. That is what law enforcement does in this country. This country takes them for granted every day and every night. We go to bed at night feeling safe because law enforcement is on our streets. This country takes it for granted. We ought to say thank-you to the men and women who wear the badge and keep the peace and keep our streets safe.

It is the wrong way to cut the Byrne grant program, the COPS Program, and the things that are essential and are needed by local law enforcement, and to do that in order to preserve a tax cut for those who make over $1 million a year. It is a bad choice for the country. And, in my judgment, it is a bad political choice for those who have done it, as well.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will make a couple of comments and maybe Senator GREGG may want to speak. He is more knowledgeable about this program than I am.

What is very clear to me to see is that this amendment is another one of these amendments on which we had the pleasure of voting. This will increase spending, yes, and it will also increase taxes. We have had that debate several times. I guess we will have it several more times. I am happy to debate it.

Some think individuals should pay more than corporations. I don't. I think that is bad tax policy. I think the power to tax is the power to destroy. If you have to work more than half the time for the Government, then you lose your personal freedom.

Looking at the COPS Program, I remember the objective of the COPS Program was to have 100,000 new cops on the street. According to the figures I was just handed, we have 118,000 as a result of the COPS Program, a program that started with an enormous Federal subsidy, I believe. I have to refresh my memory, but I believe the Federal Government pays 75 percent of the costs of the first year and then something like 50 percent the next year and maybe 25 percent the third year. Then it is on the community.

In other words, local police are supposed to be paid by local communities. But we said we would give them an additional incentive to hire additional police officers basically by a big subsidy, but that subsidy would curtail and it would be the responsibility of the community, certainly entirely by the fourth year.

Some want to keep it forever. As Will Rogers once said: All Federal programs have something in common: a beginning, a middle, and no ending.

We accomplished the objective, I guess, but yet some people want to continue it. I have no doubt there are lots of cities that would say, Hey, we would love for you to pay three-fourths of the cost of a new police officer, because they have people retiring, they have people leaving, and so on. So, yes, we would love to have the Federal Government come in and pay three-fourths of it.

I question, How long are we supposed to do that? I do not think that is really the Federal Government's responsibility. Maybe it was a little easier to do when we had enormous surpluses. We do not have those surpluses today. And this really is not the Federal Government's responsibility to be putting police officers in every city.

I know we had a city in Oklahoma—I am trying to remember the name of the city—that had no police officers. Yet when the COPS Program came in, they thought: We need to have a police officer. We are going to have the Federal Government pay three-fourths of the cost of our police officer for the first year. Oh, we have to get him a car—and on and on. It was almost comical because they never had a police officer in this town. It probably had a population of 65 or something.

But my point is, we have significant increases for the Department of Justice. We have significant increases to help the FBI, to help law enforcement. I do not think this is that high of a priority for us to try to be subsidizing police departments all across the country. Nor do I think it is good economics to say, oh, well, we are going to have the upper whatever percent. Everybody knows. I guess I will repeat this every time. All this amendment does is raise taxes. And all we have on the assumption in the budget resolution is that middle-income taxpayers are going to get to keep present law. Now, if that goes away because of a tax increase, the middle-income taxpayers better look out because their taxes are going up by this multitude of amendments.

Incidentally, if it makes any difference, we are counting how many tax-and-spend amendments are being offered. And we assume it is going to be the millionaires. That is not the way it works. You tell the Finance Committee: raise more money, and the Finance Committee is going to raise taxes. And you know with this President we are not going to be raising marginal rates. The marginal top rate is 35 percent. When Bill Clinton was elected, it was 31 percent. He took it up to 39.6 percent. It took us this long to get it at 35 percent.

Who benefits from that? Entrepreneurs, people who are growing, building, and expanding their businesses. When they expand, they create jobs. Let's not stifle economic growth by some of these ridiculous expansions to try to grow Government.

I think these amendments are getting a little redundant, maybe a little bit repetitive. If our colleagues want to finish, I do not know why we have to have so many of them.

But I urge our colleagues to vote no on the amendment.

Mr. CONRAD. Mr. President, I yield myself time off the resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I heard my colleague, the chairman of the Budget Committee, say that this would increase taxes on those who earn over $1 million a year. The cost of the tax cuts, in 2005, to those earning over $1 million a year, is $27 billion.

I point out to my colleague that when it is a question of job creation, it is an interesting fact. It is true that during the Clinton administration the top marginal rate was increased from 31 percent to 39.6 percent. And guess what happened to economic activity and job creation. We had 22 million jobs created in this country with the 39.6-percent rate. Now we are down to 35 percent, and under this President 3 million jobs have been lost.

If we go back to the Clinton years, the fact is, he put increased revenue into place, cut spending; and we went from 22.6 percent of GDP down to 19 percent of GDP on spending, and raised revenue, because President Clinton inherited from the previous President Bush the same mess this President Bush is creating: record budget deficits. The previous record, before this President, was in his father's administration.

When President Clinton came in, he faced a $290 billion budget deficit. He put in place a 5-year plan that cut spending, raised revenue, balanced the budget, stopped the raid on Social Security. And guess what. We had 22 million jobs created, with the longest economic expansion in the Nation's history, the lowest unemployment in 30 years, and the lowest inflation in 30 years.

Now we have this alternative plan, which is to run the biggest deficits in history, run up the debt, and lose 3 million jobs. I would take the Clinton economic years over the economic years of this administration.

I want to say, my office was visited this week by State and local officials from back home. They told us the proposed levels in the Republican budget resolution for law enforcement and for the COPS Program is going to do serious damage to law enforcement in our State. That was the message they delivered.

The President's budget cuts the COPS Program 94 percent. It is the COPS Program that has put 100,000 police officers on the streets of America, including several hundred in my home State. Why we would cut the COPS Program when we face a terrorist threat eludes me.

I think the amendment of the Senator from North Dakota deserves our support.

Mr. PRYOR. Mr. President, last year right about this time I stood in the Senate chamber questioning why an administration that talks so much about the importance of homeland security and first responders would submit a budget that so drastically shortchanges their needs. I find myself 1 year later still asking the same questions but hearing no good answers.

Specifically as it pertains to community policing and other law enforcement programs, this budget shortchanges smaller communities and grossly under funds programs that have put more police officers on the street, reduced crime in rural areas, curbed drug abuse and put at-risk youth back on the right track.

Instead of strengthening these programs—programs that we know work—we are pulling the rug right out from under our communities' feet. Under the budget proposal, the COPS program would see a reduction from $756 million to $44 million—a staggering 94 percent cut.

Let me be clear: Taking away COPS funding will mean less police officers on our streets; it will mean less resource officers in our schools preventing violence and drug abuse; It will also mean longer response times and higher crime rates. This is tradeoff we should never even consider, yet alone go through with.

Since 1994, my State received $88.4 million in COPS grants, which has funded 1,289 additional police officers and sheriff deputies, 112 school resource officers and more than $11 million in crime-fighting technologies. Arkansas is not alone; I ask if there is a Senator among us that would contest that their State has benefited from the COPS program.

We can't be serious about law enforcement by paring this successful program to $44 million. Texas alone received nearly $30 million from the COPS program last year. How are we going to fund the entire country's COPS needs using the budget of what just one State received last year?

When I was the Attorney General of my State, I worked closely with law enforcement to make Arkansas a safer place to live and raise a family. One thing I know for sure, these police officers operate under tight budgets with smaller staffs than most of their urban counterparts. Nevertheless, they put their lives on the line every day and we need to make sure they have adequate resources to do their jobs properly.

I recently talked with several Arkansas police chiefs about the proposed cuts to the COPS program. They told me how important this program was in their continuing battle to stop the production of methamphetamine throughout Arkansas.

Chief James Allen of the Bentonville Police department said the COPS program has been the biggest single factor in helping his region fight the environmental and social problems created by methamphetamine use.

Last year alone, Arkansas police shut down 1,208 meth labs, but more are popping up each day.

Methamphetamine spreads so easily because it is cheap and easy to produce. It is also extremely addictive and it is tearing rural communities apart. Law enforcement officials have told me that if Congress reduces COPS funding by 94 percent, we would effectively decimate their ability to battle this deadly drug.

These law enforcement officers are making a huge difference in our communities and on top of that, they play the integral part in our homeland defense as first responders.

COPS grants have played a critical role in providing additional manpower, technology and training—all of which are necessary to enhance community security and contribute to the overall goal of national domestic preparedness. The Chief of Police in Pine Bluff, AR Daniel Moses characterized his Homeland Security Overtime grant as a godsend.

September 11 made us acutely aware of the need of genuine partnerships that involve all segments of our communities and all levels of government—we all have a role in keeping our community safe.

Our local law enforcement must be able to respond to whatever may confront them in the future, but how can they properly respond, when they are given a budget that cuts deep into their existence?

I would also like to note that in my State, a number of police officers on the front lines of crime prevention are also fighting on the front lines in Iraq and Afghanistan. They are pulling double duty for our country in the Reserves and National Guard. But at the same time, their absence has spread our police forces even thinner.

We need to build on what we know works. These law enforcement programs work. But don't take my word for it. Take the word of Attorney General John Ashcroft who said not two years ago:

> Since law enforcement agencies began partnering with citizens through community policing we've seen significant drops in crime rates.

Mr. President, our communities, the people we represent have truly benefited from these programs and taking away its funding would be a major step backwards in our efforts to fight crime.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I forgot to mention at the start that Senator DASCHLE joins me as a cosponsor of this amendment.

Mr. President, it has been suggested that my amendment amounts to a tax increase. That is just nonsense. The question before us is this: next year, shall we give a $26 billion tax cut to those who receive $1 million or more in income and at the same time restore the funding for law enforcement officials around the country—funding we know works to fight crime? Or shall we instead cut funding for law enforcement officials so we can give a $27 billion tax cut to those whose income is over $1 million a year?

This is not about tax increases. I am sorry. My friend from Oklahoma, I am sure, is familiar with Will Rogers, because Will Rogers is from Oklahoma. What a wonderful man. Will Rogers once said: When there's no place left to spit, you either swallow your tobacco juice or you change with the times.

Well, there is no place left to spit with respect to these choices. Do you want to cut local law enforcement funding, the Byrne Grant that helps those folks out there today who are keeping this country safe, who are chasing those people who are producing methamphetamine and addicting our children? Do you want to invest in law enforcement? Do you want to chase the criminals? Do you want to apprehend them and get them? Or do you want to decide we cannot afford to do that? Let's cut back on law enforcement efforts so those who make $1 million a year can get an extra $1 billion—from $26 billion to $27 billion—next year in tax cuts.

One hundred years from now, we will all be dead—everybody in this Chamber is likely to be dead—and the only thing they will know about us is to look at this budget. And they will say: Here were their values. Here is what they held dear. Here is what they felt was important for this country.

Someone once asked: If you didn't know someone, never met someone, and had to write their obituary, and you only had their check register with which to write an obituary, what would you say about them? You would be able to tell something about their value system. The same is true with the Government. The same is true with choices made in this budget. What is our value system? What do we hold most dear? What do we think makes our country strong?

The question for us is, Will this Congress stand up for the men and women who wear the uniform on the street who keep this country safe?

We talk a lot about national security and the threat of terrorism. Once again, let me say, the first responder, in the event of a terrorist attack, is going to be a man or woman out there in the local sheriff's office, the local police force, the highway patrol. They benefit and their programs benefit from these grant programs that are being proposed to be cut now by $1 billion. I propose to restore it because I think it is the right choice for this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks recognition?

Mr. CONRAD. Mr. President, could the Chair update us in terms of the time status on the Dorgan amendment.

The PRESIDING OFFICER. The time for Senator DORGAN has expired. Senator NICKLES has 5 minutes 9 seconds.

Mr. CONRAD. I don't know if the chairman seeks to use time now on that amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I will be very brief. I was looking at some additional information about the COPS Program. The grant programs administered through the COPS Program were 100 percent earmarked in 2004 appropriations bills. The administration feels the earmarking has gotten out of hand and seeks to eliminate funding in favor of a new grant program located in another account. This new account consolidates almost all State and local law enforcement grant programs and activities. Rather than have the programs spread out over a half dozen accounts, it assumes consolidation in one account called justice assistance. A lot of the old COPS Program is included in the new Justice Assistance Program. Maybe it won't be quite so directed by Congress. Maybe it will be more appropriate.

I don't know if it is the Federal Government's responsibility to hire hundreds more police officers in North Dakota or Oklahoma. I happen to be one who says: We all have to do our fair share. I just don't know that it is the Federal Government's responsibility to be putting police officers in every little town in America.

We have accomplished our objective in hiring and training 118,000 police officers. We should say a job well done and not continue this program forever.

Mr. DORGAN. Might I ask for one minute off the resolution?

Mr. CONRAD. I yield an additional minute off the resolution.

Mr. DORGAN. Let me say my colleague from Oklahoma talked about the COPS Program—which, incidentally, has been a remarkable program. It has worked very well to reduce crime. He did not mention, for example, the Byrne grant program which today is aiding law enforcement in tracking drug dealers, dealing with this methamphetamine scourge.

My colleague from Oklahoma described a new grant program that the Administration is proposing, but this new grant program my colleague described is going to cut funding for local law enforcement officials by $1.1 billion. That is why I felt constrained to come and offer the amendment.

It is about choices. If one feels the assistance we have given local law enforcement through the Byrne grant program and other programs has not been effective, then one would want to oppose this amendment. But if you meet with our law enforcement officers at the state and local level, they will tell you to a person how incredibly effective these programs have been in bringing them up to speed with training and equipment and helping them pursue drug dealers and reduce crime on the streets. If one believes that is important, then one must vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I believe we have an agreement to next consider an amendment by our colleague and friend from New Jersey, Senator LAUTENBERG. We are almost ready to enter into a time limitation, but I need to consult with the chairman of the committee, Senator INHOFE. At this point we will not, but I understand there has been a general agreement for 20 minutes equally divided or 20 minutes a side. Is the Senator from New Jersey willing to have a time agreement? I cannot enter into it at this moment, but is he looking for 20 minutes each or 20 minutes a side?

Mr. LAUTENBERG. I thank the Senator from Oklahoma. We would like to have 20 minutes on each side.

Mr. NICKLES. Mr. President, I won't make the request now. I am telling our colleagues, the Senator from North Dakota has about 5 hours, maybe a little less now.

I ask the Chair, how many hours remain?

The PRESIDING OFFICER. The hours remaining are 1 hour 50 minutes for the majority; 4 hours 46 minutes for the minority.

Mr. NICKLES. Mr. President, I am trying to be fair to everybody, but if colleagues keep coming down and taking 40 minutes or an hour on their amendments, that means a lot of people are going to get zero debate on their amendments. I don't want them to be mad at me, nor do I want them to be mad at my colleague from North Dakota. People will have to be restrained in their request or else people later in the queue will have very little debate time. I will leave it at that. I cannot enter into a time agreement. I will be happy to talk to Senator INHOFE. He may be more than happy to do that.

Mr. CONRAD. Mr. President, I think it is important to note at this time the situation we face. It is important for our colleagues to understand. Senator NICKLES could yield back all the rest of his time. I would then have 4 hours 46 minutes left. But he would have a right to half of that time. So it is important for colleagues to understand, when we say there are 4 hours 46 minutes left on our side, no, there really are not in a functional way. The chairman would verify that.

I understand he is unable to enter into a time agreement at this moment on this amendment because he has to communicate with the committee chairman, but I am saying to other colleagues who are listening, please understand, we are rapidly approaching the time when we have far more requests for time than we have time. The dislocation that occurs here is people hear I have 4 hours 46 minutes left. All the chairman has to do is give back his remaining hour 50 minutes, and then he has rights to half of my time. So instead of 4 hours 46 minutes, I would then have 2 hours 23 minutes. I now have pending requests for 4 hours of time. It doesn't fit together.

We have to ask restraint on the part of our colleagues. I understand we can't enter into a time agreement on this amendment. Senator LAUTENBERG

has been very gracious in saying he will live with whatever time agreement we can produce. Perhaps the best we can do now is to have Senator LAUTENBERG proceed and at the earliest possible convenience of the chairman, if we can enter into a time agreement on this one and subsequent amendments that are pending, I think we could make real progress.

Mr. NICKLES. Mr. President, I concur with everything my colleague and friend Senator CONRAD said. I ask unanimous consent to lay aside the pending amendment and take up the Lautenberg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

I want to offer an amendment for myself, Senator BOXER, Senator JEFFORDS, and Senator CORZINE.

Mr. CONRAD. Will the Senator withhold for one moment? I would ask the Senator not to send his amendment up. I want to make sure we don't do that. I listened to what the chairman said. I will yield to the Senator time off the resolution. I yield the Senator 20 minutes off the resolution and ask he not send the amendment to the desk at this time.

The PRESIDING OFFICER. The Senator is recognized for up to 20 minutes.

Mr. LAUTENBERG. Mr. President, I thank my friend from North Dakota for the generous offer he has made to let me have time to describe this very important amendment.

As I said, I will offer this amendment for myself and Senators BOXER, JEFFORDS, and CORZINE. Other cosponsors include Senators LIEBERMAN, BIDEN, DURBIN, CLINTON, LEAHY, CANTWELL, FEINGOLD, and KENNEDY.

My amendment would readjust the budget resolution so we can reauthorize the Superfund corporate fee. There are many reasons why this is an urgent matter and the right thing to do.

When Congress created Superfund, the operating principle was the polluter should pay.

I ask that the Chair remind me when 10 minutes of my time have been used, please.

The Superfund program was created because of a number of blighted toxic sites that were located in cities and towns across the country, places in Montana and Nebraska and Maine and New Jersey. New Jersey had over 100 sites listed on the Superfund list. Today 900 sites have been cleaned up, turned over to practical use in these communities where often land is precious. To be able to get space that was occupied by nothing but toxic materials can create quite a difference in the health and the well-being of a community.

We started off by saying the people who polluted the area should pay for its cleanup. It was reviewed in the courts and it was challenged and debated all over the place. The fact is, it worked. In 1980, Superfund was authorized. In 1986, we reauthorized the collection of corporate fees paid by polluters that would be placed in the Superfund trust fund to pay for the cleanup of these so-called orphan or abandoned sites. These are the sites for which an actual polluter can be found. That way, all the taxpayers would not be stuck with the bill for a mess caused by corporate polluters.

Editorials and polls nationwide repeatedly showed that Americans want the polluting corporations, not the taxpayers, to pay for the cleanup of properties contaminated with dangerous chemicals. In a March 9 editorial, this week, the Philadelphia Inquirer said:

> The Senate should put the burden back where it belongs: on polluters.

Unfortunately, now the trust fund is flat broke and our citizens are feeling the impact. They are discouraged by the fact these toxic sites are going to continue to be in the middle of their communities and unusable for any productive purpose. Some sites, which should be cleaned up in 3 or 4 years, are instead now taking 9 or 10 years because the funding isn't there. That means youngsters living next to a toxic wastesite could be graduated from high school by the time the site is decontaminated. There are children and families in America living around the corner from toxic dump sites all over the place. It is inexcusable.

As my colleagues know, such exposure to toxic chemicals cannot be undone. EPA scientists report that small children are 10 times more likely than adults to develop cancer when exposed to chemicals. Our children are the most vulnerable among us. They are especially susceptible to dioxin, arsenic, DDT, and brain-damaging heavy metals such as lead and mercury, which are often found in the soil and ground water at these Superfund sites. Across the country, each site we clean up—and so far, we successfully cleaned up more than 900 sites—reduces the health risks to our children and families. Parents don't want to raise their kids under the shadow of a toxic waste site, only to worry about the high risk for cancer, birth defects, and other diseases.

The Superfund Program needs additional revenues now. Just as our mounting debt is slowing the economy, our failure to adequately fund Superfund is slowing toxic cleanups to a crawl. The administration claims that it supports the ''polluter-pays'' principle and ''aggressively'' cleans up Superfund sites, but the facts speak otherwise.

This year taxpayers will be asked to bear virtually the entire cost of cleaning up abandoned Superfund sites. In the President's fiscal year 2005 budget, the Superfund trust fund column shows a zero—the tank is empty. As we look at the timeframe, we can see from 1996, when we had over $3 billion available in the Superfund treasury, almost $4 billion, now, because we have not replenished it, we have used it, slowed the process of cleanups, finally in 2003 the fund is down to zero.

If the people in the communities want those sites cleaned up, they are going to have to pay for it. All the taxpayers will have to pay. Superfund is not even a fund anymore. There is nothing in it.

It is shameful what the President and this Congress have done to the Superfund. They have emptied it and told polluters: Don't worry, we will make everyone else pay for the mess our friendly contributors and political allies created. In 1986, taxpayers paid only a small portion, 8 percent, of orphan site cleanups. In 1995, only 17 percent of these costs came from general revenues. Today, the number is almost 100 percent. All taxpayers have taken on the burden of paying for what polluters should be paying.

The GAO recently reported that funding for the Superfund Program has fallen by 35 percent in the last decade. It was underfunded by at least $175 million in 2003. What does that say? It says that whatever work is not going on, because it is underfunded, the taxpayers are going to pay for it.

It is outrageous to suggest that the taxpayers ought to pay for the misdeeds of the corporations that polluted the area. If they pollute it, they ought to clean it up and pay for it. What we are talking about is a fee that spreads across business lines, where chemicals are manufactured, and oil and gasoline products are handled.

Yet one of four Americans, and 10 million children, still live within 4 miles of a Superfund site. That statistic does not include the 40,000 hazardous waste sites which have not made it onto the Nation's priority list. The National Priorities List has something like 1,300 listings. These are the especially toxic and dangerous sites—large sites typically.

Fewer sites are being listed, and many of those listed are not receiving sufficient funding. One Superfund manager in my State of New Jersey said this: EPA is strangling the program.

Here are the facts: The rate of site cleanup has fallen by 50 percent under this administration. In other words, they allowed, deliberately, these sites to rot where they are and that threatens the people who live in the nearby vicinities.

The listing of new sites on the National Priorities List has fallen by 23 percent. There is no action there. We cannot pay our bills. A lot of the people who are with the EPA doing that kind of work have seen the end of their jobs in sight and they don't want to stay there. They want to look to see what else is a prospect for them and their family.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. LAUTENBERG. I thank the Chair. I say to my colleague, since I am on the floor, I will allot myself another

3 or 4 minutes before I turn the microphone over to the Senator from Vermont.

Even when a site finally makes it onto the NPL, it will take 11 years, on average, to actually decontaminate this site.

My State, unfortunately, has the second highest number of Superfund sites, second only to California. We have 113 Superfund sites, and more sites are waiting to be listed. My amendment would be the first step toward a solution. It would also reduce the budget deficit by $8.3 billion over 5 years. If you spread the cost around, it becomes infinitesimally small. It has been calculated that two-tenths of a cent on a gallon of gas would be the cost to taxpayers generally. It is a small, but appropriate, step for us to take for fiscal sanity. Reinstating the polluter-pays principle is fair. It has a proven track record.

I yield 5 minutes to my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator for yielding to me.

This is a very important amendment. Inscribed on a wall in a side room of the Capitol is a wonderful statement of Theodore Roosevelt reminding us that:

> The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.

The Bush administration is ignoring this sage advice and is turning back on the Superfund Program. This program has successfully removed PCBs, arsenic, lead, and other toxic waste from almost 900 communities. Yet this administration refuses to reauthorize the expired Superfund polluter-pays fees that were supported by President Reagan, the other President Bush, and President Clinton.

As a result, the Superfund trust fund that once contained $3.6 billion is now essentially bankrupt. The taxpayers are forced to pay for the cleanup of abandoned toxic dumps, instead of the waste-generating chemical and petroleum industries.

The impact of the resulting funding shortfall is illustrated by two sites in Vermont. The Elizabeth Mine site in Strafford has been denied funds for the second year in a row to clean up acid mine drainage that is leaching into the Connecticut River which flows down to several States. The delay has forced EPA to spend millions of dollars in emergency funds to stabilize this site, while still failing to pay for actual cleanup.

Only a few miles away lies another abandoned Superfund site, the Ely Mine site. It was added to the National Priorities List in 2001, but the Bush administration has yet to fund the investigation to discover the full extent of the contamination, let alone begin cleanup.

These examples illustrate how the Bush administration's refusal to support reauthorization of the polluter-pays fees chokes off funds for sites at all stages in the cleanup process.

Not surprisingly, the pace of cleanups completed annually during the Bush administration has plummeted by more than 50 percent. I, therefore, support the effort to reinstate the Superfund fees because every community deserves clean soil and water without delay.

I urge my colleagues to support the Lautenberg amendment. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes remaining.

Mr. LAUTENBERG. How much time remains of the time that was given to me?

The PRESIDING OFFICER. Four minutes forty-five seconds remain.

Mr. LAUTENBERG. Mr. President, what we are looking at is a way to relieve the taxpayers of having to come up with $8.3 billion, relieving pressure on the budget to the extent of the $8.3 billion.

We have so many sites in so many places, as I earlier discussed, in States such as Montana, Nebraska, and Maine. Some of these sites are huge. We see the same situation in Utah. I cannot believe that in this body at this time we would not say the communities across the country are being burdened by all kinds of discontinued programs, by all kinds of reductions in grants that went to the communities. A lot of the programs have been absorbed into grants, single grants, and let the communities use whatever they can for whatever they choose to but always at a diminished rate. This is a chance to set the record straight and let the public know this administration does not really care about what happens in these communities; that this administration would rather say to their friends, the polluters, many of which are listed on the contributors list for the campaign: Listen, we excuse you big companies from the dirt and the mess you made in these communities; we forgive you, but we will not pay it any other way except through the taxpayers' pockets.

This is a chance to set the record straight. I submit that every Senator who casts a vote against this amendment is saying to the people in his or her State: It is too bad you have those polluted sites. So what. Our friends, the companies that created this pollution, are closer to us than you, the citizens, the constituents in our States and in our country.

It is time we face up to the reality. We had a program that was excellent. It began in 1980. I came to the Senate in 1982. I followed it very closely and worked very hard on its reauthorization, which took place a couple of times. The program was going well. Cleanups were being done faster. People felt more secure about their jobs, those who worked to effect these cleanups, because they could see something ahead of them in terms of their own family security and their own needs.

When these people leave, it will be very hard to find the skills and the specialities that are required to continue this work. They will go, and I do not blame them for going. I am sure if it came to my own family and I had to support them through my job in my profession, I would say that is my first obligation. It is not to take care of the cleanup of the polluted sites. The President does not care about it. Our friends on the other side of the aisle do not care about it. One wonders how cynical people have become about voting, about putting their trust in politicians, their trust diminishes considerably, except now when people are beginning to feel the pressure of job scarcity, of termination of health plans, and retirement plans at risk. It is a whole different world.

I submit that when the vote finally comes on this amendment, the people who are going to vote against it have to examine their conscience very closely to make sure they are doing the right thing for their communities and for their States.

Mr. President, I yield the floor.

Ms. CANTWELL. Mr. President, I rise today in strong support of Senator LAUTENBERG's amendment to provide additional resources for the Superfund trust fund. I think my colleagues would all agree on the success of the Superfund Program. Since its inception in 1980, we have cleaned up 890 of the most hazardous toxic waste sites in communities around the country, including 44 in my home State of Washington. The Environmental Protection Agency's enforcement of the ''polluter-pays principle'' has helped clean up these sites.

Unfortunately, since the Superfund fees expired in 1995, American taxpayers have picked up an increasingly large share of cleanup costs and today are bearing almost the entire burden of paying for sites abandoned by polluting corporations. That is why the amendment before us is really about fairness—it holds polluting industries accountable and protects public health and safety. I believe a recent editorial in the Seattle Post-Intelligencer makes the point well:

> Washington taxpayers paid only $7 million in 1995 for Superfund program costs. Next year, we will pay between $25 million and $30 million. Americans are now paying for the worst toxic waste sites in the country with our health and our tax dollars.

This amendment will also help stem the ongoing erosion of funding for the Superfund Program. According to the U.S. General Accounting Office, the overall Superfund appropriations have dropped 35 percent in real terms since 1993, even while highly contaminated hazardous waste sites continue to be added to the National Priorities List, the Environmental Protection Agency's list of the Nation's most contaminated sites. In fact, at the end of fiscal year 2002, the National Priorities List

had 1,233 sites in various stages of cleanup.

The Environmental Protection Agency's own Inspector General reported in January 2003 that the agency is facing Superfund shortfalls exceeding $174 million. That means the Bunker Hill site on the border of Washington and Idaho is only receiving $15 million this year, even though the Environmental Protection Agency estimated a need for $37.8 million. To put that in personal terms, I quote directly from the Inspector General's report:

> The impact of reduced funds for the Bunker Hill site is associated with risk to human health, particularly for young children and pregnant women, from lead contamination in a residential area.

I think this quote, directly from the Environmental Protection Agency, tells us all how critical it is we support this amendment. Reinstating the fees means that we can shift costs away from overburdened taxpayers, protect Americans from exposure to dangerous toxic chemicals, and revitalize properties that blight our nation and often inhibit urban redevelopment.

Waste sites still threaten more than 65 million Americans who live within 4 miles of a Superfund toxic waste site. And there are 40,000 other sites of concern that have not yet been listed on the National Priorities List. There was a very good reason for initiating a Superfund fee 23 years ago, and, until the remaining Superfund sites are cleaned up, we should reinstate and maintain this important environmental fee. I urge my colleagues to support this critical amendment.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, for a moment 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. CONRAD. 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. CONRAD. Mr. President, we are going to try to not let time be wasted in quorum calls because time is such a precious commodity at this point. I will take a moment to talk about the budget resolution before us and what I think are the deficiencies of that resolution.

Let me put up this first chart that shows the operating deficits under the budget resolution that is before us. The hard reality is, the budget resolution before us will add nearly $3 trillion to the debt in just the next 5 years. Already we have record budget deficits. This year the Congressional Budget Office is saying the deficit will be nearly $500 billion. But that does not tell the whole story.

Actually, on an operating basis the deficit is even larger because nearly $160 billion of Social Security money is being used for other purposes as well. So if one looked at an operating basis, the true deficit would be the $477 billion plus another $160 billion. That is approaching $650 billion on a $2.3 trillion budget. That is a big budget deficit by any objective measure.

Here it is, $638 billion. As we see it, under the resolution that is before us, this operating deficit never gets below $500 billion as far as the eye can see.

Some are saying this budget resolution will cut the deficit in half in 3 years. Well, that is a certain definition of deficit that does not reveal the full story. It does not talk about how much is actually being added to the debt. The reason for the difference is one includes Social Security trust funds and one does not.

Right now the Social Security trust funds are running very large and growing surpluses. Under the budget resolution before us, all of that Social Security money is being taken over the next 5 years to pay for other things.

When the chairman of the committee talks about cutting the deficit in half in the next 3 years and cutting it in an even larger way by the fifth year, here is what his assumptions are: He says in the fifth year the deficit will be down to $202 billion. Here are the things he is leaving out: Under his resolution, he is also going to take $235 billion from Social Security, every penny of which has to be paid back and there is no plan to do it. He is taking $22 billion out of the Medicare trust fund, every penny of which has to be paid back and he has no plan to do that.

In addition, it would cost $55 billion to fix the alternative minimum tax in that year. The alternative minimum tax is the old millionaires' tax that is rapidly becoming a middle-class tax trap.

Why do I say that? Well, right now only 3 million people are affected by the alternative minimum tax. By the end of this 10-year budget period, there are going to be 40 million people. Those people who thought they were going to get a tax cut are in for a rude surprise.

On top of that, he leaves out the residual war cost in that fifth year which, according to the Congressional Budget Office, will be $30 billion. So instead of adding to the debt by $202 billion, which one might conclude when he says he is going to run a deficit of that amount for that year, we see he is actually going to be adding to the debt by $545 billion.

Still lots of things are left out. For example, on war costs, in the President's budget he has no funding for the war in Iraq, no funding for the war in Afghanistan, no funding for the war on terror past September 30 of this year. To the chairman's credit, he has put in $30 billion, although interestingly enough he does not add it to his deficit totals. So it is magic money. It is money that is on paper, says it is available, but he does not count it.

Look at what the Congressional Budget Office tells us ought to be the money set aside for war costs. They say $280 billion is what it is going to cost over this next period of time. The chairman has $30 billion in his budget resolution, although he does not really provide the money, he does not count it in his deficit calculations. It is, as I say, magic money: Now you see it, now you don't. The President has no money.

So I go back to this calculation of what this budget resolution adds to the debt and what kind of operating deficits it runs, and they are much larger than is being revealed. Here is what I mean. From 2004 to 2005, it will add $612 billion to the debt. The next year, $569 billion is added to the debt. These are not my numbers. This is from the chairman's own mark. These are from his documents. The third year it adds $552 billion to the debt. The fourth year, $563 billion to the debt; the fifth year another $563 billion to the debt. That is a cumulative total of nearly $3 trillion to the debt, and all at the worst possible time, right before the baby boomers retire.

I know my colleague from Idaho is waiting so I am going to wrap this up, and I know Senator NELSON is seeking time as well. This is a final point I think is important to understand: The deficit on a unified basis, when Social Security is included and other things are left out, is going down. That is misleading us as to our true fiscal condition because the additions to the debt are basically stable, but if I examine the chairman's proposal he is actually adding to the deficit beyond what would occur if we did nothing in this Chamber.

I hope my colleagues are listening. The chairman's budget adds to the deficit in each of the next 5 years by $177 billion over and above what would happen if we did nothing. If we just put the Government on automatic pilot, we would have $177 billion less in deficit over the next 5 years than if we passed this budget resolution.

I hope my colleagues study this document very carefully because I think it conceals much of the true financial condition of our country.

I yield the floor, because I know colleagues are seeking time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I rise to speak against the Lautenberg amendment and also to speak generally about S. Con. Res. 95, which is, of course, the underlying budget resolution. I also come from a State that has a very large Superfund site, so one would think I would be in support of the Lautenberg amendment to fund that site, but I am not, and here is the reason why, and why I think it is important we all understand a tax is a tax is a tax, and what the Senator proposes on Superfund is really a tax on a lot of businesses that are having difficulty at this moment.

In fiscal year 2005, the request for Superfund is $1.38 billion, and that is an increase of about $124 million over

fiscal year 2004. The fiscal year 2005 budget includes a $150 million increase in Superfund cleanups, and that $150 million not only funds the cleanup work already underway in Idaho and the program we have planned out there, but it also includes 15 new construction projects, or cleanup projects, involved under Superfund law.

Democrats will argue to reinstate the Superfund tax so that, in their words, the polluter pays for the cost of the cleanup. Well, the fact is the polluter already pays under current law. Where there is an identifiable and viable polluter, consistent with the law, they are held liable. Congress has exempted a few small businesses, but in most cases, again, where there is an identifiable polluter which has a viable company that can obviously be held responsible, they are asked to pay, and by law they will pay.

That was certainly true in the Superfund area of Idaho, which was an old mining area. While some of those mining companies and smelting companies participated in paying, there is also a tap on the Superfund itself for that kind of pay. In 2003, potential responsible parties, or PRPs, paid about 87 percent of the cost of new construction.

Certainly a great deal of money is coming out of the business sector to pay for cleanup under the Superfund law. Historically, PRPs—again, responsible parties—have paid more than 70 percent of the cleanup itself. So the law itself is a tax imposed on those companies when they are found responsible for the pollution and are by law required to clean up the pollutants.

Superfund taxes were always unfair. The tax goes where the money is and not where the responsibility lies. What we are doing now is directing it toward the responsible parties. This is not a tax on polluters. It is an indiscriminate tax on business, as proposed by Senator LAUTENBERG. The Superfund tax was levied against a broad range of businesses.

It is interesting there is no correlation between the dollars in the Superfund and the level of funding that goes to Superfund cleanup. There is no delay in cleanups due to a lack of the Superfund tax.

As we work to stimulate this economy and get it back on line and get companies in the business of growing and expanding so they can create new jobs and hire the unemployed, this tax goes, in a broad-based way, right at those companies, once again potentially dragging them down.

I am on the floor today also to strongly support S. Con. Res. 95 which the Budget Committee has worked so hard to produce. This is not the kind of budget resolution I wish I was voting on. That is not the fault of the chairman of the Budget Committee or the majority of the committee, and it is not the fault of the President of the United States, and it is not the fault of the tax relief this Congress enacted in 2001 through 2003.

Where does the fault lie? There has been a lot of fingerpointing by all of the amendments that have been brought out here in a great rush on the part of my Democrat colleagues to crank all these taxes back up and stunt the growth that is starting.

Where does the fault lie? With an economic cycle that, despite the collective denial of politicians, bequeaths our Nation with a recession at least about once every decade. Certainly in my time here in the Congress I have watched that cycle go forth. Somehow in the late 1990s we thought the cycle would never come, but it did come. It came in the latter years of the Clinton administration. We were trying to pull it out and then along came 9/11. We all know what happened at that time when terrorists attacked innocent civilians in this country and really threw this country into a phenomenal, quick slowdown. Some will argue it took over $1 trillion out of the economy at that time.

Where does the fault lie? With the international terrorist movement and the foreign regimes who supported it. We saw what happened, tragically, in Spain today. No country is immune. Certainly we have had to invest mightily to begin to develop a level of protection for the civilian population in this country we really had never had before.

With that difficult, perfect combination of things happening, and I think obviously understood by all, what are we dealing with? We are dealing with a very difficult time. We, as a Congress, have worked mightily to work our way out of that. These circumstances, most of them forced upon us, have really been a body blow to our economy, to American jobs, and to the current fiscal situation.

Something else is also happening. The American people have said, in reality, you have spent about as much as you need to spend. We have deficits growing. It is time we get those deficits under control. The chairman of the Budget Committee has worked mightily to do that.

We are in the aftermath of a market slump and an economic slowdown that truly began in 2000, before this President took office. Nobody denies that today, although some would like to point a finger in a rather odd direction, at this current President. We are still working our way out of this recession in all respects. It is not smooth sailing, but clearly the wind is now to our back and it appears the economy is slowly but progressively coming on line.

We fought a shooting war against terrorism on two fronts and continue to fight terrorism at home and abroad.

Unfortunately, in a business world in which most folks play by the rules and follow the law, something else has happened: A significant handful of scandals and a legacy of some of the excesses of the 1990s that shook the confidence of the stock market and further depressed the economic downturn. That cyclical downturn already was inevitable. I think I can well remember what Fed chairman Alan Greenspan said when he warned us of an overvalued market and an irrationally exuberant attitude, long before the market slumped. So the combination of the 9/11 and bad actors out there in the market along with the reality of cyclical movements in our country have brought us to where we are today and brought the budget to where it is, trying to be fiscally responsible and fund the needed and necessary services of our Government and at the same time saying we are controlling our spending here and we are not going to overtax America's workforce.

Quite another message comes from the other side at this moment. Somehow they have an insatiable appetite to continually increase taxes on working men and women. They will argue they would like to direct it at the millionaires of this country. They never really quite define it. We know the vast majority of the taxes paid in this country are paid by average working men and women because they make up by far the vast majority of the cumulative wealth and generated wealth of our country.

Given all the circumstances, I believe this is a very good budget resolution. I believe we ought to work hard to support it and to refine it where we can throughout the process and get on with the business of doing what is responsible here and that is causing our Government to function in the appropriate fashion.

It is a political year. We all know that. It would be a nice surprise if the Congress of the United States, at least on budgetary matters, and at least through the appropriation process, could show the American people we are going to be responsible, we are going to finish the budget on time, we are going to get our appropriations out on time. Then we can get at the business of politics, of deciding who is going to run the next Congress and who the next President of this country will be. But it would be amazingly refreshing if we could show the American people we can work together.

It doesn't appear that is going to happen and that is a real sadness of mine. We are working hard to put a budget resolution together and yet we see this insatiable appetite on the part of my Democrat colleagues to continually raise the spectrum of more taxes, more taxes, more taxes.

I congratulate Senator NICKLES, chairman of the Budget Committee. This resolution represents a truly heroic effort of responsible management of our budget during a time of trial and challenge in our country. It is a tough time. We all know that. It is understandable. It is unfortunate that several years of international and economic shocks and jolts have produced today's record budget deficits. Our constituents today know it. They understand history. But they also understand responsibility and they have

handed us that responsibility and they are suggesting we treat it with due respect.

The American people, especially after 9/11, showed tremendous resilience. They met the challenge. They expect us to meet the challenge. They demand it of us. They demand it of our President. In nearly all instances that simply has happened. The President and Congress did the right thing in 2001 and 2003. Without tax relief, where would we be today? We would probably have fewer jobs. Our senior citizens' nest eggs would be lower in value and less secure. Millions of low- and moderate-income families would probably have less freedom and financial empowerment today than they would without the tax reduction. Small business startups and growth would have been stunted.

Without the leadership and the effectiveness of this President and Congress on matters of defense and homeland security and the economy, we would still be in a recession. We are not in that recession now. We are clearly in a recovery mode. This country is struggling along, but always upward, building its job base and bringing people back into the job market in a very progressive way.

Lots of challenges remain. None of us will argue the difference because challenges are there. But is the challenge simply to go out and burden the economy again by major tax increases? They would suggest that we not extend the current taxes. That is not going to be a tax increase? You ask the average working man or woman, ask the average family of four, if doing that doesn't constitute a tax increase because it takes money away from their spendable bottom line. You darned bet it is a tax increase. The very least we can do is assure that we maintain the child tax credit and the marriage penalty relief and the 10-percent tax rate which is going to be critical to the working men and women of modest means in this country. That is what this Congress ought to be about.

If I have heard the rhetoric once, I have heard it a good number of times in my years here in Congress. Somehow Government can do it best; somehow an expenditure of the Government dollar is going to cause our lives to be better. In instances that is true, such as in areas of health care and in Social Security. But in instances of good-paying jobs, Government doesn't create them. It is the private sector that creates them. We ought to be incentivizing in every way we possibly can the very job creator we know about—small business, medium-size business, and large business in this country.

I strongly support what the Budget Committee has brought forward. I think it is responsible. I am glad we are defeating most of these amendments that would simply send us into a tax-and-spend spiral, the kind we have seen before that more often drove us into a recession than drove us out of a recession. To tighten our belt, to bring the deficit down, and to begin to show a pattern of moving us toward a balanced budget again is the right thing. The chairman of the Budget Committee is doing just that.

The President asked that we begin to tighten our belt and curtail our spending in a variety of areas that are less essential to the fundamental responsibilities of our Government. That is exactly what we are doing. It is a tough budget. It is not an easy budget. But it is a budget worth voting for. It is a budget worth finalizing so we can get on with the appropriating process.

I hope at the end of the year when we adjourn sine die we can say our job was complete; that while it was a very partisan year and a highly politicized year, the Congress came together, got their appropriations bills finished, and did their homework. There will be only one way that won't happen—if the other side, in an obstructionist way, decides it won't happen; if they decide every appropriations bill that comes up has to have 50, 60, 90, or 100 amendments and we have to labor day after day after we have worked in a bipartisan way to craft the appropriations bills, as we always do.

That is our challenge. Let us get our budget resolution complete. Let us get reconciliation, the tools that move us forward toward the appropriating process so we can complete the year as the American taxpayer and the voter would expect us to do. That is the challenge. The chairman of the Budget Committee and the Budget Committee are meeting that challenge, and I hope we are worthy of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Nebraska is seeking time. How much time would he desire?

I yield five minutes off the resolution to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Thank you, Mr. President. I thank my colleague from North Dakota and commend him for all the work he has done on the budget.

I say to my friend from Idaho I think we recognize across the aisle it is important for us to work on a bipartisan basis. I agree with him. I might take issue with him when he would suggest that any, or all, or always, or never with respect to your friends on this side of the aisle. I think we are here to work together. I hope we can, without classifying ourselves one way or the other, except to say we are here as Americans representing the folks back home by working together and getting something accomplished. I know that is the goal of the Senator from Idaho. I think a lot of us share that goal.

TONY RAIMONDO

I rise today to come to the defense of a great friend, and more importantly, a great Nebraskan, Tony Raimondo. As many are aware, Tony Raimondo was to be nominated this morning as the Bush administration's new manufacturing czar. Late yesterday the announcement was canceled, citing scheduling conflicts.

I realize there have been speeches in this Chamber that have been critical of Tony's record as a businessman. I am here to say ''nonsense.'' We all know politics runs the days around here. It is a very political time with the Presidential election. Much is at stake. Yesterday was no exception to that, and today is not either.

I am not going to address what was said earlier. Everyone has a right to an opinion. No matter who the Bush administration decided to appoint to this position, he or she is going to be run through the ringer. But I am here to tell you this Nebraskan isn't going to watch another Nebraskan get treated like this.

Tony Raimondo is a friend of mine, a former business partner of mine, and he is not the antijobs CEO he is painted to be.

Sure, he has a company in China. He expanded there last year. In fact, I had the pleasure to be at the ribbon cutting of his factory there. Next week I will be in Columbus, NE, the headquarters of Tony's business, Behlen Manufacturing. I will see many Nebraskans who are employed at Behlen, or are related to somebody employed at Behlen, or at least know someone employed by Behlen.

Tony is a respected member of the Columbus business community. He is a Nebraska business leader. He has represented Nebraska business interests around the world and here at home as a prominent member of the National Association of Manufacturers, and he is a good employer.

Sure, his business has struggled in recent years. It is hard to find one that hasn't. But he didn't do what others have done. He is fighting to keep his business alive and well in Nebraska and in the other States where it is located. He is fighting to save those jobs. He is fighting to not let his employees down, his community, his State, or his country.

He expanded his business to China. He didn't close it and move it to China. With his experience, I think he can show others how to keep jobs here at home and how to expand and diversify their businesses—saving jobs in America. Tony Raimondo should be held up as an example, not derided as a pirate.

I am not sure what is happening with the nomination at this point. Obviously, there is a predictable partisan opposition. But what I am not hearing is any alternative. Should we leave this important position empty and watch manufacturing jobs continue to decline or should we get someone in place to at least try to preserve those jobs, those good-paying jobs here in America?

I came here to get things done and to do what is right for Nebraska. I say let

us try. Tony Raimondo is not only a good choice for this position but, in my opinion, he is the best choice.

I thank the Chair. I thank the distinguished Senator from the State of North Dakota for the time.

Mr. CONRAD. Mr. President, I thank the Senator from Nebraska for taking the time. I also thank him very much for being flexible about when to come so we can keep the business flowing and not have dead time. I appreciate very much his accommodating the managers.

Mr. NICKLES. Mr. President, I also want to compliment my colleague from Nebraska. I very much appreciate his comments concerning having partisan work on the budget. I have had the pleasure of working with the Senator from Nebraska. We are very good friends. I hope his basketball team goes in defeat today against the University of Oklahoma. I wanted to make sure he is aware that could happen. You never know.

Senator INHOFE, I believe, wants to speak on the Superfund amendment offered by our colleague from New Jersey. In a moment, I will ask to set this amendment aside, and we will take up an additional amendment. But let me make a couple of comments.

This is a tax increase. We have had a lot of tax increases. This assumes it is going to be reauthorized. I hope and expect it will be authorized. But the taxes shouldn't be increased until it is reauthorized. That should be done by the authorizers. Chairman INHOFE is chairman of that committee. I want to protect his rights. When he returns to the Senate Chamber, I will give him ample time on whatever amendment we are considering to fully debate the Lautenberg amendment. I am willing to consider additional amendments.

I tell our colleagues again we have spent a lot of time debating. We need to be moving more amendments or else other people are going to be squeezed on time.

I believe the Senator from Iowa has an amendment. It is all right with me if we go to that amendment.

The Senator from Connecticut, I believe, has an amendment. We are happy to consider that amendment.

I want to notify our colleagues time is running and we are going to have a very late night tonight and, unfortunately, maybe tomorrow. I happen to think it is possible to finish this tonight, but it will take people not offering amendments. It will take people not making long speeches. I don't want to stifle debate. I enjoy debate. But it is important to get our work done. I see a fairly lengthy list of amendments yet to be handled.

I am willing to set aside the Lautenberg amendment for the amendment of the Senator from Iowa.

Mr. CONRAD. Senator LAUTENBERG never sent the amendment up.

Mr. NICKLES. I guess I will not set it aside. I asked unanimous consent to set aside the Dorgan amendment to consider the Lautenberg amendment but it was not sent to the desk. We will save a spot for Senator LAUTENBERG to introduce the amendment.

Mr. CONRAD. If I might clarify, I can understand why this may be surprising. We were not able to arrive at a time agreement because you needed to talk to the chairman. We thought it would be more appropriate to withhold sending the amendment to the desk until you had a chance to consult with your chairman.

Mr. NICKLES. I appreciate that.

Mr. CONRAD. We thought that would be more fair to you.

If we could enter into a time agreement on the Harkin amendment, that would help substantially.

Mr. NICKLES. If my colleague will yield.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I think it would be most appropriate if the Senator from New Jersey did not offer his amendment.

Mr. CONRAD. We have a lot of amendments that the chairman might feel that way about.

Mr. NICKLES. I will compliment my colleague from New Jersey for his amendment if he does not offer it. I will oppose it strenuously if it is sent to the desk. I urge my colleague to withhold, if he can.

Our colleague from Kentucky wants to be heard on the amendment from our friend from Iowa. I need to consult with him before we enter into a time agreement. I am perfectly willing to enter into a time agreement on several amendments.

Mr. CONRAD. Could we get a general understanding of what it is we will try to achieve in terms of a time agreement on this amendment so the Senator from Iowa has some understanding of what we would be talking about, 20 minutes equally divided, as we discussed earlier?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. As I understand the Senator from Iowa, he raises taxes only $80 billion over this period of time, so if we give a minute per billions, this would be 40 minutes a side. I am not sure. I would be willing to do 15 minutes a side, but I need to consult with a couple of colleagues. I am not positive what this amendment does, if it has a reserve fund or if it just is a direct tax increase and assumes spending.

Mr. CONRAD. Could we say initially that in terms of the advice for our colleagues that we try to make this 30 minutes equally divided, with an understanding that it may be altered somewhat when you have a chance to consult? It would just help those who are managing the amendment to divide up the time in a way that might make things go faster.

Mr. NICKLES. I appreciate the suggestion by my colleague from North Dakota. I would like to have an assumption that no amendment gets over 10 minutes on each side. I mentioned that would be my desire at the beginning of the day. That is still my desire. That would be ample time for discussion. That would be my hope. I hope the standard amendment does not receive more than 10 minutes a side. That would be my thought. Maybe we can do that for the amendment of the Senator from Iowa.

I ask unanimous consent to lay the pending amendment aside and to consider an amendment to be offered by our colleague from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I yield to the Senator from Iowa 15 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2799

Mr. HARKIN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mrs. FEINSTEIN, Mr. DURBIN, Mr. LAUTENBERG, Mr. BINGAMAN, Ms. LANDRIEU, and Mr. LIEBERMAN, proposes an amendment numbered 2799.

Mr. HARKIN. 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:

(Purpose: To provide for increased resources for medical research, disease control, wellness, tobacco cessation and preventative health efforts including substance abuse and mental health services, establishing a fund for this purpose, offset by an increase in the cigarette tax to $1 and proportional increases in other tobacco excise taxes and deficit reduction)

On page 3, line 9, increase the amount by $7,800,000,000.

On page 3, line 10, increase the amount by $7,800,000,000.

On page 3, line 11, increase the amount by $7,800,000,000.

On page 3, line 12, increase the amount by $7,800,000,000.

On page 3, line 13, increase the amount by $7,800,000,000.

On page 3, line 17, increase the amount by $7,800,000,000.

On page 3, line 18, increase the amount by $7,800,000,000.

On page 3, line 19, increase the amount by $7,800,000,000.

On page 3, line 20, increase the amount by $7,800,000,000.

On page 3, line 21, increase the amount by $7,800,000,000.

On page 4, line 20, increase the amount by $7,800,000,000.

On page 4, line 21, increase the amount by $7,800,000,000.

On page 4, line 22, increase the amount by $7,800,000,000.

On page 4, line 23, increase the amount by $7,800,000,000.

On page 4, line 24, increase the amount by $7,800,000,000.

On page 5, line 3, decrease the amount by $7,800,000,000.

On page 5, line 4, decrease the amount by $15,600,000,000.

On page 5, line 5, decrease the amount by $23,400,000,000.

On page 5, line 6, decrease the amount by $31,200,000,000.

On page 5, line 7, decrease the amount by $39,000,000,000.

On page 5, line 11, decrease the amount by $7,800,000,000.

On page 5, line 12, decrease the amount by $15,600,000,000.

On page 5, line 13, decrease the amount by $23,400,000,000.

On page 5, line 14, decrease the amount by $31,200,000,000.

