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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 11, 2004.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

CALLING FOR THE RESIGNATION OF THE SECRETARY OF DEFENSE

Mr. GEORGE MILLER of California. Mr. Speaker, Vice President CHENEY has told the Nation that people ought to get off Secretary Rumsfeld's case and let him do his job. President Bush has called him ''really good'' and ''superb'' in the last week alone.

There are many reasons why Mr. Rumsfeld should resign from his position as Secretary of Defense. It is not just because he engaged in a cover-up in keeping the atrocities at the Abu Ghraib Prison from the Congress of the United States when he had full knowledge about it, but it is also his incompetency to appreciate and understand the political firestorm that would be set off across the Islamic and Arab world by the humiliation that was taking place, or even the suffering and the humiliation that Americans would feel when they saw these out-of-control soldiers engaging in that conduct.

But it is also because he is reigning over the most incompetent and mismanaged occupation of the country of Iraq, because his arrogance would not allow him to pay attention to those prestigious institutions and people who had actual experience in peacekeeping and restoring democracy to countries, who had done it without taking casualties of American soldiers. They pushed ahead with an inadequate number of resources in terms of soldiers and equipment; they pushed ahead with inadequate resources in terms of paying for this, and for the force protection, his number one responsibility, the force protection of our soldiers.

Because of his actions and because of his rush to war, as the Pentagon Joint Chiefs of Staff study tells us in Lessons Learned, they failed to provide for the protection of these soldiers. More recently, that failure has been translated by the Pentagon to say because of improper equipment for the personal protection of soldiers, because of the improper kind of mix of equipment in terms of non-armored Humvees, one out of four of the casualties was unnecessary, had we been properly prepared with the proper equipment, the training, for our soldiers. One out of four of the casualties was unnecessary, according to the Pentagon, another reason why Secretary Rumsfeld should resign.

HEALTH CARE AND AMERICAN PROSPERITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, this week, the House will make history, taking up the first of eight components of the most ambitious and forward-looking economic agenda in a generation. For the next 8 weeks, the House will debate and pass legislation that will begin the process of remaking our economy for the new century.

Rather than treating individual policy initiatives in a vacuum, the American Careers Initiative takes a comprehensive approach, treating health care, energy, education, taxes, regulation and lawsuit abuse reform as parts of a broader economic agenda.

For the next 2 months, the House will focus on one of the eight components of the Careers Initiative each week, starting tomorrow with Health Care Security.

First, we will pass legislation to reform medical malpractice liability laws to protect good doctors, nurses, and hospitals from predatory trial lawyers and their abusive lawsuits, lowering the cost of health care.

Second, we will pass the Small Business Health Fairness Act, which will allow small businesses to enjoy the same economies of scale now used by large corporations, organizations, and labor unions in their health plans.

Third, we will make Flexible Spending Accounts even more flexible, by allowing account owners to hold on to some of their unspent health savings year to year or even roll some of that money into a new health savings account.

We will do all of these things not simply because they are good health care policies, but because they make for greater economic policies.

By reducing the threat of abusive lawsuits, more doctors will continue to see patients and thereby help to reduce the crisis in health care access. By allowing small businesses to reduce the

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cost of employee health insurance, those businesses will in turn use their savings to invest in new products and hire new employees. And by expanding the utility of Flexible Spending Accounts, we will promote more health care competition and help Americans save money on their insurance costs.

All of these new policies will help break down the barriers between the American people and the affordable quality health care that they demand. And they will also break down the barriers between them and the thriving competitive and prosperous 21st-century economy that they deserve.

FULFILLING OUR DUTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Maryland (Mr. HOYER) is recognized during morning hour debates for 5 minutes.

Mr. HOYER. Mr. Speaker, before I discuss the legislation that will be considered on the floor this week, I want to comment briefly on the continuing revelations about the abuse of Iraqi detainees in American custody and the need for vigorous congressional oversight through full and open committee hearings.