On page 5, line 15, decrease the amount by $39,000,000,000.

At the end of Title III, insert the following:

SEC. . FUND FOR HEALTH.

If the Committee on Appropriations of the Senate reports legislation with a level of appropriations for function 550 discretionary programs without the use of this Fund that at least appropriates the sum appropriated for function 550 discretionary programs in fiscal year 2004, the Chairman of the Committee on the Budget of the Senate may revise aggregates, function totals and increase the allocations to the Committee on Appropriations up to $6,000,000,000 in new budget authority and $6,000,000,000 in new budget outlays for fiscal year 2005 and $30,500,000,000 in new budget authority and $30,500,000,000 in budget outlays in fiscal years 2005 through 2009.

Mr. HARKIN. Mr. President, this amendment is offered on behalf of myself and the major cosponsor is Senator FEINSTEIN; also Senators DURBIN, LAUTENBERG, BINGAMAN, LANDRIEU, and LIEBERMAN.

The Nation's health system is in crisis. There are nearly 44 million uninsured individuals. Skyrocketing health costs are leaving more and more people without insurance. We have shortages of health professionals all across rural America. Everywhere, health providers are stretched to the limit. Finally, as the Centers for Disease Control pointed out just this week, obesity will soon match tobacco use as America's No. 1 preventable killer.

This is not the time to cut Federal investments in health care. We stand on the brink of fantastic discoveries and breakthroughs in medical research. This is not the time to cut short this vital research, denying hope to tens of millions of Americans with chronic diseases. This is the time to increase our efforts not only to treat and cure illnesses, but also to dramatically increase our efforts to prevent illnesses. We need major new efforts to promote wellness in our health care system.

And yet, the President has proposed slashing function 550, the health care function in this budget. This is taking America in exactly the wrong direction.

Accordingly, I am offering an amendment that would increase function 550 funding by $6 billion in fiscal year 2005 and $30 billion over 5 years.

This new funding would go to medical research disease control, wellness, tobacco cessation, and preventive health efforts. It would help to recruit and retain our incredibly talented health professionals in this country—especially in rural areas. It boosts research into new medical treatments and cures. It includes funding for mental health and substance abuse programs. It includes funding for the prevention of chronic diseases, which account for 75 percent of our Nation's $1 trillion in health care costs.

The Harkin-Feinstein amendment fully offsets this new funding by levying a tobacco user fee of 61 cents per pack. That would bring the Federal total to $1 per pack.

This user fee will raise enough revenue both to fund the increase in function 550 and to reduce the deficit—steps that will be good for the physical health of the American people and the fiscal health of the federal government.

Bear in mind that tobacco use costs this country billions of dollars and millions of lives every year. Tobacco use is the leading cause of preventable death in the United States, causing 440,000 deaths each year and resulting in more than $75 billion in direct medical costs. Smoking causes chronic lung disease, coronary heart disease, and stroke, as will as cancer of the lungs, larynx, esophagus, mouth, and bladder. In addition, smoking contributes to cancer of the cervix, pancreas, and kidneys.

This creates an enormous financial burden for the federal government. Smoking-caused Medicaid expenditures amount to a whopping $23.5 billion annually. Smoking-caused Medicare-expenditures are $20 billion per year. Reducing tobacco use in this country could save American taxpayers billions of dollars annually, while freeing up resources to invest in the country's public health system.

Study after study tells us that increases in the price on tobacco products have significant positive public health effects—especially with children. With a $1 user fee on tobacco products, we can decrease youth smoking by 18 percent. We can keep 105,000 young people from starting smoking in the first place.

Despite our efforts in the 1990's to curtail manipulative marketing targeted at children, the tobacco industry currently spends more than $11 billion a year to promote its deadly products—that is $30 million per day. We should be curbing this threat, this epidemic. And this amendment will do exactly that.

Prevention is the key. Today, Americans are plagued with more and more chronic diseases that are largely preventable. As I said, 75 percent of the $1 trillion we spend on health care in the United States goes to the treatment of these largely preventable chronic diseases. Without question, giving Americans an incentive to reduce or quit using tobacco products would be an urgent step in the right direction.

This amendment offers us a trifecta of benefits: It increases funding for health care services, medical research and prevention. It reduces the deadly pandemic of tobacco use in America. And it makes a solid contribution to reducing the budget deficits that are destroying our government's fiscal health.

Lastly, let me say that our amendment does not contain any provision dealing with the tobacco quota buyout and FDA regulation of tobacco. I believe we need to do both; both must be done together. This is one Senator who will stand here and do everything I can in my power, along with others, to make sure there will not be a tobacco buyout without FDA regulation of tobacco.

I believe we have to do both because I believe we need to help our tobacco farmers, those who are struggling to feed their families in small, rural areas all over the South and sometimes even to the Midwest. They need the tobacco buyout. But we also need to make sure we have meaningful oversight of tobacco use and promotion by the Food and Drug Administration.

With that, Mr. President, I now yield to the Senator from California.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I just checked with Senator MCCONNELL, who I think might be involved in leading the opposition, and he has no objection. So I ask unanimous consent that the time allotted for the amendment of the Senator from Iowa be 30 minutes, equally divided—the time allotted from the beginning of the debate on the amendment.

Mr. CONRAD. Mr. President, just for our understanding, the time used so far would be charged to the amendment?

Mr. NICKLES. The Senator is correct.

Mr. CONRAD. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. How much time does this side have left?

The PRESIDING OFFICER. Nine minutes remain.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Iowa for his leadership on this issue, and I join him wholeheartedly.

Funding for public health programs has never been more critical. The President's budget, for the first time in 10 years, includes a decrease in Function 550. This is the portion of the budget that covers cancer research, AIDS treatments and new discoveries, potential health threats, including anthrax or other biological or chemical attacks—all through the National Institutes of Health, the Centers for Disease Control, the Indian Health Service, and others. If we do not adopt this amendment, all of those programs are threatened with cuts. Let me speak about how this amendment works. It increases the budget for discretionary public health programs for fiscal year 2005 by $6 billion. That is a 12-percent increase over the fiscal year 2004 level.

Now, a 12-percent increase in Function 550 is supported by more than 400

health groups. And, this increase is also paid for. It is paid for by a 61-cent increase in the federal tax on tobacco, which will bring in about $8 billion per year. Mr. President, $6 billion of the $8 billion covers the cost of increasing funding for public health, and the remaining $2 billion goes for deficit reduction. It is a prudent step to take at this point in time.

Now, you might say, why? We know tobacco kills. And we know that prevention saves lives. For the first time in my State—California—we have had a drop in lung cancer incidences and death among women because of the tobacco prevention programs that are taking place. So I think an increase in the tobacco tax is an appropriate means to support a 12-percent increase in cancer research.

Let me speak to that for just a moment. We now have seen the mapping of the human genome. This holds tremendous promise for finding cures for diseases like Alzheimer's, Parkinson's, diabetes, and cancer, by attacking their genetic roots.

We have seen advances in genomics, in molecular biology, which have made the development of new, targeted cancer therapies such as Gleevec, for chronic myeloid leukemia; Herceptin, for breast cancer; and, most recently, Avastin, for colon cancer.

We now have drugs that are so advanced that they can target just the bad cancer cells and not harm the good cells. These drugs are amazingly effective and are less toxic for the patient.

I have been vice chair of the National Dialogue on Cancer, now called C-Change, for 4 years, and co-chair of the Senate Cancer Coalition for even longer than that. If there ever is a time to continue the march to solve major health problems before this Nation, this is that time.

This amendment allows that to be done, with a 12-percent increase for public health programs. And it is fully offset. It would be funded from an increase in the tobacco tax, a tax that I think is an appropriate measure—about $2 billion for deficit reduction and $6 billion to fund this amendment.

I urge the Senate's approval of this increase in basic health functions across the board.

Mr. President, I yield my remaining time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator.

How much time is remaining in support of the amendment?

The PRESIDING OFFICER. Five and a half minutes.

Mr. DURBIN. Mr. President, I will not use that amount of time, just perhaps 1 minute, if the Senator will yield it. I will just use 1 minute.

Mr. President, I rise in support of this amendment and ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, this is an extraordinarily important amendment. It should be strongly bipartisan. Is there a person listening to this debate who believes there is a Republican or a Democratic approach to research, finding cures for the diseases that are affecting America? There has been a strong, bipartisan commitment by Democratic and Republican Presidents to invest in research. The Senator from Iowa and the Senator from California have the courage to stand up today and say: We will not allow this effort to end; it will go forward; and we will fund it in an honest fashion, by raising the Federal cigarette tax by 61 cents. They will generate the billions of dollars that we need to put back into health care and health research so families across America have peace of mind that we are doing everything in our power to spare their children and their loved ones from diseases that are threatening them.

The second part, that is equally if not more important, is, as you increase the cost of tobacco products, fewer people buy them, particularly children. A 61-cent increase in the price of a pack of cigarettes or tobacco is going to discourage children from taking up the habit, becoming addicted, and, ultimately, losing their lives to this deadly addiction.

I commend this amendment. I hope my colleagues will rise to the occasion, on a bipartisan basis, to endorse this real investment in health care and research for America.

I thank the Senator from Iowa and the Senator from California for allowing me to speak.

Mr. HARKIN. Mr. President, how much time does this side have?

The PRESIDING OFFICER. Three and a half minutes.

Mr. HARKIN. Mr. President, I will yield myself a couple minutes.

A lot of people might say: My gosh, Senator HARKIN and Senator FEINSTEIN and Senator DURBIN, a dollar a pack is a lot of Federal tax on a pack of cigarettes. But this chart shows the history of the Federal excise tax on cigarettes going back to 1950.

Shown on this side of the chart would be for 1950. At that time, the Federal excise tax was 49 percent of the average wholesale price for a pack of cigarettes—49 percent. Today, it is 14 percent.

So those who say that a dollar a pack on that is too much, I point out it only brings it up to 30 percent of the average wholesale price of a pack of cigarettes. That would be 30 percent; and that would be less than what it has been many times in the past.

So it is not out of line with what we have had as a Federal excise tax on cigarettes, as I said, going clear back to 1950. Then all the way up until about 1983 it was more than 30 percent of the average wholesale price. So this is not out of line.

But what we get for this, as has been pointed out, is we get $30 billion over 5 years to invest in health research, wellness, prevention programs, anti-obesity programs, smoking cessation programs, and keeping our people more healthy. Plus, we also get out of this amendment about $9 billion in deficit reduction.

So this amendment does two things: It raises the Federal excise tax on a pack of cigarettes from 39 cents to $1, which would bring it up to about 30 percent of the wholesale price, and it takes that money and puts it in the health function so we can invest in the health of our people in this country. That is all this amendment does. It does nothing else.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HARKIN. Yes, I yield for a question.

Mr. KENNEDY. Is it not also true, with the success of this amendment, there will be a dramatic reduction in teenage smoking?

Mr. HARKIN. The Senator is absolutely right. We know with this amendment there will be a dramatic reduction. It is estimated youth smoking would go down by at least 18 percent with this amendment.

I thank the Senator from Massachusetts for his support and for pointing that out.

I reserve whatever time we may have remaining.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I think I may have a colleague who wants to speak on this; I believe Senator MCCONNELL. I am looking at the amendment. I can read the purpose, but I will tell my colleagues, you can put whatever purpose you want, but the net essence of the amendment is to increase taxes by $39 billion. I appreciate the assumption. I don't know if that scores correctly. I have no idea.

I don't know what the tax raises today and I don't know how much money would be raised if it was increased today $1 a pack. I do know a lot of States have been doing this. My Governor in my State of Oklahoma is in the process of trying to increase tobacco taxes as we speak. This would conflict with that to some extent because a lot of States have been doing that. I believe New York and a lot of other States have very hefty taxes. This has been primarily an area where the States have maybe the heavier tax between the Federal and the State.

This amendment also purports to say it will increase spending. Just reading the language, it says, ''If the Committee on Appropriations reports the legislation'' such-and-such, then the chairman of the Budget Committee may revise aggregates up to. So it doesn't actually directly increase spending. It does directly increase taxes to the tune of $39 billion over the first few years. It assumes there would be a lot of new spending. I want to make that clear. Some people are assuming it is a direct increase in some functions.

Again, to repeat, my colleague from North Dakota and I have done this repeatedly. The purpose does not really mean the Finance Committee is going to get an instruction to increase taxes, decrease taxes, keep present law, have tax increases. This is a tax increase. I have been on the Finance Committee for a long time. I don't remember ever voting on an amendment to increase cigarette taxes. I guess it has floated around, but I don't remember a serious debate on increasing the cigarette tax and should this be a function to be reserved for the States or for the Federal Government.

I will reserve the balance of our time for Members who may be more knowledgeable. I didn't know what the excise tax on a pack of cigarettes was until my colleague said it is 31 cents. I don't know what the wholesale price of a pack of cigarettes is. I don't know what the retail price is. I don't know, don't care too much. So maybe this is a fight for other people.

Mr. FRIST. Mr. President, I rise in opposition to the Harkin Amendment. I'm against raising taxes. And that is exactly what this amendment is—a tax increase and a large one. Moreover, it is very regressive. It raises taxes on many people who can't afford it.

However, I share the overall goal of reducing tobacco use. Smoking is still the number one killer in America, though obesity is now a close second, a should be addressed by Congress. As a heart and lung transplant surgeon, I know very well the results of this deadly habit, and I have consistently supported reasonable FDA regulation of tobacco which focuses on youth consumption.

I hope that we can eventually reach agreement on a package that will give FDA reasonable authority to regulate tobacco and provide a buy-out for our tobacco farmers. I encourage my colleagues who support this amendment to work to accomplish that worthy public health goal.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from West Virginia is seeking time. How much time would the Senator want?

Mr. ROCKEFELLER. Five or six minutes.

Mr. CONRAD. I yield 5 minutes off the resolution to the Senator from West Virginia. For the information of the chairman, the Senator has agreed to talk about an amendment but not offer it. That is why we are asking at this time that he be given 5 minutes to discuss his concern.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the extremely distinguished Presiding Officer, Senator CONRAD, and Senator NICKLES.

Last year we had a very interesting scene on this floor in which 75 Senators, working with Senator COLLINS, Senator NELSON from Nebraska, and Senator SMITH from Oregon and I, and others, passed a $20 billion fiscal relief bill for the States. Half of that was devoted to Medicaid. It became an extraordinarily important part of what States did to be able to survive.

We are once again in a dire fiscal situation. States face the prospect of having to cut benefits to kids, particularly poor kids, needy families, and seniors in nursing homes, something which 75 Senators voted not to do last year. It passed the House. The President signed it.

Forty-two States last year were in a budget deficit situation with respect to Medicaid. It was and is their largest problem. Sluggish job growth continues to add to that problem. Last month our economy gained 21,000 new jobs. There are 8 million people out of work, so that is only one job for every 380 unemployed workers. The majority of Americans get their health care through their job, particularly manufacturing jobs, so employment is tremendously important. Manufacturing has been going down, as the Presiding Officer knows.

Even more depressing, about 400,000 Americans have dropped out of the workforce altogether, which to me is the saddest thing that can happen, where people just kind of give up. The Presiding Officer and I have seen that in our States and across America.

But instead of working to further ease the budgetary strain on States, Congress has actually made life tougher for States fiscally. The new Medicare law includes at least $1.2 billion in net costs to States in fiscal years 2004, 2005, and 2006. We should be providing States the resources they need to work with Medicare, not enacting legislation that assumes cuts.

My amendment, which I will not offer formally, would allow Congress to enact legislation simply to extend the enhanced Medicaid match we passed last year beyond June 30 of this year. It is not a prescriptive policy, but rather a placeholder that will allow us to help an awful lot of people down the road.

Some in this body will argue we did this just to be temporary. The economic situation has not stabilized. To the extent we can say the problem is there and there is something we can do to help States, it will make an enormous difference to lots of people. It is interesting and sad that 30 States are projecting budget deficits for the fiscal year coming up. Estimates indicate those deficits could total as much as $41 billion. In eight States—and I won't name them—the budget shortfalls are so large for Medicaid that they exceed 10 percent of the entire budget of the State.

I put this concept, which I believe is tremendously important, before the Senate. It simply allows fiscal relief beyond June 30. It allows an extension of what we passed by an enormous amount last year. I hope my colleagues will look upon it favorably.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. ROCKEFELLER. Of course.

Mr. KENNEDY. If I might have the attention of the floor manager for a minute, does he have 2 minutes for an inquiry available?

Mr. CONRAD. Does the Senator from West Virginia have any time?

The PRESIDING OFFICER. Thirty seconds.

Mr. CONRAD. I am delighted to yield the Senator 2 minutes off the resolution.

Mr. KENNEDY. Mr. President, isn't it true that under this resolution we are now considering, there will be no expansion of health care coverage under the existing program; and if the proposal of the Senator from West Virginia isn't accepted, then what we are going to see are hundreds of thousands, even millions of the poorest of the children, poorest of the elderly, frailest of our seniors, dropped from any kind of health care coverage?

Mr. ROCKEFELLER. The Senator from Massachusetts is precisely correct. The fact is there is not a nickel's increase from what it was we passed so unanimously a year ago, not a nickel's increase.

Mr. KENNEDY. Would the Senator agree with me that one of the great concerns across the country is there has been increasing numbers of the uninsured, costs have gone up 43 percent? And now without the inclusion of the proposal of the Senator from West Virginia, we are putting at risk the poorest of the poor, poor children, frail, elderly people, those in the nursing homes of this country. I commend the Senator from West Virginia. This makes absolute sense and I think it is an absolute necessity. I hope we will have the opportunity to make sure it is part of the budget.

Mr. ROCKEFELLER. I thank the Senator and I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield myself time off of the resolution. I want to say to my colleagues that we are rapidly approaching a defining moment of this year's budget resolution. We have just a few hours left, and we have requests for much more time than there is available. I remind colleagues of the way this works. Even though I have 4 hours remaining—how much time remains on this side?

The PRESIDING OFFICER. Four hours three minutes.

Mr. CONRAD. I have 4 hours 3 minutes. Senator NICKLES has an hour and 30, something like that.

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Senator NICKLES can yield back all of his time and that means we functionally have 2 hours left on our side. That is the reality.

No. 2, we have 50 amendments pending on our side. That is after we started with 98. We have reduced it to 50. I have never done this before, but I am going to do it this time. At some point in the very near future, I am going to

start voting against amendments offered on either side that spend more money. I don't think, in light of the massive deficits and debt that we have, even if the amendments are paid for, we should be offering dozens of amendments, other than those of extremely high priority.

We have had amendments thus far today that have been of an extremely high priority. I don't believe it is in the interest of this country or of this body to have dozens and dozens of amendments, even if they are paid for, that add to the spending base, given the level of deficits and debt that we have.

I have been approached by many members on our side who have asked me to deliver this message. I do so at this time. We have lined up, in addition to the amendment from Senator HARKIN and Senator FEINSTEIN, one from Senator BYRD, an amendment from Senator LIEBERMAN, an amendment from Senator LINCOLN, and there may be a few more I am not yet aware of. But I hope that the message goes out loudly and clearly that we are going to show restraint and dramatically reduce the number of pending amendments.

Fifty amendments would take us 17 hours of voting. We still haven't gotten to the point of beginning the voting. Please, colleagues, I ask you to show some restraint. There is no need for us to come out here and offer 50 amendments. This is the time. I hope the phone starts ringing off the hook in the cloakroom from colleagues who say they have 8 amendments to offer and they call back and say, I will reduce that to the one that is really a priority.

Please, let us not go through another vote-a-rama that takes 17 hours. Please let's not do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, we have not seen the amendment and we cannot agree to any amendments going to the desk that have not been presented to the ranking member and chairman, those managing the bill. I am constrained to object until we see the amendment.

Mrs. FEINSTEIN. Mr. President, this is an amendment from myself and Senators KYL, BINGAMAN, HUTCHISON, KENNEDY, CORNYN, BOXER, DOMENICI, CLINTON, MCCAIN, SCHUMER, GRAHAM, LAUTENBERG, CANTWELL, CORZINE, FEINGOLD, and EDWARDS. It has to do with the State criminal assistance program for illegal aliens. We have tried to get floor time and have been unable to do so.

Mr. CONRAD. Mr. President, for the advice of my colleagues, we have an order here. We have to follow that order. Senators have to come to the managers and present their amendments and get into the queue. The next amendment we have committed to considering is one from Senator BYRD, also, Senator LINCOLN.

If Senator LINCOLN is ready, we could go to her at this point. I ask the Senator not to send her amendment to the desk, but to seek recognition to present the amendment. Then we will go to Senator BYRD, and then we go to Senator LIEBERMAN. That is the order that we have. Is Senator LINCOLN ready to go?

Mrs. LINCOLN. Yes.

Mr. CONRAD. Off the resolution, I yield 10 minutes to the Senator. I ask her not to send the amendment to the desk.

Mrs. FEINSTEIN. Reserving the right to object. Is the Senator saying I have no right to introduce my amendment?

Mr. CONRAD. I am saying I am not going to give the Senator time to introduce her amendment at this point. We have an order that has been agreed to. We have made commitments to people as to when to present amendments. We have not seen the Senator's amendment. Until we have seen it and gotten it into the queue, other Senators who had commitments made to them are the only ones that we will give time to.

Mrs. FEINSTEIN. For the record, it is my understanding that the amendment had been presented to your staff yesterday. We have sought time. I recognize this amendment may not be one of your priorities. It is a huge amendment for many States that have very high costs, and I have presented it in the past. It has been unanimously adopted by this body in the budget bill. I offered a separate amendment which was an authorization for $850 million, which passed the Senate and is now in the House. There is no number from the President in the budget. That is why I am submitting it at this time.

Mr. CONRAD. Mr. President, I hope the point is clear. The Senator has every right to offer her amendment. The Senator will have a chance to offer her amendment. The point is this: We have an order. We have an agreement. We are working through those amendments where Senators have been put in the queue. I am not going to yield time to other Senators who break the line. We have made commitments to Senators for an order of recognition. I intend to keep those commitments.

Again, I yield to the Senator from Arkansas 10 minutes off the resolution.

AMENDMENT NO. 2803

Mrs. LINCOLN. Mr. President, I thank my colleague. I thank all of my colleagues. This is such an important issue as we look at the budget in the confines of the budget of this country, really in the context of priorities. We have a lot of choices and we have a lot of priorities in this country. Each of us as Americans, here in the Senate, our constituents who depend on us tremendously to make sure that the priorities of this country are recognized—each of us in our own homes and families has to set priorities within the confines of our own family budgets. We have to look at the year, the circumstances, and we have to figure out what is important to us as a family, important to us as part of a community, and what is important in terms of long range goals that we have for ourselves, our families, our communities and, in this instance, our Nation.

We also have to recognize that the priorities and choices that we make regarding those priorities have consequences. They have immediate consequences on our families, communities, and our country. They also have long-term consequences on the things that we want to achieve as individuals and collectively as a group. That is why I rise today to offer an amendment to the budget resolution to provide $60 billion over 5 years to reduce the growing number of uninsured Americans and to reduce the high cost of health care.

I do not know about the other Members of this body, but I do know, almost to the individuals who come into my office, whether they represent corporate America, whether they represent their families, whether they represent the interest of their community and the small businesses that make up that community, but to a person, almost every one of them mentions the cost of health care in this country, its escalation, and the concern it brings to them as an individual and to their families, to their businesses, and to their communities.

What are we going to do about it? How much of a priority are we going to make this issue in terms of the high cost of health care in this country?

One of the most incredible contributors to this high cost of health care is the number of Americans who are uninsured, those who are unprepared for what may happen to them or to their family members. It affects them, it affects their families, it affects their jobs, their employers, their communities, their health care providers—it affects absolutely everyone.

This amendment I offer today will dedicate funding to address this critical issue and to do so in a way that is fiscally responsible. Unfortunately, the budget resolution before us does not specify either an amount to promote expanding health insurance coverage or a way to pay for it, which leads me to believe it simply is not a priority, and I am here today to make it one.

The fact is, the number of uninsured in our country is alarming and should be a national priority. Based on the statements of HHS Secretary Tommy Thompson last week, it is clear President Bush's administration does not recognize the severity of this crisis. Secretary Thompson was quoted as saying:

> Even if you do not have health insurance in America, you get taken care of. That could be defined as universal health care.

With all due respect to Secretary Thompson, I do not know where he is getting his information. Just look at these simple facts: 20 percent of the working-age adults in Arkansas are uninsured. Nationwide an estimated 44 million Americans do not have health insurance.

Uninsured families have less access to important screenings, state-of-the-art technology, and prescription drugs.

Uninsured adults have a 25-percent greater mortality risk than adults with health insurance coverage. An estimated 18,000 deaths among people younger than 65 are attributed to lack of health insurance coverage every single year.

Uninsured adults with chronic conditions, such as diabetes, cardiovascular disease, HIV infection, and mental illness, have less access to preventive care and have worse clinical outcomes than insured patients.

Uninsured adults negatively affect our health care providers and the local economy, too. A community's high rate of uninsured can adversely affect the overall health status of the entire community, the financial stability of its health care institutions and providers, and access to emergency departments and trauma centers.

My hospitals in Arkansas will tell you how expensive uncompensated care can be. These facts make it clear. People without health insurance do not get taken care of, as Secretary Thompson said. Those who lack health insurance do not get access to timely and appropriate health care.

The fact is Americans without health insurance—children and adults—suffer worse health and they die sooner than those who do have health insurance.

The fact is people who lack health insurance are sicker and they die sooner. You do not get taken care of if you have no health insurance. You simply fend for yourself.

Working families need help with this problem. In Arkansas, the No. 1 cause of bankruptcy is high medical bills. If what we want to do is put our economy back on track, let us work to provide small businesses and industry the ability to access health insurance and health care for their workers. We know that works.

Last week, I introduced legislation with Senator DURBIN and Senator CARPER to help small businesses gain access to affordable health insurance for their employees. Small businesses are the No. 1 source of jobs in Arkansas. Small employers say offering health insurance has a positive impact on recruitment and retention, employee moral, their performance, and the overall success of their business, their ability to succeed and to grow the jobs that will help make this economy strong.

What better way to get our economy going again than to help small businesses to succeed? More than half of the workers in firms under 100 people make less than $25,000. I ask my colleagues, How in the world can someone afford health insurance in the open marketplace on an income at that level? Firms with a high proportion of low-wage workers are much less likely to offer insurance, and the fact health insurance for individuals, low-income working families to afford it on their own does not exist.

This budget resolution does not prioritize this growing problem. It fails working families because it does not put any money aside.

In President Bush's budget, he suggested he wants to work with Congress on an offset for this proposed plan. Guess what, Mr. President. I have one. Let's eliminate the abusive tax loopholes corporations have taken advantage of for years. How long do we have to wait, anyway?

This amendment is about priorities. Are we going to choose to help working families afford health insurance? Are we going to continue to allow corporations to get away with these abuses? We have investigated Enron's tax shelters activities, but we have done nothing. We have done nothing in those circumstances.

We must make the growing number of uninsured in our country a priority. It is clear working families are not getting the health care they need. No one can argue with that point. I challenge any one of my colleagues. If they are not hearing the same concerns in their offices, I would be surprised.

There are a number of bipartisan proposals introduced in the Senate to address the high number of uninsured. Let's come together and do something good for the hard-working folks in this country who cannot afford health insurance, those who cannot get access to the most basic of preventive medicine. Congress needs to address this issue.

The high cost of health care in the United States is giving other developed countries an advantage in keeping and attracting jobs. If we want to talk about losing jobs, look at one of the highest costs to industry and to small businesses. It is providing quality health care and health insurance that is going to allow them to keep those workers and provide them what they need to be good workers and good family members.

For each car they build, DaimlerChrysler AG pays out $1,300 in employee health care costs. When they make that car in Canada, they pay hardly anything. They depend on a government program to provide that health care. That is why the big three automakers actually lobbied the Canadian Government to maintain their national health care system. If we want to keep jobs in America, let's make it worth their while. Let's make their quality of life comparable in those instances.

At a time when jobs are leaving our country, at a time when health insurance premiums are rising by leaps and bounds and working families are losing their jobs and what health insurance they may have, Congress must do something.

I do not claim my amendment will address every health care need in our Nation. Some want to do more, and some think we should do less. I believe my amendment is a balanced, commonsense approach that will advance this important cause in a meaningful way. I ask my colleagues for their support.

We cannot assume people are getting the health care they need, because they are not. All we have to do is listen to corporate America, listen to small business, listen to our health care providers, most importantly, listen to our constituents.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. LINCOLN. Mr. President, we cannot continue to turn a blind eye. Let's get it done. I urge all Senators to vote for my amendment and vote on behalf of quality health care for all Americans.

I thank the Chair.

Mr. KENNEDY. I am a cosponsor on this amendment, and I ask for 1½ minutes.

Mr. CONRAD. I would be glad to yield 2 minutes off the resolution on this amendment to the Senator from Massachusetts.

Might I ask the chairman if we could get a time agreement on this amendment so we can get that amendment sent to the desk. We will try to keep this queue as orderly as possible.

Mr. NICKLES. I ask unanimous consent that the debate on the Lincoln amendment be limited to 20 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair. I yield 2 minutes off the resolution to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first, I congratulate and commend the Senator from Arkansas. She is basically challenging the Senate, saying that when we are considering a $2.4 trillion budget we ought to make a commitment in this budget to a downpayment on health insurance for working Americans. Eighty percent of those who do not have health insurance are from working families. Working families play by the rules, work hard, provide for their children, and they are effectively without this coverage.

In the past, the Budget Committee has had a reserve fund that has been funded on this. In the last budget, $50 billion came out of conference for health insurance. It was $89 billion the year before, but it is zero effectively in this budget.

The Senator from Arkansas is reminding us of our responsibility. The problem has not gotten less; it has gotten worse, and she is challenging this body to meet its responsibilities, to say to the 43 million Americans, including

the children who are out there, we are committed to making a downpayment. We are not going to have all the answers but we insist, as a matter of national priority, that we give focus and attention to the uninsured. That is what the Lincoln amendment is all about.

Goodness knows, of the 43 million Americans, there is not a single Member of the Senate who does not have health insurance. There is not a single Member of the House of Representatives who does not have health insurance. Let's meet our responsibility and begin to treat our fellow Americans the way we treat ourselves.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I ask unanimous consent to lay aside the pending amendment, and I send my amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. DASCHLE, Mr. KENNEDY, Mr. DURBIN, Mr. DODD, Mr. CORZINE, Mr. BINGAMAN, Mr. KERRY, Mr. LAUTENBERG, Mr. JOHNSON, Mr. PRYOR, Mrs. CLINTON, and Mr. JEFFORDS, proposes an amendment numbered 2803.

Mrs. LINCOLN. 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:

(Purpose: To provide $60 billion over five years for greater health security for working Americans and their families through a combination of public and private efforts to expand quality, affordable health insurance coverage and cut health care costs by eliminating abusive tax loopholes)

On page 3, line 9, increase the amount by $12,000,000,000.

On page 3, line 10, increase the amount by $12,000,000,000.

On page 3, line 11, increase the amount by $12,000,000,000.

On page 3, line 12, increase the amount by $12,000,000,000.

On page 3, line 13, increase the amount by $12,000,000,000.

On page 3, line 17, increase the amount by $12,000,000,000.

On page 3, line 18, increase the amount by $12,000,000,000.

On page 3, line 19, increase the amount by $12,000,000,000.

On page 3, line 20, increase the amount by $12,000,000,000.

On page 3, line 21, increase the amount by $12,000,000,000.

On page 4, line 4, increase the amount by $12,000,000,000.

On page 4, line 5, increase the amount by $12,000,000,000.

On page 4, line 6, increase the amount by $12,000,000,000.

On page 4, line 7, increase the amount by $12,000,000,000.

On page 4, line 8, increase the amount by $12,000,000,000.

On page 4, line 12, increase the amount by $12,000,000,000.

On page 4, line 13, increase the amount by $12,000,000,000.

On page 4, line 14, increase the amount by $12,000,000,000.

On page 4, line 15, increase the amount by $12,000,000,000.

On page 16, line 12, increase the amount by $12,000,000,000.

On page 16, line 13, increase the amount by $12,000,000,000.

On page 16, line 16, increase the amount by $12,000,000,000.

On page 16, line 17, increase the amount by $12,000,000,000.

On page 16, line 20, increase the amount by $12,000,000,000.

On page 16, line 21, increase the amount by $12,000,000,000.

On page 16, line 24, increase the amount by $12,000,000,000.

On page 16, line 25, increase the amount by $12,000,000,000.

On page 17, line 3, increase the amount by $12,000,000,000.

On page 17, line 4, increase the amount by $12,000,000,000.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have great respect and esteem for my neighbor from Arkansas, but this is an amendment that would increase taxes by $60 billion. I think we want to send out a clarion call to taxpayers: Look out. Our good friends on the Democrat side of the aisle are after you. They are coming. They are coming after your pocketbooks.

We just considered an amendment from our colleague from Iowa for $39 billion. The Senator from California, Mrs. BOXER, offered an amendment for $24 billion, and there are a lot of other tax increases in a lot of other amendments that I guess we will discuss. The $60 billion tax increase that Senator LINCOLN is offering proposes to close loopholes.

My colleague from Arkansas is on the Finance Committee. We mark up tax bills all the time. The Senator should introduce her amendment to close the loopholes. As soon as I found out about the leasing provision, I started talking about we need to repeal it.

The chairman of the Finance Committee put that in the FSC/ETI bill. We had that bill on the Senate floor, and it will be back in a week. We can make that law. There are other loopholes that need to be closed, many of which the chairman of the Finance Committee has in that bill, supported by Senator GRASSLEY and Senator BAUCUS and many of us on the committee, most of those in a very bipartisan way.

Now a lot of that is used to pay for the JOBS bill that Senator GRASSLEY and Senator BAUCUS are trying to pass. The idea of being able to lower manufacturing rates, and so on, there are a lot of these ''loopholes.'' If my colleague has more loopholes, let's talk about them.

I asked the Secretary of the Treasury, Secretary Snow, if he has some ideas about some loopholes that need to be closed to give me a list. I like to close loopholes. I do not like it when there are real inequities and there are people cheating who are not paying their fair share. There are a lot of unreported taxes, for example. So I am willing to do it, but this amendment just basically increases taxes.

We can suggest closing loopholes but this raises taxes. In the first year, it raises $12 billion in taxes. It just so happens in the first year we are assuming continuation of present law and that will cost us $12 billion. In other words, we continue present law for primarily low- and middle-income people, and that will be $12 billion. So this will totally offset that.

The net result, if these two amendments are put together, the budget resolution and this amendment, it will say zero tax relief in 2005; i.e., it will say a tax increase for every family in America, for every couple in America, for everybody who has a child in America. That is what this amendment is.

I want taxpayers to look out. There are a lot of people looking after your checkbook and they are looking to get in your checkbook. Some of us are not going to let that happen. I urge our colleagues to vote no on the amendment at the appropriate time.

I ask unanimous consent that we lay aside the Lincoln amendment and now take up consideration of the amendment of Senator BYRD and that the amendment have 40 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2804

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2804.

Mr. BYRD. 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:

(Purpose: To provide responsible restraints on discretionary funding while providing adequate resources for education, veterans, homeland security, and other critical domestic priorities and fully offsetting the cost by closing corporate tax loopholes, improving tax enforcement, and reducing tax breaks for the top 1 percent without affecting middle-class taxpayers)

On page 3, line 9, increase the amount by $5,656,000,000.

On page 3, line 10, increase the amount by $13,365,000,000.

On page 3, line 11, increase the amount by $3,596,000,000.

On page 3, line 12, increase the amount by $1,200,000,000.

On page 3, line 13, increase the amount by $429,000,000.

On page 3, line 17, increase the amount by $5,656,000,000.

On page 3, line 18, increase the amount by $13,365,000,000.

On page 3, line 19, increase the amount by $3,596,000,000.

On page 3, line 20, increase the amount by $1,200,000,000.

On page 3, line 21, increase the amount by $429,000,000.

On page 4, line 5, increase the amount by $7,361,000,000.

On page 4, line 13, increase the amount by $13,365,000,000.

On page 4, line 14, increase the amount by $3,596,000,000.

On page 4, line 15, increase the amount by $1,200,000,000.

On page 4, line 16, increase the amount by $429,000,000.

On page 4, line 20, increase the amount by $5,656,000,000.

On page 5, line 3, decrease the amount by $5,656,000,000.

On page 5, line 4, decrease the amount by $5,656,000,000.

On page 5, line 5, decrease the amount by $5,656,000,000.

On page 5, line 6, decrease the amount by $5,656,000,000.

On page 5, line 7, decrease the amount by $5,656,000,000.

On page 5, line 11, decrease the amount by $5,656,000,000.

On page 5, line 12, decrease the amount by $5,656,000,000.

On page 5, line 13, decrease the amount by $5,656,000,000.

On page 5, line 14, decrease the amount by $5,656,000,000.

On page 5, line 15, decrease the amount by $5,656,000,000.

On page 23, line 9, increase the amount by $7,361,000,000.

On page 23, line 10, increase the amount by $13,365,000,000.

On page 23, line 14, increase the amount by $3,596,000,000.

On page 23, line 18, increase the amount by $1,200,000,000.

On page 23, line 22, increase the amount by $429,000,000.

On page 40, line 1, increase the amount by $7,361,000,000.

On page 40, line 2, increase the amount by $13,365,000,000.

At the end of Title III, insert the following:

SEC. . RESERVE FUND FOR EDUCATION, VETERANS' MEDICAL CARE, GLOBAL HIV/AIDS, AMTRAK, HIGHWAYS, MASS TRANSIT, NATIONAL INSTITUTES OF HEALTH, FIRST RESPONDER GRANTS AND OTHER DEPARTMENT OF HOMELAND SECURITY PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $11,223,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in fiscal year 2004, for Department of Education programs in the No Child Left Behind Act (P.L. 107–110), Veterans' medical care programs, the Global HIV/AIDS Initiative, Amtrak, Federal-Aid Highways, Mass Transit Capital Investment Grants, the National Institutes of Health, and first responders (including High-Threat/High-Density Urban Area Grants, State Basic Formula Grants, Firefighter Assistance Grants, COPS, and State and Local Law Enforcement Assistance) and other Department of Homeland Security programs.

Mr. BYRD. Mr. President, the Senate has an obligation to approve a budget resolution that addresses the massive deficits and debt that now lie before us. Such a balanced resolution should rely on responsible restraint, on all three elements of the budget: revenues, mandatory spending, and discretionary spending.

The Senate has an obligation to approve a budget resolution that will permit the Congress to enact 13 fiscally responsible appropriations bills. This budget resolution utterly fails to meet those tests. Instead, the resolution puts the Congress on a course toward long-term deficits, higher debt, and an appropriations process that will inevitably produce gimmicks and delays.

The budget resolution puts us on a course that will prevent us from meeting the needs of the Nation. Rather than confront record deficits with responsible limits on mandatory and discretionary spending and reassessment of the revenue losses produced by the tax cut legislation of 2001 and 2003, the Budget Committee produced a myopic budget resolution that pretends to address the deficits with ridiculously low limits on domestic discretionary spending.

It is not the spending side of the budget that has put the Federal budget back into the deficit ditch. Rather than restoring some sanity to our revenue base, the budget resolution that is before us includes $144 billion in new tax cuts. According to the House Budget Committee, the tax cuts enacted since 2001 have or will increase our deficits by $2.6 trillion for the period from 2001 to 2013.

According to the Office of Management and Budget, taxes in 2004 are, as a percentage of gross domestic product, the lowest they have been since 1950. Every year, the IRS fails to collect hundreds of billions of dollars from delinquent taxpayers and corporations. In 2001, IRS data showed $49 billion in lost revenues from delinquent employment taxes, penalties, and interest owed to the Federal Government. The Joint Tax Committee estimates that the cost of tax preferences increased by twice the rate of spending during the last 10 years, from $488 billion a year to $730 billion a year, and none of it—none—is required to be reviewed annually by the Congress.

Yet there is nothing in the budget resolution to increase tax enforcement or to close tax loopholes. Instead, this budget resolution heaps more tax cuts on top of the huge back-loaded tax cuts already enacted. This budget resolution pretends to reduce deficits by focusing cuts on one very small piece of the budget pie, domestic discretionary spending. Unlike the Tax Code or mandatory programs, discretionary spending is the only piece of the Federal budget required to be reviewed every year by the Congress, and it is the only part of the budget that is squeezed routinely for savings, even though there is an abundance of potential savings from excesses in the other areas of the budget.

Here are the facts. Domestic discretionary spending comprises less than 17 percent of the Federal budget. No one should believe cutting domestic discretionary spending by itself can produce balanced budgets.

I remind Senators that according to the White House's own budget documents, if we were to eliminate every penny of nondefense spending in fiscal year 2004, we would still run a deficit of $65 billion.

The mathematics in this resolution just do not work. The budget resolution cuts discretionary budget authority for fiscal year 2005 by $1.9 billion and outlays by $12.1 billion below the request of the President. For nondefense, non-homeland security programs, the resolution cuts budget authority for fiscal year 2005 by $11.2 billion below the level necessary to keep pace with inflation. Outlays for nondefense programs face even deeper, unsustainable cuts; that is, $11.2 billion in cuts in education, health care, veterans medical care, job training, transportation, and other critical priorities. Such cuts do not have the support of the American people or their Representatives in Congress.

Just 2 weeks ago, the House Veterans' Affairs Committee called upon the House Budget Committee to increase veterans spending by $2.4 billion. Recently, the Senate passed a bill increasing funding above the President's request for highway and mass transit programs. The Senate Finance Committee has requested more funds for tax enforcement. The Senate Small Business Committee called for increases in small business loans. The Senate Governmental Affairs Committee called for increases for the Coast Guard. None of these increases are included in this resolution. Yet we engage in this charade, framed by the Bush administration, about how discretionary spending is bloated and how funding cuts are the absolute one and only way to reduce the deficit.

Under the President's budget, by 2009, education and training programs will be cut 7 percent below levels necessary to keep pace with inflation. Environmental programs will be cut by 20 percent, law enforcement programs by 16 percent, veterans medical care by 17 percent. The President tells us that we are in the midst of an energy crisis, but his budget cuts energy programs by 27 percent in 2009.

Remember No Child Left Behind? In 2009, the title I program will be cut by $260 million below levels approved for 2004, adjusted for inflation. Overall, domestic programs would be cut by 12 percent in 2009.

Does this budget resolution restore those cuts? No. No. No. Instead, this budget makes it next to impossible for the Federal Government to meet its obligations to children, to seniors, and to veterans. It digs a deep hole for funding education; a deep hole for funding health care; a deep hole for funding environmental programs, such as clean and safe drinking water. This budget puts the President's political priorities

first and it puts the American people last. This budget resolution will force cuts to domestic discretionary programs by almost $1 billion below the President's totally inadequate request for fiscal year 2005. It is a slash-and-burn program. Ignore the consequences. We must cut, cut, cut.

The resolution is $11.2 billion below the amount necessary to keep pace with inflation. During the next 5 years, the budget resolution cuts domestic programs such as veterans, education, and transportation by $107 billion below the amount necessary to keep pace with inflation.

What is going on here?

This Nation is suffering from neglect—neglect. Our schools are breaking apart; our health care system is in disarray; Social Security and Medicare face bankruptcy; America's veterans have to wait for weeks upon weeks for basic medical care; our homeland security network is riddled with massive gaps. Even though terrorists struck our Nation 2½ years ago, this very day protections at home are little improved from that fateful day.

Why? Why do we face such major crises in so many critical areas? The answer is simple. The Bush White House and this Congress have failed to live up to the promises made to the American people.

Today, the President is scheduled to participate in the groundbreaking for the 9/11 memorial in New York City. It was 2½ years ago today that those planes struck the two towers, the Pentagon, and the field in Pennsylvania. But are we safer? Hardly. The security of this Nation is on thin ice. The Bush administration has held back support for critical investments in homeland security, in police officers, in firefighters, in border, airport and seaport security. As a result of this White House's foot dragging, America is woefully unprepared to prevent or respond to another terrorist attack.

Police officers, firefighters, and paramedics throughout this country have sent a clear message to this Capitol; namely, they need more Federal help to best do their job. Law enforcement grants are proposed to be cut by $1 billion.

The President, in his budget, puts first responders last in line for Federal funding. The President's budget proposes to cut grants that equip and train police, fire, and emergency medical services personnel by $733 million. Fire grants alone are to be reduced by 33 percent.

These cuts come despite continued warnings—from think tanks, from commissions, and from first responders themselves—that our Nation is not adequately prepared to respond to another act of terrorism.

Congress has a responsibility to protect the Nation. It must focus on the country's many serious vulnerabilities and invest dollars where they are most needed. But it seems as though the only time this Congress is willing to increase funding is for our defense forces overseas. Defenses here at home are left to scramble and scrape.

My amendment would increase the levels of the 2-year caps on discretionary spending contained in the resolution to sustainable levels. These levels would allow Congress to responsibly move forward on the appropriations process.

This amendment provides sufficient resources, including $11.2 billion in fiscal year 2005 and $7.4 billion in fiscal year 2006 to make sure that the level of activity for domestic programs that the Congress approved and the President signed into law for 2004, can be maintained in 2005 and 2006, after adjusting for inflation.

We will hear during the debate that spending is out of control. It really is not. We have seen an increase in the 3 years since President Bush took office, but what programs have received those increases? The increases have been for defense, homeland security, and the response to the September 11 attack. In fact, 91 percent of the spending increases since 2001 have been in those three categories. According to staff analysis, increases for domestic programs, excluding homeland security, have barely kept pace with inflation over the last 2 years.

If you think the Congress should restore the President's proposed cuts of $1 billion in State and local law enforcement grants, you should be for this amendment. If you voted for the Senate highway bill, you should be for this amendment. If you think that veterans should not have to pay special charges and membership fees for health care, if you think that veterans already paid their dues at Iwo Jima, Pork Chop Hill, and the Mekong Delta, then you should be for this amendment.

Anyone who wants to characterize this amendment as excessive spending is not paying attention to the needs of their constituents. Nor are they paying attention to the bottom line. This amendment would reduce the deficits below the levels assumed in the budget resolution. The amendment assumes additional revenues from the elimination of waste in tax expenditures, through increased tax enforcement and compliance, and through the partial repeal of the excessive tax cuts for the wealthiest Americans enacted in recent years.

This Senate must not continue to tell the American people that we are enacting legislation to better educate our children and to provide adequate care for military veterans—- those men and women who are enduring service in the powder keg called Iraq and will need care—because we are not providing the money. We do not pay for our promises and that is nothing short of flim-flam and fraud pulled on the American people. To starve basic domestic needs and feed the country only feel-good rhetoric is the worst kind of posturing. Let us stop misleading the taxpayer and deliver what we promise.

This amendment is balanced. It is fair. It is responsible. We should not ignore the needs of our constituents. I urge the adoption of my amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I want to again send a message out to our colleagues just as strongly and as clearly as I can. We are very close, I believe, to having presented our major amendments. I believe very strongly that this year less is more. I hope colleagues will refrain from offering additional amendments unless they are just extraordinarily important and they are able to convince the managers and the leadership they simply must be offered.

We are now on the fourth day of deliberations on the budget resolution. We have had an opportunity to debate this in a full and virtually complete way. We are on the brink of having been able to complete the offering of all our major priority amendments.

I am asking my colleagues, please refrain from offering additional amendments. I hope very much we will have a meeting on our side to discuss how we proceed from this point.

I thank all of our colleagues who have debated. I thank all of our colleagues who have offered these key amendments. I want to especially thank Senator BYRD for his courtesy and his willingness to accept the limitation on time.

The next Member in our order is Senator LIEBERMAN.

I see the chairman has returned.

Again, I am asking all of our colleagues who have pending amendments on our side, please review them with a fine-tooth comb. Unless they are absolutely essential, I ask you, I urge you not to offer the amendment. And for the first time I have ever done this on a budget resolution, I am very close to the point where I will begin opposing amendments because I feel so strongly we should not offer substantially more amendments than we already have. I am very close to the point of taking the position that I will oppose amendments. We have had a good opportunity to debate. We have had a good opportunity to consider major amendments. We can have some additional high priority amendments. But 50 additional amendments, no. That is not reasonable. It is not fair to our colleagues. Please, let us show some restraint.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to echo everything my colleague from North Dakota said.

I know I have complained to Senator BYRD in the past about deliberations on the budget process. I said I dislike vote-aramas. In the past, management of budget bills has many times stacked the votes. Well, there won't be any votes and people would have long debates, and, therefore, not really consider very many amendments until late

Thursday night. We haven't done that, frankly in large part because of my relationship and respect for Senator CONRAD. We said we wanted to avoid the vote-arama. Last year was probably the worst vote-arama in Senate history. To me, it is very demeaning to the Senate. We cast 51 rollcall votes, most of which were jammed together, most of which had 1 minute of debate each, and no one knew what they were voting on. It was not a pretty picture. It wasn't good for the Senate. I want to do what is right for the Senate. I have heard Senator BYRD say that. I happen to agree with him.

I appreciate his amendment. I don't support his amendment, but I appreciate it. It is a substantive amendment. As Senator CONRAD said, we are willing to take substantive amendments and debate them and discuss them and give Members ample time to consider them. But we do not need to have repetitive amendments. We do not need to have endless amendments. We do not need to have sense of the Senates. And we do not need to have people staying here until 1 o'clock in the morning voting, where they are like zombies and don't really recognize what they are voting on.

I want to make a couple comments on the amendment before the Senate right now, the amendment by my colleague and friend, Senator BYRD. This amendment would increase taxes by $24.5 billion. It increases spending by about $18 billion. I urge our colleagues to defeat it.

We have had a lot of amendments that will increase taxes and increase spending. We are going to be voting on that several times—maybe even more times. I hope we don't continue voting on it. I think people are making their points. I understand a lot of people want to tax more and spend more. That is understood. I do not know how many times we would have to vote on it.

The tax assumption we have in the bill before us for 2005 is $12.3 billion in tax reduction. But in reality we are assuming present law will be extended. If you extend present law—no tax cut, but basically extend present law—that costs us about $12.3 billion.

This bill increases taxes by about $11.2 billion. In other words, you could not extend present law. It nets out. It would tell the Finance Committee, don't do it. The net result would be a lot of families in Oklahoma and in other places around the country—if they have four kids, it would be a tax increase of $2,200, if they have taxable income of $58,000. These are not necessarily wealthy individuals.

I know the top line of this says: We want to reduce tax breaks for the upper 1 percent. I urge colleagues, if you know of some tax breaks that need to be closed, Chairman GRASSLEY is going to have a bill on the floor when we return from this recess week after next. Offer those amendments to close the tax breaks, and if they are legitimate, I may well support you. That is the time to do it. But I think a lot of these so-called closing tax breaks are not there or Senator GRASSLEY and Senator BAUCUS already have them in their bill or they are planning on putting them in the bill. I am all for closing them. And I could mention other provisions. I am for closing them. But let's do it on the tax bill.

This is basically saying, let's have a tax increase of $24 billion and increasing spending by $18 billion.

I urge our colleagues to vote against the amendment.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague, the chairman, Senator BINGAMAN is in the Chamber. He would be willing to take 5 minutes to describe an amendment, and I am wondering if we could give him that time. My intention would be to give him 5 minutes off the resolution.

I would ask him, because we have just given the amendment to the other side, not to send his amendment to the desk at this moment but to describe it. I would give him 5 minutes off the resolution. If the Senator needs more time, I would add time. We need unanimous consent to allow him to speak on his amendment without sending it to the desk and set aside Senator BYRD's amendment for the moment.

I ask the Senator, would that be acceptable?

Mr. BYRD. When may I briefly respond to Mr. NICKLES?

Mr. CONRAD. Would the Senator prefer to do that at this moment?

Mr. BYRD. Just briefly, if I may.

Mr. CONRAD. An entirely reasonable request.

Thank you, I say to Senator BYRD.

Mr. BYRD. Thank you.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, if I may resume and take a bit more of my time.

It is not spending that has put us back into the deficit ditch. Spending for 2005 is estimated to be about 20 percent of the gross domestic product. That is significantly less than during the Reagan administration or during the administration of President Bush's father. On the other hand, revenues as a percentage of gross domestic product are the lowest since 1950.

This amendment produces just enough spending to cover the levels approved by this Congress and signed by the President for fiscal year 2004, adjusted for inflation. This is a disciplined amendment that sets reasonable limits. This amendment is not about increasing taxes.

In July 2003, at a House Ways and Means Committee hearing on waste, fraud, and improved uses for taxpayer funds, GAO Comptroller David Walker testified that tax compliance and collection activity declines are a ''high risk'' concern for the GAO.

As of September 2001, IRS data showed that employers owed $49 billion in delinquent taxes. IRS and Federal payment records indicate that 1 million taxpayers owed about $26 billion in delinquent taxes as of February 2002 and were still receiving some type of Federal payment.

Our own budget chairman, at a hearing this year with Treasury Secretary Snow, expressed his concerns about tax compliance and its effect on the revenue side of the budget.

The Senate should at least make some effort to ensure we are enforcing our current tax laws and that delinquent taxpayers are paying their fair share before we cut education, health care, and veterans programs for citizens who actually pay their taxes.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I now yield to Senator LAUTENBERG for the purpose of sending forward his amendment that we earlier discussed I will give him a minute off the resolution to send his amendment to the desk, and then go to Senator BINGAMAN for 5 minutes to discuss his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is laid aside.

AMENDMENT NO. 2703

Mr. LAUTENBERG. Mr. President, I call my amendment up, which was debated earlier. It is amendment No. 2703.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mrs. BOXER, Mr. JEFFORDS, Mr. CORZINE, Mr. LIEBERMAN, Mr. BIDEN, Mr. DURBIN, Mrs. CLINTON, Mr. LEAHY, Ms. CANTWELL, Mr. FEINGOLD, and Mr. KENNEDY, proposes an amendment numbered 2703.

Mr. LAUTENBERG. 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:

(Purpose: To reduce debt and require the industries respondible for producing products that contaminate toxic waste sites and industries who are exempt from liability for such contamination, to help pay for the cleanup by reinstating the Superfund polluter pays fees, and to reduce the deficit)

On page 3, line 9, increase the amount by $1,501,000,000.

On page 3, line 10, increase the amount by $1,629,000,000.

On page 3, line 11, increase the amount by $1,696,000,000.

On page 3, line 12, increase the amount by $1,735,000,000.

On page 3, line 13, increase the amount by $1,754,000,000.

On page 3, line 17, increase the amount by $1,501,000,000.

On page 3, line 18, increase the amount by $1,629,000,000.

On page 3, line 19, increase the amount by $1,696,000,000.

On page 3, line 20, increase the amount by $1,735,000,000.

On page 3, line 21, increase the amount by $1,754,000,000.

On page 4, line 20, increase the amount by $1,501,000,000.

On page 4, line 21, increase the amount by $1,629,000,000.

On page 4, line 22, increase the amount by $1,696,000,000.

On page 4, line 23, increase the amount by $1,735,000,000.

On page 4, line 24, increase the amount by $1,754,000,000.

On page 5, line 3, decrease the amount by $1,501,000,000.

On page 5, line 4, decrease the amount by $3,130,000,000.

On page 5, line 5, decrease the amount by $4,826,000,000.

On page 5, line 6, decrease the amount by $6,561,000,000.

On page 5, line 7, decrease the amount by $8,315,000,000.

On page 5, line 11, decrease the amount by $1,501,000,000.

On page 5, line 12, decrease the amount by $3,130,000,000.

On page 5, line 13, decrease the amount by $4,826,000,000.

On page 5, line 14, decrease the amount by $6,561,000,000.

On page 5, line 15, decrease the amount by $8,315,000,000.

On page 25, line 8, decrease the amount by $1,501,000,000.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the amendment be sequenced following the Dorgan amendment No. 2793, and that there be 2 minutes remaining for debate at that time with respect to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I reserved time for the Senator from Oklahoma to speak on the amendment. He has not done that, so I will continue to reserve 7 minutes for my colleague from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

AMENDMENT NO. 2765

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator CONRAD, for yielding me some time to describe an amendment I intend to offer and would like to have the Senate consider and vote on.

This is an amendment which can be best summarized by reading it. It is only a sentence long. And it says:

It shall not be in order in the Senate to consider a bill, amendment, motion, joint resolution, or conference report that increases the number of taxpayers affected by the alternative minimum tax, except for a measure that extends expiring provisions relating to the child tax credit, the 10-percent tax bracket, and the marriage penalty.

Mr. President, this is what I would call a first-things-first amendment. I heard the President, in his State of the Union speech—and we have all heard him on numerous occasions—talk about how we need to make permanent the tax cuts.

We had a hearing in the Finance Committee where Secretary Snow, our Secretary of the Treasury, came in and said: We need to make permanent our tax cuts. And my question to him was: What about this looming problem that we all know about, which is called the alternative minimum tax?

Now, the alternative minimum tax was put in place with the idea that very wealthy individuals should not be able to avoid all taxes. If they calculate their taxes and they figure out some way to determine they do not owe anything, then they have to also calculate on the basis of the alternative minimum tax and at least pay that amount.

That was the idea behind it. Unfortunately, with the changes we made in the tax law and with the changes in the economy and the tax structure, we are now to a circumstance where we are beginning to see more and more people affected by the alternative minimum tax. If we were to do what the President has urged—that is, make all these tax cuts permanent—then the number of people who are adversely affected by having to calculate their tax pursuant to the alternative minimum tax would go up very dramatically. Instead of it affecting a couple million people, we are talking about it affecting 30 million people by the year 2012.

My amendment says, let's do first things first. Let's figure out how to resolve this problem of the alternative minimum tax, and let's not be bringing bills to the floor and passing legislation unless we have 60 votes in the Senate in favor of it. Let's not be passing legislation to worsen the situation and to require more and more Americans to fall under these provisions of the alternative minimum tax. To me, it is a straightforward, commonsense thing to do.

I asked Secretary Snow in this same hearing: How much is it going to cost to fix the problem?

His answer was: We don't know. We are working on that.

I said: When are you going to know?

Well, we are going to know maybe a year from now.

That is not an acceptable answer for the Senate or for the Congress or for the American people. We should not be making permanent tax cuts and further cutting taxes unless we know the extent of the revenue loss that is involved in fixing this alternative minimum tax problem.

All this does is set up a point of order. It says, if you are going to bring a bill to the floor that adds more Americans to this roster of people who have to calculate and pay their tax pursuant to the alternative minimum tax, then you have to get 60 Senators to agree to pass that bill or else it does not pass.

It is a very constructive proposal. It is one that would strengthen this budget resolution substantially. I hope all Members will support the amendment when the time comes for me to offer it.

I am advised by my colleague, Senator CONRAD, this is not the appropriate time. Therefore, I will not send the amendment to the desk. Again, I appreciate the chance to explain the amendment so my colleagues will know what is involved. As I say, I hope we can get a very strong bipartisan vote in favor of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Might I advise the Senator, we have now had a chance to show the amendment to the other side. If the Senator would like at this moment to send his amendment to the desk, that would be appropriate.

Mr. NICKLES. Mr. President, if our colleague would decide not to send his amendment to the desk, I would be much more favorably inclined to discuss it.

Mr. BINGAMAN. Mr. President, this is the kind of good government amendment that I was counting on my colleague from Oklahoma supporting. I am sure the more he studies it, the more merit he will see in the amendment. I will be glad to send it to the desk at this point, if now is the correct time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. To further inform my colleague, I believe a budget point of order lies against the amendment. I don't know that will change his desire about whether to send it to the desk, but I am fairly certain that a budget point of order does lie against it. I would urge you to consider maybe keeping it at a good verbal discussion but not sending it to the desk. But you certainly have that right to do so.

Mr. BINGAMAN. Mr. President, in response to my colleague from Oklahoma, I would certainly want to send it to the desk and have the opportunity to call it up for a vote at the appropriate time, if that is appropriate at this time. I do send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2765.

Mr. CONRAD. 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:

(Purpose: To ensure that legislation is not enacted that increases the number of taxpayers affected by the alternative minimum tax)

On page 45, after line 13, insert the following:

SEC. _____. POINT OF ORDER REQUIRING THAT INCREASES THE NUMBER OF TAXPAYERS AFFECTED BY THE ALTERNATIVE MINIMUM TAX AGAINST LEGISLATION.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider a bill, amendment, motion, joint resolution, or conference report that increases the number of taxpayers affected by the alternative minimum tax, except for a measure that extends expiring provisions relating to the child audit, the 10 percent tax bracket, and the marriage penalty.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CONRAD. Mr. President, the Senator from Connecticut is next in our queue. I am wondering if we might enter into a time agreement on the amendment of the Senator from Connecticut. I would suggest 20 minutes equally divided. We provided that amendment to the other side.

Mr. NICKLES. Mr. President, I haven't consulted with Senator COCHRAN. That is the reason I am caught a little bit off guard. I have no objection to limiting the debate to 20 minutes. I will be happy to limit the debate time on Senator LIEBERMAN's amendment to 20 minutes. I may withhold some of our time for Senator COCHRAN to come in and debate it at a later moment.

I ask unanimous consent that we have 20 minutes equally divided on the Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 2807

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. SCHUMER, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BIDEN, Mrs. MURRAY, Mr. KENNEDY, Mr. CORZINE, Mr. LEVIN, Mr. KOHL, Mrs. BOXER, Mr. DODD, Mr. JOHNSON, Mr. AKAKA, Mr. DURBIN, Mr. LEAHY, Mr. KERRY, and Mr. GRAHAM, proposes an amendment numbered 2807.

Mr. LIEBERMAN. 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:

(Purpose: To restore cuts and increase funding for homeland security programs and reduce the debt by reducing the President's tax breaks for taxpayers with incomes in excess of $1 million a year)

On page 3, line 9, increase the amount by $3,664,000,000.

On page 3, line 10, increase the amount by $4,533,000,000.

On page 3, line 11, increase the amount by $4,089,000,000.

On page 3, line 12, increase the amount by $1,160,000,000.

On page 3, line 13, increase the amount by $175,000,000.

On page 3, line 17, increase the amount by $3,664,000,000.

On page 3, line 18, increase the amount by $4,533,000,000.

On page 3, line 19, increase the amount by $4,089,000,000.

On page 3, line 20, increase the amount by $1,160,000,000.

On page 3, line 21, increase the amount by $175,000,000.

On page 4, line 20, increase the amount by $3,664,000,000.

On page 4, line 21, increase the amount by $4,533,000,000.

On page 4, line 22, increase the amount by $4,089,000,000.

On page 4, line 23, increase the amount by $1,160,000,000.

On page 4, line 24, increase the amount by $175,000,000.

On page 5, line 3, decrease the amount by $3,664,000,000.

On page 5, line 4, decrease the amount by $8,197,000,000.

On page 5, line 5, decrease the amount by $12,286,000,000.

On page 5, line 6, decrease the amount by $13,446,000,000.

On page 5, line 7, decrease the amount by $13,621,000,000.

On page 5, line 11, decrease the amount by $3,664,000,000.

On page 5, line 12, decrease the amount by $8,197,000,000.

On page 5, line 13, decrease the amount by $12,286,000,000.

On page 5, line 14, decrease the amount by $13,446,000,000.

On page 5, line 15, decrease the amount by $13,621,000,000.

SEC. . RESERVE FUND FOR HOMELAND SECURITY PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $6,800,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution for first responder grant programs, border security programs, port security grants, the Operation Safe Commerce program, the Coast Guard Deepwater program, and transportation security programs at the Department of Homeland Security; the Community Oriented Policing Services (COPS) program, the Edward Byrne grant program, and the Local Law Enforcement Block Grant program at the Department of Justice; and bioterror—related programs at the Department of Health and Human Services.

Mr. LIEBERMAN. Mr. President, last week we observed the first anniversary of the Department of Homeland Security, the largest reorganization of the Federal Government in almost a half century. With that anniversary came a round of reflection on the status of our homeland defenses. There was general agreement on the verdict. Yes, we are stronger and safer at home, thanks to the creation of the Department of Homeland Security and other steps that we have taken since September 11, 2001. But no, we are not nearly as safe as we should be. We are not as safe as we should be because this administration has not given homeland security the focused leadership and resources that it demands.

The Gilmore commission, led by former Virginia Governor James Gilmore, a distinguished Republican leader, recently warned of complacency about the terrorist threat and decried the lack of a clear strategy to bring about improved security. Other expert panels, one of them convened and led by former colleagues Warren Rudman and Gary Hart, called the Nation ''still unprepared'' to respond to another September 11 attack and said that our first responders were ''drastically underfunded.''

Homeland security will not come cheap. On first responders alone, one of the expert panels I described told us they believe it would take $98 billion over 5 years to bring our defenses at home up to where they need to be. Yet the administration proposes a stunning 30-percent cut in resources for firefighters, police officers, and emergency medical personnel.

The President's budget for fiscal year 2005 fails to acknowledge, much less address adequately, the new threats we face as a nation, shortchanging the homeland side of our war on terrorism.

That is why I rise today to offer this amendment that would add $6.8 billion to the administration's homeland security budget.

Let me describe where the money would go: $4.4 billion of that amount would go toward helping our first responders, the firefighters, the police officers, the emergency medical personnel, the hundreds of thousands of people who every day go to work, put on a uniform to serve not only as first responders but really, if we use them well, as first preventers of terrorist attacks. I also propose $900 million in additional resources for port and container security, widely acknowledged as a continuing vulnerability to terrorists who will strike always where we are undefended, and our ports and containers are too greatly undefended.

I am calling here for $500 million to better prepare for the threat of bioterrorism, which recent intelligence reports say continues to be a focus of the terrorist groups around the world. I am asking for $500 million for additional border personnel as well as for needed equipment and technology for border security, so we will not see a repeat of the terrorists who came into America to carry out the evil deeds of September 11, 2001.

I am asking for $½ billion to make further advances on aviation security and for greater protection of other modes of transportation—rail, bus, mass transit—that remain too unprotected. About $2.5 billion of this amendment is needed just to restore cuts that the administration's budget makes in some of these homeland security functions from fiscal year 2004 spending.

For example, in this amendment we restore the administration's $1 billion cut to the State homeland security grant program, the main source of assistance to State and local governments and first responders, an unacceptable cut. The amendment also would restore more than $1 billion in cuts to proven first responder programs in the Justice Department: the local law enforcement block grant, the Edward Byrne Memorial grant program, and the Community Oriented Policing Services Program, widely and appreciatively known as COPS.

If someone asked whether we have been safer since September 11 from another attack, I just say: Thank God, we have been safe. But this is not an overreaction.

Mr. Tenet testified before the Armed Services Committee the other day and he said that al-Qaida and more than two dozen other terrorist groups around the world are still in eager pursuit of chemical, biological, radiological, and nuclear weapons. Their No. 1 goal—not their only goal—is to carry out another ''spectacular attack'' on the United States. Those are the terms they use, ''spectacular attack,'' which they are convinced will break our will and certainly disrupt our economy.

We cannot let that happen. We must defend our homeland and protect our infrastructure and our people where we are vulnerable, through the Department of Homeland Security, with the kinds of funds that are authorized and appropriated in this amendment.

We have a long way to go before we fulfill the promise each of us has made that our Federal Government would adequately secure the American people when they are at home. We have to approach this profound responsibility with the same unity, the same resolve, and the same resources we have brought to the war on terror overseas. That is why I have introduced this amendment and asked for my colleagues' support.

Allow me to lay out, more specifically, what this amendment would do and why it is so necessary.

I am advocating $4.4 billion in fiscal year 2005—above the President's request to help ensure that first responders have the equipment, training, and other resources they need to prevent, prepare for and if necessary respond to acts of terrorism.

We all remember the heroic role police, firefighters and other first responders played on 9/11, as our Nation responded to the horrific attacks of that day and braced for untold sequels that might be soon to follow. Less visible is the role many of these officials also play in attempting to prevent acts of terrorism here at home: State and local police are the eyes and ears of the community that may first detect a terrorist plot on U.S. soil or intercept a terrorist before he or she can strike. We owe these front line homeland security troops more than our admiration we owe them our full financial support.

Yet a distinguished panel convened by the Council on Foreign Relations found these first responders wanting for the tools they must have to confront a terrorist attack: firefighters without their own radios or breathing equipment; police departments without protective gear to respond to an attack with a chemical, biological or radiological agent; and nearly all without interoperable communications equipment. This is unacceptable and must be changed.

Let's start with the work that must be done just to undo the harmful cuts sought by the administration. First, my proposal will restore the administration's drastic $1 billion cut to the State Homeland Security Grant Program, which is the main source of assistance to state and local governments and first responders for emergency planning, equipment, training, exercises, mutual aid agreements, and other preparedness activities. There is bipartisan support for restoring these cuts, reflecting the reality that all states face certain homeland funding needs and need a steady, predictable source of money—as this program provides—to plan wisely.

My amendment will also restore more than $1 billion in cuts to key first responder programs in the Justice Department: the Local Law Enforcement Block Grant (LLEBG), the Edward Byrne Memorial Grant Program (BYRNE), and the Community Oriented Policing Services Program (COPs). These programs provide vital aid to help communities hire more police officers and equip them with the tools they need. Funding levels for these three programs have declined more than $1.8 billion since fiscal year 2002, representing a dangerous and unwise reduction at a time when the threat from terrorism, but also domestic crime, has clearly increased.

The amendment would also provide $400 million to restore a 33 percent cut in the vital Fire Act program, which provides direct support to thousands of fire departments around the country, and to bring it to full funding. And it restores a $9 million cut to the Emergency Management Planning Grants program, which supports the capacity of state and local governments to respond to emergencies of all kinds.

All of these programs are integral to the strength of our first responders and it is incomprehensible that we would cut them at a time the terrorist threat remains high. But we must do more than just hold the line we need to dramatically improve our homeland defenses in our communities.

My proposal would provide $1 billion in new funding to be dedicated to helping first responders obtain interoperable communications equipment so they can ''talk to one another'' when responding to events. The lack of communications interoperability has received substantial attention since the September 11, 2001 attacks revealed major problems with communication between police and fire fighters at the World Trade Center in New York. But the problem is hardly unique to New York. Federal officials involved with this issue report that at best—only 14 States have communications equipment that allows public safety agencies to talk to each other during a terrorist attack or other emergency. The price tag for fixing the problem nationwide has been estimated as high as $18 billion, and the lead Federal official on this issue has stated that, at the present rate, it will take 20 years to achieve full interoperability in our country. This is much too long.

Yet, the President's 2005 budget actually takes a step backwards by eliminating relatively small grant programs at FEMA that were dedicated to interoperability. Instead, funding for interoperability must now compete with funds for protective gear, training, exercises, and other equipment. My proposal would dedicate $1 billion specifically for interoperability to provide a significant lift to States' efforts to overcome a critical obstacle facing emergency responders across America. In addition to equipment, this would include funding necessary for planning, evaluation, deployment, and training on the use of modern interoperable communications.

Another $1 billion in this amendment would go to fully fund the SAFER Act, staffing for Adequate Fire and Emergency Response, that is necessary to hire 10,000 additional fire fighters. According to the International Association of Fire Fighters, the shortage of fire fighters has reached crisis proportions. Two-thirds of all fire departments do not have adequate staffing, falling below the accepted industry standards developed by the National Fire Protection Association and, more to the point, putting those firefighters who are on the job in danger. The SAFER Act, which Congress finally passed last year due to the outstanding leadership of my colleague Senator DODD, authorizes $7.6 billion in grants over 7 years to career, volunteer, and combination fire departments hire new firefighters. At a time when budget cuts have forced some local jurisdictions to actually reduce the number of first responders, this funding is necessary to help protect firefighters and to provide the emergency response capabilities communities want and expect.

Virtually every expert analysis of terrorist threats to the United States focuses on the critical issue of port security. Small wonder—millions of containers arrive at U.S. ports each year, coming from all parts of the globe and subject to only limited, if any, inspection. The ports are at once a tempting portal into the U.S. for dangerous cargo, and a vital economic conduit that—if shuttered due to a terrorist assault—could cause devastating disruption of the Nation's economic life's blood. Earlier this year, the FBI testified that terrorist organizations are looking ''for any holes in the port security system to exploit.'' Yet in the face of such risk, the administration proposes to cut spending on port security grants and eliminate Operation Safe Commerce, an innovative program to improve the security of container traffic into this country. In addition, the President's budget puts Coast Guard fleet and equipment modernization on a slow boat—at the administration's pace, the Deepwater modernization program will take 22 years. A 22-year modernization is practically an oxymoron.

My amendment would provide $900 million in additional resources for port

and container security. About half of that would go to restore Operation Safe Commerce and to improve physical security at our ports. Bring port security grants—at only a suggested $46 million in the President's budget—to $500 million. The Coast Guard has estimated it will cost $7.5 billion—and $1.5 billion this year—just to provide all ports with minimum security measures and implement the Maritime Transportation Security Act. The grants help finance measures such as fencing and surveillance to better secure the ports and—with them—our vital trade links. Operations Safe Commerce has explored new technologies to track container traffic and can provide a valuable think tank for new approaches to secure their travel into our country.

The rest of the money would go to accelerating the Deepwater program, a 22-year Coast Guard fleet modernization program. Since 9/11, we have turned to the Coast Guard again and again for a growing roster of homeland security needs—even as we expect them to continue their outstanding work on non-defense missions such as fisheries enforcement and search and rescue. Yet this outstanding agency operates with virtually the oldest naval fleet in the world—39th out of 41. Senators from both parties—and even the Heritage Foundation—have called for more money for Deepwater. Not only is it the right thing to do, it will actually save money in the long run since the longer Deepwater takes to complete, the more the Coast Guard must spend on maintenance of the decaying fleet.

More than 2 years after the anthrax attacks demonstrated our country's vulnerability to bioterrorism, our efforts to protect the American people against biological attacks remains disorganized and underfunded. Indeed, a recent report by the Trust for Public Health concluded that communities are ''only modestly better prepared'' to respond to a bioterror attack than they were before 9/11. Yet here again, the administration actually wants to cut spending—contradicting the opinion of even its own official responsible for bioterror preparedness.

The President's budget cuts $105 million from Centers for Disease Control grants to help public health agencies prepare for bioterrorism, and another $39 million from a program to help hospitals expand their capacity to treat victims of a bioterror attack. Where bioterror is concerned, these health officials are our first responders and we must give them support commensurate to the threat. It is true that The President would provide some new money for surveillance to detect a bioterror attack, but this will be of limited use if we have no resources to respond to an attack once we detect it. One public health official likened it to ''laying off firefighters while investing in new hoses and ladders.''

Therefore, my amendment would add $500 million for bioterror preparedness, to restore those cuts and significantly expand the hospital grant program. The health community has identified more than $11 billion in additional needed medical supplies, protective gear for staff and other essentials to respond to a bioterror attack. At the current pace, it would take more than 20 years before hospitals could provide even basic care in the event of such an attack. We must speed up this effort, and my amendment would help us begin down that road. The investments we make here will have the added benefit of improving our capacity to respond to naturally occurring diseases, such as a severe flu outbreak.

Our border officials process more than 440 million visits each year, and police more than 7,000 miles of border with Canada and Mexico. In the immediate aftermath of 9/11, Congress recognized we must spend more to make this system work—to facilitate lawful visitors and trade, while weeding out and halting those who pose a threat. We passed the Patriot Act and the Enhanced Border Security Act, both of which called for significant new border personnel. But since then we have fallen short—hundreds upon hundreds short—of meeting those targets. Indeed one of the only targets that was met—posting 1,000 Border Patrol agents along the Northern Border—was reportedly achieved only by shifting agents from the Southern Border. This is not real homeland security.

My amendment would provide $500 million for additional border personnel, as well as for needed equipment and technology for border security. The needs are extensive and include portable, interoperable communications equipment, surveillance systems and fingerprint identification equipment. As US VISIT—the entry/exit system mandated by Congress—is expanded to land ports, we will need expanded facilities to process visitors. Total implementation costs for the program could reach $10 billion.

Border security can make a difference. The September 11th Commission discovered that one alert inspector in Miami had apparently stopped one of the would-be hijackers simply by conducting a probing interview at the airport. But we cannot expect such high performance if critical homeland defense workers such as these are overworked and poorly equipped.

We know from 9/11, and from terrorist attacks around the world, that transportation networks pose a tempting target to would-be attackers. This knowledge spurred Congress to create the Transportation Security Agency in record time. Now we must give the agency the resources to fulfill its mandate. My amendment would provide $500 million to make further inroads on aviation security and expand to other modes of transportation, which have been largely neglected thus far.

Although TSA has made headway on aspects of passenger and baggage screening, much work remains to close known gaps in our aviation security. Specifically, I would direct additional funding to developing systems to screen air cargo, to screen passengers for explosives, and to screen airport workers with access to aircraft.

About a quarter of all air cargo travels on passenger planes. Yet, despite all the added precautions we've developed for air passengers and their bags, this cargo remains largely uninspected—only about 5 percent is screened. All-cargo jets pose a similar vulnerability. We must also develop effective systems to screen cargo and implement short-term solutions at once. Another vulnerability is explosives: current passenger screening only detects metallic threats, such as guns or knives, not explosives. Yet we know this is not an obscure threat—would-be terrorist Richard Reid was able to bring about 10 ounces of explosives onto an American Airlines flight and was only stopped from igniting them by an alert passenger on board. There are promising technologies in this area, but we must spend money to develop them. Finally, many airport workers with access to aircraft and sensitive areas of the airport receive little scrutiny. We must do better.

However incomplete the work on aviation security, the federal effort to secure other modes of transportation has hardly begun. According to a recent news report, we have intelligence suggesting that al-Qaida is looking at derailing trains, possibly carrying hazardous material. GAO has also identified vulnerabilities regarding rail shipments of hazardous materials, as well as protective measures that have not yet been taken. Yet despite such concerns, little has been done to assess the risks to our rail system or to deploy countermeasures. Similarly, we know from the deadly sarin attack on the Tokyo subway and suicide bombers on Israeli buses, that mass transit presents an inviting target to possible terrorist activity.

The American Public Transportation Association has identified at least $6 billion in transit security needs, such as video surveillance and chemical and biological detection systems. But DHS has released only $115 million in transit security grants thus far, and no money is set aside for this purpose in the President's budget.

Mr. AKAKA. Mr. President, I rise today in strong support of the amendment offered by my friend, the Senator from Connecticut, Mr. LIEBERMAN, to address shortfalls in homeland security funding in the President's FY05 Budget Request. As a cosponsor, I believe this amendment would go a long way to ensuring that our homeland security is not shortchanged.

I am disappointed that the President's budget request cuts taxes for the wealthy at the expense of funding homeland security programs. Our amendment would restore $2.5 billion in proposed budget cuts and includes an additional $7 billion to strengthen

existing programs. It would also reduce the deficit by offsetting spending with tax cut reductions for those earning more than $1 million a year.

Our amendment takes an important step to prepare our first responders by restoring $1 billion for the State Homeland Security Grant Program, which provides first responders critical funding for emergency planning, training, and equipment.

This program is crucial for all States, especially States like Hawaii with smaller populations, since a portion of this funding is evenly distributed among all States.

Our amendment also takes important steps to ensure that homeland security funding is allocated where it is needed most. It provides $1 billion in much needed funding to address first responder shortfalls for interoperable communications equipment and $600 million for hospitals and public health agencies to respond to emergencies.

I am equally disappointed that the President's budget request fails to address the serious funding gaps for port security. In fact, the American Association of Port Authorities has expressed great concern that the President's FY05 budget contains no Federal funds to meet port security requirements.

The amendment takes important steps to secure our ports and our economy by providing $1 billion for port and container security and Coast Guard modernization. This funding is critical to Hawaii, where 98 percent of imported goods are transported by sea. This is not just a matter of security for Hawaii or coastal States, but the security of our Nation.

According to a Council on Foreign Relations Homeland Security Task Force report entitled, ''America—Still Unprepared, Still in Danger,'' if our Nation's ports suffered a weapons of mass destruction attack, ''the response right now would be to shut the [entire] system down at an enormous cost to the economies of the United States and its trade partners.'' The Task Force report estimates that if American ports were to be closed to containerized cargo for longer than three to four weeks, global shipping container trade would grind to a halt.

Our amendment also includes $500 million for aviation security, which would provide for systems to screen air cargo and passengers for explosives. This is an important step towards ensuring adequate funding for security devices needed to detect dangerous material and to prevent a potential crisis.

We must ensure that our homeland security is not shortchanged. This is why I urge my colleagues to support this amendment.

Mr. LIEBERMAN. At this time, I yield 2 minutes of the time I have allowed to the Senator from New York for his statement.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank my colleague from Connecticut for his leadership. I will be brief. In 2 minutes, one has no choice. This subject could and should have a long debate. I understand the time constraints.

We heard of the awful, terrible terrorist attack in Spain. There is some debate as to whether it is ETA, the Basque separatist organization, or al-Qaida. Now signs are beginning to point to al-Qaida. I am getting asked by my people whether this could happen in New York, Chicago, Los Angeles, or anywhere else? The obvious answer is yes.

We are not close to doing what we should be doing on homeland security. We are not helping our first responders, who are desperate for more help in terms of their patrols and the equipment. They have cut out money for interoperability of radio, which we in New York City learned was so important on 9/11.

In port security, we are wide open and we are doing very little. Truck security—what if they use bombs in trucks to blow up buildings, or railroad stations, or whatever else? Brazil is way ahead of us on truck security, I hate to say. The northern border is still wide open and empty. Our immigration lists don't match up with our FBI lists, which is allowing terrorists to slip into this country.

None of this is lack of technology. This is all lack of dollars. This budget talks tough on homeland security, but it doesn't do the job. The terrible tragedy in Spain today should remind us we are just as wide open and vulnerable, but we don't have to be.

I salute my colleague from Connecticut on his amendment because it is so needed, so desperately needed. We are doing everything we can to fight the war on terror overseas. I have been supportive of that war. But the bottom line is that we are not doing close to enough at home to protect us. Money will help. If there was ever a consensus where we need more dollars, it is here. We are not doing it.

I hope this Senate, in a bipartisan way, will rise to the occasion and support the amendment my friend has offered and of which I am proud to be a cosponsor.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. LIEBERMAN. Mr. President, I wonder if I might ask for an additional minute of my colleague from Connecticut who has a related matter.

Mr. CONRAD. How much time does the Senator need?

Mr. DODD. One minute.

Mr. CONRAD. I will give a minute off the resolution to the Senator.

Mr. DODD. Mr. President, I heard my colleague mention the tragedy that occurred in Spain, with the tremendous loss of life there as a result of a terrorist attack, and we don't know whether it was ETA or another organization. I inform my colleagues that we drafted a resolution expressing our sense of outrage over these events.

I chair the United States-Spain Council every year and have developed strong friendships with the people there. I know the budget matters are gripping our attention, but I ask the managers at some point to find a few minutes this evening to set aside the budget and express our sense of solidarity with the people of Spain, as well as our great sense of loss of what occurred. It is in connection directly to what my colleagues are offering on this amendment on homeland security, which I support.

I hope we might express our unanimous support for the people in Spain.

Mr. CONRAD. Mr. President, the Senator makes a very good point. I think I speak for everybody when I say our hearts and minds are with the people of Spain after the terrible tragedy they suffered. We will seek to find a way to express our condolences to the people of Spain before we complete our work before the break. I thank the Senator for bringing that matter to our attention.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are continuing the assault on taxpayers. Next, in the not too distant future, we are going to be voting on a lot of tax increases. This would increase taxes by $13.7 billion and increase spending by $6.8 billion. That is a 40-percent increase. We fully funded the President's request of a 15-percent increase but, obviously, that is not enough for some individuals.

I will now yield management of this amendment to Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, it is with great reluctance that I rise to oppose the amendment offered by the Senator from Connecticut. The Senator from Connecticut serves as the ranking member on the Committee on Governmental Affairs, which I am privileged to chair.

We have worked very hard together on the issue of homeland security and have held many hearings during the past year to evaluate the progress that the new Department is making. But I believe the Senator's amendment is ill advised.

I strongly support increased funding to help secure our communities, but we must target those additional resources to programs that address our greatest vulnerabilities, from our ports to our borders to even our farms. We must also make sure each and every State builds and maintains a baseline level of homeland security preparedness and response capability.

The amendment of the Senator from Connecticut would increase funding for many State and local homeland security programs by more than $7 billion over the President's budget request. That is simply not responsible in this fiscal climate.

I also fear if we pour that amount of additional money into the system, it will not be well and carefully spent.

Many of us met this past week with municipal officials from our home States. I heard from my municipal officials in Maine that they are spending the homeland security money that we are giving them very wisely to improve their training, to perform joint exercises, and to purchase new equipment.

Since September 11, according to Secretary of Homeland Security Ridge, Congress has appropriated some $13 billion in homeland security assistance for first responders, States, localities, and other entities. This year, the President will allocate an additional $3 billion through the Office of Domestic Preparedness for many of these programs.

I do believe we need to provide additional funding in some areas—port security, for example, and the basic homeland security grant program—to continue to build that baseline capacity and also to address one of our biggest vulnerabilities, and that is the vulnerability of our seaports. But I believe Senator LIEBERMAN's amendment does not target resources in the most effective manner.

Let me give a couple of examples. The Lieberman amendment provides $600 million for new biosecurity spending. The administration's budget also includes more than $100 million for a new biosurveillance initiative and makes more than $2.5 billion available in fiscal year 2005 for bioshield. I simply do not believe the additional funding that is contained in Senator LIEBERMAN's amendment is required, given the substantial investment the President's budget already makes in biosecurity.

Again, I hope to be offering either a joint or my own version of a homeland security amendment later in the budget debate. I believe the proposal I will be putting forward better balances the need for fiscal restraint as we work to improve the security of our homeland.

I urge that the Lieberman amendment be rejected.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, further responding to the amendment, I urge Senators to reject the amendment. The administration has requested substantial increases in funding for homeland security. Although it is a new Department, the Department of Homeland Security was funded at a very generous level, about $30 billion of funding, during the current fiscal year.

States and localities are submitting plans to the Office for Domestic Preparedness on their priorities in terms of equipping and training first responders and equipping the States to modernize their emergency management agencies. A tremendous amount of money is being spent this year, and a request is made for even more money next year.

The Budget Committee has analyzed the needs and the ways these funds can be utilized and has come up with a very thoughtful and, in my judgment, responsible recommendation to the Senate on this subject.

I support the Budget Committee's conclusions and their recommendations. It is always easy to say we can use more money, we can add more money for every good-sounding program in Government, and this is certainly one that is very important. None is more important than our national security and homeland security. But we do have the funds that we need, that we can spend in an efficient way and in a responsive way to the threats that exist to try to help us do a better job of protecting the homeland.

The President has given strong leadership on this issue. The Congress has responded in a very generous way, both bodies of Congress working together to accommodate the needs we have in these areas.

I hope we can support the Budget Committee chairman and reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, is the Senator from Connecticut seeking additional time for wrap-up?

Mr. LIEBERMAN. Mr. President, I thank my friend, the ranking member of the Budget Committee. I will take 3 additional minutes.

Mr. CONRAD. I yield 3 minutes off the resolution to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I appreciate my good friend and colleague from Maine. She said ''reluctantly'' opposed the amendment, but opposed it nonetheless, and the Senator from Mississippi. My own feeling about this is, just as I have fully supported funding for the war on terrorism abroad—and it has been a considerable amount of money. We had a tremendous debate and controversy around the $87 billion supplemental last year, and we will have another supplemental this year, but at least $50 billion for the war on terrorism, critically necessary to our security, for the advancement of our values, and to our freedom. In the same way, $6.8 billion, less than we will give to the international war against terrorism, is critical for the homeland side of the war against terrorism, to raise our defenses, to protect our people.

As I said at the outset, we have made real progress in the last year as a result of the work that the Department of Homeland Security has done, but I do not think anybody—including the folks over there—believe we have done enough to secure the safety of our people.

We provide for funding. It is a deficit reduction amendment, a $6.8 billion deficit reduction, paid for by the now familiar tax cut for millionaires. It is fiscally responsible.

Can we afford it? I say we can't afford not to afford it. This is today's primary way in which we are fulfilling our constitutional responsibilities to provide for the common defense and to ensure domestic tranquility.

This ought to be nonpartisan because it is like national security. We always used to say partisanship stopped at the Nation's borders. Since our enemies have attacked us within our borders, when it comes to homeland security, we ought to be joining across party lines to do what is right to protect our people.

I thank the Chair. I thank the Senate Budget chairman and ranking member. I ask that when the vote is taken, it be done by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, how much time does the Senator from Massachusetts need?

Mr. KENNEDY. I think my colleague and cosponsor, the Senator from Connecticut, wants 4 minutes. I will take 5 minutes.

Mr. CONRAD. I will be happy to yield 5 minutes off the resolution to the Senator from Massachusetts and 4 minutes to the Senator from Connecticut off the resolution as well.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2725

Mr. KENNEDY. I thank the Chair. Mr. President, I offer this amendment on behalf of myself, Senator DODD, Senator CLINTON, Senator CORZINE, Senator STABENOW, Senator LAUTENBERG, Senator SCHUMER, Senator REED, Senator MIKULSKI, Senator KOHL, Senator LINCOLN, Senator LEVIN, Senator LIEBERMAN, Senator REID, Senator BINGAMAN, Senator DURBIN, Senator MURRAY, and Senator PRYOR.

This amendment is about education. It is about higher education. It is about the children whose family average income is $15,000 a year. It is about 4.8 million children in this country who receive Pell grants—young people, gifted, talented, bright, smart, who come from families with limited incomes and cannot survive even with the Pell grants, unless they get additional help because of the increase in the cost of tuition over the last 3 years.

Over the last 3 years, the tuitions in our public schools have increased from $3,700 to $4,700. That is a 26-percent increase. Currently, the Pell grants are $4,050. This would raise it to $5,000. Almost 500,000 more low-income students will receive Pell grants. The average Pell grant will increase by $600. Not everyone will go up to the full $5,100, I should say, but the average grant will go up $600 and the maximum Pell grant will increase by $1,050. This effective increase in the Pell grant offsets the explosion that has taken place with tuitions across this country paid for by the $10 billion—$5 billion for the cost of

Pell grants and $5 billion for deficit reduction from the top limits.

If we are talking about priorities in this country, we are talking about not leaving children behind. Middle-income, working families are having a difficult time on health care, education, and employment. This makes sure about one-quarter of all of the children who are attending higher education come from families of $15,000 or below, 4.8 million. This amendment is going to make sure some of the most gifted, talented young people in this country are going to be able to continue their education.

I remind my colleagues of President Bush's statement he made when he was running for President of the United States in Hampton, NH, in the year 2000: It is known for a fact that Pell grant aid significantly affects the ability of a child to attend college or stay in college. A child eligible for a Pell grant will be affected by the size of the Pell grant. I am going to ask Congress to bolster the first-year aid—at that time from $3,300—to $5,100 per recipient of the Pell grant.

This is what President Bush promised. The year was 2000. We have an opportunity now in 2004 to fulfill this promise. The need has never been greater. This is a defining issue, whether this institution is committed to the cause of higher education and educational opportunity. Everyone in this body understands education is the key to opportunity for our future. It is the key to our economy. It is the key to our national security. It is a key to our democracy. It is in our national interest, our national defense, and our national economic interest. Most of all, it is an issue of fairness, decency, and national priority to have an increase in the Pell grants. I hope the Senate will accept this proposal I offer on behalf of myself and my colleagues.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Massachusetts. He is my very good friend. He did not get as excited today as yesterday. I do not know if that is good or bad.

Mr. KENNEDY. Does the Senator want to give me 3 more minutes?

Mr. NICKLES. I think it is good. I think it is good.

My colleague from New Hampshire is not in the Chamber yet, but hopefully he will be here.

I will make a couple of comments. One, we have assumed in the budget a significant increase for Pell grants already. This is another one of these things that no matter what we put in, there is going to be an amendment to increase it. I understand that. I recognize that. The history is this Congress, and frankly in the last few years since Senator GREGG has been chairman and ARLEN SPECTER has been chairman and George Bush has been President, the amount for Pell grants has risen and risen dramatically, from about six point some billion dollars under President Clinton's last year to all the way now up to $12.5 billion. So there have been dramatic increases in Pell grants.

In the year 2001, it was $8.7 billion. In our budget it is right at $13 billion. That is a significant increase.

If this amendment was adopted, Pell grants would increase from 2004 to 2005 by 48.2 percent. We have had a lot of amendments. We had one just a moment ago dealing with homeland security offered by my very dear friend whom I respect greatly, Senator LIEBERMAN, that would have increased the homeland security function by 40 percent. This increases Pell grants by 48.2 percent between 2004 and 2005.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. NICKLES. Yes.

Mr. KENNEDY. How can you possibly figure that when now it is $4,050 and the average Pell increase was $600, that is 48 percent?

Mr. NICKLES. Well, because that is what my staff told me, and if I am incorrect, I will be happy to revise and edit my remarks. Again, I wish Senator GREGG was doing this.

My staff informs me it would increase from $4,050 to $5,100 under the Senator's amendment, and that would increase the cost by 48.2 percent. It is not just the maximum amount of the award. The maximum amount of the award would be going up some 20-odd percent, but there are a lot of awards, not just at that amount but also at other amounts.

That is a very significant increase, 48 percent in 1 year. Funding has gone up dramatically in this program, as I just mentioned. When there is an increase from $8.7 billion under our resolution to $13 billion—and looking at the Senator's amendment it would increase that amount from $13 billion an additional $4.9 billion.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. NICKLES. I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. NICKLES. The Senator could add $4.9 billion because it says it would increase spending by $4.9 billion for 2005. If we add that to $13 billion, that is taking a $13 billion program to an $18 billion program. My very able staff did very good work. I think that is 48 percent.

Again there has to be some kind of limit. I happen to like the idea of doing some good things in Pell grants. We have assumed a 7.4-percent increase, almost $1 billion increase for Pell grants in 1 year. My colleague and friend from Massachusetts wants to multiply that times five. I do not think we can afford that.

His amendment also says, well, we want to raise taxes to do it and would raise taxes by $9.8 billion. I also want to say this is kind of clever, but it does not sell. Many of our colleagues' amendments say we are only increasing taxes 1 year to pay for the spending 1 year. There is no way in the world if the taxes and spending are increased by $4.9 billion in 1 year that is not going to be continued or to be assumed. So I mention, yes, that tax increase would be extended year after year and so would the spending increase.

I want to warn taxpayers, there are a lot of amendments out here. We are going to start voting on these amendments momentarily. My colleague from North Dakota has been urging me, let's get the votes started. I would like to advise our colleagues momentarily we are going to start a long list of rollcall votes. I want to advise taxpayers to look out because almost every one of these votes will raise your taxes.

I will tell the spenders of the world, almost every one of these will increase spending. We will have a chance to vote.

I see my colleague from Oklahoma is in the Chamber and I reserved some time for him to speak on the Lautenberg amendment. I do want to let our colleagues know momentarily we are going to begin a series of rollcall votes and it is very much my intention to run them very hard. We will have 15 minutes on the first one. I hope not much more. On subsequent votes, we are going to hold them to as close to 10 minutes as the managers can. If Senators miss votes, they miss votes. Most of these votes are going to become pretty obvious how they are going to be determined before too long. Hopefully we will not waste too many hours in the process.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I join the chairman in saying we need to move to votes as quickly as possible and we need to be disciplined in how much time we spend on those votes. I think it is in the interest of all of us to proceed expeditiously.

I do not share the chairman's characterization of these amendments. These amendments, in a limited number of high-priority areas, are doing two things. They are adding resources but paying for them, and not only paying for them but in addition providing deficit reduction. Remember, the budget resolution before us will add nearly $3 trillion to the national debt over just the next 5 years. So the amendments on our side to restore some of the cuts in funding to the COPS Program to put police on the street, to restore funding for the firefighters who are the ones we expect to respond to any bioterror threat, to provide a program to expand job opportunities in this country, to provide expansion of health care opportunities for people in our country—each one of these amendments is completely paid for.

In addition to that, we have provided for deficit reduction so at the end of the day our Nation is burdened with less deficits and less debt.

In our amendments we have turned in some cases to closing egregious tax loopholes, tax scams that are unfair to all taxpayers of our country. Others of our amendments are paid for by turning to those privileged few who earn over $1 million a year and we have asked them to just slightly reduce their tax cuts. Remember, in 2005 the cost of the tax cuts going to those who earn over $1 million a year, the cost of their tax cuts for that 1 year alone will be $27 billion. For those who earn over $337,000 a year, the top 1 percent, the total cost of their tax cuts for that 1 year is $45 billion.

We don't think it is unreasonable to take a tiny fraction of those tax cuts and use them to improve the education of our children, to restore the cuts that have been made to the COPS Program that has put 150,000 police on the street, to slightly reduce the tax cuts of those earning over $1 million a year to restore the cuts to firefighters or to expand health care coverage in this country when we have over 40 million people who do not have health care coverage, or to slightly increase Pell grants so we are providing expanded educational opportunities in a way that will make our country more competitive in this global economic environment.

We think those are the priorities of the American people, to reduce these deficits, to reduce this buildup of debt, and to restore the cuts in certain high-priority areas: law enforcement, police on the street, firefighters, education for our kids. Those are the priorities of the American people. Those are the priorities of American families. We offered those amendments on our side.

Mr. President, I yield the floor to the Senator from Connecticut, if he is seeking time?

Mr. DODD. I thought I had 4 or 5 minutes.

Mr. CONRAD. The Senator had been previously yielded 4 minutes off the resolution.

Mr. DODD. I will maybe take less than that. I associate myself with the comments of Senator KENNEDY and Senator CONRAD in this debate.

It was 200 years ago this year that Thomas Jefferson said that any nation that ever expects to be ignorant and free expects what never was and never possibly can be.

That was at the outset of the 19th century. Here we are, gathered in this great Chamber at the outset of the 21st century and we are arguing whether we can afford to give those who are the wealthiest in our society a little bit less of a tax cut than they otherwise might be getting in order to see to it that a significant majority of our young people get the opportunity of a higher education which they are being denied, not because they lack the drive or determination or absolute desire to acquire the skills necessary to improve the quality of their lives and the lives of all of us in this country but because they lack the means.

What I hear my colleague saying is the total amounts are going up. What has not gone up is the amount of money we provide to each student. Because of a declining economy—and we are talking about families here with incomes of $15,000 a year or less who qualify for Pell grants—we have seen a growing number of families and a growing number of students who want to go on and get a higher education.

In 1975, Pell grants paid for somewhere around 80 percent of a college education. That is a generation ago. Today, I don't need to remind people who may be listening to this discussion, $5,000, even at a public institution, doesn't necessarily cover even 50 percent of the cost of a higher education. Nevermind, the cost at private institutions. In fact, at public colleges and universities, tuition has gone up some 26 percent since President Bush took office and 77 percent of all students attend public institutions. This Pell increase, up to a little more than $5,000, really will help students and their families, students who want to get an education and want to contribute to the wealth of this Nation.

We now know, in the coming years, in the next 10 years, 80 percent of the 23 million new jobs we hope are going to be created will require that a person applying for them have more than a high school education—80 percent of the 23 million jobs. What are we doing in this year, this year, to prepare those students so they can acquire the skills necessary to get the jobs that will require that someone have additional education beyond high school?

We are asking today, in this amendment, that the most wealthy in our society take a little less of the tax cut President Bush has offered them in order to pay to see to it that more and more Black and Hispanic children in this country, those who primarily fall into Pell income categories, can get Pell grants to go on and get an education.

I don't know of many affluent people who would disagree with this request. The very beneficiaries of the tax cut, I suspect, if you polled them, would say, I'll take less of a tax cut if in fact you put those resources to seeing to it that people who come from the poorest families in our society, who have the intelligence and ability to go on and get an education, will qualify for an additional amount of money under the Pell grants.

That is what the Senator from Massachusetts is asking. We ought to be supporting that on a bipartisan basis. I can't imagine, as we talk about job creation and talk about this Nation remaining No. 1 in the 21st century, that we want to shortchange the ability of qualified young people to go on to higher education. Pell grants make a huge difference. We are unfortunately depriving these kids of the necessary dollars they need, and all because we are not asking the most affluent 1 percent income earners to take a little bit less of a tax cut than they might otherwise be getting.

I urge the adoption of the Kennedy amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, Senator KENNEDY was questioning my math. He said where did I get this answer that it increased by 48 percent. I said I got it from my staff. Now I did it myself. I regret to inform my good colleague from Massachusetts, but my staff was right. It just so happens when you add $4.9 billion that is called for by his amendment to the $12.9 billion we have in our resolution, that totals $17.8 billion. Last year we spent $12 billion. That is a 48.2 percent increase. Actually, I calculated it at 48.3 percent. That is an increase in 1 year.

Pell grants, as I showed by the chart, have already risen dramatically. They have grown by 47.3 percent since 2001. Senator KENNEDY's amendment would have it grow by more than that in 1 year. That is not affordable. That is not sustainable, not if you believe in deficit reduction.

I have heard so many people make speeches about deficit reduction and be critical of our President, but that is not the way people are voting. They are voting for more spending, and then this hypothetical we are going to raise somebody else's taxes. I don't think you can have programs grow at 48 percent. Senator LIEBERMAN had an amendment that would grow homeland security by 40 percent. I don't think you can have that kind of growth rate in expenditures and ever say you are serious about deficit reduction.

During the debate on the Lautenberg amendment, I said I wanted to refer to my colleague who happens to be chairman of the committee, the authorizing committee that overseas Superfund, for his comments in relationship to the Lautenberg amendment.

I notify our colleagues it is my expectation that we will begin a series of rollcall votes in the very near future.

I yield my colleague from Oklahoma such time as he desires.

Mr. CONRAD. Will the Senator withhold?

AMENDMENT NO. 2725

Mr. CONRAD. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mr. KENNEDY, proposes an amendment numbered 2725.

Mr. CONRAD. 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:

(Purpose: To create a reserve fund to finance an increase in the maximum Pell Grant that keeps pace with the rate of increase in public college tuition, extend Pell Grants to 500,000 new recipients, and lower the national debt by closing tax loopholes)

On page 3, line 9, increase the amount by $2,352,000,000.

On page 3, line 10, increase the amount by $7,253,000,000.

On page 3, line 11, increase the amount by $196,000,000.

On page 3, line 17, increase the amount by $2,352,000,000.

On page 3, line 18, increase the amount by $7,253,000,000.

On page 3, line 19, increase the amount by $196,000,000.

On page 4, line 20, increase the amount by $2,352,000,000.

On page 4, line 21, increase the amount by $7,253,000,000.

On page 4, line 22, increase the amount by $196,000,000.

On page 5, line 3, decrease the amount by $2,352,000,000.

On page 5, line 4, decrease the amount by $9,606,000,000.

On page 5, line 5, decrease the amount by $9,802,000,000.

On page 5, line 6, decrease the amount by $9,802,000,000.

On page 5, line 7, decrease the amount by $9,802,000,000.

On page 5, line 11, decrease the amount by $2,352,000,000.

On page 5, line 12, decrease the amount by $9,606,000,000.

On page 5, line 13, decrease the amount by $9,802,000,000.

On page 5, line 14, decrease the amount by $9,802,000,000.

On page 5, line 15, decrease the amount by $9,802,000,000.

At the end of Title III, insert the following:

SEC. . RESERVE FUND FOR THE PELL GRANT PROGRAM.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $4,900,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in this resolution, for the Pell Grant program.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the adjournment resolution which is at the desk. I further ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 98) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 11, or Friday, March 12, or Saturday, March 13, or Sunday, March 14, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, March 22, 2004, at 12 noon.

Mr. NICKLES. Mr. President, I yield to my colleague from Oklahoma such time as desires.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2703

Mr. INHOFE. Mr. President, I compliment the senior Senator from Oklahoma. He is doing a great job in handling this most difficult issue.

We go through this every year, and I believe we are going to finally get something done tonight. I certainly hope we will and that we will have what we all will be proud of.

I can't help but comment. I happened to come in when my friend, the Senator from Connecticut, was leaving the Chamber. It seems as if the argument you hear from the liberal side of this body is the fact that all of this came about as a result of the tax cuts of this administration. I feel compelled to remind this body of the history of these tax cuts. It was not a Republican idea. Ironically, one of the truly great Democrat Presidents of this country, John Kennedy, was the guy who came up with the concept. He said—and this is an exact quote—

We need more revenues to run these programs that we have and the best way to increase revenues is to reduce marginal rates.

That was back in the 1960s, and it worked.

There is a recognition of the problem we have right now. This administration inherited a recession, and they are coming out of it by having the very tax reductions to add to the amount of revenues coming in. This is going to work. It is working today. If you do not think it does, let us remember what happened back in the 1980s.

In the 1980s, the total amount of money that was raised from marginal rates was $244 billion. In the 1990s, it was $466 billion. That was the 10-year period of the largest tax reductions on marginal rates in the history of America. It had the result of increasing—not decreasing—the amount of revenue.