I could not disagree with my friend, the majority leader, more when he says the idea of a congressional investigation is like, and I quote, ''saying we need an investigation every time there is police brutality on the street.''

The abuse of Iraqi detainees, as we are learning, is, unfortunately, not isolated, and responsibility extends up and down the military chain of command. We must not abdicate our constitutional responsibility as an independent, coequal branch of government, as some Members of the other body have stated.

For example, the Senate majority leader is quoted today in Congressional Quarterly as saying, ''The Senate will continue to do its duty. We had several hearings last week. We will continue to maintain a close watch on the unfolding situation.'' In fact, they are having hearings this week.

This shocking episode demands a full and open inquiry. It demands a bipartisan approach. I urge the Republican leadership to work with this side of the aisle in getting to the bottom of these abuses, in holding the responsible parties accountable and ensuring that it never happens again. The world expects no less, and we should expect no less ourselves.

Now, Mr. Speaker, while the other body exercises vigorous oversight, this body will consider a Republican bill that will actually increase the budget deficit, which is projected at more than half a trillion dollars this year alone, and three health care bills that would do virtually nothing to help the uninsured.

This Republican majority is not responding to America's needs. We can, we must, do better.

The Republican bill to make the 10 percent income tax bracket permanent could win overwhelming, perhaps unanimous, support if it were paid for. Instead, it would add an estimated $218 billion to the national debt. Our children and grandchildren will pay that debt.

The Democratic substitute, in contrast, is paid for. Unfortunately, Republican leaders believe that tax cuts are a freebie. In fact, the chairman of the House Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), said in March, and I quote, ''We don't believe that you should have to pay for tax cuts.''

It is that mathematically challenged philosophy, that denial of reality that continues to stall negotiations on the 2005 budget. House Republicans refuse to pay for tax cuts. House Democrats, a bipartisan majority of the Senate and the chairman of the Federal Reserve, Mr. Greenspan, fully support pay-as-you-go budget rules. In fact, if my Republican friends missed the comment of Chairman Greenspan last week, let me repeat it. He said, ''The free lunch has still not been invented.''

This week, the Republican leadership will also put three health care bills on the floor, apparently in recognition of Cover the Uninsured Week.

Today in America, the richest, most powerful Nation on the face of the Earth, 44 million Americans do not have health insurance; and that figure has increased by 4 million since President Bush took office. Yet none of the Republican health care bills directly addresses this growing problem.

We have already passed two of these three bills, on medical liability and associated health plans, almost in exactly the same form; so we are simply repeating that which we have already done, presumably for political purposes as opposed to substance. The third, on Flexible Savings Accounts, would mostly benefit those who are already insured.

House Democrats, by comparison, will introduce three health care bills this week that, together, would provide health insurance for more than half of the 44 million uninsured. These bills are aimed, Mr. Speaker, at three growing groups of uninsured: those with low income, retirees, and small businesses and the self-employed.

I say to my friends on the Republican side, our constituents did not send us here to pretend to legislate, to repeatedly pass legislation so that it could go to the Senate. They sent us here to solve problems and fulfill our duty. This week, there is ample evidence that we are doing neither.

DOUBLE STANDARDS APPLIED REGARDING TERRORISM

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, the infamous Iraqi prison photographs with which we are so familiar portray deplorable scenes for which we will apologize. I am concerned that these inappropriate practices occurred, but I am further concerned regarding the double standards that many countries apply regarding terrorism, and I will discuss that in detail herewith.

Much attention has been directed, Mr. Speaker, against America regarding the Iraqi prison matter; but comparatively speaking, little has been expressed against the terrorists.

Who will apologize or express concern for the 9/11 attack and the 3,000 innocent lives lost?

Who will apologize for the first attack to the World Trade Center and subsequent attacks upon our embassies and the U.S.S. *Cole*?

Who will apologize for the recent deadly explosion in Spain?

Who will apologize regarding hostages who were mutilated and hanged from a bridge while onlookers gleefully applauded and laughed obscenely?