The formula used was for each 1-percent increase in economic activity, it creates $46 billion of new revenues. John F. Kennedy knew that, Ronald Reagan knew that, and we ought to know that today, but we ignore history.

Now my friend from New Jersey, Senator LAUTENBERG, is coming up with another one of his favorite tax increases. I have never seen a tax increase he didn't like. But this seems to be one of his favorite ones.

We are going to have a big tax increase to vote on in just a few minutes. It is called the Superfund tax.

There is a lot of doubletalk. On the one hand, they blame the administration for U.S. job loss and lack of competitiveness. At the same time, they want to impose a tax that expired in 1995 on some of the most fragile industries that are not going to make it.

People say reinstating the Superfund tax will be a deficit-reduction-reducing measure. I am not sure that is necessarily true. What you are going to do is drive a lot of people out of business who are already overtaxed.

I think if I could single out one argument I find the most offensive—and I hear it as chairman of the Environment and Public Works Committee over and over and over—every time we have a committee hearing, they talk about ''polluter pay.'' Polluters are paying today. That is the whole concept. When a polluter pollutes, that polluter pays.

In fact, historically, PRPs—potentially responsible parties—since Superfund started, the average of all cleanups has been 70 percent in the average year of those cleanups which are cleaned up by industries that have polluted.

This is interesting because in 2003, that 70 percent jumped to 80 percent.

In other words, all but 13 percent of the cleanups took place and were paid for by the polluters.

The antijobs and the protax supporters also ignore the fact that the Superfund tax, on its face, is unfair. It has nothing to do with taxing companies and industries that pollute. If an industry falls into a certain category—say you are going to have your taxes go up. It has nothing to do with whether or not they have ever polluted. In fact, oil and petroleum companies have paid more than 50 percent of the Superfund taxes but were responsible for less than 10 percent of the liability on Superfund sites.

That is historically accurate. I would defy anyone to challenge it. As a result, this is an especially unfair tax to American families who have to pay more at the pump.

Furthermore, Superfund tax supporters argue that cleanups have slowed down as a result of the amount of money lost from the trust fund. That isn't true at all. In fact, we had testimony in our hearings this last week that there is not a correlation between the amount of money in the Superfund reserve and the amount of cleanup.

In 1996, the tax fund was at its highest level. Yet the amount spent by the Clinton administration in 1996 for Superfund cleanup was at a 10-year low.

This year's Superfund budget request is around $1.4 billion. But wait a minute. Let us look at what they are proposing.

In this amendment, they propose an $8.5 billion tax increase. This is the same thing we went through, by the way, last year. There has never been a correlation between the amount of money raised by a tax and the amount of money that has been spent.

For those who are responsible for contamination, they are already being held liable for cleanup costs under Superfund. No one is getting let off the hook, and I will challenge right now the other side to name one viable polluter who is not being held accountable for the Superfund contamination they caused.

Here we are again with the same amendment. We have had it several times before. Senator LAUTENBERG danced this thing out again. We beat it the last time 57 to 43. I will be down here to remind people how they voted before. They will forget.

I honestly believe the only issue here is if you want to increase taxes on the American people by $8.5 billion in one vote, this is your opportunity to do it.

I yield the floor.

Mr. CONRAD. Mr. President, we are very close now to starting to vote.

Again, I ask our colleagues who have amendments in the queue to come so that they could make their final argument before the vote with 1 minute to each side. I think that would be reasonable.

Mr. NICKLES. 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. NICKLES. 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. NICKLES. Mr. President, I appreciate everyone's patience. For the information of our colleagues, we are going to have a series of votes starting momentarily.

I am going to yield to my colleague and former chairman of the Budget Committee for a few moments. I notify our colleagues we expect several votes to begin momentarily. We are trying to warn everybody, we would like everybody to be prompt and we would like for everybody to stay on the floor.

Mr. President, I yield to my colleague from New Mexico such time as he desires.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the chairman.

Mr. President, I rise to speak for 2 minutes on the fiscal year 2005 budget resolution currently pending before the Senate. In particular, I want to focus for just a little bit on the budgets for scientific research.

The funding for the National Institutes of Health should be my starting point. In the omnibus bill of 2003, thanks in large part to the leadership of President Bush, we met our commitment; that is, in 2003, we met our commitment to double the funding for NIH.

Senator NICKLES remembers that clearly, that a couple of Senators started and everybody followed, and a resolution was adopted that said—it was incredible to many of us, but we did it—let's double the NIH. President Bush helped us, and we did that.

Allow me to explain these numbers. In 1998, we spent $13.7 billion on the National Institutes of Health for cancer, for all of these various diseases, heart conditions, and mental illness. When the commitment was fulfilled, we spent $27.1 billion for medical research.

We need not stop there, however. Last year, we further increased it to $27.9 billion. This means we have spent $145.9 billion in the last 7 years on the National Institutes of Health—a 109-percent increase. This year we are planning on further increasing the budget of NIH to $28.7 billion.

I join the President in supporting the work the NIH has done and continues to do. But I am somewhat chagrined when I see the current brochures and documents of the NIH complaining about the fact this President, who funded them at the highest increased levels in their history, who this year says we can only afford inflation—instead of saying, the President who supported us the most says we cannot keep on with that kind of increase, they end up critical that this year he did not increase their funding as much as he did in the past, saying: We must have more. He is not funding us enough.

I tell you, when I read that, it is a good thing they are not down here asking for more money, as far as this Senator is concerned, because I would be on the side of saying: Enough is enough.

In fact, I would like to give you a couple other thoughts about how impressive their work has been.

The human genome project—for those who do not understand or remember, that project is the genome project, spelled: G-E-N-O-M-E. Not too long ago, the human genome was completed, in terms of mapping it, much ahead of schedule. The completion of this work was only the beginning.

More than 300 genes for human diseases, from cancer to deafness to birth defects, have already been identified. It means in the past we would spend years of research at maybe three major institutions to locate a gene for diabetes. The mapping of the human genome says we are in the process of mapping every genetic point of every major disease in the human body at every location. We will know where they are. Then let's hope the great scientists in the future will begin to cure those incurable diseases.

The NIH is doing amazing work in developing techniques to detect, diagnose, and treat many of the most devastating diseases humans face, such as cancer, diabetes, and Alzheimer's disease.

I hope that we can continue to fund this important agency at these record levels.

I am concerned, though, that we have collectively failed to be as aggressive when it comes to funding basic scientific research in other agencies.

Basic research is defined as systematic study directed toward greater knowledge or understanding of the fundamental aspects of phenomena and of observable facts without specific applications towards processes or products in mind.

The technologies transitioned from basic research are the foundation of applied programs and eventually fielded systems.

Put another way, basic research is the engine that makes our national defense, homeland security, and economic superiority possible.

However, basic scientific research is not funded in a single place as with medical research at NIH.

The correlative type research to NIH is something we call in America basic research—physics, computer science, chemistry, engineering, et cetera. We have no central focus point for that in America. I am not sure we should or should not. It is just a fact.

In 2004, the sum total of expenditures for that was $11 billion, and that included the Veterans' Administration—we assume some of what they do is science—Interior, EPA, NASA, DOE. This is compared to $8.8 billion for these programs in 1998.

In the same period of time these programs have increased 35 percent, while NIH increased by over 100 percent. I do not think America can continue to dominate the world, invent the products, maintain our standard of living with that kind of disparity for too much longer. The time has come to spend money on basic research, just as we have on medical research.

It is important to note much of our scientific research is done at our universities. They have plenty of research in medical science and medical science problems. But I guarantee you, Mr. President and fellow Senators, they are very short on research for the basic sciences.

The Presiding Officer comes from a State that has great wealth. They devote great quantities of that wealth to their schools, and then say: Spend it on science. Go look at the University of Texas and a few other of your universities and see where you put your money. You put it there. But America does not put it there across the board.

I put this statement in comparing the two only because to keep them at such a disparate level of a 100-percent increase in 10 years in one and 30-some percent in the other is not going to keep America great.

I am hopeful when we finish with this resolution, we will get on to thinking a little bit about where we are going the next decade, and maybe we should start a resolution saying basic science ought to be increased over the next decade in a substantial way, maybe even as we did with the National Institutes of Health. I only wish I could see the way clear to find the money. I would be here offering that resolution right now.

Our future is just as certainly tied to our basic science moving up into a parity position with wellness research. Eventually wellness research will come up against insolvable problems. At least the technology of application won't work because we won't have the physics solved, the physical science.

With that, I thank the Chair for giving me a few moments and hope every

now and then somebody in a position to do something about this can join together and see if we can't get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—S. RES. 319

Mr. NICKLES. Mr. President, we are going to begin our series of rollcall votes momentarily. First, I ask unanimous consent that after the first vote in this series, the Senate then proceed to a resolution at the desk regarding the recent bombings in Spain; provided further that following the reporting of the resolution, there be a brief moment of silence; provided further that each leader be recognized for up to 5 minutes each, Senator ALLEN and Senator DODD be permitted to speak up to 2 minutes each; I further ask consent that the Senate then proceed to a vote on adoption of the resolution with no intervening action or debate; further that following the vote the preamble be agreed to and the motions to reconsider be laid upon the table.

Mr. CONRAD. Reserving the right to object, this does not define what the first vote in the series would be.

Mr. NICKLES. Mr. President, I now ask unanimous consent that with respect to the voting sequence, the Senate proceed to the votes in relation to the pending amendments in the order offered, with no second-degree amendments in order to those amendments; finally, there be 2 minutes equally divided for debate prior to each vote; and after the first vote, that the time limit for each vote be limited to 10 minutes.

The sequence of votes will be as follows: Boxer amendment No. 2783; Sarbanes amendment No. 2789; Dorgan amendment No. 2793; Lautenberg amendment No. 2703; Harkin amendment No. 2799; Lincoln amendment No. 2803; Byrd amendment No. 2804; Bingaman amendment No. 2765; Lieberman amendment No. 2807; and Kennedy amendment No. 2725.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to vitiate the order dealing with the Spanish resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, we are now ready to call upon Senator BOXER for her 1-minute description. I would also say if the sponsors are not ready, we don't need descriptions and we will move forward with rollcall votes. We are going to be very tight with time. Senators cannot assume there is going to be an extra 10 minutes on the rollcall votes. We are not going to allow that to happen, or we are going to try not to let it happen.

I believe the Senator from California is ready.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2783

Mrs. BOXER. Mr. President, in 1 minute let me give it to you straight: We have seen a loss of 3 million jobs in the last 3 years. This is not sustainable. Our people are hurting. What this amendment does is gives us a chance to do something about it. We give tax credits to businesses, if they pay for health insurance, if they create manufacturing jobs. What we do is boost up some of the wonderful programs that are working in advanced technology, manufacturing extension. We increase investments in basic science. We close the loophole so if companies move abroad, they can't get special tax breaks, and we don't allow Federal funds to be used to offshore jobs.

We pay for it by saying to the millionaires of this country: Instead of getting back $120,000, you will get back $80,000. That is multiple times what a minimum-wage worker will get. Millionaires will still get back $80,000 a year under the Bush tax cut. We are asking them to make that sacrifice because we need the jobs.

I urge an aye vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this amendment offered by our friend from California increases taxes by $24 billion over 3 years. Basically it would wipe out all the tax relief we have in the bill in the year 2005 for the child credit and marriage penalty. But it doesn't add any funding for jobs programs. We hear it does. It has a reserve fund that could increase spending, maybe, if a few things happen. The resolution before us fully supports the FSC/ETI bill, the JOBS bill Senator GRASSLEY and Senator BAUCUS are working on. If you want to help us be more competitive, to create more jobs, that is certainly the approach. It is a bipartisan approach and has a much greater likelihood.

The proposal suggested by our friend from California, frankly, would mean an exodus of jobs from the United States. It would be telling multinational corporations, you should not be in this country. You have tax advantages for being in other countries. I don't think we should be encouraging the headquarters of companies such as Intel or Microsoft and others to be leaving the United States.

I urge our colleagues to vote no on the Boxer amendment.

The PRESIDING OFFICER. All time has expired.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 2783. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—41

Akaka	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NAYS—53

Alexander	DeWine	Miller
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Baucus	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Breaux	Graham (SC)	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	

NOT VOTING—6

Burns	Ensign	Kerry
Edwards	Johnson	Reid

The amendment (No. 2783) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2789

Mr. NICKLES. Mr. President, next we will have a vote on the Sarbanes amendment No. 2789. I have two comments, but first I tell my colleagues, we are going to cut these votes off. I am warning everybody, and I urge colleagues to stay on the floor. We are going to try to keep all of these amendments limited to 10 minutes. In fact, I ask unanimous consent that the following amendments be limited to 10 minutes each.

The PRESIDING OFFICER. That order has been entered.

Who yields time?

Mr. NICKLES. As soon as we have order, I ask the Chair to call upon the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, this amendment would fully fund the assistance to firefighter programs, the firefighter grant, and the SAFER program up to the authorized amount. I urge my colleagues stand with our firefighters.

Warren Rudman, in a report, said, ''emergency responders drastically underfunded, dangerously unprepared.'' Don't let that situation continue.

I yield the remainder of my time to the Senator from Connecticut.

Mr. DODD. The Senator from Maryland is correct. This budget contains a $250 million cut in FIRE Act grants. There have been over 19,000 awarded since the program was established from 33,000 departments across the country. These fire departments absolutely need the equipment and training resources. In addition, the SAFER Act will put 75,000 new firefighters on the street over the next seven years. Recent studies by major organizations indicate there are chronic shortfalls in the numbers of people who serve in paid and volunteer and combination departments.

This is a good amendment. We are asking those who make more than $1 million a year to take a little less of a tax cut than they would ordinarily get. I urge my colleagues to support the amendment.

Mr. NICKLES. This amendment, as most of the amendments we are going to be facing in this sequence of 10 votes, increases taxes. This one increases taxes by $2.86 billion next year. That happens to be about the same amount of money we assume for the child tax credit next year. But it doesn't add any money for firefighters, zero. What it does is promise a possible $1.3 billion increase in spending later in the year, if the appropriations bills do such and such.

I think it is a gimmick. The facts are, if it did go to firefighting, that would be a 157-percent increase over last year. That is ridiculous. We put in 10 percent for homeland defense as requested by the President. What the Secretary is trying to do is move more of that money into high-threat areas, not necessarily in every little rural fire department in Oklahoma, which, frankly, is not a Federal responsibility. Terrorism is not a threat in most of the rural communities.

I urge opposition to the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2789.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—41

Akaka	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NAYS—55

Alexander	DeWine	Miller
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Baucus	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Breaux	Frist	Sessions
Brownback	Graham (SC)	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Campbell	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Collins	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	McCain	
Crapo	McConnell	

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2789) was rejected.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPRESSION OF CONDOLENCES TO THE PEOPLE OF SPAIN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a resolution that is at the desk regarding the recent bombings in Spain; provided further that following the reporting of the resolution there be a brief moment of silence; provided further that each leader be recognized for up to 5 minutes each, and that Senators ALLEN and DODD be permitted to speak for up to 2 minutes each. I further ask unanimous consent that the Senate then proceed to a vote on the adoption of the resolution with no intervening action or debate; further, that following that vote the preamble be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 319) expressing the sense of the Senate with respect to the deadly terrorist attacks against the people of Spain that occurred on March 11, 2004.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senate will now observe a moment of silence.

(Moment of silence.)

Mr. FRIST. Mr. President, through the efforts of our colleagues, Senators ALLEN and DODD, we have this resolution before the Senate expressing our condolences to the people of Spain. We will shortly vote on this resolution.

It is with a heavy heart that I rise. In a phone call earlier today, I told the Ambassador of Spain what the Senate will tell the people of Spain tonight through this resolution: We are with you; you are not alone in your grief.

This morning in Madrid, Spain, at the height of rush hour, 10 terrorist bombs ripped through railway trains and stations killing over 190 people and wounding 1,240 more. Mothers, fathers, students, children, were struck down as they went about their normal daily life—a tragedy we in the United States known only too well.

Spain did not learn about the need to defend democracy or how to fight terrorism on September 11, 2001. Sadly, this lesson was thrust upon the Spanish people long ago. Their response to our darkest moment will long be remembered in America. As the people of Spain mourn their victims tonight, we mourn with them.

We do not yet know the identity of the culprits. Officials are pursuing every lead. But whoever committed this atrocity will be found and they will be punished. I say to the people of Spain: America is with you. We stand in front of you, in back of you, to your left, and to your right. We grieve with the families who bear so much sorrow and we grieve for their loved ones whose lives have been so unjustly cut short. We will not forget this day. We will fight until the last cowardly murderer is brought to justice.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I join in thanking Senators ALLEN and DODD for their work on this resolution. I join the majority leader in expressing strong support for the efforts in the Senate this afternoon. It is entirely fitting and appropriate that we observe the moment of silence for the victims of this heinous attack on the citizens of Spain this morning. Our prayers are with the Spanish people as they search for survivors, care for their injured, and mourn their losses.

Just last month, we heard a moving speech in the House Chamber from President Aznar. He made clear to us America does not stand alone in the war on terror. He made clear that the terrorists who attacked us on September 11 would fail, and he made clear that we would succeed together.

The resolution says to President Aznar and his people that the American people will give the Spanish people everything they have given us: Our unshakable commitment that we will link arms to care for the victims and their families, our solemn word that we will not flinch in the face of these cowardly attacks, our enduring pledge that we will join forces to bring the perpetrators to justice. That is because this was not an attack on Spain alone but on all of us.

I have already heard from Americans who are desperately trying to reach

family members who are in Madrid this evening, terrorized to think their loved ones were victimized in the attack. Families from all over the world are experiencing the same fears. The object of terrorism is to bring fear to the hearts of free people, to divide friend from friend and ally from ally. But America will never abandon its Spanish allies. We will not tire in the fight against tyranny.

Today we renew our resolve to defeat terrorism around the world. We will bring these murderers to justice and make clear to all terrorists that they will never, never prevail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank our leader, Senator FRIST, the Democratic leader, Senator DASCHLE, and also my colleague from Connecticut, Senator DODD, all of whom worked together on this resolution.

As chairman of the Subcommittee on European Affairs of the Foreign Relations Committee, I share the resolve of my colleagues.

The American people have experienced our September 11. For the people of Spain, March 11 is a day they will not forget. We, the Senate, express our outrage and shock and that of our fellow American people over these terrorist attacks that occurred today. The Senate of the United States joins with President Bush in expressing our deepest condolences and in saying that we will stand shoulder to shoulder with our friends, the people of Spain, in this war on terrorism.

The Senate also, in unity, expresses our solidarity with the people of Spain in these very difficult hours. We especially send our sincere condolences to the families whose have lost loved ones and the well over 1,000 who have been severely injured by these despicable terrorist acts.

We call on other nations to join with us once again in condemning such monstrous acts and attacks on the innocent people wherever they may be, whether they are in the Pentagon, the World Trade Center, or in transportation facilities in Madrid, Spain. We need to help identify the perpetrators of these attacks and bring them to swift justice. We express, as Senators, our readiness to consult with the King of Spain, the President of the Spanish Government, Jose Maria Aznar, the Spanish Cortes, and other public authorities about our joint efforts to combat terrorism.

President Aznar said ''We shall not forget.'' We in the United State say to President Aznar and the people of Spain: Siempre recordaremos. We will not forget either. We will always remember.

Mr. DODD. Mr. President, even though the Senate is extremely busy with respect to consideration of the Senate budget resolution, the recent tragedy in Spain makes it terribly important that the Senate pause from its regular business this afternoon to speak with one voice about our profound outrage and sorrow with respect to what transpired just a few short hours ago in Madrid. The resolution which has been introduced by Senators FRIST, DASCHLE, myself, and others is an opportunity for the Senate to send its condolences to the people of Spain.

I would also like to bring to the attention of my colleagues that a book of condolences will be open at the Embassy of Spain tomorrow, March 12, and Monday, March 15. In addition, a funeral service for the victims of this heinous attack will be held at St. Matthews Cathedral on Monday, March 15, at 5:30 p.m.

Mr. President, I know I join all my colleagues when I express how deeply disturbed I am by today's bombings in the Spanish capital of Madrid, and I strongly condemn those responsible for what is a heinous crime against human life. These horrific attacks—the deadliest in Spain's history—have now left over 180 innocent people dead and more than 900 wounded. Such carnage is almost unimaginable, and I know that I join with all Americans in expressing my outrage over these acts of violence.

I also join with my fellow Americans in expressing my solidarity with the Spanish people and the families of the innocent victims. This is a time of great distress and pain for them—it is a memory that will long endure in their hearts and minds. And I know that in the difficult days ahead, America and the Congress will stand shoulder-to-shoulder with Spain, just as Spain supported America through some of our darkest hours after September 11, 2001.

In so many ways, Spain's friendship has been invaluable to the United States. Spain has been a critical partner in the fight against terrorism, a true ally during the war in Iraq, and an important economic partner in the global marketplace. And indeed, through my roles as a United States Senator and Chairman of the U.S.-Spain Council, I have seen firsthand the immense depth and strength of the United States-Spain bond.

This bond continues to flourish because our countries and our peoples share the fundamental values of freedom and democracy. In today's complicated world, the United States and Spain are true friends. And I would like to say to the Spanish people—rest assured that during this time of tragedy, your nation has no greater friend than the American people.

As my colleagues are aware, these horrific terrorist attacks have occurred only days before Spain is to hold its general elections. The attacks were likely meant to disrupt Spain's strong democratic institutions. And they were surely aimed at the values of freedom and democracy that both Spain and the United States hold dear.

Although it is not yet clear who was behind these attacks, I have a message for them, wherever they are. The values that Spain and America share will not be broken by cowardly acts of terror; the friendship and cooperation between our nations will continue. And despite your efforts, elections will be held—the Spanish democracy will continue to thrive.

In times of need, we grow more united. And together, we will move forward to ensure that this world is safe for freedom-loving people everywhere.

I thank the majority leader and minority leader for putting this resolution forth this afternoon. It is a timely resolution to take a few minutes out from the budget resolution to share our collective thoughts and to express them to the people of Spain over this incredible tragedy. I associate myself with the remarks that have been given by the majority leader, the Democratic leader, and my colleague from Virginia who have spoken eloquently about our feelings.

I recall vividly the day after September 11 reading Spanish papers. The headlines in the Spanish papers in Madrid and Barcelona said the following in Spanish: Nosotros somos, Americos.

I think, tonight, all Members in the Senate would want to say to the people of Spain in this moment: Nosotros somos, Espanolas.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. I would like to add a few comments to what has been so eloquently said.

There has never been a time in the 500-year relationship between Spain and what is now the United States of America in which there have been stronger bonds of genuine friendship and empathy for each other, particularly at a time of tragedy such as this that exists today.

I spoke early today with the Ambassador of Spain to the United States and he described what his country was experiencing as their September 11. Just as they came forward with such effectiveness and genuine remorse when we experienced our tragedy, we share those same feelings toward theirs today.

May the bonds of our friendship give strength to both Spanish people and our people as we have experienced the consequences of terrorism on our own soil. Our hopes and our prayers are with our brothers in Spain.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. FRIST. 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 legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusettes (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—96

Akaka	DeWine	Lincoln
Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham (FL)	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hollings	Sessions
Chambliss	Hutchison	Shelby
Clinton	Inhofe	Smith
Cochran	Inouye	Snowe
Coleman	Jeffords	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The resolution (S. Res. 319) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 319

Whereas on March 11, 2004, terrorists detonated a total of 10 bombs at 6 train stations in and around Madrid, Spain during morning rush hour, killing more than 190 people and injuring more than 1,200 others;

Whereas these attacks constitute the worst acts of terrorism ever experienced in Spain;

Whereas no organization has claimed responsibility for the terrorist attacks;

Whereas the terrorist organization known as ETA, which has been responsible for the deaths of more than 800 people during its decades long campaign to establish an independent Basque State, is a prime suspect as the perpetrator of these cowardly acts of terrorism against innocent people;

Whereas officials in Spain initiated another line of investigation to identify the perpetrators of the terrorist attacks after a van was found with detonators and an Arabic-language tape of Koranic verses;

Whereas President Jose Maria Aznar has stated that ''we shall not forget'', bravely declared that Spain would not change its policies because of terrorist pressure, and declared three days of national mourning;

Whereas the President of the European Parliament has stated that the terrorist attacks are ''a declaration of war on democracy'', Pope John Paul II has described the attacks as ''despicable'', and the United Nations Secretary General Kofi Annan expressed profound shock and indignation over this ''senseless killing of innocent people''; and

Whereas President George W. Bush has already called President Aznar to offer his condolences and to assure him that ''the United States stands resolutely with Spain in the fight against terrorism in all its forms and against the particular threat that Spain faces from the evil of ETA terrorism'': Now, therefore, be it

Resolved, That the Senate—

(1) expresses the outrage and shock of the people of the United States over the terrorist attacks that occurred in and around Madrid, Spain on March 11, 2004;

(2) joins with President Bush in expressing its deepest condolences and pledges to remain shoulder to shoulder with the people of Spain in the war on terrorism;

(3) expresses its strong solidarity with the people of Spain during their difficult hour, and its deep condolences to the families of the victims of these despicable terrorist attacks;

(4) calls on all nations to join with the United States in condemning the monstrous attacks on the innocent people of Spain and in attempting to identify the perpetrators of the attacks and bring them to account;

(5) expresses its readiness to consult with representatives of King Juan Carlos, President Jose Maria Aznar, the Spanish government, the Spanish Cortes, and other public authorities about joint efforts to combat terrorism more effectively;

(6) commends the United States Embassy in Madrid for its prompt offers of assistance to the Government of Spain, and for its efforts to determine the welfare and whereabouts of United States citizens who may have been affected by the terrorist attacks; and

(7) urges the executive branch to continue to provide all possible assistance to Spain in order to identify and bring to account the perpetrators of the terrorist attacks that occurred on March 11, 2004, in Madrid and of other terrorist attacks against the people of Spain.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2793

Mr. ENSIGN. Mr. President, I understand the Dorgan amendment is the next amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. ENSIGN. And there is a minute on each side.

The PRESIDING OFFICER. The Senator is correct.

Mr. ENSIGN. Mr. President, the Dorgan amendment raises taxes by $2.2 billion to increase funding for the COPS Program by $1.1 billion. He says $2.2 billion is the tax increase that will be for millionaires, but we have said this time after time, you cannot specify to the Finance Committee what taxes will be raised.

The bottom line is, the easiest taxes out there right now that are expiring at the end of this year are the $1,000 child tax credit, the marriage penalty reduction, and the expansion of the 10-percent tax bracket. These are middle-class people, middle to lower income people. We don't want to raise taxes on middle to lower income people. We encourage Members to vote no on this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senators LEAHY, FEINSTEIN, SCHUMER, KENNEDY, SARBANES, ROCKEFELLER, CORZINE, STABENOW, HARKIN, BOXER, DURBIN, KOHL, and DODD be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I offer this amendment on behalf of myself, Senator BIDEN, Senator DASCHLE, and many others. This would restore $1.1 billion to law enforcement grants that have been cut in this budget. My colleague, Senator BIDEN, is the author of the COPS Program, the Byrne grant program, and others. I just finished a round of meetings dealing with methamphetamine in North Dakota. Most of you have had the same experience. Law enforcement officials from across the country will tell you these grant programs are critical to their ability to continue to fight this methamphetamine scourge and other issues. We should restore that funding.

We do this and pay for it by simply limiting the tax cut for those above $1 million a year. Next year they will receive $27 billion in tax cuts; that is, those Americans with income of $1 million a year or more. Under this amendment, they will only receive $26 billion in tax cuts. We will restore the funding for law enforcement across this country for the COPS Program, the Byrne grant, and the law enforcement grant program.

I offer this on behalf of myself, on behalf of Senator BIDEN, Senator DASCHLE, and others.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2793. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER. (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—41

Akaka	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NAYS—55

Alexander	DeWine	Miller
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Baucus	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Breaux	Frist	Sessions
Brownback	Graham (SC)	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Campbell	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Collins	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	McCain	
Crapo	McConnell	

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2793) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we still have several rollcall votes to make just on this list. Senator CONRAD and I also are going through the list of other amendments that people want us to consider. We urge Senators not to push us to votes on these amendments. If we vote on all the amendments, we are going to be here not only very late tonight but very late tomorrow night.

I do not think most of these amendments and the amendments on our side require rollcall votes. We are going to work to see if we can accept some amendments, and we are going to work to see some amendments be dropped. I urge the cooperation of our colleagues.

We will go now to the Lautenberg amendment, after my colleague makes some comments. I urge the clerks, we are going to move these votes. We have another six votes. We are going to try to adhere to the time limits as closely as possible. All remaining rollcalls will be 10 minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I am advised that we have eight more votes still on this list. There may be some variance between us.

Mr. NICKLES. Seven.

Mr. CONRAD. Seven more votes on this list, and then I have in my hand, after having gone Member to Member, 34 more amendments on which Members are insisting a rollcall vote. Seven votes will take us about 2½ hours. Thirty-four more votes would take us another 11 hours, and that does not count the votes on the other side. That is 11 hours straight of voting in addition to the 2½ hours now.

I say to our colleagues, we are masters of our own fate. If everybody insists on having rollcall votes on all of their amendments, we will be here until 2 or 3 o'clock in the morning, and then we will be here until late tomorrow night. That is where we are at the moment.

Hopefully, people will relent and agree to try to get amendments accepted or dispatch with them.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I believe the Senator from New Jersey has an amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2703

Mr. LAUTENBERG. Mr. President, I have an amendment to reinstate the Superfund tax that was in place for so many years and produced a very successful program.

It has been said that I want to tax people. Don't believe that this is a tax-free exchange, as we heard from the Senator from Oklahoma before when he accused me of loving taxes. He loves taxes, but he wants to put it on the average citizen. He does not want the polluters to pay. He said that very directly.

He raised a question rhetorically, I guess, that asked: Who among those who are accused of polluting did not pay their fair share? I will tell you one. Halliburton. Halliburton never pays their fair share where they can get it and owes the Defense Department $61 million in overcharges; Halliburton which manages to put their business offshore so they escape taxes.

Is that the example we want to look at, not whether the people who have been paying the taxes, the average working person, will pay two-tenths of a cent more per gallon?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is very important everyone knows this is nothing but a huge tax increase on businesses, on industries. Many of them are very frail at this time. They have nothing to do with pollution. Polluters-pay is happening right now.

Since the inception of this program, 70 percent of the sites have been cleaned up and paid for by people who polluted. Last year, it was 87 percent. Where there is a polluter that can be found, that polluter pays. That system is working.

If you have to have an $8.5 billion tax increase on various businesses—and right now we have businesses going out of business—then this is your opportunity to do it. This is a huge tax increase, $8.5 billion. We do not need it, and it is unfair.

By the way, we resoundingly defeated this amendment several times before. The last vote was 57 to 43. Many Democrats voted with us in voting against this tax increase. I encourage them to do the same now.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2703. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—43

Akaka	Dayton	Levin
Baucus	Dodd	Lieberman
Bayh	Dorgan	McCain
Biden	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Byrd	Graham (FL)	Nelson (NE)
Cantwell	Harkin	Reed
Carper	Hollings	Rockefeller
Chafee	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Collins	Kennedy	Snowe
Conrad	Kohl	Stabenow
Corzine	Lautenberg	Wyden
Daschle	Leahy	

NAYS—52

Alexander	Domenici	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Pryor
Bond	Frist	Roberts
Breaux	Graham (SC)	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith
Campbell	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	
Dole	McConnell	

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2703) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. DAYTON. Mr. President, on rollcall vote 45, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore I ask unanimous consent that I be able to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2799

Mr. NICKLES. I believe the amendment of the Senator from Iowa, Senator HARKIN, amendment No. 2799, would be next?

The PRESIDING OFFICER. That is correct. Who yields time? The Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment does what 400 public health organizations around the country say is vitally needed. It increases function 550 health spending by 12 percent. That is $6 billion in the next fiscal year and $30 billion over 5 years. It also provides for $9 billion in deficit reduction over the same 5 years.

The amendment pays for this needed investment with a revenue measure that delivers more public health benefits. We raise the current Federal tax on cigarettes by 61 cents a pack, from 39 cents to $1 a pack. This would provide $30 billion for public health over 5 years, and $9 billion of deficit reduction.

I showed this chart earlier. If you think $1 a pack is a lot of money, I point out in much of the history of the Federal excise tax on cigarettes we were as high as 49 percent of the average wholesale price on a pack of cigarettes. We are now down to 14 percent. This amendment would only raise it to 30 percent of the average wholesale price.

I ask unanimous consent a letter supporting this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 29, 2004.

IT'S TIME TO MAKE PUBLIC HEALTH FUNDING A NATIONAL PRIORITY

DEAR PRESIDENT BUSH AND MEMBERS OF CONGRESS: The health of all Americans is at risk from an unprecedented range of threats, including: chronic diseases and disabilities, infectious and food borne illnesses, biological and chemical terrorism, mental disorders and substance abuse, catastrophic injuries, and a shortage of healthcare providers and trained public health workers.

Our nation's public health system will not be able to respond adequately to these threats without additional resources for the continuum of medical research, prevention, treatment and training programs. We urge you to increase discretionary funding for public health through the Function 550 budget allocation in Fiscal Year 2005 by 12 percent. This investment is critical to improving the health, safety and security of our nation.

Sincerely,

AAHP–HIAA, and others.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this amendment would do one thing. It would increase taxes by $39 billion over 5 years. That is really half of what we are assuming we are going to do to help American families. So this is going to cut the tax cut. That will mean, to preserve present law, it is going to cost about $80 billion. This is going to take half of that away. My colleague might hope it is going to be used to raise tobacco taxes, and so on, but that doesn't mean that would happen. This tells the Finance Committee to raise $39 billion.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2799.

Mr. NICKLES. 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 bill clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—32

Akaka	Dodd	Levin
Biden	Durbin	Lieberman
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Inouye	Pryor
Carper	Jeffords	Reed
Chafee	Kennedy	Rockefeller
Clinton	Kohl	Sarbanes
Corzine	Lautenberg	Wyden
DeWine	Leahy	

NAYS—64

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Dorgan	Murkowski
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Breaux	Graham (FL)	Schumer
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chambliss	Hatch	Specter
Cochran	Hollings	Stabenow
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Daschle	Lugar	
Dayton	McCain	

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2799) was rejected.

Mr. HAGEL. I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2803

The PRESIDING OFFICER. We now move to the amendment of the Senator from Arkansas. There will be 2 minutes equally divided. The Senator from Arkansas is recognized for 1 minute.

Mrs. LINCOLN. Mr. President, I draw my colleagues' attention to the amendment offered earlier today by myself and many others. I cannot think of anything that could help us in this Nation redirect our economy, rebuild the fabric of our country, help our families, our working families, our military families, our children across this Nation, than looking at what we can do for the uninsured in this country. The number of uninsured in our country is alarming. It should be a priority in this budget debate.

As we look at the budget debate we are dealing with, we should think about priorities and the choices we have to make and the consequences down the road if we do not make the right priorities and the right choices.

I encourage all of my colleagues to take a look at what we are doing. We are providing for the uninsured. We are making sure it is not paid for by increasing taxes, but cutting loopholes, cutting corporate loopholes that have existed, which we have all agreed are wrong. We need to do something about it. Redirecting those resources to the uninsured is the correct thing to do.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. The Lincoln amendment increases taxes by $60 billion over the next 5 years while purporting to help the uninsured. The budget resolution already contains a reserve fund for the uninsured. The resolution reserve fund is budget neutral and allows the chairman to change allocations for both the Health, Education, Labor, and Pensions Committee and the Finance Committee.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2803.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—43

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	
Dayton	Leahy	

NAYS—53

Alexander	Burns	Cornyn
Allard	Campbell	Craig
Allen	Chafee	Crapo
Bennett	Chambliss	DeWine
Bond	Cochran	Dole
Brownback	Coleman	Domenici
Bunning	Collins	Ensign

Enzi	Lott	Shelby
Fitzgerald	Lugar	Smith
Frist	McCain	Snowe
Graham (SC)	McConnell	Specter
Grassley	Miller	Stevens
Gregg	Murkowski	Sununu
Hagel	Nelson (NE)	Talent
Hatch	Nickles	Thomas
Hutchison	Roberts	Voinovich
Inhofe	Santorum	Warner
Kyl	Sessions	

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2803) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we have four additional rollcalls in this sequence. The next amendment, I believe, is from the Senator from West Virginia, Mr. BYRD.

The PRESIDING OFFICER. The Senator is correct.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

AMENDMENT NO. 2804

Mr. President, the Senate should ensure that delinquent taxpayers pay their fair share of taxes before we cut vital domestic investments for citizens who actually pay their taxes.

With that savings, we can restore the spending for our schools, veterans, and homeland security that is cut by this budget resolution.

The Senate should adopt a budget resolution that will permit the enactment of the 13 fiscally disciplined appropriations bills without forcing the Congress to use gimmicks to meet unrealistic spending targets.

This amendment sets responsible limits on discretionary spending for fiscal years 2005 and 2006, just enough to fund the levels, adjusted for inflation, that were approved by the Congress earlier this year.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from West Virginia. This amendment increases taxes by $24.5 billion over the next 2 years. That basically is going to wipe out the continuation of present law that we have scheduled for low-income, middle-income families. I hope our colleagues will not support the amendment.

It also spends most of the money, or it purports to spend the money, maybe, if the appropriators get it and it is reallocated, and so on. It basically is an amendment that would greatly increase taxes by $24 billion. I urge my colleagues to vote no on the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 2804. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. DASCHLE. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—43

Akaka	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Breaux	Graham (FL)	Nelson (FL)
Byrd	Harkin	Pryor
Cantwell	Hollings	Reed
Carper	Inouye	Rockefeller
Clinton	Jeffords	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dodd	Leahy	

NAYS—53

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
DeWine	McConnell	

NOT VOTING—4

Crapo	Kerry
Johnson	Reid

The amendment (No. 2804) was rejected.

Mr. NICKLES. Mr. President, if we can have order, I believe Senator BINGAMAN has the next amendment.

The PRESIDING OFFICER. That is correct. There are 2 minutes equally divided. Who seeks time?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, this amendment is straightforward. It would create a 60-vote point of order against tax legislation that would have the effect of forcing more taxpayers into having to pay the alternative minimum tax. The point of order would not lie against tax legislation that extends the expiring marriage penalty relief, the 10-percent tax bracket, or the child tax credit, but it would lie against other tax legislation.

We have about 3 million people who paid the alternative minimum tax last year. It is expected to go up over $30 million by 2010. This amendment doesn't fix that, but this amendment would keep the situation from getting worse by us passing legislation that adds more taxpayers to that group.

I think this is a very meritorious amendment and I urge support for it.

Mr. NICKLES. Mr. President, Senator BINGAMAN's amendment creates a new point of order against specific policies that might be reported to the Finance Committee. It is not at all related to the budgetary effects of such legislation and is not appropriate for inclusion in the budget resolution. It is not germane.

I raise a point of order against the amendment pursuant to section 305 of the Budget Act because the amendment is not germane.

Mr. BINGAMAN. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the applicable section of the act for the purpose of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

Mr. DASCHLE. I announce that the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—43

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Byrd	Harkin	Pryor
Cantwell	Hollings	Reed
Carper	Inouye	Rockefeller
Clinton	Jeffords	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dodd	Leahy	

NAYS—53

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Nickles
Breaux	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Warner
Crapo	McCain	

NOT VOTING—4

Johnson	Reid
Kerry	Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 53.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Oklahoma.

AMENDMENT NO. 2807

Mr. NICKLES. Mr. President I believe the next amendment to be voted on was offered by Senator LIEBERMAN.

The PRESIDING OFFICER. That is correct. There are 2 minutes equally divided. Who seeks time?

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, we are a Nation at war. It is a war against terrorism. It is a war that is being fought abroad and at home. A day or two ago, this Senate overwhelmingly restored $7 billion to the Department of Defense budget, in part to assist our military in fighting the war against terrorism overseas. At home, we have not adequately funded the homeland side of the war against terrorism. We have not adequately funded the Department of Homeland Security. This amendment would do that: $6.8 billion, $4.4 billion of which would go to first responders.

It is outrageous that at this time of conflict, there are police and fire departments all over America that are letting firefighters and police officers go, just when we need those first responders. That is about as foolish as an army laying off soldiers in the middle of the war.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. Who seeks time?

The Senator from Oklahoma.

Mr. NICKLES. Just to inform our colleagues, we are going to have a vote on the Lieberman amendment and then on the Kennedy amendment. Then we are going to try to organize a bunch of other votes. So we are making progress.

I thank the minority leader and also my colleague Senator CONRAD. We are making good progress. We have amendments on both sides. I know a lot of people want to get some of these considered. We are going to move as quickly as possible. Let's get through these next two votes and then we will see where we go. I urge our colleagues to expect a late night tonight. We have a lot of work today. It is possible we could even finish tonight if we all cooperate.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Very briefly, if we could ask all colleagues who have amendments that they still want considered, it would be enormously helpful to us if we could get copies of those amendments. We are trying to work out as many amendments as we can. We need to have the actual amendment to be able to do that.

One other thing we should say, we have been asked if there is going to be a window. We do not intend to have a window. We intend to keep pressing ahead and those who are next in line should expect that they would only have 2 minutes a side to do their amendments. So when they are preparing their presentations, if they would understand they would have no more than 2 minutes, so we are not going back after we finish this round to some longer explanations of amendments.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will comment on the amendment of my good friend Senator LIEBERMAN. This amendment would increase taxes by $13.7 billion over the next 5 years. It spends $6.8 billion, or presumes to spend $6.8 billion on homeland security. That would be a 40-percent increase over this year. We have already provided in the budget a 15-percent increase over last year.

My colleague mentioned defense. We just increased defense spending 7 percent over last year. Homeland security is 15 percent. I don't think, frankly, we can afford 40 percent. I urge my colleagues to vote no on the Lieberman amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2807. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DASCHLE. I announce that the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—40

Akaka	Edwards	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landrieu	Stabenow
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NAYS—57

Alexander	Chambliss	Fitzgerald
Allard	Cochran	Frist
Allen	Coleman	Graham (SC)
Baucus	Collins	Grassley
Bennett	Conrad	Gregg
Bingaman	Cornyn	Hagel
Bond	Craig	Hatch
Breaux	Crapo	Hutchison
Brownback	DeWine	Inhofe
Bunning	Dole	Kyl
Burns	Domenici	Lott
Campbell	Ensign	Lugar
Chafee	Enzi	McCain
McConnell	Santorum	Stevens
Miller	Sessions	Sununu
Murkowski	Shelby	Talent
Nelson (NE)	Smith	Thomas
Nickles	Snowe	Voinovich
Roberts	Specter	Warner

NOT VOTING—3

Johnson	Kerry	Reid

The amendment (No. 2807) was rejected.

Mr. NICKLES. Mr. President, I inform our colleagues that we are making great progress. I thank Senator CONRAD and Senator DASCHLE for their assistance. The next and last amendment we have in the original list of amendments is offered by Senator KENNEDY.

I also want to repeat what Senator CONRAD said a moment ago. It is our intention to keep plowing ahead. We are making good progress. We are accepting some amendments. We may have to have a few more rollcall votes but I hope not too many.

Senator KENNEDY will be the next in the order.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2725

Mr. KENNEDY. Mr. President, in higher education, with children from families earning $15,000, 4.8 million children receive Pell grants. That makes up one-quarter of all the children attending higher education in this country. What we have seen in the last 3 years is the cost of public education has increased 26 percent. This amendment takes the Pell grants from $4,050 to $5,100; average increase, $600; average increase, 27 percent, just for the increase on the tuition for public colleges.

I refer to the statement made by President Bush in New Hampshire where he said:

> It is a known fact that Pell grant aid significantly affects the ability of children to attend college. I am going to ask Congress to bolster the Pell grants to $5,100.

That is what this amendment does. It is a $5 billion cost offset in terms of the deficit reduction paid for by the highest taxpayers in the country.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I yield to my colleague from New Hampshire.

Mr. GREGG. Mr. President, I certainly appreciate the Senator from Massachusetts repeating what was said in New Hampshire. One thing I said in New Hampshire was I don't believe we should be increasing taxes on the American public disproportionately. This amendment increases taxes by $9.8 billion. It does not necessarily fund the Pell grant program, but in this bill, under the leadership of Senator NICKLES, we have funded the Pell grant. We have increased it by almost $1 billion, and we continue a large commitment to this program, which is very appropriate and which is being undertaken in an aggressive way in the budget as

presented. So I would vote against this tax increase, and mention to the people in New Hampshire that I continue to oppose taxes.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to amendment No. 2725. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—44

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Lieberman
Bingaman	Edwards	Lincoln
Boxer	Feingold	Mikulski
Breaux	Feinstein	Murray
Byrd	Graham (FL)	Nelson (FL)
Cantwell	Harkin	Pryor
Carper	Hollings	Reed
Chafee	Inouye	Rockefeller
Clinton	Jeffords	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	

NAYS—53

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

NOT VOTING—3

Johnson	Kerry	Reid

The amendment (No. 2725) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we now have two or three sense-of-the-Senates. I will just tell everybody, Senator CONRAD and I have decided we are not going to have any rollcalls on sense-of-the-senates, at least that is not our intention. We are willing to agree to a couple as long as they will keep debate to the sense-of-the-Senates very brief, like 1 minute.

I believe Senator FEINSTEIN or Senator MIKULSKI has one. Senator MIKULSKI has one, I believe, and we would be happy to consider it.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I say to the chairman, mine is not a sense of the Senate. Mine is a regular amendment.

Mr. NICKLES. Mr. President, I apologize to my colleague. Yours is a regular amendment, but we made it deficit-neutral, so we are willing to accept your amendment. So if you send it to the desk, we will accept it.

Ms. MIKULSKI. Thank you very much. Why don't I just get busy to do that?

AMENDMENT NO. 2820

Mr. President, it is with enthusiasm that I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mr. LEVIN, Mrs. MURRAY, Mr. SCHUMER, Mr. REED, Mr. DODD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. BIDEN, proposes an amendment numbered 2820.

Ms. MIKULSKI. 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:

(Purpose: To provide a deficit neutral reserve fund to provide a $4,000 tuition tax credit)

On page 28, between lines 7 and 8, insert the following:

SEC. 304. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to $4,000, makes the credit available for 4 years, and makes the credit refundable, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if it would not increase the deficit for fiscal year 2005 or for the total of fiscal years 2005 though 2009.

Ms. MIKULSKI. Mr. President, my amendment is very straightforward. It helps middle-class families continue to pursue the American dream. My amendment provides for a tuition tax credit of up to $4,000 to help pay for college.

Our colleagues know our middle-class families are stressed and stretched. They do not know how they can afford to send their kids to college. College tuition is on the rise, but financial aid is not keeping up. Our students are graduating with so much debt that it is like their first mortgage.

We believe the benefits of education accrue to the individual. We believe that college is important to families. But it is also important to our economy.

If our country is going to be safer, if we are going to have a stronger economy, we need to be smarter. This means public investments in giving families the opportunity to go to college will also accrue to our society.

We need to invest in human capital. My amendment will make college affordable to middle-class families. It will give help to those who practice self-help.

Mr. President, I urge my colleagues to accept my amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Maryland. There is no objection to the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2820.

The amendment (No. 2820) was agreed to.

Mr. NICKLES. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I believe the Senator from Minnesota, Mr. COLEMAN, has an amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 2821

Mr. COLEMAN. Mr. President, I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN], for himself and Ms. COLLINS, proposes an amendment numbered 2821.

Mr. COLEMAN. 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:

(Purpose: To provide $1.9 billion to increase the maximum Pell Grant from $4,050 to $4,500 by reducing spending in other Federal government programs, except education programs, by a commensurate amount)

On page 15, line 16, increase the amount by $1,884,000,000.

On page 15, line 17, increase the amount by $452,000,000.

On page 15, line 21, increase the amount by $1,394,000,000.

On page 15, line 25, increase the amount by $38,000,000.

On page 23, line 5, decrease the amount by $1,884,000,000.

On page 23, line 6, decrease the amount by $452,000,000.

On page 23, line 10, decrease the amount by $1,394,000,000.

On page 23, line 14, decrease the amount by $38,000,000.

Mr. COLEMAN. Mr. President, I want to associate myself with the comments of my colleague from Maryland regarding higher education, and my colleague from Massachusetts in regard to Pell grants.

We need to support our students. Pell grants are now at $4,050. This amendment will move the maximum grant to $4,500.

The cost of this amendment is $1.9 billion. It is paid for by reducing spending in other Federal programs, except education, by a commensurate amount.

This is the kind of investment we have to make. This is good for our country. It is good for our young people. It is good for our future. I urge my colleagues to accept the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are going to accept this amendment on this side, but I do want to indicate, there is no new money here. This is cutting other programs across the board to fund this priority. It is important to understand there is no new money here. But with that, we accept the amendment on our side.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to amendment No. 2821.

The amendment (No. 2821) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I believe the Senator from California, Mrs. FEINSTEIN, has a sense-of-the-Senate resolution.

Mr. CONRAD. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

AMENDMENT NO. 2753

Mrs. FEINSTEIN. Mr. President, this is amendment No. 2753, on behalf of Senators HOLLINGS, BREAUX, DODD, CORZINE, SCHUMER, BIDEN, MIKULSKI, MURRAY, GRAHAM of Florida, and COLLINS.

This amendment does not cost. It is a sense of the Senate, and it essentially would allow large ports that need to produce security to do this through multiyear contracting or letters of intent. There is a real problem in going year by year with budget funds for port security. The port of Los Angeles-Long Beach is 15 miles long. They are the second and third largest ports in the Nation. It simply cannot do what is necessary to be done to secure the port unless there is some form of multiyear funding agreement. This amendment would allow that to take place, at least in terms of voicing the Senate's view.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we think this is an excellent amendment that will enhance port security. We know we have a problem with port security. The Senator has come up with a creative contribution. We urge our colleagues on both sides to accept this amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. HOLLINGS, Mr. CORZINE, Mr. BREAUX, Mr. SCHUMER, Mr. DODD, Mr. BIDEN, Ms. MIKULSKI, Mrs. MURRAY, Mr. GRAHAM of Florida, and Ms. COLLINS, proposes an amendment numbered 2753.

Mr. CONRAD. 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:

(Purpose: To express the sense of the Senate regarding funding for port security)

On page 54, after line 22, insert the following new section:

SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR PORT SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) In the United States, the system of maritime commerce, including seaports and other ports, is a critical element of the United States economic, social, and environmental infrastructure.

(2) In 2001, ports in the United States handled approximately 5,400 ships, the majority of which were owned by foreign persons and crewed by nationals of foreign countries, that made a total of more than 60,000 calls at such ports.

(3) In a typical year, more than 17,000,000 cargo containers are handled at ports in the United States.

(4) Maritime commerce is the primary mode of transportation for international trade, with ships carrying more than 80 percent of such trade, by volume.

(5) Disruption of trade flowing through United States ports could have a catastrophic impact on both the United States and the world economies.

(6) In addition to the economic importance of United States ports, such ports form a critical link in the United States national security structure, and are necessary to ensure that United States military material can be effectively and quickly shipped to any location where such material is needed.

(7) Terrorist groups, including extremist groups such as al Qaeda, are likely to consider, formulate, and execute plans to conduct a terrorist strike against one or more of the ports in the United States.

(8) Terrorists have conducted attacks against maritime commerce in the past, including the October 2002 attack on the French oil tanker LIMBERG and the October 2000 attack on the USS COLE in Yemen.

(9) It is critical that port security be enhanced and improved through the adoption of better formulated security procedures, the adoption of new regulations and law, and investment in long-term capital improvements to the structure of the United States most critical ports.

(10) Effective funding to provide adequate security at United States ports requires a commitment to provide Federal funds over multiple years to fund long-term capital improvement projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the budget of the United States should provide adequate funding for port security projects and not less than the amount of such funding that is adequate to implement an effective port security plan;

(2) the implementation of the budget of the United States should permit the provision of Federal funds over multiple years to fund long-term security improvement projects at ports in the United States; and

(3) the Secretary of Homeland Security should, as soon as practicable, develop a funding plan for port security that permits funding over multiple years for such projects.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to amendment No. 2753.

The amendment (No. 2753) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment is an amendment by Senator DASCHLE on the Indian Health Service.

AMENDMENT NO. 2774

Mr. DASCHLE. Mr. President, I have an amendment No. 2774.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. DORGAN, Mrs. MURRAY, Mr. BINGAMAN, Mr. JOHNSON, Mr. WYDEN, Ms. STABENOW, Mr. AKAKA, Ms. CANTWELL, Mr. INOUYE, and Mr. REID, proposes an amendment numbered 2774.

Mr. DASCHLE. 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:

(Purpose: To create a reserve fund to allow for an increase in Indian Health Service Clinical Services by $3.44 billion and lower the national debt by eliminating abusive tax loopholes or reducing tax breaks for individuals with incomes in excess of $1 million per year)

On page 3, line 9, increase the amount by $6,123,000,000.

On page 3, line 10, increase the amount by $688,000,000.

On page 3, line 11, increase the amount by $69,000,000.

On page 3, line 17, increase the amount by $6,123,000,000.

On page 3, line 18, increase the amount by $688,000,000.

On page 3, line 19, increase the amount by $69,000,000.

On page 4, line 20, increase the amount by $6,123,000,000.

On page 4, line 21, increase the amount by $688,000,000.

On page 4, line 22, increase the amount by $69,000,000.

On page 5, line 3, decrease the amount by $6,123,000,000.

On page 5, line 4, decrease the amount by $6,811,000,000.

On page 5, line 5, decrease the amount by $6,880,000,000.

On page 5, line 6, decrease the amount by $6,880,000,000.

On page 5, line 7, decrease the amount by $6,880,000,000.

On page 5, line 11, decrease the amount by $6,123,000,000.

On page 5, line 12, decrease the amount by $6,811,000,000.

On page 5, line 13, decrease the amount by $6,880,000,000.

On page 5, line 14, decrease the amount by $6,880,000,000.

On page 5, line 15, decrease the amount by $6,880,000,000.

At the end of Title III, insert the following:

SEC. . RESERVE FUND FOR INDIAN HEALTH SERVICE CLINICAL SERVICES.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the

Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $3,440,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in this resolution, for Indian Health Service clinical services, included in this resolution for the Department of Health and Human Services.

Mr. DASCHLE. Mr. President, last week's Congress Daily included a story that still troubles me deeply and gets at the heart of why I am offering this amendment.

HHS Secretary Tommy Thompson, in response to a question about why the Bush administration is providing funding for universal health care in Iraq, but not in America, replied:

> Even if you don't have health insurance in America, you get taken care of. That could be defined as universal health care.

I don't think Secretary Thompson is callous, so he must be desperately out of touch. Either way, it's shocking to hear the nation's top health care official claim that America has universal health care.

More than 43 million Americans are uninsured. According to the National Institute of Medicine, uninsured Americans who access emergency rooms or free clinics get about half the medical care of those with health insurance—they live sicker and die sooner than those with insurance. Approximately 18,000 Americans die unnecessarily each year because of lack of health care. And the problem isn't just uninsured Americans. Millions more Americans are under-insured.

There are 2.5 million Native Americans in this country who—theoretically—have insurance. All too often, they get abysmal health care—or none at all. America is obligated—by law and by treaty—to provide free health care for American Indians—a commitment we made to Indian people when the U.S. Government took their lands. America is not honoring that commitment. Native Americans suffer higher rates of many serious illnesses—including diabetes, heart disease, and Sudden Infant Death Syndrome—than the rest of the population. Yet Indian Health Service funding is wholly inadequate.

The Indian Health Service makes up only one-half of one percent of the HHS budget. Its budget has consistently grown at a far slower rate than the rest of the HHS budget. That means that the health system with the sickest people and the greatest need gets the smallest increases. That just doesn't add up.

In per capita terms, the United States spends about $5000 per year on health care for the general U.S. population. Contrast that with what the Indian Health Service spends per capita on health services for Native American men, women, and children: about $1900 per year. To put that in further perspective, you should know that's one-half of what the Government spends per capita on Federal prisoners' health care—$3800. The U.S. Government spends twice as much on Federal prisoners' health care as it spends on Native Americans' health care.

The result: American Indians live sicker and die younger than every other ethnic group. This has created what the U.S. Commission on Civil Rights calls a ''quiet crisis.'' Care is rationed in Indian Country through the use of a literal ''life or limb'' test. In many cases, you are denied care, or care is delayed, unless you are at risk of immediate loss of your life or a limb.

Secretary Thompson should come to Indian Country to hear some of the stories I hear when I talk to people on the Cheyenne River Indian Reservation or in Pine Ridge or at the Sioux San Hospital in Rapid City. Secretary Thompson, there is no universal health care in Indian Country. Just ask anyone who lives there. Secretary Thompson should apologize to Native Americans for his comments. More than that, he should make a commitment to fight for the funds the Indian Health Service needs to meet its obligations.

Democrats tried repeatedly last year to persuade our colleagues to fully fund at least one part of the Indian Health Service budget: clinical services. They refused, repeatedly. Last year, several of my Republican colleagues came to the floor to say: ''You're right—the health care situation in Indian country is abysmal, and it's unfair. Indian people do deserve better, but we just can't afford it. We can afford tax cuts for the wealthy elite, and we can afford billions on Iraq, but we can't afford to give Native Americans the health care we've promised them.''

Mr. President, that is just not acceptable. My friends on the other side may be willing to offer that excuse, but I am not. And they can no longer claim that they ''didn't know'' how bad Indian Country's health care crisis truly is. So we are trying again this year. We are offering the Senate a chance to finally right this indefensible wrong.

Our amendment would create a reserve fund to allow a $3.44 billion increase in IHS clinical services. This is not enough to provide health care services to every eligible American Indian and Alaska Native. It would, however, provide sufficient funds to serve the current IHS user population—the people who currently depend on the Indian Health Service for their care.

The cost of this amendment, along with additional deficit reduction, is fully offset by eliminating abusive tax loopholes or reducing tax breaks for individuals with incomes over $1 million per year. And don't be fooled by promises made in a competing amendment to make unspecified cuts in domestic discretionary spending.

That amendment does nothing to raise the Appropriations Committee's budget allocation, and does nothing to put additional money in the IHS clinical services account. That funding isn't real, and those promises are empty. At best, it would rob Peter to pay Paul.

If America can afford to spend billions of dollars building hospitals and providing health care in Iraq, we can afford to honor our treaty obligation to provide health care for American Indians.

I realize we have obligations around the world. But we also have obligations here at home. Millions of Americans want to know, when is it their turn? When do we start paying attention to their needs? When do we take care of our own? We don't have universal health care in America, despite what Secretary Thompson thinks. And we certainly don't have universal health care in Indian Country. This amendment gives us the chance to offer Indian people the bare minimum of services that most of us take for granted and would consider essential. I hope we don't waste it.

I yield the floor.

NOTICE

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

EXTENSIONS OF REMARKS

IMPROVEMENTS TO THE SUMMER FOOD SERVICE PROGRAM

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Ms. HOOLEY of Oregon. Mr. Speaker, across the Nation, rates of hunger and food insecurity are on the rise. Since 1999, food insecurity has increased by 3.9 million individuals: 2.8 million adults and more than 1 million children.

The Federal Government, through child nutrition programs, has the opportunity to help dramatically lower the incidents of childhood hunger, giving all children a chance to grow, develop, and succeed in the classroom and beyond. Despite the educational and nutritional benefits of the Summer Food Service Program (SFSP), the large majority of students who could qualify for and benefit from these programs are not being served. Currently, only 15% of Free School Lunch Kids participate in the summer programs.

This legislation, designed to improve the Summer Food Service Program, would encourage additional sponsors to participate in the SFSP by directing the Secretary of Agriculture to make competitive start-up grants of no more than $5 million per fiscal year for the 10 States with the least amount of sponsor participation. Further, it would increase child participation by requiring that 40 percent, rather than the current levels of 50 percent, of the children served by the SFSP in a region come from families below the 185 percent poverty level.

These modest changes will make an enormous difference to the over 13 million food-insecure children across the Nation who would benefit from a reliable source of healthy food to grow, develop, and succeed in the classroom and beyond.

PARAMOUNT—''HAY TREE''

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, nearly 75 years ago, farmers gathered beneath the soaring camphor and depending on the weather and production level, set the price of hay around the world.

The Hay Tree, a 50-foot-high camphor, thought to be more than 100 years old—is considered one of the few remnants of the once-thriving dairy and hay industry that ruled southeastern Los Angeles County and Northwestern Orange County. From the 1920s through the 1950s this area was called ''The Hay Capital of the World.''

The Paramount Hay Tree has recently been named the latest historical landmark in California by the State Historical Resources Commission. It was the first awarding of landmark status in southeast Los Angeles County in 10 years. The Hay Tree joins 1,100 landmarks throughout California, only 11 of which are also trees.

According to the Office of Historic Preservation, an object must meet one of the following criteria to be eligible for landmark status: It must be considered the first, last or only one of its kind in the state or region, or it must be connected to a person or group having a significant influence in California history.

The towns of Hynes and Clearwater—which would later incorporate together as Paramount—were the hub of the southern California dairy country and became the world's largest hay market. The alfalfa was shipped in from as far away as Arizona and Montana. Each day's median hay price was quoted in major newspapers as the national and international standard. It was under the Hay Tree—an informal gathering place for truckers, farmers and workers—that the representatives from the area lots would compare notes and come up with the composite price figure.

The Hay Tree still holds sway over Paramount's newest addition—Civic Center Plaza, and will be the focal point of the new Plaza and Botanical Garden. A small park, set aside as open space in perpetuity, will surround the graceful camphor, signifying its sentimental and historical standing in town.

Paramount's oldest banner, the Hay Tree, is one of California's finest monuments—it speaks praise without boasting and will be a blessing to all for years to come.

TRIBUTE TO BOB MAIER

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. INSLEE. Mr. Speaker, I pay tribute today to a dedicated veteran, father, teacher, advocate, musician, and athlete. His leadership and courage touched many lives, including my own, and it is my great honor to recognize and commemorate this extraordinary man.

Robert B. Maier, was a model American citizen. He served in the U.S. Navy after graduating high school. Later, he taught American Studies and English at Mercer Island High School. A staunch advocate for public school and school employees, Bob worked in Washington State Capitol for 20 years. At the time of his death, he was chief lobbyist and director of public policy for the Washington Education Association.

Beyond these accomplishments, one of the most important things about Bob was his enthusiasm for life. Anyone could see it in the way he was always learning new things. He loved to play basketball and music. He read books and solved cross-word puzzles. He took leadership roles in his community. He was a contributor.

Bob's achievements and accomplishments speak to his tremendous love and respect for his community, friends, and family. I know he will be remembered by all those he touched. Our children are receiving a better education because of his long effort, for which we are deeply grateful.

SPIKE IN METAL PRICES—WHAT DOES IT MEAN FOR SMALL MANUFACTURES

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today Chairman MANZULLO and Ranking Member VELÁZQUEZ held an important hearing for the small business. The hearing focused on the increase in steel prices.

Consumers of Steel expected that the removal of the tariffs by President Bush in December would decrease the price of steel and increase steel imports. However, this did not happen. For the past 2 months the price of steel has increased approximately by 30 percent.

The continuing increase in steel prices affects many parts of the economy, but particularly small manufacturing companies who buy their steel at market price. These small companies have not only been dealing with the increase in steel prices, they are now facing shortages in steel products. With these factors combined, it is virtually impossible for small manufacturers to survive.

I would like to share a story of a constituent of mine who has been dealing with this crisis. Argo Springs Manufacturing Company, located in Norwalk, CA, is a family company that has been in business for almost 40 years. They produce numerous products from springs to compression coils. Their customers range from the commercial and aerospace industry to military agencies.

Argo Springs currently employs 70 people, but with the sudden increase in prices and shortages in steel, it has become difficult for the company to compete in the manufacturing market. Randy Fox, vice president of Argo, told me and I quote,

> On February 15, I bought steel at 34 cents a pound, but by March 2 the price of steel had increased by 59 cents. I am worried that the company will have to start laying-off workers and eventually go out of business. I'm not sure the company will outlast the crisis.

This story highlights the true impact of this crisis on small business owners. I am worried that if this crisis is not resolved, many small manufacturing companies like Argo Springs will not be able to continue doing business. This is unacceptable.

After talking to my constituent, Randy Fox, one thing is apparent to me—we need to do something about this crisis in the steel industry. Small businesses are the economic backbone of our Nation. It is imperative that we

create a viable and reasonable economic environment for them to maintain their businesses and grow.

TRIBUTE TO SHIRLEY RECTOR

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. INSLEE. Mr. Speaker, it is with great sorrow that I rise on the House floor to mourn the passing of one of my past colleagues and personal friends. Although we all feel great loss with her passing and it is difficult to express grief for her family and all those who knew her, I would like to offer this tribute as a celebration of her many accomplishments.

Representative Shirley J. Rector was a woman of spirit and principle. As one of the first women to work at Kaiser Aluminum, she took the bull by the horns and was elected as Steelworkers Union Local 338 legislative education chair and recording secretary. Even at that time, her dedication to making the world a better place was clear.

Shirley was committed to public service. She was vice chair of the Democratic Central Committee. I am honored to have been her colleague when she served as a member of the State of Washington House of Representatives where she was instrumental in passing legislation for both the Shared and Family Leave Acts. She was also on the SIRTI Higher Education Board and was co-founder of the Women Helping Women Fund. No one who was there will ever forget her speech which electrified the House concerning family and medical care.

I am humbled by these accomplishments and I am assured that her legacy of strong involvement in government and community has touched the lives of many.

FREEDOM FOR LUIS MILÁN FERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Luis Milán Fernández, a political prisoner in totalitarian Cuba.

Dr. Milán Fernández is a medical doctor by profession. He chose to dedicate his life to healing people; but, Dr. Milán Fernández realized that the people of Cuba are in need of freedom as well as medicine. In June, 2001 he signed the Manifesto 2001, a document that protested the lack of basic freedoms in Cuba.

Dr. Milán Fernández continued to advocate for freedom for every Cuban when he joined the Independent Medical Association of Santiago. According to Amnesty International, he also joined fellow health professionals in a one-day hunger strike to call attention to the medical situation and other issues pertaining to the lack of freedom in totalitarian Cuba.

Because of his commitment to freedom for Cuba, Dr. Milán Fernández was a victim of the dictator's brutal March 2003 crackdown on pro-democracy activists. In a sham trial, Dr. Milán Fernández was sentenced to 13 years in the totalitarian gulag.

The U.S. State Department's 2003 Country Reports on Human Rights Practices describes conditions in the totalitarian gulag as

> . . . harsh and life threatening. . . . police and prison officials often . . . beat, neglected, isolated, and denied medical treatment to detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views . . . Detainees and prisoners, both common and political, often were subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in punitive isolation cells.

Dr. Milán Fernández is a brilliant example of the heroism of the Cuban people. No matter how fierce the repression, no matter how brutal the consequences of a dignified struggle for freedom, the prisons of Cuba are full of men and women of all backgrounds and ages who represent the best of the Cuban nation. Thousands languish in the gulag because they refuse to accept the current reality of nightmarish oppression in Cuba today.

Mr. Speaker, Dr. Milán Fernández is languishing in the horror of the totalitarian gulag because he believes in freedom for the people of Cuba. My Colleagues, we must demand the immediate release of Luis Milán Fernández and every prisoner of conscience suffering in the indescribable gulags of the nightmare called the Castro regime.

RECOGNIZING THE ACHIEVEMENTS OF LULAC ON ITS 75TH ANNIVERSARY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Ms. SOLIS. Mr. Speaker, I rise today to honor the League of United Latin American Citizens as it celebrates its 75th year of advancing the economic condition, educational attainment, political influence, health and civil rights of Hispanics in the United States.

LULAC's founding 75 years ago signaled the end of one era and the beginning of another. For decades, the Hispanic community had been engulfed in an environment of inequality, discrimination and injustice. The creation of an institution like LULAC initiated a positive change in the future direction of the Hispanic community as it embodied the will of a people to overcome these barriers to social inclusion and civic participation and claim their rights as U.S. citizens, to access the American dream.

Today, LULAC represents Hispanics in most parts of the United States, as well as Puerto Rico and Guam. It also serves as a cornerstone for some of the most successful Hispanic national organizations. For example, LULAC formed the American GI Forum to address the rights of Hispanic veterans. LULAC also helped to create the Mexican American Legal Defense and Education Fund to function as the legal arm of the Hispanic community.

LULAC's record of activism, whether fighting for voting rights and full access to the political process, equal educational opportunities for Hispanic children, or the rights of women and full inclusion in American society, is a testimony that it is an organization that will forever address those issues that impact the lives and future of all Hispanic Americans. I commend LULAC on its 75 years of service and the innumerable contributions it has made to our Hispanic community and our country as a whole.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. HOEFFEL. Mr. Speaker, I was absent for three votes on Tuesday, March 9, 2004 due to a family illness. Had I been present, I would have cast my votes as follows: Rollcall No. 42 (H. Res. 519), ''aye''; Rollcall No. 43 (H. Res. 392), ''aye''; Rollcall No. 44 (H. Res. 475), ''aye.''

A PROCLAMATION RECOGNIZING CARR-BAILEY AMERICAN LEGION POST NO. 519

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. NEY. Mr. Speaker:

Whereas, Carr-Bailey American Legion Post No. 519 of Mineral City is recognized for supporting American forces in Iraq; and

Whereas, Carr-Bailey Post No. 519 has upheld their Congressional mandate to support veterans and active-duty members of the United States armed forces by providing care packages to the brave men and women serving in Iraq; and

Whereas, Carr-Bailey Post No. 519 has demonstrated patriotic and faithful dedication to those fighting for liberty and freedom at home and around the world;

Therefore, I join with the residents of Tuscarawas County and the entire 18th Congressional District in commending Carr-Bailey American Legion Post No. 519 for continued support of our American troops overseas.

CONGRATULATING LAKE HIGHLANDS HIGH SCHOOL ON ITS 40TH ANNIVERSARY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. HENSARLING. Mr. Speaker, today, I would like to extend my warmest congratulations to Lake Highlands High School in Dallas, TX, on the occasion of their 40th anniversary.

Education is one of the most important issues facing the future of our great Nation. If America is to continue to be the leader of the modern world, we must offer a solid educational foundation for our citizens. To succeed in school and life, every student needs a basic set of skills. They need to listen attentively, speak persuasively, read with understanding, and write with command.

Over the past 40 years, Lake Highlands High School has maintained a commitment to academic, athletic and artistic excellence and community service. Lake Highlands High School has produced 17 National Merit Finalists in the last 2 years alone, along with district championships in nearly every athletic competition offered.

Since I was elected to Congress, I have visited Lake Highlands High School many times. Clearly, Lake Highlands High School is an institution dedicated to offering students a well-rounded education and an opportunity to become genuine leaders.

As the Congressman for the Fifth Congressional District of Texas, I am very proud to represent Lake Highlands High School, it's teachers and it's students. I would like to offer my congratulations to their administrators, alumni, coaches, students, and parents on this momentous occasion and best wishes for their continued success.

CONGRATULATING THE UNIVERSITY OF ILLINOIS FIGHTING ILLINI MEN'S BASKETBALL TEAM

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor a truly remarkable group of young athletes. The University of Illinois Fighting Illini Men's Basketball Team has had a memorable 2003–2004 season ending March 7 with the winning of their first outright Big Ten Conference title in 52 years.

Having won regular season Big Ten co-championships in 3 of the last 4 years, the pressure was on this young team and first year coach Bruce Weber to continue this championship success. After starting the Big Ten Conference season with a record of 3–3 and losing its first two road games, some began to doubt that this success would continue. However, credit must be given to Coach Weber and his staff and the unbelievable determination put forth by a team with only one senior, as the Illini concluded their season by winning ten straight conference games, of which six were on the road. I look forward to more Illini victories this weekend in the Big Ten Conference Tournament and later in the NCAA Basketball Championship Tournament and wish them continued success.

Coach Bruce Weber, his staff, and the entire University of Illinois men's basketball team are a great source of pride for their University, the Champaign-Urbana community and the 15th District of Illinois. I urge my colleagues to join me in congratulating Coach Weber and the entire 2003–04 Fighting Illini Men's Basketball team.

TRIBUTE TO RAYMOND B. WINGERD, SAN BERNARDINO COUNTY CHIEF PROBATION OFFICER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Raymond B. Wingerd, who is retiring after 36 years of public service in the San Bernardino County Probation Department, helping those who have paid their debt to society return to a normal life.

Just months after his graduation from Upland College, Raymond Wingerd joined the county probation department as a Probation Officer I, and with the exception of an 18-month stint as a teacher in Zimbabwe, has been with the department ever since.

Showing promise as a manager of others, Wingerd moved up to a supervising probation officer in 1972, and 5 years later to assistant director of the juvenile division, managing the intake, investigations and transportation sections. He was named a year later as Director of Special Services, overseeing the department's community resources, training, victim advocacy and work sentencing programs. One year after that he became director of the department's Verdemont Boys Ranch, a long-term program that focused on family counseling to help troubled youths turn their lives around.

In 1982, Wingerd was promoted to be the Division Director in charge of Juvenile Hall, three residential treatment institutions, clinical services and food services for 400 delinquent youth. By this time, he was managing 300 employees and handling an $11.7 million budget. He became the Central Services Division Director in 1988, overseeing adult and juvenile court investigations and field supervision of 4,000 offenders.

Raymond Wingerd was named Chief Probation Officer for the county in 1994, overseeing a staff of 1,200 and a $98 million annual budget, and has served in that position until his retirement. During his tenure, Chief Wingerd has led the planning and construction of new juvenile facilities in the county's West Valley and the High Desert—decentralizing and modernizing the department's approach to juvenile detention.

During his years in top management in the department, Chief Wingerd has helped create a series of youthful offender programs that have seen many innovative programs put in place in San Bernardino County. The department partners with county schools and the U.S. Forest Service to provide a 90-day intensive outdoor work program as an early intervention resource. The Youth Justice Center brings together schools, probation, public, and mental health and community-based organizations to provide a day-reporting program for youths on probation—a model used by the state legislature to create a statewide program. There are now 12 Youth Accountability Boards made up of citizens who help make dispositional decisions for first-time offenders.

The National Association of Counties gave national recognition to two projects created by Wingerd in the 1980s: A Regional Youth Education Facility with 40 beds, and a wilderness diversion program designed to keep troubled youth out of the justice system.

Throughout his career, Chief Wingerd has been active in probation officer groups, serving as president of the Chief Probation Offices of California in 1998 and 1999, and most recently as a Probation Committee Member of the American Correctional Association. He is a board member of Everest College and San Bernardino Communities Against Drugs.

Mr. Speaker, the dedication of Chief Raymond Wingerd continues to this day, as he has agreed to continue his service as interim chief until a new head of the department can be recruited. Please join me in thanking him for his many years of public service and wishing he and his wife Linda well in their future endeavors.

HONORING THE 25TH ANNIVERSARY OF K&A CRYLICS INC.

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. GORDON. Mr. Speaker, I rise today to honor the 25th anniversary of K&A Crylics Inc. The company will honor its customers, vendors and employees at a March 18 luncheon when it will also donate $25,000 to five community organizations in Wartrace, Tennessee.

Brothers Kevin and Allen Wright founded K&A in their hometown of Wartrace in 1980. The company, a leading national supplier of acrylic and plastic store fixtures and displays, has grown from a two-man operation working out of an old store front to a larger, modern facility with 65 employees.

In addition to being a major employer in Wartrace, K&A improves the lives of those in the community in many ways. At the luncheon, for example, K&A will donate $5,000 to each of the following organizations: Cascade schools, the Wartrace Volunteer Fire Department, the Wartrace Chamber of Commerce, the Wartrace Parks and Recreation Department and the town of Wartrace. The funds will be used for education, fire equipment upgrades, permanent historical building markers, upgrades to the Wartrace gym and renovation of the historic Wartrace rock jail.

I congratulate K&A for reaching this milestone. The company should be proud of its service to both its national customer base and the local community. May K&A's next 25 years be as prosperous and successful as its first 25 years.

REPUBLICANS HAVE FOCUSED ON RESULTS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, since I was elected to Congress, I have heard endless rhetoric from those on the other side of the aisle about the economy, tax cuts and the deficit. Unfortunately, when the political fog clears, it appears that our Democratic friends are more concerned with rhetoric than they are with results.

Democrats have come to the floor and spoken about an ''exploding deficit'' that will ''haunt our children for years to come.'' One Democrat has even referred to the deficit as ''immoral.''

However, their record speaks much larger than their endless rhetoric. For example, the Democrats have proposed approximately $890 billion in alternatives to major legislation considered on the House floor last year. This would have added almost one trillion dollars to the deficit. But before the chamber could clear, I am sure those Democrats were back on the floor yelling about deficit levels.

During the Fiscal Year 2004 Budget Resolution, Democrats had another great opportunity to focus on the deficit and responsible spending. The Budget Committee proposed a one percent reduction in non-defense spending in order to reduce the vast amount of waste, fraud and abuse so prevalent throughout the federal government. This proposal did not receive a single vote by a Democrat on the committee.

Unfortunately, the deficit is not the only economic issue where Democrats are strong on rhetoric, but absent on results. This chamber has been the venue for many Democrats complaining about the President's tax cuts. Democrats have called the President's tax relief plan ''reckless tax cuts for the rich'' and even a ''fraud and a failure.''

Unfortunately, when addressing President Bush's tax relief plan, there are no facts that Democrats fail to misrepresent. The accusation that this tax relief is a tax cut for the rich is the most often and obvious misrepresentation of the facts. Democrats not only voted against this tax relief, but some have even advocated rescinding the President's entire tax relief package. Let us take a look at what would happen had those Democrats been able to rescind the President's tax relief.

Reinstate nine million low-income Americans back on the tax rolls.

Reinstate the marriage penalty.

Cut in half the $1,000 per child tax credit.

Raise taxes on education savings by 75 percent.

Eliminate income tax deduction for paying college tuition.

Raise the capital gains tax by 25 percent and 50 percent for lower income families.

Increase the double tax of dividends by as much as 62 percent.

Reinstate the death tax.

Reduce the adoption credit and the dependent care credit.

Eliminate emergency tax relief to areas affected by the attacks of September 11, 2001.

Not only do some of our Democrat friends fight tax relief, they only propose one alternative: raise taxes on hard-working American people. Their talking points may avoid the facts, but raising taxes is the only economic policy Democrats have put forth. In fact, Democrats have proposed raising taxes ten times in the House and fifteen times in the Senate over the last year. This record speaks for itself.

It is important, as well, to highlight the reasons why their rhetoric about the President's tax relief has been proven wrong. They claim—as I have mentioned—that the President's tax relief was only ''for the rich.'' I would guess they assume that low and middle income families are not affected by the marriage penalty, small family farmers are not affected by the death tax and middle-income parents are not affected by the adoption tax credit. It also appears that they have forgotten that the President's tax relief took millions of low-income Americans off the tax rolls all together.

Democrats have also claimed that the tax relief passed by this Congress will create no stimulus for jobs. It is clear that economic developments have silenced that argument, but it is important to highlight why. According to the Department of Commerce, three million fewer Americans would be working today if the tax relief plan were not signed into law. Gross Domestic Product would also be as much as 3.5 to 4% lower by the end of 2004.

How can Democrats claim that job creation hasn't happened when 112,000 new jobs were created in January and 366,000 jobs have been added over the past five months? How can they claim that the President's tax relief plan is not creating jobs when the unemployment rate has had the fastest seven month decline in nearly a decade? These are the facts and the facts seem to stand in stark contrast to the rhetoric we hear from the Democrats when it comes to economic policy.

Now the Democrats are fighting to allow the tax relief to expire. Although Democrats try to avoid it, this policy is a tax increase. If the 2001 and 2003 tax relief acts were to expire now, it would raise taxes by an average of $1,544 for 109 million taxpayers in 2003, according to the Department of Commerce.

While rhetoric may have led some to believe otherwise, Democrats have clearly outlined a plan over the last year that would not only contribute almost one trillion dollars to the deficit, but would also raise taxes on the American families. These are the facts and the records certainly highlight those facts.

We are at a crucial point in economic policy—as spending-driven deficits and burdensome taxes are clearly affecting American families. This resolution will address the deficit, spending and eliminating waste, fraud and abuse. This stands in stark contrast to the reckless spending and taxing advocated by the Democrats.

As we debate the budget, I encourage my friends on the other side of the aisle to join us in reducing the deficit—not by proposing almost a trillion dollars in additional spending, but focusing on reductions in programs that are wasteful, duplicative or outdated. Furthermore, I encourage Democrats to oppose the large increases that only foster high deficits, while helping to reduce the burden of the tax code on American families—not by raising taxes—but through common sense tax relief.

Republicans have focused on results—the economy is rebounding, the trend of job creation is increasing, homeownership is at record levels and GDP and consumer confidence is steadily growing. I ask my Democrat friends to stop the rhetoric and begin focusing on results.

TRIBUTE TO SCANA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. CLYBURN. Mr. Speaker, I rise to commend SCANA Corporation, a Fortune 500 company headquartered in my State, on being selected as the recipient of the United States Department of Labor's Opportunity Award. Each year, the Secretary of Labor selects one Federal contractor as the recipient of this high honor. It is given to the company which has most clearly exemplified that they have established and instituted comprehensive workforce strategies to ensure equal employment opportunity. On February 19, the Secretary of Labor presented this award to SCANA officials in what was a very impressive ceremony.

The nominees for the Opportunity Award must be Federal contractors covered by Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans' Readjustment Assistance Act, and must have a spotless record of compliance with Federal law. All of them must demonstrate that they have developed and are implementing a multifaceted equal employment opportunity program directed towards the changing demographics of the labor force. I spent a lot of time, in my life before Congress, counseling Federal contractors in my State on the virtues of Executive Order 11246, and SCANA was often used by me as an example of how and why it could and should be done.

I am proud that my constituent, the SCANA Corporation, has continued to demonstrate a commitment to equal employment opportunity, and has achieved measurable results that have significantly enhanced equal employment opportunities for employees, including minorities, women, individuals with disabilities, and veterans. To win this high honor, a company must have strong core values to serve as the foundation for successful implementation of its equal employment opportunity policies in every facet of the employment relationship and throughout the company.

Mr. Speaker, I am pleased that the Department of Labor has bestowed this high honor on the SCANA Corporation, and ask that you and my colleagues join me in commending SCANA for its ongoing efforts to institute comprehensive workforce strategies to ensure equal employment opportunities.

IN HONOR OF THE CITY MANAGER LARRY BLICK FOR HIS SERVICE TO THE CITY OF INDEPENDENCE, MISSOURI

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in recognition of Larry N. Blick's retirement as City Manager of Independence, Missouri. Larry Blick came to Independence more than a decade ago with over 30 years of experience in public administration, and in these past 10 years has partnered with Mayor Stewart and the community to bring growth and a new spirit to this ''All American City.''

As Independence City Manager, Larry inspired community trust and was instrumental in the passage of numerous measures necessary to the revitalization of Independence's infrastructure, neighborhoods and parks. An active member of the International City/County Management Association, Missouri Municipal League Board, and the Independence Council for Economic Development, Larry Blick has served tirelessly in prominent roles with these

professional associations and boards. Through MARC, the Mid America Regional Council, he was instrumental in the economic development of the Little Blue Valley and the creation of the I–70/Little Blue Parkway interchange to ease traffic flow and provide access for valley expansion. His leadership was an integral part of the development of eastern Jackson County, particularly his focus on neighborhood revitalization, road improvements and numerous renovations to area parks.

I am honored by the opportunity to collaborate with Larry Blick and Mayor Ron Stewart to secure Federal funding for local projects such as the Lewis and Clark Roadway, the Memorial Building, grants to support local first responders in protecting our community, FEMA assistance for the devastating 2002 ice storm, and for the expansion of the Blue River Community College to train our law enforcement officials and first responders. A lasting achievement for which he will long be remembered is his efforts to secure the prestigious title of ''All American City'' for Independence in 2001. Larry Blick's work with the community played a crucial role in highlighting Independence's enterprises, schools, parks and history to earn the support of the All-America City Program.

Around his office, Larry carries a coffee mug that states, ''Will golf for food.'' I join with myriad others in wishing him time during his retirement to hit the greens and spend quality time with his loving family.

Another great leader from Independence, President Harry S Truman, made this observation in 1951: ''Unless a man is fundamentally sound ethically, you can't teach him what to do as a public servant.'' As City Manager, Larry has exhibited exemplary vision, sound values and unwavering commitment to fundamental issues important to all of us.

Mr. Speaker, please join me in saluting the remarkable service of retiring City Manager Larry Blick. His leadership will be missed, but his accomplishments will live on as a reminder of the difference he made by his outstanding service to the city of Independence, Missouri.

UNSUNG HERO AWARD

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. LAMPSON. Mr. Speaker, when the idea of Black History Month, formerly Black History Week, was conceived by historian, Carter G. Woodson, he envisioned a celebration of black history achievement as well as an educational medium. Mr. Woodson organized the first celebration in 1926 to be held the second week in February in honor of Frederick Douglas's and Abraham Lincoln's birthdays. Because of its popularity among the black and white press, schools and women's clubs, the week long commemoration was expanded into a month-long salute to African Americans. Black History Month now provides an annual forum for African Americans to share their culture with the world.

For the past 5 years, I have hosted an Unsung Hero Program during Black History Month as a means of acknowledging the many accomplishments of my constituents who often go unnoticed for their service to the community.

The following residents of Texas's 9th Congressional District have proven they embrace Mr. Woodson's vision of a brighter tomorrow by their efforts to serve humanity. I am proud and honored to present my 2004 Unsung Heroes for inclusion in the U.S. CONGRESSIONAL RECORD:

Mrs. Carla Allen, Mr. Rudolph P. Antoine, Ms. Shirley Bailey-Jones, Detective Alton James Baise, Mr. Reginald C. Boykin, Sr., Ms. Whitney Breaux, Bishop B. R. Brown, Mr. Keith Chachere, Mrs. Linda G. Clark, Mr. Freddie L. Coleman, Pastor Michael Cooper, Mrs. Tanya Mechelle Corbin, Ms. Josie Curtis, Mr. Shawn Dorian Dages, Ms. Kimberly Dartest, Mr. Timothy W. Duriso, Mr. Murphy J. Fisher, Mr. Matthew J. Francis, Sr., Mr. Freddie Franks, Ms. Loma George, Mr. Melvin G. Getwood, Sr., God's Kitchen Angels, Bishop Curtis J. Guillory, Mr. Eddie Guillory, Mr. Shelton Guillory, Sr., Ms. Delores Jean Gunner, Mrs. Mary Hayes, Mr. Benjamin J. Jones, Sr., Mr. Willie ''K'' Knighton, Mr. Jerry Levias, Mr. Michael W. Lewis, Reverend Mark McKinley, Ms. Dorothy J. Milburn, Ms. Ann Monette, Mr. Everett Moton, Mr. Gregory B. Mouton, Mr. Christopher C. Mouton, Mr. Eric Narcisse, Ms. Tina Nguyen, Mr. John E. Payton, Mr. Edgar Sonny Perkins, Jr., Mr. Gene Perkins, Mr. Alex Warren Sanders, Jr., Mr. James Saveat, Ms. MaDeline Kaye Savoy, Reverend Charles H. Segura, Ms. Ora Segura, Ms. Janai Sells, Mr. Brandon Smith, Reverend Adam Smith, Constable Joe Stevenson, Mr. Joseph Threats, Mr. Howard Trahan III, Ms. Thuytram Tram, Mr. Jack Turner, Mrs. Kate Walker, Ms. Wanda G. Wallace, Reverend Alfred White, Mr. Eugene Wilson, Jr.

Members of the communities in the 9th District nominated these individuals for the Unsung Heroes award that gives special recognition to those unsung heroes, willing workers, and individuals who are so much a part of Texas's and our Nation's rich history. The award winners were chosen because they embody a giving and sharing spirit, and made a contribution to our Nation. I am proud to represent them here in Congress.

PAYING TRIBUTE TO BARBARA JEFFERIES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Barbara Jefferies and thank her for the remarkable civic contributions she has made to her Durango community and the State of Colorado. As a lifelong resident and rancher of La Plata County, Colorado, Barbara has actively participated in numerous community organizations. Recently, the Durango Chamber of Commerce recognized her efforts as they named her their Agriculturist of the Year. It is with great satisfaction that I congratulate Barbara for her well-deserved award, and thank her for her significant contributions to the Durango Community.

Barbara's life has always revolved around agriculture; she was born on her grandmother's farm, raised on her parents ranch, and now works on a ranch with her husband Ned. Her commitment to the agricultural community in Colorado includes her involvement with the La Plata County Cow Belles, La Plata-Archuleta County Farm Bureau and Cattleman's Association, and the Colorado Cattlemen's Association. Her enthusiasm for taking part in these organizations comes from her firm belief that ''agriculture takes a lot of people to be involved to keep it going,'' as told to the Durango Herald.

Mr. Speaker, it is clear that Barbara Jefferies is a woman of great commitment to the agricultural community in Durango and the State of Colorado. Barbara's willingness to provide her time and experience to her fellow farmers and ranchers is worthy of recognition before this body of Congress and this nation today. It is my privilege to extend to Barbara my sincere congratulations on her being named Agriculturist of the Year by the Durango Chamber of Commerce, and to wish her all the best in her future endeavors.

ON BEHALF OF VETERANS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. MCINTYRE. Mr. Speaker, I rise today on behalf of the 77,015 veterans in my district. These selfless warriors have dedicated their lives to fighting for this great country and our freedoms, and it is disheartening that many of them do not have access to adequate and affordable health care. Long ago, we made a promise to our veterans and military retirees that we would provide quality health care in return for their service. Unfortunately, over time, this promise has been broken, and too often today quality veterans' facilities are too far away to be truly accessible to rural veterans. How can we continue to sit back and ignore our veterans' requests for better access to health care? Don't we owe it to them to ensure that they are properly cared for? It is time that we take on a new attitude and put forth real actions that will help us to make achievements for veterans for years to come.

First, it's about attitude—the attitude to change the way we provide health care to our veterans today. In my district in rural southeastern North Carolina, there has been enormous growth within the veteran population. In addition to being the home of or near to important military installations, including Fort Bragg, Pope Air Force Base, Military Ocean Terminal Sunny Point, and three Coast Guard stations, the area is widely known for its pristine beaches and recreational activities. These amenities make the area a popular destination for retirement, and I am pleased that so many of our courageous service men and women either move to or remain in the area after their retirement. However, with this increase in the veterans' population comes the important issue of how best to serve our veterans' health care needs.

Although Southeastern North Carolina is represented by two commendable VA facilities, access to care remains limited. Veterans in the town of Supply must drive over two hours to be seen at the Fayetteville VA Medical Center. And those who need more specialized care must drive an additional two hours to the Durham VA Medical Center. One trip alone could equal eight hours of driving! In addition, because both the Fayetteville VA

Medical Center and the Wilmington VA Clinic are operating over their budgeted capacity, there is concern that if these facilities are not expanded, they will face difficulties taking new patients. We need to develop a direct and positive attitude to change this system properly and bring our veterans in closer contact with their health care providers!

Secondly, we must put forth actions that will ensure that our rural veterans receive the proper care that they deserve. That is why I am cosponsoring legislation that would set aside a percentage of funds appropriated to the VA medical care funds to be used for highly rural or geographically-remote veterans. The Rural Veterans Access to Care Act would also encourage the Secretary of the VA to use his contract authority to assist highly rural veterans in obtaining health care services closer to home.

In my district, most of the veterans fought in World War II, Korea, Vietnam and the Persian Gulf, and they are suffering medical conditions that make traveling any distance extremely difficult, if not impossible. These veterans also have to travel in inclement weather to receive basic health care from the VA. In addition, many times they have to reschedule their appointments, which could mean waiting over a month for a simple test. It is disgraceful that veterans have to travel hundreds of miles to get their blood pressure checked or to have routine blood tests done.

Mr. Speaker, I stand committed to improving health care benefits for our veterans—not only for those who have duly served our country, but also for those valiant soldiers who will become the veterans of tomorrow. That's why I am also cosponsoring the Keep Our Promise to America's Military Retirees Act, which would take an additional step toward restoring adequate health care to military retirees by allowing them to participate in the Federal Employee Health Benefits Program. We must continue to support our promise so that all veterans will receive the health care benefits that they deserve.

In addition, I am supporting legislation, the Assured Funding for Veterans Health Care Act, which would provide for a guaranteed adequate level of funding for veterans health care. Unfortunately, the money that is set aside for VA hospitals and clinics falls under discretionary spending, meaning that there is no guarantee that it will be increased as the demand grows. Without this funding, rural veterans will continue to be served in outdated or understaffed facilities—or continue to receive inadequate health care due to a lack of health care services in their area.

Finally, it's about achievement! Let us make the commitment to achieve new incentives for our veterans. As I talk to veterans in my district, I become increasingly concerned that their needs are simply not being met. As you know, the Department of Veterans Affairs is directing an initiative—the Capital Asset Realignment for Enhanced Services (CARES)—to redirect resources within the department and address the changing needs of veterans. Recently, the CARES Commission released its report, which the Secretary is in the process of reviewing. While I am pleased that the report effectively recognized access and capacity concerns, I am hopeful that the VA Secretary's final report will provide additional incentives for our veterans.

Specifically, I urge the Secretary to provide not only an expansion of the Fayetteville VA Medical Center and the expansion of the Wilmington VA Clinic to a satellite outpatient clinic, but also two community-based outpatient clinics (CBOCs) for my district—one in Supply (Brunswick County) and one in Lumberton (Robeson County). If we could achieve these vital expansions and new facilities, access to care would no longer be a problem and veterans would not be forced to drive long distances to receive vital health care services. This would be a real achievement for the veterans in my district, and I am confident that these initiatives will provide the services that they are lacking now.

Mr. Speaker, I think we can all agree that timely access to health care is an important national priority to provide veterans the benefits they earned in military service to our country. As we find ourselves in times that threaten our very freedom, our nation must never forget those who have fought so hard to ensure that our freedom endures. Therefore, I say to my colleagues, let us join together today with a new and positive attitude towards health care for veterans, and let us work together to put forth the necessary actions to help us to achieve our goal! Our veterans are counting on us! And may God's blessings be with you!

IN RECOGNITION OF THE FORTY-FIFTH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. WOLF. Mr. Speaker, on March 10, 2000, the United States Senate passed a resolution (S. Res. 60) to recognize this day in commemoration of the Tibetans who suffered and died during the Lhasa uprising, which began on this day in 1959. The resolution also reserves this day as an occasion to renew calls by the President, Congress, and other U.S. Government officials on the Government of the People's Republic of China to enter into serious negotiations with the Dalai Lama or his representatives until a peaceful solution, satisfactory to both sides, is achieved.

It has now been 55 years since the Chinese Army invaded Tibet, forcing the then free and independent country to accept the infamous Chinese 17-point agreement in which Tibet was incorporated into China. Under the agreement, China promised to preserve all aspects of freedom in Tibet, including the role of the Dalai Lama. Today, the Chinese Government continues to commit gross violations of human rights in Tibet as well as to show total disregard for their agreement. During the time of Chinese occupation, more than 6,000 monasteries have been destroyed and the monks and nuns who resided in these places have been displaced, exiled, tortured and killed. Not only are the religious leaders persecuted, but the people of Tibet are forced to live in fear of arbitrary arrest, torture and imprisonment without trial.

I would like to use this day to ask the leaders of this country to unite in calling on China to end its abuses against the people of Tibet and to submit the statement made today by his Holiness the Dalai Lama for the RECORD.

STATEMENT OF HIS HOLINESS THE DALAI LAMA ON THE FORTY-FIFTH ANNIVERSARY OF TIBETAN NATIONAL UPRISING DAY

Today we commemorate the 45th anniversary of the Tibetan People's Uprising of 1959. I pay tribute to the many brave Tibetan men and women who have sacrificed their lives for the cause of Tibetan freedom. They will always be remembered. This year marks 50 years since my visit to mainland China in 1954 to meet with the then Chinese leaders, especially Mao Tse-tung. I remember very well that I embarked on the journey with deep concerns about the future of Tibet. I was assured by all the leaders I met that the Chinese presence in Tibet was to work for the welfare of the Tibetans and ''to help develop'' Tibet. While in China I also learned about internationalism and socialism which deeply impressed me. So I returned to Tibet with optimism and confidence that a peaceful and mutually beneficial coexistence could be worked out. Unfortunately, soon after my return China was embroiled in political unrest unleashed by radical political campaigns. These developments impacted the Chinese policy on Tibet resulting in more repression and rigidity leading finally to the Tibetan People's Uprising in March 1959.

My hope is that this year may see a significant breakthrough in our relations with the Chinese Government. As in 1954, so also today, I am determined to leave no stone unturned for seeking a mutually beneficial solution that will address both Chinese concerns as well as achieve for the Tibetan people a life in freedom, peace and dignity. Despite the decades of separation the Tibetan people continue to place tremendous trust and hope in me. I feel a great sense of responsibility to act as their free spokesman. In this regard, the fact that President Hu Jintao has personal knowledge about the situation and problems in Tibet can be a positive factor in resolving the Tibetan issue. I am therefore willing to meet with today's leaders of the People's Republic of China in the effort to secure a mutually acceptable solution to the Tibetan issue.

My envoys have established direct contact with the Chinese government on two trips to China in September 2002 and in May/June 2003. This is a positive and welcome development, which was initiated during the Presidency of Jiang Zemin. The issue of Tibet is complex and of crucial importance to Tibetan as well as Chinese peoples. Consequently, it requires careful considerations and serious deliberations on both sides before taking any decisions. It will take time, patience and determination to lead this process to a successful conclusion. However, I consider it of highest importance to maintain the momentum and to intensify and deepen this process through regular face-to-face meetings and substantive discussions. This is the only way to dispel existing distrust and misconception and to build trust and confidence.

Consequently, I have instructed my envoys to visit China at the earliest date to continue the process. I hope that they will be able to make this trip without much delay. This will help in building trust and confidence in the present process among Tibetans as well as among our friends and supporters around the world—many of whom remain strongly skeptical about the willingness of Beijing to engage in a genuine process of rapprochement and dialogue.

The current situation in Tibet benefits neither the Tibetans nor the government of the People's Republic of China. The development projects that the Chinese Government has launched in Tibet—purportedly to benefit the Tibetan people—are however, having

negative effects on the Tibetan people's distinct cultural, religious and linguistic identity. More Chinese settlers are coming to Tibet resulting in the economic marginalization of the Tibetan people and the sinicization of their culture. Tibetans need to see an improvement in the quality of their life, the restoration of Tibet's pristine environment and the freedom to decide an appropriate model of development.

I welcome the release of Ani Phuntsok Nyidrol, even as we recognize the injustice of her sentence and continue to urge for the release of all political prisoners in Tibet. The human rights situation in Tibet has not seen any marked improvement. Human rights violations in Tibet have a distinct character of preventing Tibetans as a people from asserting their own identity and culture. The violations are a result of policies of racial and cultural discrimination and religious intolerance.

Against this background we are encouraged and grateful that many individuals, governments and parliaments around the world have been urging the People's Republic of China to resolve the question of Tibet through peaceful negotiations. Led by the European Union and the United States there is growing realization in the international community that the issue of Tibet is not one of human rights violations alone but of deeper political nature which needs to be resolved through negotiations.

I am also encouraged by the recent improvements in the relationship between India and China. It has always been my belief that better understanding and relations between India and China, the two most populous nations of the world is of vital importance for peace and stability in Asia in particular and in the world in general. I believe that improved relations between India and China will create a more conducive political environment for the peaceful resolution of the Tibetan issue. I also strongly believe India can and should play a constructive and influential role in resolving the Tibetan problem peacefully. My 'Middle-Way-Approach' should be an acceptable policy on Tibet for India as it addresses the Tibetan issue within the framework of the People's Republic of China. A solution to the Tibetan issue through this approach would help India to resolve many of her disputes with China, too.

It is 54 years since the establishment of the People's Republic of China. During Mao Zedong's period much emphasis was put on ideology, while Deng Xiaoping concentrated primarily on economic development. His successor Jiang Zemin broadened the base of the Communist Party by enabling wealthy people to become part of the Communist Party under his theory of ''The Three Represents''. In recent times Hu Jintao and his colleagues were able to achieve a smooth transition of leadership. During the past decades China has been able to make much progress. But there have also been shortcomings and failures in various fields, including in the economy. One of the main causes of the shortcomings and failures seems to be the inability to deal with and act according to the true and real situation. In order to know the real and true situation it is essential that there be free information.

China is undergoing a process of deep change. In order to affect this change smoothly and without chaos and violence I believe it is essential that there be more openness and greater freedom of information and proper awareness among the general public. We should seek truth from facts—facts that are not falsified. Without this China cannot hope to achieve genuine stability. How can there be stability if things must be hidden and people are not able to speak out their true feelings?

I am hopeful that China will become more open and eventually more democratic. I have for many years advocated that the change and transformation of China should take place smoothly and without major upheavals. This is in the interest of not only the Chinese people but also the world community.

China's emergence as a regional and global power is also accompanied by concerns, suspicion and fears about her power. Hosting the Olympic Games and World Exposition will not help to dispel these concerns. Unless Beijing addresses the lack of basic civil and political rights and freedoms of its citizens, especially with regard to minorities, China will continue to face difficulties in reassuring the world that she is a peaceful, responsible, constructive and forward-looking power.

The Tibetan issue represents both a challenge and an opportunity for a maturing China to act as an emerging global player with vision and values of openness, freedom, justice and truth. A constructive and flexible approach to the issue of Tibet will go a long way in creating a political climate of trust, confidence and openness, both domestically and internationally. A peaceful resolution of the Tibetan issue will have wide-ranging positive impacts on China's transition and transformation onto a modern, open and free society. There is now a window of opportunity for the Chinese leadership to act with courage and farsightedness in resolving the Tibetan issue once and for all.

I would like to take this opportunity to express my appreciation and gratitude for this consistent support that we have been receiving throughout the world. I would also like to express once again on behalf of the Tibetans our appreciation and immense gratitude to the people and the Government of India for their unwavering and unmatched generosity and support.

With my prayers for the well-being of all sentient beings.

PAYING TRIBUTE TO ANTHI POULOS JONES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. McINNIS. Mr. Speaker, it is with a sad heart that I rise to pay tribute to the passing of a dedicated scholar and public servant and dear friend from Potomac, Maryland. Anthi Poulos Jones, born in Greece and raised in New Hampshire, recently passed away at the age of 57. Anthi dedicated her life to government service and the challenging legal profession. I am honored today to bring her contributions to the attention of this body of Congress and this nation.

After graduating from Windham College in Vermont, Anthi went on to receive a master's degree in Russian Studies and a law degree from American University. As a perpetual scholar, Anthi took up additional studies in international law at Georgetown University and the prestigious Hague Academy of International Law in the Netherlands.

Throughout her pursuit of knowledge, she also worked as a legislative assistant and staff lawyer for Senator Thomas J. McIntyre, Charles McC. Mathias Jr., John Glenn Jr., and Hank Brown. During the 1990's, Anthi worked for my office, where she served as a valuable member of my staff and counsel. Anthi's dedication and ceaseless work ethic has benefited many citizens of Colorado. After working on my staff, she was appointed as a scholar-in-residence at the Law Library of Congress where she focused on war crimes and reparations for property looted in wartime.

Anthi was an active patron of the arts and a devoted patriot. She served as the founder and chairwoman of the Committee on World War II Art Claims and the US Committee on the Parthenon where she advocated for the return of ancient Greek statues that were removed from Greece and taken to England in the 19th century.

Mr. Speaker, Anthi Poulos Jones was a dedicated scholar and government steward who selflessly served her community and country, and I am honored to pay tribute to such an industrious public servant. Her lifetime of service is an incredible model for America's youth. My thoughts and prayers go out to her family during this time of bereavement.

CONGRATULATING JIM WALTZE ON BECOMING PRESIDENT OF THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate Jim Waltze, the CEO of construction industry leader Griffith Company, on being selected as president of the Associated General Contractors of America. Mr. Waltze is a visionary leader in an industry that is one of the pillars of our economy.

Jim Waltze started in contracting at the age of 21, and in 1973 at age 28 he joined the Griffith Company, one of the top major construction firms in Southern California. His career at Griffith has been marked by regular promotions—to Chief Estimator in 1975, vice president/district manager in 1977 and executive vice president in 1986. He was named president of the company in 1992, and added the titles of chief executive officer and board chairman in 1997.

Under his leadership, Griffith Company has taken on some of the largest port projects in Southern California, including the $37 million Seaside Project for the Port of Los Angeles and the $71 million Pier T Project for the Port of Long Beach. He has been the driving force for innovation at the company, setting up a company wide strategic planning process and the development of divisions for specialty structures, underground projects and materials. The company has been a pioneer in computerized estimating and project management systems.