These questions are rhetorical, Mr. Speaker, because no apologies are forthcoming, and many do not appear to be concerned about it.

I am told that the majority of Iraqis wanted Saddam removed from power, but they were unwilling and were incapable of doing the job themselves because they feared Saddam and knew the pain and torture he was capable of inflicting upon them.

Incidentally, Mr. Speaker, Saddam's rape rooms are no longer open for business, nor are Saddam's torture chambers. Why do we hear virtually nothing about the rape rooms and the torture chambers having been shut down? They are shut down because America, Great Britain, and coalition members stepped forward and Saddam retreated to his spider hole where he was captured.

Some in Iraq embrace us as liberators, while others, including terrorists from beyond Iraq, reject us as occupiers.

□ 1245

The closer Iraq approaches freedom and democracy, the more impediments and barriers the terrorists will erect.

When the government is handed over to the Iraqi Council on 30 June, many have declared, oh, the Americans must never leave because civil unrest may erupt. Well, I agree, we cannot abruptly depart, but Iraq needs to step up to the plate on 30 June.

Mr. Speaker, there is an expression uttered in the rural South to indicate appropriate timing. This expression is called ''high time.'' So I say today it is high time for Iraq to accept responsibility and express a willingness to govern and stand up to terrorism. If they want us to leave, they can show the world they are capable of governing responsibly. They can show the world they have the fortitude to avoid intimidation by terrorists and the evil practices they dispense.

I am not suggesting that America become the rigid, inflexible, fully supportive rod for the Iraqi spine or backbone, but rather serve as a brace or splint to permit and encourage independent function. I firmly believe that day will come, Mr. Speaker. I pray it will be sooner rather than later.

AMERICA'S UNINSURED

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, this week Republicans begin an 8-week public relations campaign in an attempt to sell their special interest agenda to all Americans. Unfortunately, when Americans look beyond all the rhetoric, they will see the Republican proposals do nothing for the middle class. The so-called ''Hire Our Workers'' campaign begins this week with Republicans highlighting three pieces of legislation that they say will help the uninsured find insurance and middle class Americans better afford health care. But, Mr. Speaker, the Republican public relations effort is necessary because their health care proposals do no such thing.

This week is ''Cover the Uninsured Week.'' But unfortunately, nothing the Republican Congress is proposing will help the more than 44 million Americans without health insurance gain any insurance. As health care costs continue to increase way above the rate of inflation, the Republicans' health care proposals this week do nothing to help those Americans struggling to pay these ever-increasing prices.

The three health care bills that Republicans are offering this week are simply a ruse. Furthermore, each of these pieces of legislation has already been passed by the Republican majority and each of these bills have been proven to increase health costs, dismantle the employer-sponsored health insurance base, and increase the number of uninsured Americans.

Republicans will claim their Association Health Plan legislation will lower rates and provide greater access to insurance, but the reality is that AHP legislation would result in less health care access and dramatic increases in premiums for State insurance-based employers. AHPs would fragment and destabilize the small group market, resulting in higher premiums for many small businesses. And the Republican legislation would also allow employers to ''cherry-pick,'' attracting younger, healthier individuals to join AHPs, while leaving older, sicker individuals in the traditional insurance market which results in increased premiums for the remaining pool.

Mr. Speaker, the Republican Health Savings Account legislation creates a tax-favored savings provision with no income limitations. The main reason Republicans want to pass this bill is to create a new tax shelter for the healthy and wealthy while, at the same time, threatening higher health insurance premiums for everyone else.

The Republican PR machine will claim this legislation helps the uninsured by providing a tax credit that would allow the uninsured to set aside up to $2,000, tax free, in a new health savings account to supposedly help pay for health insurance. But unfortunately, it is highly unlikely that most uninsured Americans will be able to take advantage of this program, because they have an extremely difficult time saving $2,000 a year for health care.

Mr. Speaker, the final component of the Republican agenda is medical liability reform. Republicans will claim that this legislation will address the sky-rocketing costs of health care, but Republicans are doing nothing to address spiraling insurance premiums for doctors. The nonpartisan Congressional Budget Office concluded that ''Malpractice costs account for a very small fraction of total health care spending; even a very large reduction in malpractice costs would have a relatively small effect on total health plan premiums.''

If Republicans truly want to help the uninsured and underinsured, they should set aside their rhetoric and pass three pieces of legislation introduced by the Democrats. First, the Family Care Act expands Medicaid and SCHIP to provide affordable coverage to about 7.5 million working parents. Second, the Medicare Early Access Act provides coverage to 3.5 million people who are over the age of 55, but not yet eligible for Medicare, by allowing them to purchase Medicare coverage. And third, the Small Business Health Insurance Act creates a 50 percent tax credit to help small businesses with the costs of health care.

These Democratic proposals not only offer significant reductions in the ranks of the uninsured, but also rein in spiraling health care costs to our Nation.

Mr. Speaker, Americans deserve results here on the House floor. It is unfortunate that for the next 8 weeks, all they are going to get from the Republican majority is more political spin.

COVER THE UNINSURED WEEK

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized during morning hour debates for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, in this Cover the Uninsured week, I rise to say that our health care system in this country is falling short on promise and contributing to disabling illness and premature death of the people it is supposed to serve. The picture is worse for African Americans who, for almost every illness, are impacted more severely and disproportionately, in some cases more than all other minorities combined. Every day in this country there are at least 200 African American deaths which could and should have been prevented.

The current strongly held-to ''cost containment'' paradigm, while it sounds good on the surface, has obviously not worked. We now have double digit increases in premiums in an industry that was to rein in costs. What it did instead was create a multi-tiered system of care, both within managed care and without. Those at the lowest rungs of the system got and continue to get sicker. The sicker, and the more costly, were and are still being dropped, and those who are sickest were and remain locked out entirely.

In 2003, health care spending rose to $1.7 trillion, or an average of almost $5,000 per person. As a percentage of the gross domestic product, it grew from 13.1 percent in 1999 to 15.2 percent in 2002. National health care expenditures are expected to reach $2.8 trillion in 2011.

These health care costs are driven by, among other things, lack of preventive care, poor disease management, the consequent use of high-cost care, and the cost burden of uncompensated care.

A recent study by the Kaiser Family Foundation found that the uninsured are 30 to 50 percent more likely to be hospitalized for an avoidable condition, the average cost of which in 2002 was estimated to be about $3,300. Close to 93 percent of the uninsured report having a more difficult time getting access to primary care and, therefore, are coming first to emergency rooms. About 97 percent of them report having medical conditions that have persisted or worsened because of a lack of early intervention or preventive care.

To add insult to injury, these uninsured individuals are also often penalized by being charged higher fees for health care services and not given the discounts afforded insured patients. A Health Affairs article published in 2000 entitled ''Gouging the Medically Uninsured'' found that an uninsured patient paid up to twice as much as the insured patient. A New York Times article titled ''Medical Fees Are Often Higher For Patients Without Insurance'' cited examples of uninsured patients being charged up to 7 times more for a gynecological exam.

Mr. Speaker, lack of health insurance is a major factor in the escalating costs of health care and it affects minority populations more than others. Over a third of Latinos are uninsured, the highest rate among all groups studied, and 2½ times higher than the rate for whites. Nearly a quarter of African Americans and about one fifth of Asian Americans and Pacific Islanders have no health coverage.

Uninsured rates are lower among Native Americans only due to their ability to receive services through the Indian Health Service, which represents a set of federally provided health services as opposed to coverage, yet the

level of care for them leaves much to be desired as well.

It is because of these and many other grave health statistics that we are asking Congress to pass comprehensive health care reform, understanding that none of the diseases causing disparities can be successfully managed without sustained universal access to health care.