The contributions of Jim Waltze go beyond the success of his company, however. He has been involved for most of his career in organizations that promote the economic health and high standards of the contracting industry. He has been a board member of the Associated General Contractors of California for two decades, and was elected to the National Board of Directors for the Associated General Contractors of America in 1987.

The positions Jim Waltze has taken on with the AGC range from the Chairman of the

Highway Division in 1995 to an active involvement in the group's Young Constructors Forum for students coming into the profession. He served from 1999–2001 as co-chairman of the National Quality Initiative, established by the Federal Highway Administration to ensure that the construction and maintenance of our interstates and national highways meets the highest possible standards. He has been an active member of the Transportation Information Program and Transportation California, groups that strive to ensure adequate resources are available for our state and federal highway systems.

Jim Waltze has served for the past two years as vice president and senior vice president for Associated General Contractors of America, and he will be installed on March 12 as the chairman of the national group. The contractors of California are proud to be represented by one of their own this year.

Mr. Speaker, the general contractors of America build our highways and airports, ports and dams, our military installations, government buildings and skyscrapers. Their dedication to excellence has helped our nation be the world's leader in quality construction, indeed in our quality of life. Visionary leaders like Jim Waltze continue to push the drive for excellence and innovation that will keep America the world leader into the future. Please join me in congratulating him and wishing him well as he takes the reins of the Associated General Contractors of America.

EMPLOYER SUPPORT OF THE GUARD AND RESERVE

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. OTTER. Mr. Speaker, I rise today to recognize the enormous contribution to America's continuing freedom that is provided by employers who support our ''citizen soldiers'' in the Guard and Reserve.

In today's perilous world, each of us knows that the price of freedom is eternal vigilance. The men and women of America's Guard and Reserve are the vanguard of that vigilance. They are clerks and cashiers, merchants and mechanics, doctors and lawyers. Most importantly, they are our friends and neighbors, our sons, daughters, fathers and mothers.

They represent the best among us. Along with the full-time members of our armed services, those volunteers help ensure that we all have the fullest opportunity to exercise the liberties for which generations of American heroes have made the ultimate sacrifice.

Mr. Speaker, in recent months we all have seen National Guard and Reserve units from our own states and districts called to active duty for the war on terrorism. We all have heard the public declarations of support for those activated troops and the families they leave behind. But the true measure of that support lies not in words but in actions. And there is no greater comfort for our Guard and Reserve personnel than the certainty that they will be able to return to their civilian jobs when they come home, and that their loved ones will continue receiving the benefits of that employment while they are gone.

The employers who provide those assurances, who guarantee the jobs and benefits of America's Guard and Reserve personnel, should be counted among the heroes of the war on terrorism. They are shouldering an important part of the burden of defending our homeland from those who envy and despise us for the freedom to choose liberty, tolerance and diversity. America is blessed with employers who have the foresight to understand the great value of having a force of trained and qualified personnel ready to answer their nation's call to arms with the sure knowledge that they are appreciated and financially protected.

So I encourage my colleagues to join me, Mr. Speaker, in recognizing and applauding the essential role played by employer support of the Guard and Reserve, and the invaluable service they provide to the men and women who bear the weight of battle. The Three Star program launched by Employer Support of the Guard and Reserve committees across the country is one way to acknowledge the understanding and support of those employers who are enabling a new generation of American heroes to go into harm's way unencumbered by concerns for their families' financial well-being. They deserve our patronage, and our thanks.

PAYING TRIBUTE TO ANNE HEPP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. McINNIS. Mr. Speaker, it is my privilege to pay tribute today to Anne Hepp, a woman from my district who supplies an invaluable service as the Spanish language interpreter for the Montrose and Delta County Colorado courts. The honesty and integrity Anne brings to her job is matched only by the commitment and skill she brings to making sure that accurate and complete communications flow between the court and Spanish-speaking defendants. It is my pleasure to take this opportunity and thank Anne for the significant contributions she makes to her community and state.

The daughter of a French high school teacher, Anne's interest in linguistics began at an early age. Having many friends who spoke Spanish, Anne studied the language in middle and high school, even participating as a foreign exchange student in Mexico. With the large number of Spanish-speaking citizens in her community, Anne knew she could use her language skills to become an interpreter. Her great skills and dedication to the judicial system has earned high praise from judges, attorneys, and most especially the defendants she assists.

Mr. Speaker, it is clear Anne provides a vital service to her community and the judicial system, and I would like to recognize her contributions before this body of Congress and this nation today. I thank Anne for her continuing efforts and wish her all the best in her future endeavors.

REGARDING A CONSTITUTIONAL AMENDMENT ON GAY MARRIAGE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. CAPUANO. Mr. Speaker, as Congress moves to consider a constitutional amendment banning gay marriage, I would like to take this opportunity to submit for the RECORD the following letter from a constituent of mine, whose words and sentiments are echoed by millions of Americans throughout the country. Though this letter was addressed to the members of the Massachusetts State Legislature, I believe the passion and conviction this mother has for the rights and privileges of her children, and her gay son in particular, is extremely relevant to the debate that we may soon have in the U.S. House of Representatives.

FEBRUARY 21, 2004.

Members of the Massachusetts Legislature,
State House, Boston, MA.

DEAR SENATORS AND REPRESENTATIVES: I am the mother of four children. Our family values are evidenced by the concern they have for each other's well being. They are so alike in thought and deed that it continues to amaze me. They are outstanding, productive members of society and I am equally proud of all of them. However, passage of this discriminatory constitutional amendment will forbid my gay son from enjoying the same rights and privileges as his brother and sisters.

I implore you to vote no.

Sincerely,

ELSIE FRANK.

Thank you Mr. Speaker and I urge all of my colleagues to heed the words of Mrs. Frank.

AN INDECENT ATTACK ON THE FIRST AMENDMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. PAUL. Mr. Speaker, we will soon debate the ''Broadcast Indecency Act of 2004'' on the House floor. This atrocious piece of legislation should be defeated. It cannot improve the moral behavior of U.S. citizens, but it can do irreparable harm to our cherished right to freedom of speech.

This attempt at regulating and punishing indecent and sexually provocative language suggests a comparison to the Wahhabi religious police of Saudi Arabia, who control the ''Commission for the Promotion of Virtue and Prevention of Vice.'' Though both may be motivated by the good intentions of improving moral behavior, using government force to do so is fraught with great danger and has no chance of success.

Regulating speech is a dangerous notion, and not compatible with the principles of a free society. The Founders recognized this, and thus explicitly prohibited Congress from making any laws that might abridge freedom of speech or of the press.

But we have in recent decades seen a steady erosion of this protection of free speech.

This process started years ago when an arbitrary distinction was made by the political left

between commercial and non-commercial speech, thus permitting government to regulate and censor commercial speech. Since only a few participated in commercial speech, few cared—and besides, the government was there to protect us from unethical advertisements. Supports of this policy failed to understand that anti-fraud laws and state laws could adequately deal with this common problem found in all societies.

Disheartening as it may be, the political left, which was supposed to care more about the first amendment than the right, has ventured in recent years to curtail so-called ''hate speech'' by championing political correctness. In the last few decades we've seen the political-correctness crowd, in the name of improving personal behavior and language, cause individuals to lose their jobs, cause careers to be ruined, cause athletes to be trashed, and cause public speeches on liberal campuses to be disrupted and even banned. These tragedies have been caused by the so-called champions of free speech. Over the years, tolerance for the views of those with whom campus liberals disagree has nearly evaporated. The systematic and steady erosion of freedom of speech continues.

Just one year ago we saw a coalition of both left and right push through the radical Campaign Finance Reform Act, which strictly curtails the rights of all Americans to speak out against particular candidates at the time of elections.

Amazingly, this usurpation by Congress was upheld by the Supreme Court, which showed no concern for the restrictions on political speech during political campaigns. Instead of admitting that money and corruption in government is not a consequence of too much freedom of expression, but rather a result of government acting outside the bounds of the Constitution, this new law addressed a symptom rather than the cause of special interest control of our legislative process.

And now comes the right's attack on the first amendment, with its effort to stamp out ''indecent'' language on the airways. And it will be assumed that if one is not with them in this effort, then one must support the trash seen and heard in the movie theaters and on our televisions and radios. For social rather than constitutional reasons, some on the left express opposition to this proposal.

But this current proposal is dangerous. Since most Americans—I hope—are still for freedom of expression of political ideas and religious beliefs, no one claims that anyone who endorses freedom of speech therefore endorses the nutty philosophy and religious views that are expressed. We should all know that the first amendment was not written to protect non-controversial mainstream speech, but rather the ideas and beliefs of what the majority see as controversial or fringe.

The temptation has always been great to legislatively restrict rudeness, prejudice, and minority views, and it's easiest to start by attacking the clearly obnoxious expressions that most deem offensive. The real harm comes later. But ''later'' is now approaching.

The failure to understand that radio, TV, and movies more often than not reflect the peoples' attitudes prompts this effort. It was never law that prohibited moral degradation in earlier times. It was the moral standards of the people who rejected the smut that is now routine entertainment. Merely writing laws and threatening huge fines will not improve the moral standards of the people. Laws like the proposed ''Broadcast Indecency Act of 2004'' merely address the symptom of a decaying society, while posing a greater threat to freedom of expression. Laws may attempt to silence the bigoted and the profane, but the hearts and minds of those individuals will not be changed. Societal standards will not be improved. Government has no control over these standards, and can only undermine liberty in its efforts to make individuals more moral or the economy fairer.

Proponents of using government authority to censor certain undesirable images and comments on the airwaves resort to the claim that the airways belong to all the people, and therefore it's the government's responsibility to protect them. The mistake of never having privatized the radio and TV airwaves does not justify ignoring the first amendment mandate that ''Congress shall make no law abridging freedom of speech.'' When everyone owns something, in reality nobody owns it. Control then occurs merely by the whims of the politicians in power. From the very start, licensing of radio and TV frequencies invited government censorship that is no less threatening than that found in totalitarian societies.

We should not ignore the smut and trash that has invaded our society, but laws like this will not achieve the goals that many seek. If a moral society could be created by law, we would have had one a long time ago. The religious fundamentalists in control of other countries would have led the way. Instead, authoritarian violence reigns in those countries.

If it is not recognized that this is the wrong approach to improve the quality of the airways, a heavy price will be paid. The solution to decaying moral standards has to be voluntary, through setting examples in our families, churches, and communities—never by government coercion. It just doesn't work.

But the argument is always that the people are in great danger if government does not act by: (a) Restricting free expression in advertising; (b) claiming insensitive language hurts people, and political correctness guidelines are needed to protect the weak; (c) arguing that campaign finance reform is needed to hold down government corruption by the special interests; (d) banning indecency on the airways that some believe encourages immoral behavior.

If we accept the principle that these dangers must be prevented through coercive government restrictions on expression, it must logically follow that all dangers must be stamped out, especially those that are even more dangerous than those already dealt with. This principle is adhered to in all totalitarian societies. That means total control of freedom of expression of all political and religious views. This certainly was the case with the Soviets, the Nazis, the Cambodians, and the Chinese communists. And yet these governments literally caused the deaths of hundreds of millions of people throughout the 20th Century. This is the real danger, and if we're in the business of protecting the people from all danger, this will be the logical next step.

It could easily be argued that this must be done, since political ideas and fanatical religious beliefs are by far the most dangerous ideas known to man. Sadly, we're moving in that direction, and no matter how well intended the promoters of these limits on the first amendment are, both on the left and the right, they nevertheless endorse the principle of suppressing any expressions of dissent if one chooses to criticize the government.

When the direct attack on political and religious views comes, initially it will be on targets that most will ignore, since they will be seen as outside the mainstream and therefore unworthy of defending—like the Branch Davidians or Lyndon LaRouche.

Rush Limbaugh has it right (at least on this one), and correctly fears the speech police. He states: ''I'm in the free speech business,'' as he defends Howard Stern and criticizes any government effort to curtail speech on the airways, while recognizing the media companies' authority and responsibility to self regulate.

Congress has been a poor steward of the first amendment. This newest attack should alert us all to the dangers of government regulating freedom of speech—of any kind.

PAYING TRIBUTE TO ELLEN ROBERTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. McINNIS. Mr. Speaker, it is my pleasure to honor Ellen Roberts for her selfless dedication to the community of Durango, Colorado, and congratulate her on being recognized by the Durango Chamber of Commerce as their 2003 Athena Award Winner. The Athena Award is presented to a woman each year who has shown a commitment to helping other women realize their business goals. Ellen could not be a more worthy recipient. It is a privilege to pay tribute to Ellen for her well-deserved award, and her ongoing efforts to better her community today.

Ellen's interest in community service can be traced back to her college days where she created her own major at Cornell University in environmental policy. Since Ellen moved to Durango, in 1981, she has been actively involved in the community. Her involvement includes serving as Chairman of the Mercy Medical Center Board of Directors; and on the board for the First National Bank of Durango; and sitting on the Citizens Health Advisory Council; and sitting on the Citizens Steering Committee for a New Library.

It is my privilege to recognize Ellen before this body of Congress and this nation for the recognition she received by the Durango Chamber of Commerce as the Athena Award Winner. She has done much to improve the lives of her community and I wish her continuing success in all her endeavors.

FRED DOWNS, JIM MAYER NAMED DAILY POINTS OF LIGHT AWARD WINNERS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. EVANS. Mr. Speaker, on March 1, the Points of Light Foundation singled out two career employees of the Department of Veterans Affairs (VA) for recognition as a Daily Point of

Light. I know of no individuals more deserving of the honor than Fred Downs and Jim Mayer, each a remarkable success story.

Both men were profoundly injured in Vietnam. Mr. Downs lost his left arm; Mr. Mayer lost both legs below the knee. Both were scarred by shrapnel and multiple surgeries. Their stories could have ended there. Instead, they turned their lives and their work into encouragement and inspiration for other veterans and for all who know them.

Mr. Downs and Mr. Mayer have long volunteered to work with those who have suffered traumatic injury in service to their country. Their service began during the 1991 Gulf War. They heard news reports that Saddam Hussein had dispersed a million land mines to maim and kill coalition forces if they invaded Iraq. They strategized to figure how they could best help the wounded, utilizing their own experiences and recoveries and recalling when they most needed someone with whom to talk.

Mr. Downs and Mr. Mayer organized field trips, picnics and hosted backyard barbecues for the injured from the Gulf War. After the war was over, the team continued visiting service members injured in training accidents or deployments. They keep in touch with many of the patients they have met. Twenty-two of the 58 wounded soldiers Mr. Mayer met during the Gulf War showed up at his house for a July 4th barbecue in 1996 for a five-year reunion. He and Mr. Downs also attend the annual National Veterans Wheelchair Games and the National Disabled Veterans Winter Sports Clinic, where they meet with and counsel veterans.

As American troops began the build-up for Operation Iraqi Freedom, Mr. Downs and Mr. Mayer met with military surgeons at Walter Reed Army Medical Center. They shared their insights into traumatic injuries and talked to them about how they felt when they were injured. The pair also discussed how they thought the medical staff could help the wounded soldiers. They have continued to share their stories with servicemen and women who have similar injuries, who come to realize there is life after amputation. Since April 2003, the pair has visited more than 60 amputee soldiers at Walter Reed and the National Naval Medical Center in Bethesda, Maryland, as volunteer amputee peer visitors.

The following article from VA's in-house magazine, VAnguard, discusses what these two gentlemen are doing to help the young men and women returning from Iraq and Afghanistan.

MESSAGES OF HOPE

With their Kevlar body armor and rapid access to medical treatment, soldiers wounded in Operation Iraqi Freedom are surviving what were once fatal injuries. One day they're busting down doors in Baghdad and the next they're lying in a hospital bed with busted-up limbs.

''When you first see them, they're still confused and can't seem to comprehend the magnitude of what happened to them,'' explained Frederick Downs Jr., VA's chief of prosthetics, describing his visits to wounded troops at Walter Reed Army Medical Center in Washington, D.C., which has received almost 300 battlefield casualties from the war in Iraq.

Downs knows exactly what they're going through. As a 23-year-old lieutenant with the Army's 4th Infantry Division, he was nearly killed when he stepped on a ''Bouncing Betty'' land mine on Jan. 11, 1968, near Chu Lai, Vietnam. He survived the blast, but lost his left arm above the elbow. Now, more than 30 years later, he shares his story with soldiers who have similar injuries. ''I want them to understand there is life after amputation,'' Downs said.

A SIMPLE MOTIVE

Since April, Downs and Jim Mayer, director of Leadership VA, have visited more than 60 wounded soldiers at Walter Reed and National Naval Medical Center in Bethesda, Md., as volunteer amputee peer visitors. Their motive is simple, according to Mayer, who lost both legs to a land mine on April 25, 1969, while serving with the 25th Infantry Division in Vietnam. ''If you've been through an amputation and you see others who are experiencing that trauma, you just want to help them in any way you can,'' he said.

Their efforts began during the 1991 Gulf War after hearing news reports that Saddam Hussein had dispersed a million land mines to maim and kill coalition forces if they invaded Iraq. ''We were concerned there were going to be a lot of casualties and we wanted to do something to help,'' Mayer recalled. The question was, how could they best help the wounded?

Mayer found the answer when a friend asked if he could remember a particular turning point during his recovery at Brooke Army Medical Center in San Antonio. ''I remember a former patient who came to visit us one day, it was just a chance encounter. He lost both arms and had these prosthetic hooks. I was mesmerized because I realized he had a life,'' he said.

The encounter provided hope for his own future, something he said severely wounded soldiers rarely have. ''After a traumatic injury, you live hour to hour, day to day and you tend to block out the future. At first you put your hope on the shelf because hope is too far in the future.''

And so it was that Mayer, Downs and about a dozen other Vietnam veterans, many who worked for VA, started visiting wounded soldiers and sharing their stories of overcoming traumatic injury. During the first Gulf War, Mayer estimated he volunteered about 800 hours at military hospitals. He organized field trips, picnics and hosted backyard barbecues. He also started bringing milkshakes on each visit, leading patients to nickname him ''the milkshake man.''

UNFORGETTABLE STORIES

The group dwindled after the war, but Mayer and Downs continued visiting servicemembers injured in training accidents or deployments. Some of the stories are hard to forget. There was the soldier injured on the train to Bosnia when electricity arced from a cable to his helmet and blew off his legs. There was the Ranger who broke his back when he fell out of the Black Hawk helicopter during the 1993 raid in Mogadishu. And there was the sailor who lost his legs when he got tangled in a rope trying to rescue a shipmate and was dragged through a porthole.

Mayer keeps in touch with many of the patients he's met over the years. Twenty-two of the 58 wounded soldiers he met during the first Gulf War showed up at his house for a July 4th barbecue in 1996 for their five-year reunion. He sees others at two of VA's National Rehabilitation Special Events—the National Veterans Wheelchair Games and the National Disabled Veterans Winter Sports Clinic. Some even come to his April 25 ''Alive Day'' celebrations, an event he has held every year since 1970 to mark the day he almost died.

THE EMOTIONAL SIDE OF INJURY

As American troops began the build-up for Operation Iraqi Freedom, Mayer and Downs, along with their buddy Jack Farley, a Vietnam veteran and amputee who serves as a judge with the U.S. Court of Appeals for Veterans Claims, expanded their volunteer role by meeting with military surgeons at Walter Reed to share their insights into traumatic injury. ''We talked about how we felt when we were injured and how we thought the medical staff could help the wounded soldiers,'' said Mayer.

Dr. Artie Shelton, a retired Army colonel who commanded a field hospital in Somalia and now works as a consultant in VA's transplant program, helped arrange the meeting. He said the Army physicians are extremely qualified and well trained, but they may not fully understand the emotional and psychological complexities of traumatic injury. ''The doctors know the medical side, but Jim and Fred can tell them about the full impact and repercussion on these soldiers,'' Shelton said.

Among the aspects of recovery Downs stresses are encouraging the soldiers to do things on their own. ''Never tell a guy he can't do something,'' he said. ''You need to encourage him to try, to test himself and see what he can do. It speeds up their psychological healing and helps them get back into life again.''

If they have doubts about what they can accomplish, Downs tells them about his own life after injury: going to school, getting married, starting a family, writing three books, and leading VA's multimillion-dollar prosthetic and sensory aids service.

He also has gained international recognition for helping establish land mine survivor programs in several countries. The U.S. Agency for International Development recently asked for his assistance with a land mine eradication program in Afghanistan. (To learn more about his recovery and land mine eradication efforts, visit the Center for Defense Information Web site at www.cdi.org/adm/1250/Downs.html.)

Mayer and Downs volunteer because they've been there and because they care. But also because they want to bring a little dignity to American troops who suffer traumatic injuries.

''Vietnam vets, to put it politely, never actually felt welcomed home,'' said Mayer. ''But these guys coming back from Iraq, we're going to welcome them home and become their friends, help them reconcile their injuries, and bring them a little dignity.''

Mr. Speaker, the selflessness, compassion and humanity of Fred Downs and Jim Mayer—all the more profound considering their own experiences—have been important to the young men and women recently injured in service and frightened about what such traumatic change can mean in their lives and how they can overcome it. I know my colleagues join me in expressing our gratitude and respect for their good works.

PAYING TRIBUTE TO ROBERT HARTH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise to pay tribute to the memory and life of Robert Harth. Robert's gift and legacy to Colorado will be the Aspen Music Festival and School, which he deftly guided for twelve years as president and chief executive officer. His recent and all-too sudden death at

age forty-seven is a great loss to music lovers worldwide, but those who knew him will not forget the joy and zest he had for life.

Robert was a natural leader who brought success and renown to the organizations he directed. In his early twenties, he served as vice president and general manager for the Los Angeles Philharmonic. By the time he was thirty-three, he took over the AMFS as president, and switched it from a fledgling event to one of the premier cultural festivals in the country. Most recently, he served as artistic director for Carnegie Hall, adding a new venue for more progressive performances.

During his twelve years with AMFS, Robert quadrupled the size of its endowment. This allowed for his undertaking the building of the Harris Hall and the Benedict Music Hall. He also established the American Academy of Conductors at Aspen, which provides opportunities for up and coming conductors from around the world.

Mr. Speaker, Robert Harth's death is a great loss to the Aspen community and for music lovers worldwide. It is my honor to pay tribute before this body of Congress and this nation to the life and legacy of Robert Harth.

CONGRATULATIONS TO SARAH SWORDS ON RECEIVING THE MARY P. OENSLAGER SCHOLASTIC ACHIEVEMENT AWARD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. HOLT. Mr. Speaker, I rise today to congratulate one of this years Recording for the Blind and Dyslexic (RFB&D) Mary P. Oenslager Scholastic Achievement Award winners, Sarah Swords, who I am proud to say attended Princeton University in my district. The award is presented annually to college seniors who are blind and who have demonstrated leadership, scholarship, enterprise, and service to others.

Recording for the Blind and Dyslexic is a non-profit organization based in Princeton, which has as its sole mission opening the pages of books to all people who cannot read standard print because of visual, perceptual or other physical disability.

Mr. Speaker, over the years RFB&D has worked hard to live up to the philosophy of its founder, Anne T. Macdonald, who believed strongly that ''education is a right, not a privilege.'' Currently Recording for the Blind and Dyslexic has almost 240,000 titles available to its members worldwide. I commend Recording for the Blind and Dyslexic on the wonderful work they do, and I am so honored that they are located within my district.

Mr. Speaker, it is my great privilege today to congratulate Sarah Swords one of the 2003 Mary P. Oenslager Scholastic Achievement Award winners. Having lost her sight when she was in the sixth grade due to a serious illness, Sara was fortunate enough to join Recording for the Blind and Dyslexic.

With the audiotapes RFB&D provided to her, Sarah was finally able to enjoy reading for the first time. ''At last, I could read all the books I had always wanted to read'' she recalls. ''All the classics, novels, poetry and even magazines. I ordered a plethora of literature and have kept right on reading countless books.'' Sarah entered Princeton University in 1999 after finishing first in her class at Stoneman Douglas High School. During her time at Princeton University, Sarah was a member of student government, served as vice president of Delta Delta Delta Sorority, volunteered at the University Crisis Ministry, and helped out at the Trenton Animal Shelter. Sarah also worked as an advocate and speaker for disability rights for the Nassau Club, Princeton Alumni Organization.

Mr. Speaker, Sarah is a wonderful person whose talents and leadership have blossomed despite her disability. She is a role model for others in her community and a gifted scholar. I am so glad that through the good work of Recording for the Blind and Dyslexic Sarah Swords will continue to be able to make significant contributions to our country and to the world. She is a wonderful example of why RFB&D motto, that ''education is a right, not a privilege,'' is an essential truth.

Again Mr. Speaker, I congratulate Sarah Swords upon being selected as one of the 2003 Mary P. Oenslager Scholastic Achievement Award winners and I wish her the best in all that the future holds for her.

TAKING CARE OF OUR VETERANS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. CAMP. Mr. Speaker, I rise today to discuss a very important issue to me, and to the veterans in my district. As you may know, the Capital Asset Realignment for Enhanced Services (CARES) Commission recently issued its report to Secretary Principi. While the goal of the CARES Commission is to improve the health care services provided by the Department of Veterans Affairs (VA) to our veteran population, I do not believe this report takes into account the legitimate concerns expressed by veterans in my District.

Specifically, the CARES proposal calls for the closure of acute medical care beds at the Aleda E. Lutz Medical Center in Saginaw, Michigan. The loss of these beds would be detrimental to level of care provided in the region.

Veterans in the northern portion of the Lower Peninsula of Michigan currently have only one VA facility that is accessible to them for inpatient care, the Saginaw VA Hospital. For veterans traveling from the rural portions of Michigan, getting to Saginaw can already be a difficult task. If the proposal is put into place, veterans seeking immediate care will face an unnecessary strain of two hours worth of additional travel.

I certainly understand that the VA is undergoing a change and trying to better fit its facilities with veterans' needs. However, it must do so in a manner that does not establish new barriers for veterans seeking care. Every remedy we propose must ensure that veterans know exactly where to go when they need medical care. Simply put, the solution cannot be worse than the problem. The VA hospital system was established to provide veterans, who have made great sacrifices for this country, with direct access to the care they deserve. We must not back down from that promise.

Veterans have come to rely on the services they receive at the Saginaw hospital, and they should not have to give that up. They have given enough already for this country, and I am unwilling to ask them for more.

I want to be clear: improvements can be and need to be made. Alternatives such as contracting with local hospitals is a promising solution. I also believe we need to pass H.R. 2379, the Rural Veterans Access to Care Act, introduced by the gentleman from Nebraska (Mr. OSBORNE) and a bill I am a proud to cosponsor.

This legislation directs the Secretary of VA to ensure at least five percent of the funds for Medical Care are used to improve access to medical services for highly rural or geographically remote veterans. It also allows VA approved veterans to enroll in a program that gives them access to routine health care from a local provider.

In closing, I would like to commend the administration for their dedication to working with this Congress to improve health care for our veterans. The reform of government and the services it provides is a thankless task, but one that is necessary for the well being of this nation.

PAYING TRIBUTE TO MAYOR WAYNE R. BROWN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Marble, Colorado Mayor Wayne Brown who passed away recently at the age of seventy-six. Wayne was a true American patriot, and a beloved friend and colleague to many in his Colorado community. In his years spent in public service, Wayne embodied the ideals of integrity and courage that we, as Americans, have come to expect from our public servants. As his family and community mourn his passing, I believe it is appropriate to recognize the life of this exceptional man, and his many contributions to his community, state and country.

Mayor Brown lived an immensely rich and full life, always holding firm to his beliefs in serving his community and country. He worked for the Colorado Highway Department before he retired to Marble in 1983, where her served on the town board and later as mayor. His expertise in construction projects through his time spent with the Highway Department came to good use as mayor. Mayor Brown saw that the town had two needed bridges built across the Carbonate Creek and Crystal River, and most recently obtained the funding to pave the main road through town.

Mr. Brown's commitment to Marble extended to his involvement with numerous civic organizations. He was an active member of the Marble Community Church, the Association of State Highway and Transportation Organizations, the Colorado Mental Health Association, and the Elks Lodge.

Mr. Speaker, we are all at a great loss because of Mayor Brown's passing, but can be comforted in knowing he helped make Marble a better place for future generations. I would like to extend my heartfelt sorrow to his children, David, Daniel, Joseph, and Teresa; his

grandchildren and great-grandchildren. Mayor Brown's selfless dedication to Marble, the State of Colorado, and the United States has helped ensure a promising future for our great country and I am deeply honored to bring his life to the attention of this body of Congress and this nation. I am proud to have known such a great man who enriched the lives of his family, community and nation.

RECOGNIZING RABBI JAY STEIN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize Rabbi Jay Stein, the newly installed Rabbi at Har Zion Temple in Penn Valley, Pennsylvania.

Rabbi Jay M. Stern received his ordination, an M.A. in Jewish Education and a B.A. in Jewish Philosophy from the Jewish Theological Seminary of America. In addition, he received a B.A., Sociology from Columbia University. From 1990–1991, he served as an Alef-Alef Fellow in Jewish Education at Tel Aviv University. In 1993, Rabbi Stein was awarded The Lowenfeld Prize in Practical Theology from the Jewish Theological Seminary of America. In 1995, Rabbi Stein was named a Wexner Rabbinic Fellow. He served as Rabbi at Temple Beth Ahm and currently serves as Senior Rabbi of Har Zion Temple in Penn Valley, Pennsylvania. He is also the Vice President of and has written the constitution for, the New Jersey Region of the Rabbinical Assembly. He has co-published articles on the subject of domestic violence in the Rabbinical Assembly Newsletter and Outlook Magazine, as well as authored a chapter in the Resource Guide for Rabbis on Domestic Violence published by Jewish Women International. Rabbi Stein serves as a national consultant in the area of Jewish supplemental high school education, as well as the Rabbinic Advisor to the Israel's Ministry of Tourism. Currently, he heads up a regional think tank for rabbis serving as spiritual leaders in Solomon Schechter Day Schools, and is a certified counselor in chemical dependence.

Mr. Speaker, I ask my colleagues join me today in recognizing Rabbi Jay Stein and wish him the best of luck in his new position.

IN HONOR AND RECOGNITION OF MR. RICHARD HART AND PROJECT WELD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. Richard Hart—teacher, mentor, guide and source of strength and inspiration for countless young men and women at Max S. Hayes Vocational High School.

Mr. Hart, a Certified Welding Educator, created Project WELD several years ago, intent on energizing the school's welding program. The acronym stands for Worthy Employment, Leadership Development—which is exactly what students take away from the program. Mr. Hart is so deeply committed to this project that he initiated the program on his own personal time, using his own personal funds.

Project WELD provides students with a real insight and understanding into the profession of welding by bringing industry employees and employers into the classroom. Additionally, students are exposed to the latest in welding technology through funds and equipment donated from local welding companies. Beyond his scholastic and professional contributions, awards and accolades, Mr. Hart's greatest accomplishment continues to be the impression he makes on his students, through his method of teaching by example that offers each student the promise of a bright future.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. Richard Hart, whose leadership, commitment and belief in the students at Max S. Hayes Vocational High School continues to uplift the lives of countless students.

TRIBUTE TO PEDRO PIETRI

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SERRANO. Mr. Speaker, I rise today to honor the life and work of Pedro Pietri, a fine Puerto Rican poet, who passed away on March 3, 2004, just weeks short of his 60th birthday.

Pedro was born in Ponce, Puerto Rico on March 21, 1944. He moved to Harlem in New York at the age of 3. Under the influence of his aunt, Irene Rodriguez, Pedro became very interested in poetry and as a teenager began to compose his own poems. After graduating from high school, Pedro worked a variety of jobs before being drafted. He served in a light infantry brigade in Vietnam. His experience in this war, he claimed, further radicalized his beliefs. Upon his return, he began to seriously pursue his interest in poetry in order to address the social ills that plagued not only his community but America as a whole.

In 1969, a Puerto Rican activist organization named the Young Lords briefly took control of the church Pedro attended as a child. It was during this takeover that Pedro gave the first public reading of what has arguably become his most notable poem, ''Puerto Rican Obituary''.

Juan, Miguel, Milagros, Olga, Manuel
All died yesterday, today and will die again tomorrow passing their bill collectors on to the next of kin
All died waiting for the garden of eden to open up again under a new management
All died dreaming about america . . .

This powerful poem, published in 1973, traces the lives of five Puerto Ricans who came to the mainland hoping to fulfill their dreams of a better life, but whose dreams soon become nightmares as they found themselves shut out of America's economic opportunities and lifestyle. All of Pedro's works, though at times humorous, contain a powerful political message.

Mr. Speaker, Pedro was not special because he was a gifted writer, he was special because he used his gift to inspire his community to rise above the oppression they had endured. In his countless poems and plays Pedro defined the Nuyorican (Puerto Rican New Yorkers) experience, inspiring a new generation of Nuyorican poets to take up the cause he dedicated his life to. In addition, his works have inspired poets of oppressed peoples in the United States and abroad since the 1960's.

Pedro's publications include Illusions of a Revolving Door: Plays (1992), The Masses are Asses (1984), Traffic Violations (1983), Lost in the Museum of Natural History (1980), Invisible Poetry (1979), and Puerto Rican Obituary (1973). His work has also been included in anthologies such as The Prentice Hall Anthology of Latino Literature (ed. Eduardo del Rio, 2002); The Outlaw Bible of American Poetry (ed. Alan Kaufman, 2000), The Latino Reader (eds. Harold Augenbraum and Margarite Fernandez Olmos, 1997), Inventing a Word: An Anthology of Twentieth-Century Puerto Rican Poetry (ed. Julio Marzan, 1980), and The United States of Poetry. He was the recipient of several New York State Creative Arts in Public Service grants and a grant from the New York Foundation for the Arts.

Mr. Speaker, for his invaluable contribution to American literature and his commitment to addressing issues of great importance to our nation; I ask that my colleagues join me in paying tribute to Pedro Pietri.

PERSONAL EXPLANATION

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. CHOCOLA. Mr. Speaker, on Tuesday, March 2nd, and Wednesday, March 3rd, I was on official government travel in Libya and missed several votes.

Had I been present, I would have voted ''yea'' on rollcall votes 32, 33, 34, 35, 36 and 37.

CONDOLENCES ON TERRORIST ATTACK AGAINST SPAIN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. HOLT. Mr. Speaker, I rise to express my sincere sadness at the extreme loss of life suffered today by the people of Spain after the worst terrorist attack in that nation's history. The people of central New Jersey know what it feels like to lose loved ones to an act of terrorism. We lost so many of our neighbors on the attacks of September 11, 2001. On behalf of my constituents, I stand now in solidarity with the people of Spain.

We are reminded by today's carnage that senseless acts of terror continue to afflict innocent people around the world whether they live in Madrid, Istanbul, New York, or Baghdad. We are reminded today that no nation is immune to the threat of terrorism.

I hope that today's attack will send a signal to all of us that we must remain vigilant in the face of terrorism and that we must continue to work closely with all nations around the world

to destroy Al-Qaeda and its terrorist allies. We cannot avoid the thought that this attack happened because Spain offered assistance to the U.S. in fighting terrorists around the world.

I'm sure the U.S. Government will offer whatever assistance it can to help the Spanish people who are suffering and to find and arrest the savage culprits of this crime.

IN HONOR AND REMEMBRANCE OF WINIFRED MARY ''MA'' DUNCAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of my dear friend, Winifred Mary ''Ma'' Duncan—devoted mother, grandmother, great-grandmother, friend, mentor and community activist, whose life deeply affected the lives of countless individuals, including my own.

Mrs. Duncan was an unwavering source of strength for her family, as she raised and supported seven children on her own. Armed with a strong sense of determination, faith, and inner resolve, Mrs. Duncan faced the challenges of single parenthood with grace and focus, and was a consistently loving role model for her children, and for all the children in the neighborhood.

Beyond caring for her family, Mrs. Duncan remarkably found the time and energy to volunteer within the community. In the late sixties and seventies, she served as a Council Member for the City of Valley View. During that time, she delivered Christmas and Easter baskets to families in need. Throughout the seventies and eighties, Mrs. Duncan served as a member of the Board of Directors of the Merrick House Settlement and the Tremont Free Clinic. For the past 30 years, Mrs. Duncan was an active member of the St. Augustine Parish Council, St. Augustine Hunger Council, St. Augustine Seniors, St. Vincent DePaul Society and the Cleveland Catholic Blind Community.

Mr. Speaker and colleagues, please join me in honor and remembrance of Mrs. Winifred Mary ''Ma'' Duncan. As we deeply mourn her passing, we also joyously celebrate her life. ''Ma'' Duncan built a foundation of love and security for her children, and for the world around her. Her sense of charity, love for others and giving nature encircled her family, encircled the neighborhood, and uplifted our entire community. I offer my deepest condolences to her children: Valerie, Charles, James, Wayne, Gerald, Kathleen and Rosemary; and to her grandchildren, great-grandchildren, and to her extended family and many friends. The wondrous affect on the lives she touched is immeasurable, and ''Ma'' Duncan's beautiful legacy—a legacy reflecting giving, compassion and love, will live on forever within the memory and heart of everyone who knew and loved her well. The way ''Ma'' Duncan lived her life has given light to our community and has raised our corner of the world to a better place.

TRIBUTE TO ARMY PVT. BRYAN NICHOLAS SPRY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Army Pvt. Bryan Nicholas Spry, a national hero who paid the ultimate price for his country on February 14 in Baghdad, Iraq. This brave, 19–year-old soldier from Maryland's Eastern Shore, fresh out of basic training, had been in Iraq just over a month when he died.

Bryan was born in Wilmington, Delaware, and raised in Chestertown, Maryland, in Kent County on the Eastern Shore. I had the privilege of knowing him personally and found him to be a friendly, gregarious young man who loved the outdoors, baseball and the idea of being a soldier.

Mr. Speaker, on the night of February 13, Bryan attempted to drive his Humvee across a bridge which collapsed, dumping the vehicle into the water said Bryan's mother, Mrs. Beverly Couch Fabri. Three of the Humvee's passengers got out and swam to safety. But Bryan was unconscious when they pulled him out of the murky water. His lungs were filled with water. He died the next day, Valentine's Day, in a field hospital in Baghdad.

As a boy growing up on the eastern shore of the Chesapeake Bay, he idolized his older brother, Michael, a professional baseball player. Michael plays right field for the River City Rascals, a St. Louis area club that competes in the independent Frontier League. The two boys and their father often went deer hunting together. But instead of shooting the animals with a gun, Bryan preferred to shoot them with his camera. On one of those hunting excursions, when his brother was about to pull the trigger on his target, he saved the deer's life by scaring it off, his mother recalled. ''After that, his brother didn't take him along [on hunts] for a very long time,'' Fabri said.

Mr. Speaker, I am told that both of Bryan's grandfathers fought in World War II, and growing up he loved to run in the woods, playing army with his brother and friends. As a child he decorated his bedroom with GI Joe action figures, said one his boyhood friends. Bryan attended Kent County High School where he was an outfielder on the baseball team. Twenty-one days after he graduated from high school, he made good on his dream to become a soldier, shipping off to basic training at Fort Benning, Georgia. After successfully concluding his training, he was detached to the 82nd Airborne Division's Company D, 1st Battalion, 504th Infantry, based at Ft. Bragg, North Carolina.

On Friday, February 20, visitation was held for Bryan at the Fellows, Helfenbein and Newnam Funeral Home in his hometown of Chestertown. A memorial was also held that night at Mear's Great Oak Landing, a waterfront complex in Chestertown, with money raised from a silent auction and raffle to go into a fund in his name that will help military families. How fitting!

Funeral services were held at 2 p.m. on Saturday in the auditorium at Kent County High School in Worton. Bryan was laid to rest with full military honors at St. James United Methodist Church Cemetery, a final tribute to a paratrooper who, colleagues said, understood the meaning of duty and sacrifice. Major Marvin Luckie, deputy division chaplain for the 82nd Airborne read from the 23rd Psalm and from the lyrics to ''Taps.'' As the chaplain finished reading the psalm and a 21-gun salute broke the quiet, an honor guard slowly folded the flag and presented it to his weeping mother.

''In life, he honored the flag,'' Luckie said. ''In death, the flag will honor him.''

On Wednesday, February 25 paratroopers from the 82nd Airborne Division held a memorial service in Iraq to remember him.

Mr. Speaker, the number of fallen heroes emerging from the war in Iraq, unfortunately, continues to grow. Our brave men and women who risk their lives daily are national treasures. I ask my colleagues to join me today in commemorating one of these treasured heroes; Army Pvt. Bryan Nicholas Spry.

CONGRATULATING THE ROCHESTER HIGH SCHOOL ''LADY ZEBRAS'' ON THEIR INDIANA CLASS 2A GIRLS STATE BASKETBALL CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate the Rochester High School Lady Zebras on their Indiana High School Athletic Association Girls Basketball Class 2A state championship.

When the final horn sounded on Saturday, March 6, at the Conseco Fieldhouse in Indianapolis, Indiana, over 9,000 fans witnessed the young women of Rochester High School's girls basketball team win their first ever state championship over Heritage Christian 51 to 40. As a team, the Lady Zebras set championship game marks for free throws made (25), free throws attempted (28) and free throw percentage (89). It was the Zebras' 14th consecutive victory. Their state championship win leaves Rochester at an impressive 25 and 2 mark for the year.

I would like to acknowledge Coach Tony Stesiek and Assistant Coaches Katie Felke, Jason Snyder, Stacy Stesiak, Andrea Milliser and Randy Wynn on an exceptional season.

On behalf of the citizens of the Second Congressional District, I would like to congratulate all of the players including seniors Lindsey Dishman, Courtney Felke, Jamie Fornal, Brooke Riddle, Aubry Roe, juniors Randall Heyde, Morgan Thomas, sophomores Ryleigh Carr, Jenna Easterday, Kendra Howard, and freshmen Lesley Cox, Cassie Greives and Bethany Sewell.

Student managers Lindsey Helstern, Ali Hunt and Stephen Williams and Athletic Training student Lindsey Bright also deserve a special congratulation.

I would also like to take a moment to recognize senior Courtney Felke. She was named the 2004 Patricia L. Roy Mental Attitude Award winner for Class 2A. At the conclusion of the girls basketball state finals, the IHSAA Executive Committee presents the award to the outstanding senior in the state finals competition. Courtney's grit and determination to win this state title began four years ago when

she, along with the rest of the seniors, started shooting free throws in the mornings before school began. It paid off in Saturday's title game.

Mr. Speaker, I know that everyone in Fulton County, Indiana, from Principal Dennis Eller, Assistant Principal Steven Lyng and Athletic Director Mark Miller, to every one of their parents, is extremely proud of these young women.

Again, I would like to congratulate the Rochester High School girls basketball team on winning their first-ever state basketball championship.

INDIA REPUBLIC DAY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. HOLT. Mr. Speaker, I rise today to honor the people of India on their 55th celebration of Republic Day. It was on this day in 1950 that India adopted its Constitution and became a modern sovereign state. Enshrined in that constitution are the same ideals of equality for all citizens, universal suffrage for those over 18, and the freedoms of speech, association and religion that we hold dear in the United States.

I am pleased to represent central New Jersey's Indian Americans in the U.S. House of Representatives and to be a member of the Congressional Caucus on India and Indian Americans. It is with pleasure today that I express my praise for India's commitment to democracy.

India's struggle for independence cost many lives, but also united Indians of many peoples. We honor those, especially Mohandas Mahatma Ghandi, who struggled for India's independence. Ghandi's non-violent form of resistance has set an example to all of us around the world. Freedom can be achieved through peaceful protest. India's leaders are currently working to broker peace with Pakistan and I commend them for their efforts to end this horrible conflict through peaceful negotiations.

India adopted its Constitution and swore in its first president, Dr. Rajendra Prasad, only 894 days after the withdrawal of the British Empire's forces. Today, India can be proud to hold the title of the world's largest democracy as it prepares for upcoming elections in April.

When I made my first trip to India in 1977, it was just after the lifting of the Emergency. At the time, India was facing a challenge to its democratic institutions. As the Indian people proved later that year by voting out Prime Minister Indira Gandhi, who had temporarily suspended the Indian Constitution during the Emergency period, they were resilient democrats.

I am always impressed with India for the remarkable dexterity with which its people make democracy work in a country of such incomparable diversity and size. The United States may be the world's oldest democracy, but India is by far the world's largest. I believe that the rest of the world, including the United States, has something to learn from India and its democratic accomplishments.

I am pleased to see India and the U.S. working so closely together. Each year for the past several years, U.S.-India relations have advanced to higher and higher plateaus. India has been an outspoken supporter of our Nation's war on terror. India and her people have endured terrorist attacks and, like the American people, they are resolute in fighting against future threats.

In New Jersey, I have never felt too far away from India because I have the good fortune to have so many wonderful Indian-American neighbors. I look forward to continuing to represent the Indian American community of central New Jersey and to seeing India's democracy continue to flourish in the years to come.

IN HONOR AND REMEMBRANCE OF ALICIA G. JAQUILLARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mrs. Alicia G. Jaquillard—devoted wife, mother, grandmother, dedicated human services employee, and friend and mentor to many.

Mrs. Jaquillard was born in Puerto Rico, and eventually emigrated to America with her family. Her family was central to her life. She leaves behind her devoted husband, Marvin J. Jaquillard, and also her four stepsons. She was extremely close to her children and eight grandchildren—and will be deeply missed by her entire family.

Mrs. Jaquillard and her family moved to Toledo in 1972. She worked for the Lucas County Department of Human Service as a Food Stamp Officer. She performed her duties with integrity and compassion, and was held in high esteem by clients and colleagues. Mrs. Jaquillard possessed an incredible sense of humor, and had the rare ability to make others feel instantly comfortable and welcome.

Mrs. Jaquillard retired from public service in 1985, which enabled her to spend more time surrounded by family, and more time to pursue her favorite pastimes—cooking, traveling and music. She was an exceptional cook, and loved to share her culinary talents with family and friends by preparing a variety of traditional and contemporary Spanish dishes. She loved music, especially slow romantic songs and music of her Spanish heritage. Mr. and Mrs. Jaquillard were avid travelers. Together, they journeyed across America, Canada and Mexico.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mrs. Alicia Jaquillard—beloved wife, mother, grandmother, and friend. I offer my deepest condolences to her entire family and to her entire circle of friends. Mrs. Jaquillard lived her life with great joy, love and energy—and her memory and spirit will be remembered forever by all who knew and loved her well.

PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT

SPEECH OF

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements:

Mr. BARTON of Texas. Mr. Chairman, I rise in strong support of H.R. 339, the Personal Responsibility in Food Consumption Act. Personal responsibility—not frivolous lawsuits—is the appropriate way to deal with obesity issues.

As reported by the Judiciary Committee, however, H.R. 339 contained very broad language that could be read to include regulatory actions by at least two agencies within the jurisdiction of the Committee on Energy and Commerce—the Federal Trade Commission (FTC) and the Food and Drug Administration (FD). It is my understanding that it was not the intent of the authors to prohibit such lawsuits. Working with Chairman SENSENBRENNER, we then developed language that is included in the manager's amendment today that specifically exempts actions brought under the Federal Trade Commission Act or the Federal Food, Drug, and Cosmetic Act. There can be no question, then, that if this bill were signed into law, it would have no effect on regulatory or legal rights and responsibilities under these statutes.

I look forward to working with the Judiciary Committee as this legislation moves forward.

RECOGNIZING PEACE CORPS WEEK

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. MCKEON. Mr. Speaker, I rise today in recognition of National Peace Corps Week, which gives us the opportunity to honor and commemorate the 43rd anniversary of the Peace Corps. During this week, celebratory and educational events take place across the country to pay tribute to the Peace Corps' influence on communities in the United States and abroad. Thousands of Peace Corps volunteers speak in classrooms, Governors issue proclamations, and former and current Peace Corps staff honor the lasting legacy of the Peace Corps with their service. I would like to join these individuals in their tribute.

Since its inception in 1961, over 170,000 Peace Corps Volunteers have served in 137 countries to promote the Peace Corps' mission of world peace and friendship. Currently, over 7,500 Volunteers are serving in 71 countries around the world—the highest number of volunteers in the field in 28 years. In 2003 alone, the number of individuals applying to serve in the Peace Corps rose by 10 percent. With continued interest from both Americans

and host countries, the Peace Corps is well-positioned to continue to expand its ranks for many years to come.

The work of the Peace Corps has never been more relevant than it is today. Americans are interested in humanitarian service, and host countries are eager for our volunteers. Peace Corps volunteers share their time and talents by serving as teachers, business advisors, information technology consultants, health and HIV/AIDS educators, and youth and agriculture workers. These volunteers transfer life-changing knowledge and skills that are valued by the people of other nations. In its tenure this institution has become vital to the well-being of our country and to the international community.

During this week, we salute the men and women of this nation who selflessly serve abroad as Peace Corps Volunteers.

Recently, I had the opportunity to honor Sergeant Shiver, the organizer and first director of the Peace Corps. His lifelong service is only one shinning example of the quality of individuals the Peace Corps recruits. He, as well as many other members of the Peace Corps, has shown that one dedicated individual can create positive change in the world.

Mr. Speaker, I would like to Join my colleagues in support of National Peace Corps Week and honor past and present volunteers who carry out the Peace Corps' goals and who continue to empower people in developing and developed countries through their efforts.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. BEREUTER. Mr. Speaker, on March 9, 2004, this Member unavoidably missed three roll call votes. On all three votes, this Member would have voted ''aye,'' had he been present. The three votes were: 1. Rollcall No. 42, passage of 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; 2. Rollcall No. 43, passage of H. Res. 392, a resolution congratulating the Detroit Shock for winning the 2003 Womens National Basketball Association championship; and 3. Rollcall No. 44, passage of H. Res 475, congratulating the San Jose Earthquakes for winning the 2003 Major League Soccer Cup.

IN HONOR OF FATHER JOHN J. CREGAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Father John J. Cregan, Pastor of Our Lady of Angels Church of Cleveland, Ohio, as he is being honored for his significant outreach and committed service to the people of our Cleveland community.

For more than 40 years Father Cregan has served as a spiritual guide, healer and beloved mentor and friend to countless families and individuals. Since 1968, Father Cregan has served as a dedicated advocate of spirituality, faith and counsel to members of our safety forces. In his role as Catholic Chaplain for the Cleveland Police Department and the Fraternal Order of Police, and as Spiritual Director of the Greater Cleveland Police and Fire Society, he continues to provide direction, hope and comfort to the men and women who so bravely and selflessly serve our community.

Father Cregan's journey of service to others began with his ordination at St. John's Cathedral on May 20, 1961. His kind, compassionate and gentle nature has touched the lives of countless families and individuals in every parish he has served. For more than twenty years, Father Cregan led the congregation at Blessed Sacrament Parish, first as Assistant Pastor, then as Pastor. Father Cregan also served as Associate Pastor at St. Joseph Parish and St. Thomas More Parish. In 1987, Father Cregan was named Pastor of Our Lady of Angels Church in Cleveland, where he continues to today—providing solace and strength to this parish community.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of Father John J. Cregan, whose compassion, commitment and energy continues to create a haven of assistance, hope and renewal for every member of Our Lady of Angels parish and for countless members of our safety forces. Father Cregan's vision, leadership, and love for others brings light, hope and possibility to Cleveland's West Park neighborhood, and strengthens our entire community. Today, we express our gratitude to Father Cregan for making a difference throughout the Cleveland area community.

RECOGNITION OF ALBERT M. ELÍAS

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. GRIJALVA. Mr. Speaker, I rise today in recognition of Albert M. Elías for 50 years of service to organized labor and to the progressive political community in Tucson and Pima County as a member of International Typographical Union/Communications Workers of America Local 7026.

Albert M. Elías represents the highest ideals of the labor movement. While others talk about the need for a strong labor movement to protect and enhance the lives of working people, Albert, for more than 50 years, has worked to advance these goals. While others have talked about how Pima County and southern Arizona need progressive political success to empower the ordinary and disadvantaged among us, Albert has worked long hours helping politicians and movements advocate on behalf of these people.

Using the printing skills he has honed for most of his life, the knowledge he has gained over more than five decades of how the printed word can help realize worthy goals, and the personal contacts his honesty, integrity and goodwill have forged, Albert has achieved much and has helped others achieve even more in advancing political movements, and the labor movement in particular.

Albert, 75, a fourth-generation Tucson native, joined the International Typographical Union of his maternal grandfather Francisco S. Moreno in January 1954 and committed himself to a career in the printing trade. Albert believed that union membership would improve the professional quality of his work as a printer, and enable him to develop meaningful, long-term relationships in his community that would benefit himself and his family, as well as his union brothers and sisters. Union membership, he believed, also would provide him with better income and with vacations and holidays off to spend quality time with his family. It was Albert's goal to provide his children with the wherewithal to excel in education through high school and go on to college if they desired.