This week, the Democrats will introduce three bills to do just that: the Family Care Act, the Medicare Early Access Act, and the Small Business Health Insurance Promotion Act. There are also other bills that have already been introduced, of which I am proud to be a cosponsor, by the gentleman from Michigan (Mr. CONYERS), the gentlewoman from California (Ms. LEE), the gentleman from Maryland (Mr. CUMMINGS), and the gentleman from Washington (Mr. MCDERMOTT).

This week we will take up H.R. 660, the Association Health Plan proposal, which poses, in my opinion, a serious threat to our existing employer-based health insurance system. It would exempt small employer plans from important State regulatory protections, and there is no reason to believe that eliminating these protections will help small employers expand coverage.

Instead, AHPs will be able to design services to cover industries and sectors with the healthiest employees and leave out small businesses with older or sicker workers, those who most need coverage. This ability to cherry-pick would drive up the cost of coverage for small businesses with less healthy profiles of workers who will then be left in the insurance pool by themselves. AHPs would be able to offer less generous benefit packages in order to bring down the costs of coverage. The CBO has already estimated that 80 percent of workers would be worse off under AHPs.

In closing, I urge my colleagues to put politics aside in addressing the issue of coverage as well as in malpractice reform, and the other health care bills we will be considering this week. Let us not opt for the short-term fix that is really no fix at all. Let us not support proposals that do not provide substantive remedies for these problems which affect the life and death of those we represent. And, above all, let us commit ourselves, this week and always, to do no harm.

DISTURBING EVENTS AND DISTURBING REMARKS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Florida (Mr. MEEK) is recognized during morning hour debates for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, I must say that I was not only quite disturbed, but concerned about the President's remarks yesterday at the Pentagon, and it goes as so: ''Mr. Secretary, thank you for your hospitality and thank you for your leadership. You are courageously leading our Nation in a war against terror. You are doing a superb job. You are a strong Secretary of Defense, and our Nation owes you a great debt of gratitude.''

I must say that it is good to give commendations and thumbs up when it is time to give a thumbs up. But in the light of what is going on in the Department of Defense right now and in light of congressional hearings that are ongoing in the other body, I think the question mark of our true sincerity, being against the pictures, being against the acts that were carried out on individuals that were being questioned by members of our military in prison in Iraq, that I could say that the statements that are made by the Commander in Chief and also statements that are made by Secretary Rumsfeld and others could and will stimulate additional terrorism.

Now, to say that you are leading our Nation against terror, well, that question is the question of the week and of the month. As the Pentagon admits, Secretary Rumsfeld and General Myers, that we have had knowledge of the ungodly acts that took place in mid-January, and that it was reported from Central Command that this was a big deal, this was a big deal, and that Secretary Rumsfeld and General Myers both admit that they meet 3 to 4 times, maybe 5, using Secretary Rumsfeld's number, a day, and that they meet with the President at least once a week to talk about what is going on in the Pentagon; that anyone that might have seen or heard about these pictures or the acts that were being carried out, that they did not rise to the level of the Presidency of the United States.

Not only were these pictures and this investigation that the Pentagon had within the Pentagon, but the fact that it was not shared with the American people is even further disturbing.

□ 1300

Some folks say, well, Members of Congress are upset because they were not told. We are representatives of the people of the United States of America. Serving on the Committee on Armed Services, seeing week after week Pentagon brass coming before us, Secretary Rumsfeld coming before us and never once mention that something fundamentally wrong, we are investigating it, is going on in Saddam Hussein's prison in Iraq, not only the prison that the President spoke of as it relates to the terror and rape and things of that nature that were going on in that particular prison but including the Secretary of State and Secretary Rumsfeld, he mentioned 18,000 cases that are being heard by the Pentagon a year, 18,000. Well, 18,000 in that particular prison, not 18,000 in the theater of war.

One may say, well, if the Secretary steps down, then the terrorists win. I beg to differ. I feel that it will stop terrorists from recruiting young men and women to carry out acts of terror against Americans abroad and here on the homeland. It will show a true commitment of the fact that we are taking an about-face on what took place.