Time proved Albert to be correct. All three of the children of he and his wife Viola Baine are college graduates who are serving others in pursuit of their careers. Their eldest, Ana Elías Terry, has a master's degree from the University of Arizona and has worked as a bilingual speech therapist for Tucson Unified School District for 22 years. Son Albert is also a University of Arizona graduate and has been an urban planner for almost 20 years with the City of Tucson, where he is now the planning director. Son Richard parlayed his University of Arizona degree into winning election to the Pima County Board of Supervisors and becoming its vice chair.

Albert and his sister Aida Elías, the children of Alberto Spring Elías and Ermelinda Moreno Elías, always have lived their lives as Christians and are dedicated to their religious faith. Albert has maintained an active lifetime role in his Roman Catholic parish, based at St. Augustine's Cathedral in downtown Tucson. He served for many years as a member of its Parish Council.

Albert's interest in the printing trade goes back to his childhood in the 1930s. His grandfather Moreno had begun publishing the Spanish-language El Tucsonense weekly newspaper as a member of the Typographical Union in 1915, but he died an early death in 1929. El Tucsonense continued publication under ownership of his wife, Rosa E. Moreno, and with the help of her five children—Ermelinda, Gilberto, Federico, Arturo and Elías. Before Albert's 10th birthday he was delivering El Tucsonense by bicycle to the Latino barrios that dominated much of downtown Tucson. He worked his way into the print shop during his years at Tucson High School to be a ''printer's devil,'' sweeping the floors, cleaning presses, and remelting the lead used to make ingots for the shop's linotype machines.

After graduating from Tucson High School in January 1947, Albert went to the Frank Wiggins Trade School in Los Angeles to learn more about printing. After completing those studies in 1948, Albert went to work in the print shop that published El Tucsonense, now being run by his uncle Arturo Moreno. That ended in late 1951 when Albert was drafted into the U.S. Army. He served in the infantry for two years before being honorably discharged. After his discharge, Albert returned to Tucson. But instead of rejoining El Tucsonense, Albert sought membership in the Typographical Union as a journeyman, skipping apprenticeship because of his experience. His skills earned him a position as a linotype operator in early 1954 with the Tucson daily newspapers, The Arizona Daily Star and Tucson Citizen.

A bitter and ultimately unsuccessful Typographical Union strike at the Star-Citizen in 1966, over job-depleting automation and the companies' rejection of the union's demand for a pension plan, ended Albert's 12–year stint with the daily newspapers. Fortuitously for Albert, El Tucsonense was in the process of folding and he and a partner, Oscar Araiza, bought his uncle's printing shop. Araiza retired in 1991 and Albert has run Old Pueblo Printers alone since then.

Upon taking control of the business in 1966, Albert and his partner began doing printing work for Tucson-area labor union locals and Democratic Party candidates for political office. One of the first campaigns for which Albert's shop printed the political literature was one of the late U.S. Representative Morris K. Udall's bids for office. Udall continued to use his services after that, as did Robert Kennedy for his assassination-truncated 1968 presidential campaign. Albert printed campaign materials for Raúl Castro, who was elected as the first Latino governor of Arizona; for Ed Pastor, who was elected as the first Latino congressman from Arizona; and for longtime Pima County Supervisors Sam Lena and Dan Eckstrom. I, too, came to Albert for my printing needs when I first launched what became a 12–year stint on the Tucson Unified School District Board. I continued to use Albert's services through 13 years on the Pima County Board of Supervisors and, finally, on my 2002 bid for Congress.

During his career, Albert supported labor leader César Chávez of the United Farm Workers, he supported the efforts of local Latino activists to get their fair share of federal funds to improve the homes and neighborhoods of their people, and he supported a landmark lawsuit forcing Tucson Unified School District to desegregate its schools. Albert always has been, and still is, fighting battles against those who seek to use their financial influence to their own advantage—and at the expense of ordinary working people.

Albert M. Elías deserves special recognition, honor and respect for his five decades of union membership—and for his meritorious achievements during that time on behalf of working people and the less fortunate of Pima County and Southern Arizona.

ON THE TERRORIST ATTACK IN MADRID, SPAIN

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. LINDER. Mr. Speaker, again a horrendous act of terrorism has been perpetrated on freedom-loving people in the world. Today, our friends in Spain are in mourning in the face of another cowardly attack by the enemies of freedom. News reports indicate that at least 173 people were killed and more than 600 injured in a series of explosions on Madrid's railway network at the height of morning rush hour.

Spain has suffered terrible losses from terrorism for decades, and the United States stands by its side today in grief. Our hearts go out to the Spanish people in this difficult time.

As I stated in September 2001, we—and our allies around the world—will show our resolve to our enemies. The free nations of the world will remain steadfast in our commitment together to ensure that those who hate freedom and liberty will not succeed. There are only two sides in this war: Ours and the enemy's. We reaffirm this today in light of the attacks in Madrid.

Lastly, it was President Franklin D. Roosevelt that stated that this Nation and its allies will defend ourselves to the uttermost and work to make certain that acts of war should never be permitted to endanger freedom-loving people again. Quote, ''With confidence in our Armed Forces—with the unbounded determination of our people—we will gain the inevitable triumph—so help us God.'' This quote remains just as true today, as it did in December 1941.

FIRST ALL-FEMALE GRADUATING CLASS OF PICKER ENGINEERING SCHOOL OF SMITH COLLEGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. NEAL of Massachusetts. Mr. Speaker, I come to the floor to congratulate the first all-female graduating class of the Picker Engineering School of Smith College. The Picker Program is committed to advancing opportunities for women in engineering. The engineering science program emphasizes an integrative teaching approach that will reinvent the standards of engineering and change the future.

The Picker Engineering Program has reinvented the role of engineering and thus expanded the way in which engineering students view the world. The 20 young women in the graduating class of 2004 have been exposed to an interwoven study of humanities and engineering. The creators of the academic department have redefined the standard curricula of engineering by integrating liberal arts education with traditional scientific and mathematical principles. The Picker Engineering Program stresses the importance of serving humanity and the protection of natural resources. The importance placed on environmental sustainability and social responsibility has raised the standards needed for an engineering degree.

The Picker Engineering School of Smith College will provide endless opportunities for students seeking an unparalleled education. It has already attracted a dedicated faculty and will continue to recruit superior staff and faculty. One of the highest percentages of women faculty, more than sixty percent, of any engineering programs in the country are employed by Smith College. The Picker program is a leading innovator in educating the next generation of engineers.

While women account for 45 percent of the American workforce, merely 9 percent of engineering careers are held by females. Smith College is dedicated to eliminating barriers to women in engineering while promoting interdisciplinary study. I speak on behalf of the second district of Massachusetts and the entire State in congratulating Smith College and welcoming the Picker Engineering School and its students to western Massachusetts.

INTRODUCTION OF THE CONGRESSIONAL ACCOUNTABILITY ENHANCEMENT ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SHAYS. Mr. Speaker, in passing the Congressional Accountability Act (CAA) back in 1995, Congress affirmed a very important principle: if a law is right for the private sector and the rest of the federal government, it is right for Congress.

In passing CAA, we brought ourselves under 11 labor and employment laws from which we had previously been exempt, but it has become clear our work is not complete.

Today, we introduced the Congressional Accountability Enhancement Act to try to further curtail the double standard that exists between Congress and the private sector by bringing Congress under even more of the laws it has passed for the rest of the country.

Specifically, the CAA omitted Title II of the Civil Rights Act, which prohibits racial discrimination in places of public accommodation—like Member's offices or the Capitol building—to Congress. Additionally, CAA did not include whistleblower protections or require that the disabled have equal access to all electronic information, like Members' websites and committee hearing broadcasts.

In addition to extending these important protections, the Congressional Accountability Enhancement Act would ensure Legislative Branch employees are protected from discrimination or termination for serving jury duty, declaring bankruptcy or having their wages garnished for debt—protections inadvertently excluded from CAA.

We don't tolerate those kinds of discrimination in the private sector, and we certainly should not make excuses for them here in Congress. We have a responsibility as the Nation's lawmakers not only to lead by example, but also to share the burden we ask others to bear.

The bottom line is, Congress should not be above the law. Our bill will help ensure we live by the laws we've passed.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. RUSH. Mr. Speaker, yesterday, on roll-call vote No. 50, I inadvertently voted ''aye'' instead of ''nay.'' I ask unanimous consent that the RECORD reflect that I was opposed to the amendment offered by the gentleman from New Jersey, Mr. ANDREWS.

STOPPING VIOLENCE AGAINST WOMEN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. PASCRELL. Mr. Speaker, I rise today to call attention to an epidemic plaguing our Nation—violence against women. Too often we

hear appalling statistics highlighting this fact; particularly regarding cases of domestic violence.

Nearly one-third of American women report being physically or sexually assaulted by a husband or boyfriend during their lifetime. The violence is not limited to adult women: One in five high school girls reports being abused by a dating partner.

In 2002 in my home State of New Jersey there were 79,844 domestic violence offenses reported by the police. Women were the victims in over 77 percent, or 61,715, of all these domestic violence offenses. In New Jersey, one act of domestic violence occurs every 6 minutes and 35 seconds.

In Passaic County, New Jersey there were 4,892 reported cases of domestic violence. The numbers are shocking. The crimes: heinous—3 Homicides, 6 Criminal Sexual Contacts, 2,825 Assaults, 280 Criminal Mischief cases, 469 Terroristic Threats, 48 Burglaries, 8 Kidnappings, 23 Criminal Trespass cases, 6 Criminal Restraint cases, 1,183 Harassment cases, 3 False Imprisonments, 20 Stalking cases, and 18 Sexual Assaults. Women were the victims in at least 3,767 of these cases.

We have a responsibility to reverse these unacceptable statistics. The women of Passaic County, of New Jersey and the entire Nation, deserve better. No woman should live in fear of domestic violence.

In addition to the terror, domestic violence is a serious health care issue that affects thousands of women and their children. The health-related cost of domestic violence against women exceeds $5.8 billion each year.

Health care providers are on the front lines of the battle as they often identify domestic violence and provide victims with care and support. That is why I support the Domestic Violence Screening, Treatment and Prevention Act, which would provide research on the health impact and prevention of family violence; training for health care professionals regarding identification and treatment for families experiencing family violence; and health care coverage for domestic violence identification and treatment.

There is great need for both women and men to join together to speak out and stop the violence. Stop the violence against women. As a Congress, as a Nation, we must work to protect the rights of women and ensure that they have the support and services necessary.

INTRODUCTORY STATEMENT FOR H.R. 3936

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SMITH of New Jersey. Mr. Speaker, today, along with Mr. EVANS, and Mr. SKELTON, I am introducing H.R. 3936, a bill to authorize the U.S. Court of Appeals for Veterans Claims, now located in commercial office space in the District of Columbia, to seek a new location in the greater national capital region. This measure would also express the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for the court and the veterans it serves. It would be located, if possible, on one of three small parking lots next to I–395 on the Pentagon Reservation.

The court, created by statute in 1988, is an independent Article I judicial tribunal that for the first time gave our Nation's veterans the right to judicial review of the Department of Veterans (VA) benefits decisions on their disability, pension, education and other claims. It should, like all other article I courts, have a permanent courthouse.

In addition to the court, occupants of the new Courthouse would be members of those constituencies that regularly practice before the court, for example, the Veterans Consortium Pro Bono Program, the National Veterans Legal Services Program, and the appellate attorneys of veterans service organizations. The court and the offices of its constituents pay over $3.7 million per year for their rent. The General Services Administration anticipates that the court's rental costs will increase substantially in the not-too-distant future, so it would be desirable to relocate the court on a government-owned site, if possible.

H.R. 3936 would also require the Secretary of Defense, the Secretary of Veterans Affairs and the Administrator of General Services to submit a joint report to the House and Senate Committees on Armed Services and Veterans' Affairs on the feasibility of locating a new Veterans Courthouse and Justice Center at an appropriate site owned by the United States that is part of or near the Pentagon Reservation.

Mr. Speaker, given the past, present, and future sacrifices of the many men and women of our Armed Forces, I cannot imagine a better use for one of the present parking lots near the Pentagon, than a stand-alone, dedicated Veterans Courthouse and Justice Center to embody the gratitude and respect this Nation has for the service of every veteran.

I invite my colleagues to cosponsor this legislation as a first step toward a Veterans Courthouse and Justice Center for the U.S. Court of Appeals for Veterans Claims.

VETERANS ACCESS

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. OTTER. Mr. Speaker, many veterans in the first district of Idaho, which I represent, live in rural areas where access to VA healthcare facilities is limited.

In Idaho, access for many veterans is limited by geography; mountain ranges, rivers, and great distances. These veterans deserve better access to the health benefits they've earned by serving our country.

While there are no easy solutions to these problems, I feel the VA has worked hard to provide veterans living in rural areas some opportunities to receive care.

A number of programs including outpatient clinics, temporary clinics, and mobile care units have all helped to address the access problem in these areas.

While these programs have shown some success, I believe there are other innovative ways we can address the access issue.

One such way is limited outsourcing. I am a cosponsor of H.R. 3777, the HEALTHY Vets Act, which was introduced by my colleague SCOTT MCINNIS. This bill creates opportunities for Veterans in rural areas to access timely healthcare from doctors and hospitals in their communities.

Many rural communities understand the value of their community doctors and hospitals. Rural healthcare is expensive, and these communities are fighting hard to maintain these resources. Allowing veterans access to community hospitals makes sense for our veterans and our communities.

I have a deep appreciation for the men and women who have risked their lives for America's freedoms and feel our Nation should keep its promises to our veterans.

Throughout our history our Nation has been forced to maintain our commitment to freedom, and likewise, we must continue our commitment to our Nation's veterans.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT (CREATE) ACT OF 2004

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation. I cannot overstate the importance of encouraging collaboration when it comes to developing new technologies, particularly in the medical field. That is why Congress amended the patent laws in the mid-1980's to allow the patenting of inventions even when the inventions were not developed by a single person.

Unfortunately, the Federal courts have interpreted the law in a way that vitiates our intent in enacting it in the first place. The Federal Circuit ruled in the OddzOn case that an inventor's knowledge of ''secret prior art'' could prevent the issuance of a patent unless the inventor basically worked in the same organization that developed the prior art.

This ruling is having a detrimental impact on innovation. Because many universities and other non-profits do not enter into the formal structures envisioned by OddzOn when they work to develop drugs and other technologies, they are losing patent protection and an incentive to work together. We will see a decline not only in collaborations but also in the development of life-saving drugs and other inventions.

That is why I am pleased we are considering this bill, of which I am an original cosponsor. H.R. 2391 reiterates the importance of research collaborations by allowing them to obtain patent protection without entering into formal relationships. This legislation will encourage collaboration and spur innovation.

I urge my colleagues to vote ''yes'' on this legislation.

TRIBUTE TO IRENE COLLINS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. MCCOTTER. Mr. Speaker, last week my district lost a beloved member of our community and, with great sorrow, I pay her posthumous tribute today.

Irene Collins was a fiery, dedicated, and very determined lady, who never stopped giving of herself to her community, be it helping troubled teenagers or supporting numerous civic activities and community causes. This special lady is survived by her four siblings; six children; seventeen grandchildren and seven great-grandchildren. May all who knew her and are terribly saddened by the loss of Irene take comfort in the kindness of her enduring works, which constitute the finest and truest tribute to her.

COMMENDING WHITKO HIGH SCHOOL ART STUDENTS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SOUDER. Mr. Speaker, I rise today to commend the artistic achievements of 15 students at Whitko High School in South Whitley, Indiana. Whitko High School was one of 18 schools in the United States that recently participated in the 34th World School Children's Art Exhibition in the Republic of China, Taipei. The purpose of the exhibition is to promote mutual understanding and friendship among the younger generation of the world.

It is a tremendous honor for Whitko High School students to be recognized for their artistic abilities on an international level, especially considering nearly 40 countries were represented at the exhibition.

I'd now like to recognize by name each of the fifteen Whitko students who received the international award medals: Hannah Brenneman, Mark Harness, Jessica Cripe, Kristine Rotach, Rebecca Morford, Kayla Green, Adam Porter, Tasia Boggs, Angie Roberts, Lisa Wilkinson, Katie Menzie, Jana Rowland, Dana Sellers, Emily Crist, and Hillary Lacy. Each of these students has demonstrated outstanding artistic skill and talent by being recognized in the World School Children's Art Exhibition, and I applaud them for their fine work.

I also commend Whitko High School's art teacher Walter C. Malicki for his dedication and enthusiasm for developing the artistic abilities of Whitko students. Over the past several years, Whitko High School students have received 32 national and 95 international awards. These honors are due, in large part, to the leadership of Mr. Malicki and his encouragement of each student's artistic abilities.

Once again, I extend my congratulations to the Whitko High School art students for their achievements in the 34th World School Children's Art Exhibition. Keep up the good work.

RECOGNIZING THE CONTRIBUTIONS OF HEATHER TAYLOR-MIESLE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Ms. SOLIS. Mr. Speaker, I rise today to recognize Heather Taylor-Miesle, a dedicated and passionate young woman who has worked in my office as a Legislative Assistant handling environmental and transportation issues for nearly three years.

Heather was instrumental in shepherding into law a bill that is important to my community and close to my heart—the San Gabriel Valley Watershed Act (Public Law 108–65). Signed into law on July 1, 2003, the bill implements a study that will investigate how to preserve green, open and recreational space in the San Gabriel Valley Watershed in Los Angeles County. This law will go a long way towards ensuring environmental justice for the community I represent—one that is often the victim of environmental blight, rather than the beneficiary of environmental good fortune.

Heather is a proud environmental advocate who constantly pushes to ensure that the health and well-being of people remains at the top of the environmental agenda. She has worked with the local cities I represent to focus on cleaning up polluted Superfund sites and assessing the health risks of dust emitted by local gravel mining pits.

As Heather leaves the office to pursue a new professional opportunity, I wish her, her husband Don, and son Isaiah the best of luck. Her warm personality and friendly demeanor will be greatly missed.

''CHAVEZ'S DISRESPECT FOR DEMOCRACY''

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, last week I released a statement expressing my disappointment with the use by Venezuela's National Electoral Council (CNE) of hyper-technical points and controversial procedural rulings to repress what appears to be the clear will of a sufficient number of Venezuelan citizens to move the country to a constitutional referendum on President Chavez.

The Organization of American States and the Carter Center observed first hand the democratic spirit shown by Venezuelans during the signature collection process, and they have publicly stated that they saw no significant problems with the collection of signatures.

Both organizations have also said they disagree with the Chavez-dominated electoral board's decision to set aside 876,000 signatures unless citizens come forward to validate them because the large numbers involved here, and the short time period allowed in which to appeal these signatures, could frustrate the will of the Venezuelan people to have a referendum on their president.

Because the decision of the CNE seems to me likely to obstruct the constitutional referendum process, I am submitting into the CONGRESSIONAL RECORD a recent editorial from The Washington Post entitled ''Coup by Technicality'' which provides specific details on the decision.

I think it is also important that President Chavez understand that if the will of the Venezuelan people is disregarded, the international community will appropriately blame him, as the country's leader, for contributing, through his rhetoric and actions, to such a profoundly anti-democratic outcome.

[From the Washington Post, March 5, 2004]

COUP BY TECHNICALITY

LATE LAST YEAR 3,448,747 of Venezuela's 24 million citizens turned out in just four days to sign petitions calling for a recall referendum on President Hugo Chavez. This extraordinary civic exercise, monitored by observers from the Organization of American States and the Carter Center, offered a democratic solution to years of political conflict in that important oil-producing nation—trouble that threatened to push Venezuela into dictatorship or civil war. Now Mr. Chavez, whose crackpot populism and authoritarian methods provoked the crisis, blatantly seeks to stop the vote, in violation of his commitment to both the OAS and his own constitution. His actions have already prompted a new wave of unrest across the country, including demonstrations in which at least seven people have been killed. Unless he can be restrained, Mr. Chavez may complete his destruction of one of Latin America's most enduring democracies.

Though the constitution, drawn up under Mr. Chavez's own administration, requires 20 percent of all voters to back a referendum, opposition groups collected 1 million signatures more than should have been needed for the recall vote. These signatures were rigorously audited by a nonpartisan civic group before being forwarded to the electoral commission. Yet, after delaying its response for weeks, the commission, dominated by Mr. Chavez's supporters, rejected 1.6 million of them, or nearly half the total. To do so, it invented requirements that didn't previously exist. Most notably, it threw out 876,000 signatures, each accompanied by a thumbprint, because someone other than the voter had entered registration details on the petition.

Mr. Chavez's functionaries subsequently announced that they would give about a million of those stricken from the list a chance to restore their names—but only if they appear in a limited number of registration centers during one two-day period. In practice, that poses a next-to-impossible logistical challenge to the opposition, even if there were no harassment from Mr. Chavez's police and civilian goon squads. But attempts by the foreign mediators to reverse this Kafkaesque coup have so far been unsuccessful.

Mr. Chavez, who has built a strong alliance with Cuba's Fidel Castro and imported thousands of Cuban personnel, appears eager for a domestic and international confrontation. Last weekend he called President Bush an ''illegitimate'' president, referred to him with a vulgar epithet and threatened to cut off oil supplies to the United States. Opposition leaders say that more than 300 people have been arrested in recent days, and that some have been tortured. Given the Bush administration's weak position in the region, hope for a peaceful or democratic solution rests mostly with Venezuela's Latin American neighbors, starting with Brazil. If Mr. Chavez continues to deny his people a democratic vote, leaders from those nations must be prepared to invoke the Democracy Charter of the OAS and threaten him with the isolation reserved for autocrats.

IN MEMORY OF THE LATE JOHN MICHAEL ''MIKE'' SEGER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. PORTER. Mr. Speaker, I rise today to mourn the loss of John Michael ''Mike'' Seger.

Mike was born on May 16, 1957 in Fort Lee, Virginia and later grew up in central Iowa. Mike was the eldest of eight children born into a family with a rich military history. Although unable to continue in the tradition of his grandfather, who served in the Pacific front during World War II, and his father, who served in the Army, due to an accident that left him blind in one eye, Mike grew up with a strong sense of responsibility and a keen intellect.

After graduating from Lakeview High School, Mike attended Briar Cliff College in Iowa for two years before moving to Vermont in 1978. There he met his wife of 24 years, Jane, across the parking lot of the Midas Muffler in Burlington where he worked. Together they started a family with the birth of daughter, Laura, in 1981 and then with the three month premature birth of their triplets, John Richard, Jennifer and Amanda in 1982. Sadly, Amanda passed away nine days later due to a ruptured heart valve.

While a bookkeeper for Midas Mike's love of and involvement in the automotive industry began. He later followed that love to St. Paul, Minnesota where he began working for Lehman's Garage, Inc. Through the years Mike advanced to Chief Financial Officer and served on numerous automotive industry committees, such as NACE, NABC and ICAR. On December 3, 2003, Mike received the first ever ''Q'' Award from the National Auto Body Council in recognition of the ''individual who quietly persist in doing the right thing for the Collision Repair Industry.''

After being diagnosed with Stage Four Colon Cancer in June of 2003, Mike was blessed with the help of the many friends he had acquired during his journey. He was also recently reunited with the son, Travis Tentinger, he had given up for adoption in 1978 and discovered that he was a grandfather of three adorable children. Although Mike's battle with his cancer ended on February 4, 2004, this reunion and the constant support of his friends and family made the last months of Mike's life as full as possible.

Mike Seger was the type of man who is the backbone of community life in our country: quiet, dependable, hardworking. I urge the House to join me in mourning the passage of Mike Seger and extending our condolences to his family and friends.

MEDICAL DEVICES TECHNICAL CORRECTIONS ACT

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 2004

Mr. TOWNS. Mr. Speaker, the House is to be commended for swift action this week on S. 1881, The Medical Device User Fee and Modernization Act. This bill removes the barriers that would have prevented the program from functioning as intended. I am particularly pleased about the provisions concerning third party inspections, which were included in the bill.

The training for the third party inspection program is complete and with passage of S. 1881, the program will finally get underway. S. 1881 also rightly includes an 18-month delay in the implementation of the labeling provisions in section 301 of MDUFMA. During this time, questions concerning the requisite scope of the labeling requirement can be resolved. The agency, industry and the Congress have an interest in reaching a solution that permits the identification of the manufacturer of some categories of products by the end user, yet maintains flexibility for the many other products produced by FDA regulated industries. I am certain all interested parties will continue to work toward that balanced solution. And I look forward to finalizing the labeling provisions in a manner, which meets the concerns of industry, consumers and the FDA.

PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements:

Mr. SHERMAN. Mr. Chairman, the proponents of H.R. 339, the Personal Responsibility in Food Consumption Act, argue that those who legally manufacture or sell food should be protected from lawsuits which claim the consumption of their product caused weight gain, obesity and/or weight related health conditions. However, the bill applies to manufacturers and sellers of food, as defined by Section 201(f) of the Food, Drug, and Cosmetic Act, including various nutritional and weight loss supplements, like Ephedra, which are in effect marketed as drugs.

Congress should deal separately with statutes regarding food purveyors and those lawsuits relating to the manufacture or marketing of nutritional supplements which are marketed as if they are drugs—some of which have the same benefits and risks of drugs.

The amendment offered by the Gentlewoman from Texas (Ms. JACKSON-LEE) sought to clarify the bill. But the proponents of the bill rejected this amendment. As a result, the bill is confusing in its scope and I voted against it for that reason.

I hope the bill is improved in the Senate to apply only to those who sell ''food'' as that term is normally used. Products marketed as drugs should be dealt with separately.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. GOSS. Mr. Speaker, this evening I had to depart early for a previously scheduled meeting. As a result, I was not able to be present for rollcall votes 52, 53, and 54. Had I been present, I would have voted ''no,'' on rollcall votes 52 and 53. I would have voted ''yea,'' on rollcall vote 54. I request that this statement appear at the appropriate place in the RECORD. Thank you.

COMMEMORATING THE LIFE OF HENRY JO VON TUNGELN

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. LUCAS of Oklahoma. Mr. Speaker, today I wish to remember and honor an outstanding citizen, Henry Jo Von Tungeln from Calumet, Oklahoma, who passed away on February 28th.

Henry Jo was born on May 13, 1931 southwest of El Reno, Oklahoma. He was a fourth generation farmer and rancher in Canadian County. He was known throughout his community and the State for his commitment to community service and to the agriculture industry.

Henry Jo was a tireless champion of agriculture, which was exemplified through his dedication to numerous agriculture organizations. He was active in the Oklahoma Farm Bureau, where he served as Vice President of The Oklahoma Farm Bureau State Board of Directors. He also served as the Canadian County Farm Bureau President for 45 years. He served 3 terms as Chairman of the Oklahoma Wheat Commission and was appointed by three Governors. He also served as Secretary, Vice Chairman and Chairman of the U.S. Wheat Associates. He served on the Dean's Advisory Committee for the Oklahoma State University Division of Agriculture. In 2000, Henry Jo received the OSU Master Agronomist award. He was elected to the Oklahoma Agriculture Hall of Fame in 2002. Henry Jo served on the Oklahoma Beef Council Board of Directors. He received the Oklahoma Farm Bureau Service Award. Henry Jo served on the International Trade Commission. He was elected Progressive Farmer Man of the Year in 2001. He also received the Agriculture Ambassador Award from Redlands Community College.

Perhaps Henry Jo was best known for opening his home to many of us for discussions about the things that would benefit his community and the agriculture industry, so that future generations could enjoy the same way of life that he so enjoyed. He welcomed many to his dinner table, including international groups who were visiting Oklahoma to learn more about our agricultural products. He was an amazing ambassador for our State.

Mr. Speaker, I join today with Henry Jo's family, friends, and community to honor his life and his commitment to his family, his community, and to the advancement of agriculture. He was an outstanding man and will truly be missed by all who knew him.

SPECIAL TRIBUTE TO GARY L. BRYENTON FOR HIS DEDICATED SERVICE IN THE STATE OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to

Mr. Gary L. Bryenton, an outstanding gentleman and good friend from Ohio, upon his retirement from his position as the Executive Partner of the Baker and Hostetler law firm, headquartered in Cleveland, OH.

Gary Bryenton grew up on a farm in Litchfield, OH, in Medina County. He graduated from Buckeye High School in 1957.

Gary started his professional career following his graduation from Heidelberg College in 1961. He then moved on to work for the Arthur G. McKee Company in Cleveland, as an assistant editor. Gary was graduated from Case Western Reserve Law School in 1965, where he served as Editor-in-Chief of the law review and was a member of the National Moot Court Team. Upon graduation, Gary joined the law firm of Baker, Hostetler & Patterson as an associate.

Mr. Speaker, in 1972, Gary became a partner in his law firm and was appointed Managing Partner of the Cleveland Office. He became a member of the Policy Committee in 1987, was appointed Chief Operating Officer in 1996, and was elected as the Executive Partner (CEO) of the 550–member firm in 1997.

The responsibilities of this position involved directing and managing all executive functions, serving as principal spokesman for the firm, serving on numerous charitable, civic, private, and public company boards of directors, and occasionally taking on the responsibilities as legal counsel for some of the firm's larger clients.

Mr. Bryenton has held a number of other administrative positions at the firm, in addition to chairing the firm's Policy Committee. These other positions include Chairman of the Recruiting Committee, Chairman of the Practice Development Committee, and Chairman of the firm's Community Relations and Political Action Committees. Mr. Bryenton has served as a trustee of the Cleveland Bar Association, a member of its Professional Ethics Committee, and Editor of the Cleveland Bar Journal.

He also serves on the boards of directors of many corporations and on the boards of trustees of numerous charitable and civic organizations. Mr. Bryenton is a Board member of the Cleveland Orchestra, The National Conference for Community and Justice, The Greater Cleveland Growth Association, and the Rock and Roll Hall of Fame and Museum. He is the Chairman of the Board of Trustees of Heidelberg College, from which he and his wife, Barbara, were graduated.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Gary L. Bryenton. Our communities are served well by having such honorable and giving citizens, like Gary, who care about their well being and stability. We wish Gary and his family all the best as we pay tribute to one of Ohio's finest citizens.

INTRODUCTION OF A BILL THAT WOULD GRANT UNCONDITIONAL AND PERMANENT TRADE RELATIONS TO UKRAINE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. LEVIN. Mr. Speaker, today my brother, Senator LEVIN, and I have introduced a bill that would grant unconditional and permanent normal trade relations (PNTR) to Ukraine and remove Ukraine, unconditionally and permanently, from the application of the so-called Jackson-Vanik amendment. The legislation would provide an historic update in U.S.-Ukraine trade relations. It would strengthen U.S.-Ukraine relations and reinforce progress Ukraine has made in many areas. Additionally, the legislation would ensure that Congress continues to play an active role—with the Administration and with Ukraine—in confronting trade disputes and negotiating the terms of Ukraine's WTO accession.

This legislation is the culmination of a month's long effort, involving consultations with the Ukrainian Embassy, Ukrainian groups in the United States, other Members of Congress, including some on the Helsinki Commission, and other groups that have expressed an interest in Ukraine's removal from Jackson-Vanik. I think that it addresses many of the concerns that have been raised in a way that will help Ukraine PNTR on its way through Congress.

The legislation expands on a Ukraine PNTR bill that my brother and I introduced a couple of years in the 107th Congress (H.R. 4723/S. 3089). The bill we are introducing today reflects updates and improvements from our previous bill, which we believe will help this one garner the broad support necessary to push the issue along.

I am aware that there are elections in Ukraine later this year, and we all know how important it is that those elections be conducted transparently and fairly, in accordance with international norms. My reasons for supporting PNTR for Ukraine relate to the importance of Ukraine and what PNTR can mean for its economic and democratic development, not to any individual candidacy.

It is useful to recall that the Jackson-Vanik amendment was itself an amendment to Title IV of the Trade Act of 1974, a trade statute. In particular, Title IV created a framework for conducting trade relations with non-market economies. The Jackson-Vanik amendment, which has been an effective tool for raising freedom of emigration and human rights concerns, is a key element of Title IV; however, the underlying purpose and function of the statute were and remain the conduct of trade relations.

Accordingly, PNTR legislation must address fundamental trade issues. Consistent congressional practice is to grant PNTR to a country that is subject to Jackson-Vanik only at the time of the country's WTO accession, or when negotiations on accession were effectively completed. In this way, Congress's vote on PNTR has served as a way to signal approval for the country's WTO accession agreement. Under this approach, Congress was able to exercise its constitutional prerogative to regulate commerce with foreign nations, and the American people benefited from the Administration negotiating the strongest possible agreement.

This precedent has led to an important series of successful accessions to the WTO, including most notably for China, on terms that reinforced the WTO rules-based system, and brought great benefits to the people of the United States as well as other WTO countries.

In the case of Ukraine, WTO accession terms are still being negotiated. I believe it is appropriate to depart from that precedent and grant Ukraine PNTR now, so long as Congress retains a meaningful, effective tool to ensure that U.S. interests are fully addressed in those negotiations. And, there are many critical issues that still need to be addressed—Ukraine's protection for intellectual property rights, commitments to open its auto market, commitments in the services and other sectors, to name just a few. Moreover, there have been a number of recent trade tensions with Ukraine—including in the poultry sector. While these appear to have been addressed, they renewed concerns in Congress about trade relationships with Ukraine.

This legislation ensures that Congress will continue to play an active role in addressing trade problems as they emerge and in obtaining a strong WTO accession agreement from Ukraine. While giving up the precedent of using the PNTR vote as a proxy for approval of WTO accession, the legislation allows Congress to consider a resolution directly addressing the terms of agreement between the U.S. and Ukraine on Ukraine's WTO accession. While in its form, this resolution would be nonbinding on the Executive, it would provide Congress with an important tool to assure itself continuing oversight over the Executive as it forms the terms of Ukraine's WTO accession.

There are two sides to the PNTR coin—the trade issues and the ''Jackson-Vanik'' issues. The Jackson-Vanik amendment was a historic piece of legislation, aimed at addressing a serious problem in the former Soviet Union. It set forth important criteria related to freedom of emigration necessary for certain countries to obtain normal trade relations with the United States. Even from its inception, however, the Jackson-Vanik amendment was not only concerned with freedom of emigration, but also reflected the American commitment to human rights and freedom of religion. This fact is evident not only in the preamble of the Jackson-Vanik amendment, but also in the operation of U.S. relations with the former Soviet countries for nearly 30 years.

I think it is appropriate, then, that as we consider graduating Ukraine from the Jackson-Vanik amendment, that we place a strong emphasis on American values of freedom of emigration, religious freedom, and human rights issues. These were the issues at the core of the Jackson-Vanik amendment, and continue to be relevant when considering termination of this amendment. I am glad that we were able to craft a bill that addresses these vital issues in a responsible way, rather than giving them ''check-the-box'' cursory treatment or not addressing them at all.

INTRODUCTION OF FEDERAL AIR MARSHAL LEGISLATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. LoBIONDO. Mr. Speaker, I rise today to introduce legislation to allow the Federal Air Marshal Service to offer their specialized training services to foreign law enforcement personnel.

Last December, in the wake of perceived threats to certain flights from foreign countries, the Department of Homeland Security placed

a requirement on foreign airlines to carry armed law enforcement personnel on flights into or over the United States determined by U.S. intelligence to be a threat or suspected threat.

With this important directive in mind, my legislation would allow the Federal Air Marshal Service to offer their specialized training to foreign law enforcement personnel. The legislation would also require the sponsoring foreign country to reimburse the Service for the cost of training.

The Air Marshal training facility located in Pomona, NJ, is unique. It is the world premiere facility for the very specialized on-board aircraft law enforcement training. The training they receive there is far more sophisticated than just airborne firearm proficiency and hand to hand combat. Air Marshals are also trained to help out in any airborne emergency situation, including evacuating passengers and flying a pilotless plane. The facility does a tremendous job teaching students to safely and efficiently eliminate a terrorist threat under very confined and crowded conditions all while traveling at over 30,000 feet in the air.

My legislation will allow students from across the globe access to the intense training regime available only at the Pomona facility and better equip America's allies to help us fight the War on Terror.

RECOGNITION OF NATO ENLARGEMENT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the upcoming enlargement of NATO when Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia are added as official members of the North Atlantic Treaty Organization.

Each of these nations, formerly part of the Soviet bloc, has emerged from their long struggle towards freedom as examples of the good that can come from people working together towards a common goal—in this case democracy and individual freedom.

As one of the co-chairs of the Baltic Caucus and a fourth generation Lithuanian, I can personally attest to the efforts and personal sacrifices that the people of these nations have been making for many decades now. Their determination to rid themselves and their countries of communist and dictatorial rule is a humbling lesson for those of us who have never known life without freedom.

We should welcome their commitment to freedom and provide them with the support they need to help insure that these growing democracies will flourish and become role models for other nations yearning for the same. Adding these nations to NATO is an extremely important step forward in our efforts to promote freedom and in our efforts against worldwide terrorism.

Already, many of these nations have made tremendous contributions to our efforts to stabilize Iraq and have a lasting impact in bringing peace to the Middle East. Clearly, these are nations that recognize the world beyond their own borders.

I am extremely proud to welcome Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia into NATO. I especially want to congratulate the many citizens and patriots in these nations and across the world who have struggled to get us to this historic moment. Your efforts will make a difference for generations to come.

COMMENDING INDIA ON ITS CELEBRATION OF REPUBLIC DAY

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Mr. CROWLEY. Madam Speaker, it gives me great pleasure to stand here today representing the citizens of America in honoring India's Republic Day. Fifty-five years ago India reached the goal that every great nation strives to attain which is the formation of a Democratic Republic. We as a Democratic nation must extend our recognition to the fellow nations of the world who represent the ideals of freedom and liberty, the same virtues, which make our country so beautiful and celebrate with them as we are all believers in Democracy.

The Indian nation represents one of the emerging nations in our increasingly globalized world. Boasting a GDP, the main indicator of economic success, that is number 4 on the world rankings, shows how impressive their rise has been in such a short period of time in relation to gaining independence from monarchy rule.

Their citizens which are part of the social and economic fabric of many of the world's countries including the United States are known for there academic success, business prowess, and social acceptance. Specifically in the United States they are a vibrant community holding the highest per capita income of any other minority community.

The Indian American community's love for the US and its people has also been demonstrated in their increasing participation with the political scene. Wanting to get involved so as to be in a position to add a new and fresh perspective should be commended and supported. We must remember that our forefathers once immigrated from foreign lands and it was their work and commitment to a strong country that allowed us to flourish through the years. Today we as Americans will recognize the same efforts being put forth by the Indian American community in their attempts to add to America's prosperity and continual success in the years to come.

I commend India for it's 55th Anniversary of its foundation as a republic and point to many future years ahead of successful partnership between India and the United States.

INTRODUCTION OF LEGISLATION TO PROTECT CALIFORNIA MEDICARE BENEFICIARIES FROM BEING FORCED INTO HMOS BY THE REPUBLICAN MEDICARE PRESCRIPTION DRUG BILL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. STARK. Mr. Speaker, I rise with my California colleague HENRY WAXMAN and 24 of our Democratic California colleagues to introduce important legislation to protect California's Medicare beneficiaries from being forced into HMOs.

The Republican Medicare prescription drug law has many downfalls. The legislation we are introducing today corrects only one of them, but it is an especially important fix for seniors and people with disabilities who live in California.

As part of the prescription drug law, Republicans insisted on including a demonstration project beginning in 2010 that would require the traditional fee-for-service program to compete against private HMOs and other managed care plans for payment. This so-called ''premium support'' or ''comparative cost adjustment'' demonstration will cause Medicare beneficiaries who choose to remain in traditional fee-for-service Medicare to pay more and more for that choice. This cost differential will economically force people into HMOs—even if those plans do not meet their health care needs. Its part of the overall goal of the bill to dismantle Medicare as we know it.

Because we don't want California's seniors to be forced into health plans against their will, we've authored legislation to exempt California from eligibility for this wrong-headed demonstration program.

Senator BOXER has introduced companion legislation in the Senate (S. 2116). Upon introduction, she said the following:

> In California, 12 of its metropolitan statistical areas (MSA) now qualify for the demonstration project. If the two largest MSAs are chosen for this demonstration project, 1.4 million Californians will be faced with a Hobson's choice. They will be required to join an HMO or pay higher premiums.
>
> That brings us to the real question: Why is this necessary? Is it because seniors can't choose HMOs under the current system? No. Seniors can choose to join an HMO right now if they wish. I'll tell you why: It is a backdoor attempt to achieve Newt Gingrich's vision for a Medicare that will 'wither on the vine.'''

We agree with Senator BOXER. Seniors and people with disabilities should have the right to join a managed care plan in Medicare if they feel that plan will best meet their health care needs. That right exists in Medicare today and is preserved in the Republican-passed prescription drug legislation. However, no senior should be FORCED to join an HMO because it is the only way that they can obtain affordable health care.

That's why we've joined together to introduce this bill to exempt California from eligibility for the demonstration program—a demonstration that would force seniors into a Hobson's choice that will limit their access to the health care they need and result in the real goal of the Republican-passed Medicare legislation: the dismantling of the Medicare program.

UFW WINS HISTORIC CONTRACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I wish to call my colleagues' attention to a recent collective bargaining agreement between Pictsweet Mushroom Farms in Ventura, California and the United Farm Workers. This agreement deserves note on several counts.

First, it marks the first time since 1987 that the employees at Southern California's largest mushroom farm have been able to work under a collective bargaining agreement. As a result, 300 workers will enjoy higher wages, increased job security, and a company-paid health plan.

Second, it removes Pictsweet products from the boycott list. Pictsweet was first organized in 1975 and operated under a collective bargaining agreement until 1987, when the plant was bought by United Foods Inc. United Foods was intransigent in its refusal to enter a collective bargaining agreement with the UFW. In 2000, the UFW called for a national boycott of Pictsweet products and that boycott forced the plant to cut production by as much as half. By finally agreeing to deal fairly with its workers, Pictsweet will become a more profitable and productive facility.

Most importantly, however, this contract is the first to result from the enactment of California's law allowing farm workers or growers to seek mandatory mediation for farm labor negotiations that have reached impasse. Pictsweet was adamant in its refusal to negotiate a bargaining agreement. The UFW submitted the dispute to mediation in July and the mediator issued a proposed labor agreement on January 30. The company has decided to proceed with implementation of the mediator's report. As a consequence, the right of workers to benefit from collective bargaining has been preserved and the company has the opportunity to move from intransigent, ideological views of labor relations to pragmatic considerations of how best to work with their workers. Pictsweet workers were among the strongest proponents of the mandatory mediation when it was under consideration. It is fitting that they and their employer are the first to benefit from it.

Mr. Speaker, I want to commend the workers at Pictsweet and President Arturo Rodriguez and the leadership of the UFW for this historic achievement. I also want to commend my colleagues in the California Legislature for developing a model for the rest of the nation on how we can provide workers with a meaningful voice in the determination of their wages and working conditions. Legislation that I have introduced to restore meaningful collective bargaining rights to American workers, the Employee Free Choice Act, includes a similar provision providing for mediation and arbitration of first contracts.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. GUTIERREZ. Mr. Speaker, due to illness I missed roll call votes 12 through 18 that were called February 2, 3 and 4, 2004. I would like the record to show that, had I not been ill and been present, I would have voted ''yea'' on rollcall votes 12, 13, 14, 15, 16, 17, and 18.

I was also unavoidably absent from this chamber on March 2 and 9, 2004. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall votes 32, 33, 42, 43 and 44.

HONORING THE DEDICATED SERVICE OF CARY MASIN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the invaluable service and tremendous contributions that Cary Masin has given Tennessee's Sixth Congressional District. Cary has been a dedicated member of my Washington, DC, staff for the past five years.

But she is moving on to greener pastures. Cary's last day is Monday, and although my staff and I are sad to see Cary leave, we are glad she has taken a job that will further her career and is worthy of her incredible abilities.

Cary has proven to be an outstanding legislative assistant on Capitol Hill. Her uncanny insight, hard work and rock-solid research skills have helped me do my job better. Those same abilities have also gained the respect of her colleagues.

Cary is a talented professional who always completes the task at hand, no matter how complicated or tedious. She has truly excelled in the fast-paced environment of Congress. Through it all, though, Cary always took the time to bestow a compliment or kind word to most everyone she met. She will now share her tremendous abilities and experience with her new employer, who should be ecstatic over having found such a fine person.

Thanks for all your help, Cary. You will always have a special place in my heart. Good luck in your new job, and may God bless you in your future endeavors.

OFFICER MARY ANN COLLURA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. ROTHMAN. Mr. Speaker, I am honored to introduce a bill, at the suggestion of a high school student in my district, and with the support of the entire New Jersey House delegation, authorizing the renaming of the main post office in Fair Lawn, New Jersey, as the Mary Ann Collura Post Office.

After dutifully serving eighteen years as an outstanding officer and a role model in her community, Officer Collura was fatally shot on April 17, 2003, in the line of duty. Throughout her life, Mary Ann Collura embodied what is best in our communities—she was courageous, kind, and concerned about the world and people around her. Renaming the main post office in Fair Lawn after Mary Ann will help ensure that her legacy lives on.

The fact that a Fair Lawn High School student came up with the idea of renaming the post office speaks volumes about how much Officer Collura meant to the people of Fair Lawn. Officer Collura fought hard for what was right and worked tirelessly each day, risking her life, to make sure the residents of Fair Lawn and their families were safe. The post office redesignation is just one way in which we can honor her life in the Borough she loved.

By renaming the post office in Fair Lawn after Officer Mary Ann Collura, we are ensuring that she will always have a presence in our community. Officer Collura was a beloved and trusted member of the Fair Lawn community, which is why renaming the main post office is fitting.

HONORING MARILYN BICKEL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Marilyn Bickel of Chicago on her recent retirement after seventeen years of excellence and dedication as Chief of Staff to Alderman Patrick J. Levar of the 45th Ward.

Marilyn Bickel has served the Chicago City Council and the Jefferson Park neighborhood ever since Alderman Levar was first sworn in on April 16, 1987. She met the Alderman when he was a junior attending St. Patrick High School and began working for him during his first election.

During this time, Marilyn was asked to work with the Polish-speaking community in the St. Constance Parish area and was later given a permanent place on his staff.

Marilyn worked hard to develop close relationships with the many Chicago departmental representatives and always knew the right person to contact for a constituent in need. Marilyn always went out of her way to provide assistance to those who were unable to access alternate means of assistance.

In addition, Marilyn has served as a liaison to local chambers of commerce for Alderman Levar. She calmly dealt with many difficult circumstances, most notably the period following the terrorist attacks of September 11th. In a time of apprehension and doubt, Marilyn worked to console the fears of her fellow Chicagoans, and the residents of the 45th Ward.

Marilyn's family has also been a priority in her life. Her two children, Robert and William, are the proud parents of her grandchildren Bob, Ashley, Debbie and Bailey. In retirement, she will join her husband, Bill Bickel, who retired after a 32 year career with the Chicago Police Department. Marilyn and Bill will now have the opportunity to travel more, something Marilyn has long been waiting to do.

Mr. Speaker, I join with all of the residents of Jefferson Park and the 45th Ward of Chicago in congratulating Marilyn Bickel on her

retirement, and wish her, and her wonderful husband Bill, all the happiness in the future.

TRIBUTE TO DR. HELEN WASHBURN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that Dr. Helen Washburn will retire as President of Cottey College in Nevada, Missouri. Cottey College is a two-year, independent women's college that for the past 18 years has benefitted from the fine leadership of Dr. Washburn.

In her time at Cottey College, Dr. Washburn has been the most valuable of leaders. Seeing needs, she worked to address them and make the experience at Cottey of the highest quality. As an example, Dr. Washburn was instrumental in combating a trend that she observed of young women losing interest in math and sciences at a young age. In response, she created a summer science camp held on the Cottey campus. This camp was exclusively for young women. In addition, Dr. Washburn's long-range planning efforts resulted in an Associate of Science degree to compliment the Associate of Arts already offered.

Dr. Washburn's efforts to aid in the education of young women can be seen in other aspects of Cottey College. She led the campaign to construct the Rubie Burton Academic Center, a state-of-the-art academic facility that helps students keep up with the latest technology. The Center for Women's Leadership aids young women in becoming tomorrow's leaders. Most recently, under Dr. Washburn's leadership, Cottey College received ten-year continued accreditation with The Higher Learning Commission of the North Central Association of Colleges and Schools.

In recognition of the many accomplishments realized during her time as President of Cottey College, Dr. Washburn has been the recipient of many awards. For her efforts in creating an international community on campus, the French government named her an Officer in the National Order of Merit. In 2003, she was named Chief Executive Officer of the Year for District VI of the Council for the Advancement and Support of Education. In addition, the University of Idaho, from which she earned her bachelor's and master's degrees, presented her with the prestigious Silver and Gold award, an honor based on career achievement, and the University of Idaho Alumni Association inducted Dr. Washburn into its Hall of Fame.

There can be no greater testament to an educator than the accomplishments of her students. The many women who have passed through the halls of Cottey College under the leadership and direction of Dr. Washburn have proven to be a worthy and lasting legacy. And though Dr. Washburn will soon be leaving the Cottey campus, many more women in the years to come will benefit from her outstanding work during her 18 years as its President.

Mr. Speaker, I am sure the Members of the House will join me in honoring Dr. Helen Washburn for her years of service and in wishing her all the best in the days ahead.

HONORING SPC JACOB S. FLETCHER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. ISRAEL. Mr. Speaker, I rise today to honor the memory of SPC Jacob S. Fletcher, a fallen soldier from my district. SPC Fletcher gave his life on November 13, 2003 in Samarra, Iraq.

Jacob was the most recent in a long line of heroes to make the ultimate sacrifice for his country. In the two and a quarter centuries of our nation's history, our country has faced seemingly insurmountable obstacles. But in generation after generation, Americans have risen to the occasion and met every challenge.

In the 18th century, our forefathers were able to beat back the greatest military superpower in the world to secure our independence. In the 19th century, Americans defeated the greatest injustice in the world—slavery. And in the 20th century, millions of patriots, in what has come to be known as America's greatest generation, defeated the greatest evil the world has ever known—the Nazis. Jacob was part of a generation that faces a newer, but no less dangerous tyranny.

He was born and raised on Long Island. In many ways, he was very much like the hundreds of thousands of other children in our country—with one remarkable exception. Jacob was willing to make the ultimate sacrifice to secure the blessings of liberty—for his countrymen, for our children, and for America's future. By sacrificing himself for our way of life, Jacob died an American hero.

By fighting for a better world, Jacob, as the poet John Gillespie Magee, Jr. wrote, ''slipped the surly bonds of earth'' to ''touch the face of God.'' May his name be remembered throughout history, and may he serve as a source of strength and pride to future American generations.

IN RECOGNITION OF THE ARMENIAN RELIEF SOCIETY WESTERN REGION'S 20TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Armenian Relief Society Western Region as it celebrates its 20th anniversary of serving communities in the United States.

Founded in 1910, the Armenian Relief Society brought together the existing women's groups into a cohesive nationwide organization with the main goal of serving the needs of the victims of the Armenian genocide. As an independent non-government and non-sectarian organization, the Armenian Relief Society serves the social and educational needs of Armenian communities throughout the world, seeking to preserve the cultural identity of the Armenian nation as well as bringing humanitarian aid to all communities in distress—Armenian and non-Armenian alike.

In response to the growing needs of the communities, the ARSWR was established as a region in 1984. The 26 chapters of the Western Region have an extensive program of service to the community such as assisting newly arrived immigrants with clarification of legal matters, translation, preparation of documents, employment, distribution of food and other necessities and financial aid, serving over 50,000 clients annually. In an effort to enhance the education of the society's members and encourage their involvement in public service, the ARS sponsors many educational programs such as summer camps, Saturday schools, numerous scholarships, and cultural activities including lectures, concerts and art exhibitions. One of the most successful programs has been the ''Sponsor a Child'' program through which the Western Region currently sponsors over 1000 children.

The ARSWR has been able to meet and fulfill its challenges for 20 years because of a base of dedicated grassroots supporters, volunteers and donors. It is this partnership that has made such growth and impact possible and will continue to do so in the 21st century.

It is my distinct honor to recognize the Armenian Relief Society Western Region's innumerable accomplishments over the years. I ask all members to join me in congratulating ARS Western Region's 20 years of myriad of cultural and social contributions to all aspects of the community.

IN HONOR OF 2ND LT. CHRIS AYOUB, U.S.A.F. CADET OF THE YEAR

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. SESSIONS. Mr. Speaker, I rise to honor one of my Academy appointees that has truly distinguished himself at the U.S. Air Force Academy. 2nd Lt. Chris Ayoub of Richardson, Texas. Chris was recently honored last week as the U.S. Air Force Cadet of the Year.

The Air Force Cadet of the Year Award was established by the Air Squadron of the United Kingdom to recognize the best cadet in a United States Air Force Commissioning Program. The British Air Squadron is a private organization comprised of British citizens who wish to pay tribute to the U.S. military for the support it has provided to the United Kingdom over the years. 2nd Lt. Ayoub is the fourth recipient of the Air Force Cadet of the Year Award.

The Honorable James Roche, Secretary of the Air Force; General John P. Jumper, Air Force Chief of Staff and native Texan; General Michael ''Buzz'' Moseley, Air Force Vice Chief of Staff and native Texan; Royal Air Force Air Commodore Jerry J. Witts, British Air Attaché and Assistant Defence Attaché; and the Honorable Christopher Sharples, Air Squadron of the United Kingdom, were on hand for the presentation of the award at the Pentagon on Thursday, March 4, 2004.

I was honored to see Chris receive his award at the Pentagon last Thursday, and to be with him for his visit to the White House. President Bush congratulated 2nd Lt. Ayoub on this prestigious and well-deserved award.

I salute Chris for his commitment to serve the country and the U.S. Air Force, as I know that this will be the first of many accomplishments during his tenure of service.

COMMENDING THE BRAVE MEN AND WOMEN OF THE NAVAL RESERVE CENTER IN BALTIMORE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. CUMMINGS. Mr. Speaker, I rise today to ask my colleagues to join me in commending the brave men and women of the Naval Reserve Center in Baltimore for their bravery and unselfish sacrifice; especially on the afternoon of Saturday, March 6, 2004, when a water taxi carrying 25 passengers suddenly capsized. I would also like to extend my condolences to the family and friends of those who lost their lives as a result of this tragedy.

Last Saturday, on a sunny Spring-like afternoon, a large group, including many related family members, boarded a water taxi near Fort McHenry, in Baltimore, Maryland. These families were calmly crossing the water, when the dark clouds of fate appeared on the horizon. Suddenly, without warning, a violent micro-burst of wind tore through Baltimore's Inner Harbor. On that day, it was reported that winds blew at a rate of more than 55 miles per hour.

Eyewitnesses report that the water taxi, filled with people, was pushed upward and flipped on its belly. One witness, Command Master Chief Melvin Johnson, was going about his regular duties at the nearby Naval Reserve Center. Master Chief Johnson gazed at the sky and noticed the sudden appearance of dark storm clouds approaching. He looked across the harbor from the dock of the Naval Reserve Center and realized that the water taxi carrying 25 passengers would be overtaken by the wind from the approaching storm. In a flash, he saw the boat turned upside down and he immediately sprang into action. He and other members of the Naval Reserve team quickly contacted emergency personnel. At the same time, some of the team members boarded their vessel, a mechanized landing craft (LCM) , and rushed to the site of the overturned water taxi. I have been told that the Naval Reserve team reached the overturned vessel within minutes to help the 25 passengers onboard.

The brave men and women of the Naval Reserve team plunged themselves into the frigid waters and used their boat and ingenuity to rescue twelve (12) of the passengers of that over-turned water taxi. The remaining ten who were rescued or recovered were the result of the bravery of the Baltimore City Fire Department team. Sadly, two people died as a result of this horrible tragedy and three people have yet to be recovered. Our prayers are with their families.

Many of these reservists also administered life-saving CPR. As an example of the overall bravery of the Naval Reserve team, Commander Peterson Decker jumped in repeatedly to rescue the passengers and actually lost consciousness many times from the frigid water temperatures. His acts and those of the other reservists can be described as nothing short of completely selfless. They embody the best of the mission of the Naval Reserve Center, an integral part of our military forces.

By all accounts, however, the loss of life would have been much greater if not for the quick action and unselfish acts of the men and women of the Naval Reserve Center.

Mr. Speaker, in closing, I ask my colleagues to join me in recognizing the many individuals from the Naval Reserve Center who always work tirelessly to reach out to their neighbors in times of emergency. I want to applaud and recognize these heros by name: Commander Jim McGovern, Command Master Chief Melvin Johnson, Commander Peterson Decker, Senior Chief Vincent Scardina, Petty Officers Jerry Neblett, Sean Tate and Jeffery King, Mr. Arthur Eisenstein, Mr. Jerome Stoney, Chief Ricardo Duncan, Chief Petty Officer Asa Johnson, Petty Officers Willliam Elwood, Patrick McKenna, David Romano, Carlos Andrews, Gregory Baccula, Garren Diggs, Quenton Dixon, Walter Volkman, Henry Zecher, Arturo Spencer, and the triage team, Lt. Commander Phillip Reed, Petty Officers Yolette Scott-Wilson, Stephen Speegle, Cassandra Fish, Wendy Cruse, Gary Harder, Joey Mercer and Renfro Smith. Again, thank you for your bravery and dedication to duty.

HONORING SERGEANT MAJOR TIMOTHY C. DUNN

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. ADERHOLT. Mr. Speaker, Sergeant Major Timothy C. Dunn NCOA Commandant of the 124th Regiment of the Vermont Army National Guard, a former member of the Alabama Army National Guard and Alabama native recently returned from Kabul, Afghanistan.

While stationed in Afghanistan, his duties included mentoring and advising the Sergeant Major of the Afghan National Army. During his travels throughout the Afghan Army Battalions, he noticed that the Afghan Army was wearing different rank insignia from the American, French, British and Korean. Sergeant Major Dunn along with two other Sergeant Majors decided to create the insignia of the Afghan National Army. He wanted to create something that the Afghan National Army would be proud to wear.

After the new rank insignia was completed, Sergeant Major Timothy Dunn met with the Afghan Ministry of Defense to see if they liked the idea. To the Sergeant Major's surprise, they liked the new insignia and immediately adopted the new insignia. It is still to be determined as to where the insignia will be located on the uniform. This will soon be decided by the Afghan National Army.

It is with great honor and pride that Sergeant Major Dunn has served our country. To this day his exemplary service has represented our area and moreover this great nation. I applaud him for his courageous and meritorious efforts while serving in the United States Military.

I want to publicly say, not only to Sergeant Major Timothy C. Dunn, but to all the troops serving our country, thank you for your hard work and dedication to this country.

HONORING THE MEMORY OF LT. GOVERNOR HENRY E. MILLIN

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to pay tribute to an individual that was not only a leader to the people of the Virgin Islands but a political role model for me and many of us who have chosen a life of public service to the people of the United States Virgin Islands. Former Lt. Governor Henry Allan Millin, one of our most revered public servants, passed on into eternity on February 4, 2004, on St. Thomas.

Henry A. Millin was destined for a life of public service. The son of the pioneering woman senator, Lucinda A. Millin, Henry Millin's contributions to the 20th century modernization of the U.S. Virgin Islands have been significant. He lead the way in public housing development, having been appointed Assistant Executive Director of the newly established Virgin Islands Housing Authority in 1950. Mr. Millin later assumed the position of Executive Director.

During his tenure at the Housing Authority, he oversaw the construction of the first public housing units in the Territory. He was commended by President John F. Kennedy for administering one of the outstanding housing operations under the Department of Housing and Urban Development. Henry Millin later assumed the distinguished position as a Senior Vice President for First Pennsylvania Bank N.A. This period of distinguished service in the private sector of our community was followed by an even more momentous four-year term (1978–82) as the third elected Lt. Governor of the Virgin Islands during a tumultuous period for Virgin Islanders, following the death of Governor Cyril Emmanuel King.

Mr. Speaker, I fondly remember Mr. Millin as being one of my first bosses, when I interned with the Virgin Islands Housing Authority as a high school student. He was also a close friend of my father, the former District Court Judge Almeric Christian. I consider myself fortunate to have had such a personal relationship with Mr. Millin. He was certainly an inspiration and a role model for me.

Mr. Millin was also a dedicated husband and father. He was married to Graciela G. Millin and was the father of five children, six grandchildren, and two great-grandchildren.

Mr. Speaker, on behalf of my family, staff and the people of the U.S. Virgin Islands, it is an honor for me to immortalize the memory of Lt. Governor Henry A. Millin by entering this tribute into the CONGRESSIONAL RECORD. I want to close with a quote from this great leader and public that exemplifies the spirit with which he served:

> The people have the right to look forward to changes, not made hastily, nor on the basis of political spleen nor political favoritism. Rather, changes must be on the basis of careful planning, objective thinking, and the interests of the people being the main and determining factor.

May his memory evoke the legacy of progress that he worked so tirelessly to establish for Virgin Islanders.

ESTABLISHING THE BUDGET FOR THE FEDERAL GOVERNMENT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Ms. WATERS. Mr. Speaker, I would like to thank the CBC Chairman for organizing this Special Order and providing us with this opportunity to speak about one of the most important duties Congress has—establishing the budget for the Federal government.

It is often said that a budget is an indication of the President's priorities. As this budget certainly is a true reflection of the President's priorities, it's painfully obvious that working men and women have much to be concerned about. This budget cuts funding for dozens of important programs, leads us deeper into debt and does nothing to help stimulate the economy.

Since the President took office in 2001, 3 million private sector jobs and 2.8 million manufacturing jobs have been lost. The unemployment rate is 5.6 percent, though this figure is inaccurate because it fails to take into account the hundreds of thousands of workers that have given up looking for jobs and the many workers who have had to ''trade down'' in salary and benefits in order to become re-employed. If we were to include these men and women, the unemployment rate would be 7.4 percent. Tragically, the unemployment figures for minorities are far worse—almost 10 percent of African-Americans are unemployed.

We should not be proud of these figures. We should be ashamed of them. We certainly should not be praising an economic plan that has failed our workers, as the President, and all too many of my Republican colleagues continue to do each day.

Unfortunately, the President's fiscal year 2005 budget is a continuation of his failed economic policy. Each year the President promises economic recovery and significant job growth, and every year, the American people are disappointed. The so-called economic recovery that President Bush is touting is a jobless recovery and Mr. Speaker, a jobless recovery is no recovery at all.

Mr. Speaker, let me remind you of the promises that this Administration has made regarding job growth. In 2001, the President's Council of Economic Advisors promised 800,000 new jobs by the end of 2002 if Congress passed his $1.3 trillion tax cut which largely benefited the wealthiest of Americans. Instead of creating these jobs, 2.2 million workers lost their jobs in 2002.

In 2002, the President's Economic Advisors promised 300,000 new jobs if Congress passed the President's economic stimulus plan. Congress did, and thousands more workers lost their jobs.

In 2003, the Council predicted 900,000 new jobs if Congress passed the President's budget and subsequent tax cuts. Congress did but the results were the same as in previous years—thousands more workers without jobs.

This year, we continue to hear the same rhetoric from the President—'pass my budget and watch the economy grow.' The President seems to suggest that recovery is just around the corner. However, that 'corner' has proven to be elusive for the past 3 years, and there is no reason to believe that this budget will be any different. In fact, there is ample reason to believe that this year will be far worse.

Mr. Speaker, not only will this budget do nothing to help stimulate the economy, it fails to provide funding for educational, job training and other programs that our workers rely upon to become effective workers.

For example, the President's budget cuts funding for dozens of education programs including reading and vocational programs. It also eliminates another 38 education programs including community technology centers, dropout prevention programs, and literacy programs for prisoners.

The budget even underfunds the President's signature program, No Child Left Behind, by $9.4 billion. By underfunding this program, 2.4 million children will not receive the help with reading and math they were promised when the President signed this bill into law.

Furthermore, this budget places additional burdens on men and women who are trying to get off welfare and into decent paying jobs.

Mr. Speaker, as you know, during reauthorization of our Nation's welfare programs, Congress implemented new requirements that required welfare recipients to work additional hours in order to receive benefits. Yet, we did not provide any additional funding for childcare. As a result, parents receiving TANF benefits often are left with the impossible choice of leaving their child home alone or skipping a day at work.

Unfortunately, this budget continues this devastating policy. It freezes funding for childcare at 2004 levels and flat funds it through 2009. As a result, the number of children that receive childcare assistance will decline by 300,000 over the next four years. In addition, the budget only provides half of the funding promised for after-school programs, meaning that 1.3 million children who were promised after-school services will not get them.

Mr. Speaker, the fiscal year 2005 budget is nothing more than a continuation of failed policies. It explodes the deficit, particularly in the fiscal years that the Bush Administration fails to describe in its budget documents. It fails to meet our people's need for healthcare, education, job training, housing, homeland security and many other critical programs. All these priorities are being sacrificed to pay for outrageous tax cuts for millionaires, those who need it least. I urge my colleagues to reject the President's budget and support a budget that will serve the poor and the middle class and provide meaningful assistance to the American people.

HONORING WILLIAM MARKHAM

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. DEUTSCH. Mr. Speaker, I rise today along with my Floridian colleagues the Hon. ALCEE HASTINGS, the Hon. KENDRICK MEEK, the Hon. E. CLAY SHAW, the Hon. ROBERT WEXLER, and the Hon. LINCOLN DIAZ-BALART to commemorate the contributions of William Markham, Broward County's Property Appraiser and one of Florida's longest-serving officeholders. Mr. Markham died unexpectedly Monday morning, March 8th, of a heart attack, and he will be greatly missed by his family and by the community that he so dedicatedly served.

Bill Markham reminded us of a gentleman from the 1950's. Every morning, as a reminder of his wife, Sherry, he would cut a flower from his garden to pin to the lapel of his suit. He was always jovial and was frequently seen in his old-fashioned but traditional and proper straw hat. ''What you saw is what you got,'' said Clerk of Courts Howard Forman.

His personality could also be colorful. In high school, he was the lead singer for a local rock band, and he campaigned in recent years with a string of B-movie style ads. In one, Markham's mother parachutes out of a plane so she can get to the property appraiser's office in time to qualify for a tax break.

Indeed, his ebullient personality and individual flare could easily lead one to overlook his deep commitment to his work. He was first elected as property appraiser in 1966, the same position that his father held before his death in 1964. The tax roll was $1.5 billion then, and Mr. Markham oversaw its 7 percent annual growth to its current annual tax roll of $104 billion.

As Broward County continued to expand, Mr. Markham fought for the rights of each and every taxpayer. He led the ''Save Our Homes'' campaign, helping to amend the State constitution so that appraisers could not raise the taxable value of a homestead-exempted property more than 3 percent a year where ownership had not changed hands. He waged a lengthy court battle with county officials to tax government-used incinerators and businesses located on government-owned property at Port Everglades. Arguing the harm to property values, Mr. Markham also supported the plight of Ft. Lauderdale residents in a dispute over the location of power lines through their neighborhood.

Employees describe Mr. Markham as a hands-on administrator. He took a personal role in reviewing assessments of the county's most expensive properties and had an open-door policy for homeowners concerned about their property values. ''He was a firm believer that the buck stopped with him,'' said Joe Zdanowicz, Markham's longtime chief property appraiser.

Mr. Markham died on the eve of his ninth campaign for the Property Appraiser's office. His death was sudden and a terrible shock to people who knew him as energetic and boisterous. He is survived by his wife and two sons, J.R. and Robert. Mr. Speaker, William Markham will be dearly missed by all those who knew him.

COMMENDING INDIA ON ITS CELEBRATION OF REPUBLIC DAY

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2004

Ms. MILLENDER-McDONALD. Madam Speaker, I am very pleased to join India in celebrating India Republic Day. The United States and India share a common colonial history, and today we are both strong democracies that serve as a model for other nations. I am pleased that President Bush and Prime

Minister Vajpayee have agreed to work in partnership on civilian nuclear activities, civilian space programs, and high-technology trade. As we work together towards building trade, peaceful uses of space technology, and combating terrorism, our cooperative efforts will have global benefits, spread prosperity and enhance international security.

With a population of over one billion people speaking over 114 different languages, cultural differences and significant poverty among her people, India faces enormous challenges. However, India has shown her strength, resiliency and vision for over fifty years since adopting a constitution in 1950. She has taken affirmative steps to promote equal and social justice for all, and to improve the plight of the poor. These are values that we share as democratic nations and partners working together to ensure that people have hope and freedom.

Finally, I commend India for the steps she has taken to open relations with Pakistan and work towards a resolution over Kashmir. My best wishes for success in this endeavor that is important not only to the people of India and Pakistan, but also to the rest of the world.

FOURTH ANNUAL MOVERS AND SHAKERS AWARDS OF THE VOLUNTEER CENTER OF JOHNSON COUNTY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 2004

Mr. MOORE. Mr. Speaker, I rise today to note an important event in the Third Congressional District of Kansas. On April 14, 2004, the Volunteer Center of Johnson County in Overland Park, KS, will honor outstanding youth volunteers. Eighty-seven young people have been nominated by school personnel and nonprofit organizations for their dedication and service to the community. Eleven of these youth are being recognized for their efforts toward receipt of the Congressional Award. Youth volunteerism continues to grow and be a strong force in Johnson County. These 87 youth exemplify the true meaning of volunteerism and giving back to their community. It is my honor to recognize each student volunteer and their schools by listing them in the CONGRESSIONAL RECORD:

First	Last	School
Katy	Accurso	Leawood Middle School.
Jefferson	Adams	Leawood Middle School.
Jonathan	Adams	Leawood Middle School.
Alejandra	Alvarez	Shawnee Mission North.
Jessica	Alvarez	Shawnee Mission North.
Meredith	Beery	Olathe East.
Brooklyn	Bengtson	Olathe South.
Grace	Bernhardt	Leawood Middle School.
Brett	Beyer	Shawnee Mission Northwest.
Jordan	Bluhm	Spring Hill Middle.
Elizabeth	Boresow	Leawood Middle School.
Jessie	Bullock	Notre Dame de Sion.
Meghan	Burrow	Shawnee Mission South.
Lauren	Cantril	Mission Valley Middle.
Jenna	Christensen	Shawnee Mission North.
Jill	Christensen	Hope Lutheran.
Ashley	Coleman	Mill Valley High School.
Ed	Colson	Olathe Northwest High.
Jenna	Davis	Olathe South.
Sam	Davis	Leawood Middle School.
Jennifer	Dennis	Frontier Trail Jr. High.
Tyler	Dixon	Olathe Northwest High.
Carli	Dutton	Olathe South.
Aly	Ferguson	Prairie Star Middle.
Kate	Garrett	Shawnee Mission West.
Sean	Giddings	Trailridge Middle School.
Morgan	Greenough	Prairie Star Middle.
Heather	Gustin	Olathe South High.
Jessica	Habluetzel	Olathe Northwest High.
Josh	Heath	Prairie Star Middle.
Paul	Hechler	Leawood Middle School.
Emily	Heinz	California Trail.
Amanda	Henry	Shawnee Mission North.
Hilary	Hershberger	Blue Valley West.
Emily	Horner	Shawnee Mission Northwest.
Madison	Huber	Shawnee Mission West.
Andrea	Huckaba	Shawnee Mission West.
Nicole	Kiesling	Shawnee Mission Northwest.
Andie	Kincaid	Frontier Trail Jr. High.
Allyssa	King	De Soto High School.
Stacie	Kornfeld	Shawnee Mission West.
Jason	Lee	Blue Valley Northwest.
Krystian	Lestourgeon	Frontier Trail Jr. High.
Mallory	Loveridge	Shawnee Mission West.
Thomas	Lucy	Leawood Middle School.
Alyssa	Lyon	Olathe South.
Kyle	May	Harmony Middle School.
Magdalena	May	Oregon Trail Jr. High.
Anne	McClain	Prairie Star Middle.
Laura	McGee	Shawnee Mission South.
Meagan	Melloy	Homeschool.
Melissa	Melloy	Homeschool.
Tracy	Milburn	Shawnee Mission South.
Stephanie	Moore	Shawnee Mission South.
Rhea	Muchalla	Shawnee Mission North.
Katie	Murray	Blue Valley North High.
Simin	Naomani	University of Missouri.
Nicole	Nelson	Blue Valley Middle.
Amy	Noonen	Shawnee Mission West.
Hannah	Nusz	Piper.
Kaitlyn	Orr	Shawnee Mission North.
Kathryn	Pierce	Olathe South.
Ashley	Pratt	Shawnee Mission West.
Katie	Rabovsky	Blue Valley Northwest.
Kelly	Rand	Olathe South.
Courtney	Rathke	Oregon Trail Jr. High.
Nicole	Rea	Prairie Star Middle.
Alex	Robinson	Prairie Star Middle.
Craig	Rooney	Shawnee Mission Northwest.
Mallory	Selzer	Barstow.
Kate	Silvers	Shawnee Mission West.
Cassie	Slocum	Trailridge Middle School.
Ashley	Spence	Blue Valley North.
Erin	Starnes	Mill Valley High School.
Katelyn	Stone	Shawnee Mission Northwest High.
Ashlee	Suddarth	Oregon Trail Jr. High.
Erika	Swenson	Johnson Co. Community College.
Tana	Thomason	Oregon Trail Jr. High.
Kathryn	Thomasset	Shawnee Mission West.
Ankita	Trivedi	Olathe North.
Jennifer	Waldman	Mission Valley Middle.
Nate	White	Homeschool.
Kody	Willnauer	De Soto High School.
Andrew	Yager	Frontier Trail Jr. High.
Scott	Young	Olathe South.
Laura	Zeligman	Olathe East.
Mary	Zima	Notre Dame de Sion.

Daily Digest

HIGHLIGHTS:

Senate agreed to S. Con. Res. 98, Adjournment Resolution.

Senate agreed to S. Res. 319, Condemning Terrorist Attacks in Spain.

Senate agreed to S. Con. Res. 95, Congressional Budget Resolution.

The House passed H.R. 3717, Broadcast Decency Enforcement Act of 2004.

Senate

Chamber Action

Routine Proceedings, pages S2591–S2650

Measures Introduced: Thirteen bills and four resolutions were introduced, as follows: S. 2194–2206, S.J. Res. 29, S. Res. 318–319, and S. Con. Res. 98. **(See next issue.)**

Measures Passed:

Adjournment Resolution: Senate agreed to S. Con. Res. 98, providing for a conditional adjournment or recess of the Senate. **(See next issue.)**

Condemning Terrorist Attacks in Spain: By a unanimous vote of 96 yeas (Vote No. 43), Senate agreed to S. Res. 319, expressing the sense of the Senate with respect to the deadly terrorist attacks against the people of Spain that occurred on March 11, 2004. **Pages S2641–43**

Congressional Budget Resolution: By 51 yeas to 45 nays (Vote No. 58), Senate agreed to S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, after taking action on the following amendments proposed thereto:

Pages S2591–S2641, S2643–50, (continued next issue.)

Adopted:

Mikulski Amendment No. 2820, to provide a deficit neutral reserve fund to provide a tuition tax credit. **Page S2648**

Coleman Amendment No. 2821, to provide $1.9 billion to increase the maximum Pell Grant from $4,050 to $4,500 by reducing spending in other Federal Government programs, except education programs, by a commensurate amount. **Pages S2648–49**

Feinstein/Hollings Amendment No. 2753, to express the sense of the Senate regarding funding for port security. **Page S2649**

Murkowski/Campbell Amendment No. 2822, to increase funding for the Indian Health Services. **(See next issue.)**

Inhofe/Bingaman Amendment No. 2823, to return to the original scoring of the energy savings performance contract program. **(See next issue.)**

Nickles (for Conrad) Amendment No. 2831, to express the sense of the Senate regarding tribal colleges and universities. **(See next issue.)**

Nickles (for Bingaman) Amendment No. 2833, to establish a reserve fund for expansion of the pediatric vaccine distribution program. **(See next issue.)**

Nickles (for Wyden) Amendment No. 2717, to increase investments in implementation of the Healthy Forests Restoration Act to benefit national forests, the environment, local communities, and local economies. **(See next issue.)**

Nickles (for Kennedy/Rockefeller) Amendment No. 2699, to prevent unspent SCHIP funds from reverting to the Treasury rather than being used to provide coverage for low-income children. **(See next issue.)**

Nickles (for Thomas) Amendment No. 2794, to restore discretionary funding levels for crucial rural health programs, such as the rural health outreach grant program, the rural hospital flexibility grant program, the small hospital improvement program, telehealth, trauma programs, and rural AED programs to fiscal year 2004 levels and offset this change by reductions in overall government travel expenses. **(See next issue.)**

Nickles (for Pryor) Modified Amendment No. 2810, stating the sense of the Senate regarding the

Low-Income Home Energy Assistance Program and the weatherization assistance program.

(See next issue.)

Enzi/Cantwell Amendment No. 2832, to increase funding for the Workforce Investment Act (WIA) by $250 million in fiscal year 2005, by increasing function 500. **(See next issue.)**

Conrad (for Clinton) Amendment No. 2780, to establish a reserve fund for addressing minority health disparities. **(See next issue.)**

Crapo Amendment 2784, to increase funding for the Environmental Protection Agency for the Clean Water and Safe Drinking Water State Revolving Funds. **(See next issue.)**

Nickles (for Lincoln) Amendment No. 2837, to prevent tax increases for families who receive child tax credit. **(See next issue.)**

Nickles (for Grassley) Amendment No. 2838, expressing the sense of the Senate for support of funding restoration for agriculture research and extension.

(See next issue.)

Nickles (for Snowe) Amendment No. 2839, to increase funding for the SBA 7(a) loan guarantee, Microloan and other small business programs and to offset the cost of that spending through across-the-board cuts in function 920. **(See next issue.)**

Nickles (for Sessions/Cornyn) Amendment No. 2733, to provide full funding for NASA's fiscal year 2005 space exploration initiatives. **(See next issue.)**

By 52 yeas to 43 nays (Vote No. 54), Levin/Collins Amendment No. 2817, to lower crude oil prices resulting from the cancellation of planned future deliveries of oil to the Strategic Petroleum Reserve and using the funding made available to provide $1.7 billion in funding for homeland security grants for first responders, firefighter assistance, and port security, and to reduce the debt. **(See next issue.)**

Nickles (for Hagel) Amendment No. 2841, to express the sense of the Senate on the need for a United States animal identification program as an effective disease surveillance, monitoring, and control tool serving the needs of the United States livestock industry and public health. **(See next issue.)**

Nickles (for Santorum) Amendment No. 2842, to reaffirm the United States ratio for contributions to The Global Fund to Fight AIDS, Tuberculosis, and Malaria. **(See next issue.)**

Nickles (for Hatch) Amendment No. 2843, to restore law enforcement assistance, and juvenile justice assistance, especially title V, and JAB6, to the Department of Justice. **(See next issue.)**

Nickles (for Dole/Leahy) Amendment No. 2844, to express the sense of the Senate concerning child nutrition funding. **(See next issue.)**

By 72 yeas to 24 nays (Vote No. 56), Specter/Collins Modified Amendment No. 2741, to increase discretionary health funding by $2,000,000,000.

(See next issue.)

Nickles (for Lugar) Amendment No. 2845, to provide for an increase and a decrease in funding for certain programs. **(See next issue.)**

Murkowski Amendment No. 2846, to increase veterans medical care by $1,200,000,000.

(See next issue.)

Nickles (for Grassley) Amendment No. 2847, to express the sense of the Senate regarding compensation for exposure to toxic substances at Department of Energy facilities. **(See next issue.)**

Nickles (for Byrd/Cochran) Amendment No. 2848, to correct the scoring for Project Bioshield.

(See next issue.)

Nickles (for Dorgan) Amendment No. 2850, to increase budget authority and outlays in Function 450 (Community and Regional Development) and Function 500 (Education, Training, Employment, and Social Security) to establish a New Homestead Venture Capital Fund to make equity and near equity investments in start-up and expanding businesses located in high out-migration rural counties and to repay up to 50 percent of college loans (up to $10,000) for recent graduates who live and work in such counties for five years, respectively; and to express the sense of the Senate that any revenue measure passed by Congress in the future should include tax incentives designed to address the devastating problem of chronic out-migration from rural communities in America's Heartland and that those tax incentives should be fully offset. **(See next issue.)**

Nickles (for DeWine/Leahy) Amendment No. 2697, to increase the new budget authority in the International Affairs function by $330,000,000 for fiscal year 2005 to provide adequate funding for the Child Survival and Health Program, with a corresponding offset in function 920. **(See next issue.)**

Nickles (for DeWine) Amendment No. 2715, to increase funding to facilitate reconstruction in Haiti.

(See next issue.)

Nickles (for Lugar) Amendment No. 2785, to express the sense of the Senate concerning summer food pilot projects. **(See next issue.)**

Nickles (for Specter) Amendment No. 2851, to strike section 404. **(See next issue.)**

Nickles (for Collins/Carper) Amendment No. 2852, to provide a deficit neutral reserve fund for Postal Service reform. **(See next issue.)**

Landrieu Amendment No. 2775, to provide for eliminating the Survivor Benefit Plan-Social Security offset for military widows and widowers while reducing the debt, offset by the elimination of tax benefits to individuals and corporations that avoid United

States taxation by establishing a foreign domicile and other tax loopholes and tax shelters.

(See next issue.)

Rejected:

By 41 yeas to 53 nays (Vote No. 41), Boxer Amendment No. 2783, to create jobs, to discourage the shipping of jobs overseas, and provide adjustment assistance for dislocated workers, by changing the tax treatment of certain income from runaway plants, and by reducing tax breaks for certain individuals. **Pages S2592–S2606, S2640**

By 41 yeas to 55 nays (Vote No. 42), Sarbanes Amendment No. 2789, to fully fund the FIRE and SAFER Acts and reduce tax breaks for certain individuals. **Pages S2606–11, S2640–41**

By 41 yeas to 55 nays (Vote No. 44), Dorgan Amendment No. 2793, to increase funding for COPS, Byre grants, and Local Law Enforcement Block Grants, and reduce tax breaks for certain individuals. **Pages S2611–20, S2643–44**

By 44 yeas to 52 nays (Vote No. 45), Lautenberg Amendment No. 2703, to reduce debt and require the industries responsible for producing products that contaminate toxic waste sites and industries who are exempt from liability for such contamination, to help pay for the cleanup by reinstating the Superfund polluter pays fees, and to reduce the deficit. **Pages S2629–30, S2639–40, S2644**

By 32 yeas to 64 nays (Vote No. 46), Harkin Amendment No. 2799, to provide for increased resources for medical research, disease control, wellness, tobacco cessation and preventative health efforts including substance abuse and mental health services, establishing a fund for this purpose, offset by an increase in the cigarette tax to $1 and proportional increases in other tobacco excise taxes and deficit reduction. **Pages S2620–26, S2644–45**

By 43 yeas to 53 nays (Vote No. 47), Lincoln Amendment No. 2803, to provide $60 billion over five years for greater health security for working Americans and their families through a combination of public and private efforts to expand quality, affordable health insurance coverage and cut health care costs by eliminating certain tax loopholes.

Pages S2645–46

By 43 yeas to 53 nays (Vote No. 48), Byrd Amendment No. 2804, to provide responsible restraints on discretionary funding while providing adequate resources for education, veterans, homeland security, and other critical domestic priorities and fully offsetting the cost by closing corporate tax loopholes, improving tax enforcement and reducing tax breaks for certain individuals.

Pages S2626–29, S2646

By 40 yeas to 57 nays (Vote No. 50), Lieberman Amendment No. 2807, to restore cuts and increase funding for homeland security programs and reduce the debt by reducing tax breaks for certain individuals. **Pages S2631–35, S2647**

By 44 yeas to 53 nays (Vote No.51), Conrad (for Kennedy) Amendment No. 2725, to create a reserve fund to finance an increase in the maximum Pell Grant that keeps pace with the rate of increase in public college tuition, extend Pell Grants to 500,000 new recipients, and close certain tax loopholes. **Pages S2635–38, S2647–48**

By 42 yeas to 54 nays (Vote No. 52), Daschle Amendment No. 2774, to create a reserve fund to allow for an increase in Indian Health Service Clinical Services by $3.44 billion and lower the national debt by eliminating certain tax loopholes or reducing tax breaks for individuals with incomes in excess of $1 million per year.

Pages S2649 (continued next issue.)

By 42 yeas to 54 nays (Vote No. 53), Dodd Amendment No. 2762, to create a reserve fund to allow for an increase in the 21st Century Community Learning Centers Program by $1 billion and to eliminate certain tax loopholes. **(See next issue.)**

By 42 yeas to 54 nays (Vote No. 57), Lautenberg Amendment No. 2797, to strike the provision for raising the debt limit. **(See next issue.)**

Dayton Amendment No. 2786, to provide full mandatory funding for the Individuals with Disabilities Education Act (IDEA) part B grants over five years by reducing tax breaks for the wealthiest taxpayers. **(See next issue.)**

Reed Amendment No. 2790, to create a reserve fund to increase funding for college and student financial aid programs, including the Pell Grant program, campus-based assistance, Leveraging Educational Assistance Partnership, TRIO, GEAR UP, and graduate level programs, and lower the national debt by closing certain tax loopholes. **(See next issue.)**

Withdrawn:

Kyl Amendment No. 2849, to create a reserve fund to permit an increase in veteran's medical care that is fully offset with an assessment on excessive lawyer fees paid under the tobacco settlement.

(See next issue.)

Corzine Amendment No. 2777, to eliminate tax breaks for those with incomes greater than $1 million and reserve the savings to prevent future cuts in Social Security benefits. **(See next issue.)**

Santorum Amendment No. 2853, to provide for an increase and a decrease in funding for certain programs. **(See next issue.)**

During consideration of this measure today, the Senate also took the following action:

By 43 yeas to 53 nays (Vote No. 49), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion

to waive section 305 of the Congressional Budget Act of 1974, with respect to Bingaman Amendment No. 2765, to ensure that legislation is not enacted that increases the number of taxpayers affected by the alternative minimum tax. Subsequently, the point of order that the amendment was in violation of section 305 of the Congressional Budget Act of 1974, was sustained, and the amendment thus falls.

Pages S2630–31, S2646–47

By 51 yeas to 45 nays (Vote No. 55), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the point of order that McConnell Amendment No. 2840, to prohibit future income tax hikes on upper incomes that fail to exempt small businesses that file individual income tax returns as partnerships, sole proprietors, or subchapter S corporations, was not germane. Subsequently, the point of order was sustained and the amendment thus falls.

(See next issue.)

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany the United Nations Convention on the Law of the Sea, with declarations and understandings. (Treaty Doc. 103–39) (Ex. Rept. 108–10) **(See next issue.)**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting a report of the continuation of the national emergency with respect to Iran that was declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs. (PM–73)

(See next issue.)

Appointments:

National Commission of Small Community Air Service: The Chair, on behalf of the Majority Leader pursuant to Public Law 108–176, Section 411(b)(1)(B), appointed the following individual to serve as a member of the National Commission of Small Community Air Service: Mayor Boy Corker of Chattanooga, Tennessee. **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 92 yeas (Vote No. 59), Louis Guirola, Jr., of Mississippi, to be United States District Judge for the Southern District of Mississippi. **(See next issue.)**

Feliciano Foyo, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring August 12, 2004.

Neil Vincent Wake, of Arizona, to be United States District Judge for the District of Arizona.

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006. (Reappointment)

Steven J. Simmons, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006. (Reappointment)

Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as the Political Director for the United States Presidency of the G–8.

Sanford Gottesman, of Texas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005. (Reappointment)

C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005. (Reappointment)

Robert Hurley McKinney, of Indiana, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2004.

Mark J. Warshawsky, of Maryland, to be an Assistant Secretary of the Treasury.

Richard S. Williamson, of Illinois, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

Mark B. McClellan, of the District of Columbia, to be Administrator of the Centers for Medicare and Medicaid Services.

Routine lists in the Coast Guard. **(See next issue.)**

Nominations Received: Senate received the following nominations:

Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller).

Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from

October 27, 2002. (Reappointment)

Juan Carlos Zarate, of California, to be an Assistant Secretary of the Treasury.

Lewis W. Lucke, of Texas, to be Ambassador to the Kingdom of Swaziland.

Earle I. Mack, of New York, to be Ambassador to the Republic of Finland.

Jackson McDonald, of Florida, to be Ambassador to the Republic of Guinea.

John M. Ordway, of California, to be Ambassador to the Republic of Kazakhstan.

32 Army nominations in the rank of general.

5 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Navy.

(See next issue.)

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Placed on Calendar: **(See next issue.)**

Executive Communications: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Notices of Hearings/Meetings: **(See next issue.)**

Authority for Committees To Meet: **(See next issue.)**

Privilege of the Floor: **(See next issue.)**

Record Votes: Nineteen record votes were taken today. (Total—59) **Pages S2640, S2641, S2643, S2644, S2645, S2646, S2647, S2648**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 1:44 a.m., on Friday, March 12, 2004, until 10 a.m., on the same day. (For Senate's program, see the remarks of the Majority Leader in the next issue of the Record.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Forest Service of the Department of Agriculture, after receiving testimony from Dale N. Bosworth, Chief, Forest Service, and Mark E. Rey, Under Secretary for Natural Resources and Environment, both of the Department of Agriculture.

APPROPRIATIONS: NASA

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the National Aeronautics and Space Administration (NASA), after receiving testimony from Sean O'Keefe, Administrator, National Aeronautics and Space Administration.

APPROPRIATIONS: LIBRARY OF CONGRESS

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Library of Congress, after receiving testimony from James H. Billington, Librarian of Congress; and Donald L. Scott, Deputy Librarian of Congress.

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the Defense Authorization Request for fiscal year 2005, focusing on missile defense after receiving testimony from Michael W. Wynne, Acting Under Secretary of Defense for Acquisition, Technology and Logistics; Admiral James O. Ellis, Jr., USN, Commander, United States Strategic Command; Thomas P. Christie, Director, Operational Test and Evaluation; Lieutenant General Ronald T. Kadish, USAF, Director, Missile Defense Agency; and Lieutenant General Larry J. Dodgen, USA, Commander, Space and Missile Defense Command.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine the defense authorization request for fiscal year 2005 and the future years defense program, focusing on Army Transformation, after receiving testimony from Claude M. Bolton, Jr., Assistant Secretary of the Army for Acquisition, Logistics and Technology; General George W. Casey, Jr., USA, Vice Chief of Staff, United States Army; and Major General John M. Curran, USA, Director, Future Centers, Headquarters, U.S. Army Training and Doctrine Command.

PRESCRIPTION DRUG IMPORTATION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine prescription drug importation and related matters, focusing on reducing drug costs, safety concerns relating to importation, recent action by the States, drug counterfeiting, and the Medicare importation study and task force, after receiving testimony from Representatives Burton and Sanders; and Mark B. McClellan, Commissioner, Food and Drug Administration, Department of Health and Human Services.

ABANDONED MINE LANDS PROGRAM

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2086, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S.2049, 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, after receiving testimony from Jeffrey D. Jarrett, Director, Office of Surface Mining, Department of the Interior; Steve Hohmann, Director, Kentucky Department for Surface Mining and Enforcement, Frankfort, on behalf of the Interstate Mining Compact Commission and the National Association of Abandoned Mine Land Programs; Evan J. Green, Wyoming Department of Environmental Quality, Cheyenne; Joe Shirley, Jr., Navajo Nation, Washington, D.C.; Charles Gauvin, Trout Unlimited, Arlington, Virginia; and Micheal Buckner, United Mine Workers of America, Fairfax, Virginia.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of Sue Ellen Wooldridge, of Virginia, to be Solicitor of the Department of the Interior, after the nominee testified and answered questions in her own behalf.

POSTAL REFORM

Committee on Governmental Affairs: Committee resumed hearings to examine U.S. Postal Service reform issues, focusing on sustaining the 9 million jobs in the $900 billion mailing industry, after receiving testimony from Frederick W. Smith, FedEx Corporation, Memphis, Tennessee; Michael L. Eskew, United Parcel Service, Atlanta, Georgia; Gary M. Mulloy, ADVO, Inc., Windsor, Connecticut; Gary B. Pruitt, McClatchy Company, Sacramento, California, on behalf of the Newspaper Association of America; and H. Robert Wientzen, Direct Marketing Association, New York, New York.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit, Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, James L. Robart, to be United States District Judge for the Western District of Washington, and Juan R. Sanchez and Lawrence F. Stengel, both to be a United States District Judge for the Eastern District of Pennsylvania.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 30 public bills, H.R. 3936–3965; and 9 resolutions, H.J. Res. 89–90; H. Con. Res. 382–384, and H. Res. 557–560, were introduced. **Page H1070**

Additional Cosponsors: **Page H1072**

Reports Filed: Reports were filed today as follows:

H.R. 3261, to prohibit the misappropriation of certain databases, amended adverse (H. Rept. 108–421, Pt. 2). **Page H1070**

Broadcast Decency Enforcement Act of 2004: The House passed H.R. 3717, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language, by a recorded vote of 391 ayes to 22 noes with one voting "present", Roll No. 55. **Pages H1015–35**

Agreed to amend the title so as to read: to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material. **Page H1035**

The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill was considered as an original bill for the purpose of amendment. **Page H1034**

Agreed to:

Upton amendment that preserves a licensee's right of a license to appeal a forfeiture order issued by the FCC for the broadcast of obscene, indecent, or profane material before the existence of such an order can be used in a license application proceeding, renewal proceeding, or revocation proceeding and also requires the FCC to provide Congress with information related to the number of times that violators refuse to pay a forfeiture order and that the FCC refers such orders to collections; and **Pages H1033–34**

Sessions amendment that directs the GAO to study and report within one year the number of complaints concerning the broadcasting of obscene,

indecent, and profane material to the FCC the; number of such complaints that result in final agency actions by the FCC; the length of time taken by the FCC in responding to such complaints; what mechanisms the Commission has established to receive, investigate, and respond to such complaints; and whether complainants to the FCC are adequately informed by the FCC of the responses to their complaints. **Page H1034**

H. Res. 554, the rule providing for consideration of the bill was agreed to by voice vote.

Pages H1015–19

Suspensions: The House agreed to suspend the rules and pass the following measures:

Commending India on its celebration of Republic Day: Debated on March 10, H. Con. Res. 15, commending India on its celebration of Republic Day, by a ⅔ yea and nay vote of 418 yeas with none voting "nay", Roll No. 56; and **Pages H1035–36**

Expressing the condolences of the House for the untimely death of Macedonian President Boris Trajkovski: Debated on March 10, H. Res. 540, expressing the condolences and deepest sympathies of the House of Representatives for the untimely death of Macedonian President Boris Trajkovski, by a ⅔ yea and nay vote of 411 yeas to with none voting "nay", Roll No. 57. **Pages H1036–37**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at noon on Friday, March 12, and further that when it adjourn to meet at 12:30 p.m. on Tuesday, March 16 for Morning-Hour debate. **Page H1069**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, March 17. **Page H1069**

Senate Adjournment: Agreed to S. Con. Res. 98, providing for a conditional adjournment or recess of the Senate. **Page H1057**

Presidential Message: Read a letter from the President wherein he notified Congress of the continuation of the National Emergency with Respect to Iran—referred to the Committee on International Relations and ordered to be printed (108–173).

Page H1045

Senate Messages: Messages from the Senate today appear on page H1013.

Quorum Calls—Votes: Two yea and nay votes and one recorded vote developed during the proceedings today and appear on pages H1035, H1035–36, and H1036–37. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:18 p.m. Committee Meetings

PEANUT PROGRAM

Committee on Agriculture: Subcommittee on Speciality Crops and Foreign Agriculture Programs held a hearing to review the Peanut Program. Testimony was heard from Floyd Gaibler, Under Secretary, Farm and Foreign Agricultural Services, USDA; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on the FDA. Testimony was heard from the following officials of the FDA, Department of Health and Human Services: Lester M. Crawford, Acting Commissioner; Jeffrey M. Weber, Associate Commissioner, Management and Chief Financial Officer; and William R. Beldon, Acting Deputy Assistant Secretary, Budget.

COMMERCE, STATE, JUSTICE, JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, State, Justice, Judiciary and Related Agencies held a hearing on the Federal Judiciary. Testimony was heard from Leonidas Ralph Mecham, Director, Administrative Office of the United States Courts; and Chief Judge John Heyburn, Chairman, Budget Committee, Judicial Conference of the United States.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Secretary of Energy. Testimony was heard from Spencer Abraham, Secretary of Energy.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Border and Transportation Security. Testimony was heard from Asa Hutchinson, Under Secretary, Border and Transportation Security, Department of Homeland Security.

The Subcommittee also held a hearing on the Acting Administrator, Transportation Security Administration. Testimony was heard from ADM David Stone, USN, (Ret.), Acting Administrator, Transportation Security Administration, Department of Homeland Security.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related

Agencies held a hearing on the Secretary of Education. Testimony was heard from Rodney Paige, Secretary of Education.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies continued appropriation hearings. Testimony was heard from Members of Congress.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—NAVY RESEARCH AND DEVELOPMENT

Committee on Armed Services: Subcommittee on Projection Forces held a hearing on the Fiscal Year 2005 National Defense Authorization Budget Request—Navy Research and Development, Transformation and Future Navy Capabilities. Testimony was heard from the following officials of the Department of the Navy: John J. Young, Assistant Secretary (Research, Development and Acquisition); VADM John B. Nathan, USN, Deputy Chief of Naval Operations (N–7) (Warfare Requirements and Programs); VADM Cutler J. Dawson, Jr., Deputy Chief of Naval Operations (N–8) (Resources, Requirements, and Assessments); LTG Edward Hanlon, Jr., USMC, Commanding General, Marine Corps Combat Development Command; and RADM Jay M. Cohen, USN, Chief of Naval Research, Director, Test and Evaluation and Technology Requirements.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—ASSESSING ADEQUACY TO MEET READINESS NEEDS

Committee on Armed Services: Subcommittee on Readiness held a hearing on the Fiscal Year 2005 National Defense Authorization Budget Request—Assessing the Adequacy of the Fiscal Year 2005 Budget to Meet Readiness Needs. Testimony was heard from the following officials of the Department of Defense: GEN George Casey, USA, Vice Chief of Staff, Army, Headquarters, Department of the Army; ADM Michael G. Mullen, USN, Vice Chief of Naval Operations and LTG Jan C. Huly, USMC, Deputy Commander, Plans, Policy and Operations, U.S. Marine Corps, both with the Department of the Navy; and GEN T. Michael Moseley, USAF, Vice Chief of Staff, Air Force, Headquarters, U.S. Air Force.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—SPECIAL OPERATIONS COMMAND OVERSIGHT

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the Fiscal Year 2005 National Defense Authorization Budget Request—Special Operations Command Oversight. Testimony was heard from the following officials of the Department of Defense: Thomas W. O'Connell, Assistant Secretary, Special Operations and Low-Intensity Conflict; GEN Bryan D. Brown, USA, Commander, U.S. Special Operations Command; LTG Philip Kensinger, USA, Commanding General, U.S. Army Special Operations Command; LTG Paul Hester, USAF, Commander, Air Force Special Operations Command; RADM Albert Calland, USN, Commander, Naval Special Warfare Command; and Command CMSgt Robert Martens, Jr., U.S. Air Force, Senior Enlisted Advisor, U.S. Special Operations Command.

BUDGET RESOLUTION

Committee on the Budget: Began mark up of the Budget Resolution for Fiscal Year 2005.

Committee recessed subject to call.

CHANGING NATURE OF THE ECONOMY—CRITICAL ROLES OF EDUCATION AND INNOVATION

Committee on Education and the Workforce: Held a hearing entitled "The Changing Nature of the Economy: The Critical Roles of Education and Innovation in Creating Jobs & Opportunity in a Knowledge Economy." Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; and public witnesses.

COLLEGE RECRUITING—ARE STUDENT ATHLETES BEING PROTECTED?

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled "College Recruiting: Are Student Athletes Being Protected?" Testimony was heard from Representative Osborne; and public witnesses.

IRAQ—REBUILDING CHALLENGES

Committee on Government Reform: Held a hearing on the Complex Task of Coordinating Contracts Amid Chaos: The Challenges of Rebuilding a Broken Iraq. Testimony was heard from the following officials of the Department of Defense: MG Carl A. Strock, USA, Director, Civil Works, Army Corps of Engineers; GEN Paul J. Kern, USA, Commanding General, U.S. Army Material Command; MG Wade H. McManus, Jr., USA, Commanding General, U.S. Army Field Support Command; Tina Ballard, Deputy Assistant Secretary, Army (Policy and Procurement); Dov S. Zakheim, Under Secretary, (Comptroller) and Chief Financial Officer; William H. Reed, Director, Defense Contract Audit Agency; and RADM David Nash, USN (Ret.), Director, Iraq Program Management Office, Coalition Provisional Authority; and Lewis Lucke, Deputy Assistant Administrator, AID, Department of State.

"CERVICAL CANCER AND HUMAN PAPILLOMAVIRUS"

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled "Cervical Cancer and Human Papillomavirus." Testimony was heard from Representative Weldon of Florida; the following officials of the Department of Health and Human Services: Ed. Thompson, M.D., Deputy Director, Public Health Services, Centers for Disease Control and Prevention; Edward L. Trimble, M.D., Gynecologic Oncologist, National Cancer Institute, NIH; and Daniel G. Schultz, M.D., Director, Office of Device Evaluation, Center for Devices and Radiologic Health, FDA; and public witnesses.

SUDAN: PEACE AGREEMENT AROUND THE CORNER?

Committee on International Relations: Subcommittee on Africa held a hearing on Sudan: Peace Agreement Around the Corner? Testimony was heard from the following officials ofthe Department of State: Charles R. Snyder, Acting Assistant Secretary, Bureau of African Affairs; and Roger P. Winter, Assistant Administrator, Democracy, Conflict and Humanitarian Assistance, AID; and public witnesses.

OVERSIGHT—COPYRIGHT ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on Section 115 of the Copyright Act: In Need of Update? Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

OVERSIGHT—IMMIGRATION FUNDING

Committee on the Judiciay: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled "Funding for Immigration in the President's 2005 Budget." Testimony was heard from public witnesses.

OVERSIGHT—BUDGET REQUESTS—NOAA AND FISH AND WILDLIFE SERVICE

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the Administration's Fiscal Year 2005 budget requests for NOAA and the U.S. Fish and Wildlife Service. Testimony was heard from VADM Conrad C. Lautenbacher, Jr., USN, (Ret.), Under Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; and Steven A. Williams, Director, U.S. Fish and Wildlife Service, Department of the Interior.

CURRENT BUDGET PROCESS—CONSIDER NEW REFORM AND ENFORCEMENT PROPOSALS

Committee on Rules: Subcommittee on Legislative and Budget Process held a hearing to assess the effectiveness of the current budget process and consider new reform and enforcement proposals. Testimony was heard from Representatives Hensarling, Ryan of Wisconsin, Chocola, Stenholm, Hill, Kirk, Hastings of Washington, Castle and Cox; and Josh Bolten, Director, OMB.

EPA BUDGET

Committee on Science: Subcommittee on Environment, Technology, and Standards held a hearing on the Fiscal Year EPA Budget. Testimony was heard from Clay Johnson, III, Deputy Director, Management, OMB; Paul Gilman, Assistant Administrator, Research and Development, EPA; Paul Posner, Managing Director, Natural Resources and Environment, GAO; and public witnesses.

VA'S POST-TRAUMATIC STRESS DISORDER PROGRAMS STATUS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the current status of Department of Veterans' post-traumatic stress disorder (PTSD) programs. Testimony was heard from the following officials of the Department of Veterans Affairs: Robert H. Roswell, M.D., Under Secretary, Health; Thomas Horvath, M.D., Chief of Staff, Michael E. DeBakey Veterans Affairs Medical Center; Terence Keane, Director, National Center for Post-Traumatic Stress Disorder, Boston Health Care System; Harold Kudler, M.D., Co-Chair, Under Secretary, Health's Special Committee on PTSD, Durham Medical Center; Chaplain Robert W. Mikol, Clinical Chaplain, Lyons Campus, New Jersey Health Care System; and Rev. Philip G. Salois, VISN 1 Chaplain Program Manager, Boston Health Care System; the following officials of the Department of Defense: LTC Kenneth Brown, Chaplain, U.S. Army; LT Charles E. Hodges, Chaplain Corps, U.S. Naval Reserve; and CDR Mark Jumper, Staff Chaplain, U.S. Coast Guard Academy; representatives of veterans organizations; and public witnesses.

PRESIDENT'S TRADE AGENDA

Committee on Ways and Means: Held a hearing on President Bush's Trade Agenda. Testimony was heard from Robert B. Zoellick, U.S. Trade Representative.

NATIONAL RECONNAISSANCE PROGRAM BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on National Reconnaissance Program Budget. Testimony was heard from departmental witnesses.

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.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 12, 2004

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Friday, March 12

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

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Program for Friday: To be announced.

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