Some of my colleagues have shared with us that there are six or seven individuals at fault here. I hope that is the case, but I can tell my colleagues that there is a building tide of evidence that proves different. Contractors, we may very well have to bring CEOs of companies before Congress to ask them what role did they have over commanding our American troops. That is disturbing in itself, the fact that a whole branch of our military or the Army unit that was over this particular prison was not trained for doing what they had to do; the fact that we knew and that the Pentagon was called in mid-January to say this was a big deal, not a little deal but a big deal; the fact that we were not informed. I will tell my colleagues the reason why Congress was not informed was because we would not have tolerated the suppression of this information.

At the highest levels of our military, it is very, very important that this information is shared with the American people. At the highest levels of our military, including the Secretary of Defense, it is very important he shares this information.

I will tell my colleagues, let us not stand and say things that will stimulate terrorism. Let us not take one step forward and three steps back.

So, Mr. Speaker, I hope that the House continues to move forth. I, for one, feel that Secretary Rumsfeld stepping down will save American lives and will allow our Pentagon to move forward the courts martial that are before it.

ELIMINATE THE ''YES, BUT'' MENTALITY

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. ISSA) is recognized during morning hour debates for 5 minutes.

Mr. ISSA. Mr. Speaker, I came to the well today because I am starting to hear something that I think the American people do not want to hear, and that is, that these terrible things were done by a few individuals in Iraq, but. All too often I am hearing the word ''but'' creeping in.

Mr. Speaker, last night I was listening to Michael Savage. Hundreds of stations around the country carry this man, and he was not just saying ''yes, but.'' He was saying, well, these people are Muslim; Islam is a religion of war, and we have to understand they have always been involved in war and they only understand violence and they only understand this. This is why Saddam had these torture chambers because that is the only way to make them understand.

When I heard that said on national radio, I realized that the ''yes, but''

cannot be tolerated here on the House floor or in the other body or on K Street or on the other end of Pennsylvania Avenue.

Mr. Speaker, I think it is extremely important that we in this body today eliminate that ''yes, but'' mentality. There is no ''yes.'' We must be above torture. We must be above violating the Geneva Conventions, but we must understand that these individuals may not be ''conventional combatants.'' Mr. Speaker, that is not the way America stands for freedom. It is not the way we were brought up. There is no ''but'' after ''yes.''

Yes, we will honor the Geneva Conventions. Yes, every soldier, sailor and Marine in Iraq, in Guantanamo, in Afghanistan and around the world understands or should understand that we hold them to a standard that we would want for ourselves, not the standard that the other side may subject us to. No matter what happens anywhere in the world to Americans, not in Somalia, not in Iraq, not in Afghanistan and not in the Twin Towers of New York, justifies us treating other human beings in a way differently than we would want to be treated.

Mr. Speaker, to me this is the most important message for America to send. Mr. Speaker, I hope in this body, at least from this time forward, there will be no ''but'' after ''yes.'' We hold Americans to high standards.

RHETORIC OF WAR CRUSADE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the previous speakers have talked about the attitude of the American soldier and the American public, and the rhetoric of war is what really gets us to where we are today in the situation in Iraq. When you dehumanize people, you can then do anything to them.

It is my firm belief that this attitude starts at the very top. When we have someone who leads us who says that the leader of the other country is Hitler, raising all those images of a Holocaust and all the rest, or talks about the issues of being on a crusade, which raises all the issues of the various crusades that went through the Middle East back in the 11th and 12th century, we realize that the stage is being set psychologically for everyone in this country.

I was reading the British press. One of their articles started, ''The media in this country is politely shocked at photos of Iraqis being tortured and humiliated by U.S. and British troops. A BBC1 news presenter says the picture seem to have been ''merely mementos.''' Something one would laugh about in the family and then paste in the family album.

Now, those young people, and I have been watching the hearings over in the Senate, the effort to limit this and say it is just seven or eight young people and perhaps a couple of lieutenants up the line but really it is a rogue operation, is simply not true. It runs all the way to the top.

The decisions here have to be signed off. Anybody who has been in the military knows about the chain of command, and somebody does not sign off down at the lieutenant level and not bother to send it up to the captain or to the colonel or to the general. They all go up the line. They have all been signed off, one way or another, or somebody at the top said here is a blank check, do whatever you want, which of course they would deny. They would never say that, but then how do you explain that this behavior went on through this period of time?

Another excuse that I hear thrown around here is that, well, they are not as bad as Saddam. Look what Saddam did. Well, since when is our standard Saddam Hussein? That clearly is not the standard by which we operate; but unfortunately, the attitude of the people who took us into this, the neo-cons in the administration, right next to the President, couple of them, Ken Adelman, Paul Wolfowitz, have spoken of snakes. If you want to talk about Iraqi people as snakes, I guess you can, but you pay a price in your own soul when you think of another human being as a snake or you talk about going over and draining the swamps in uncivilized parts of the world.

The Arabs invented arithmetic. They invented the zero. They were some of the earliest astronomers. Do not tell me they have no civilization. But when you start to dehumanize them and put them down at this low, low level, then you send the message out verbally, nonverbally, whether it is in a memo, whether it is in written form, whether it is how you talk to your troops, you are giving permission to do what was done and to take pictures.

Now, you do not take pictures of this to take home to your family album. Those pictures were done to humiliate. Everybody says, wait a minute, let me comb my hair before I have my picture taken. Everybody knows what a picture does because it grabs the moment in a way that you cannot change it. So when you take a picture of one of these events, you know what you are doing. You are doing it because somebody told you to do it or somewhere you have got the idea that what you were doing was already one or the other. Either that was an order to take those pictures, or else the atmosphere was such that people felt that they could take these pictures.

We have a moment here in this country in which we can examine our own souls and our own hearts about how we let this happen. We all bear responsibility for it. Our leadership from the top on down, they always dehumanized.

I remember during the Vietnam War, we had a lot of names for people who were from Vietnam, not very nice names. You would not use them today; and when that starts happening at the top, it goes down and we cannot end with putting seven soldiers in the brig. That will not be justice.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 12 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

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

In scriptural times, when the psalms were still being written, and their original melodies were being sung, Your people, O Lord, would gather at the city's gates to hear the news and sort out matters of justice.

Lord God, be present in the assembly of the House of Representatives today. Here is the sampling of this Republic. Here the laws of the United States are made. Here is the gate that protects, yet ushers in an understanding of who we are as a Nation and how we interact with others. Where there is vision and no action, it is only a daydream. When there is action and no vision, it is a nightmare. So grant your people wisdom once again.

For we have been warned: ''Unless the Lord build the house, they labor in vain who build it. Unless the Lord guard the city, in vain does the guard keep vigil. It is vain for you to work day and night only to gain immediate satisfaction when the Lord blesses his beloved even while they sleep.''

Grant us wisdom that we may be Your beloved now and forever. 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 Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON 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.

PEACE TO KASHMIR

(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, I rise today to draw attention to the issue of Kashmir and an important report that was just released and should arrive at each House office this week. The continued courageous leadership of Prime Minister Vajpayee of India and President Musharraf of Pakistan is vital in moving forward to bring an end to the suffering of the Kashmiri people. I visited the region in January; and the suffering of the people is horrific, all in the midst of a land of great beauty. It is time for this tragic suffering to end.

I would like to recommend this report to my colleagues. The report offers over 60 recommendations for progress in bringing peace to Kashmir, including an end to the use of rape as a weapon of war, promoting education for Kashmiri children and others.

Until the Kashmiri issue is settled, the stability, security, and economic viability of South Asia and the international community are at risk.

AMERICA NEEDS ECONOMICALLY RESPONSIBLE SOLUTIONS

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

Mr. LAMPSON. Mr. Speaker, I rise today to ask how the Republicans will provide health care to millions of uninsured and unemployed Americans through the majority's Hire Our Workers program. American families are facing over 2 million jobs lost since January 2001, outsourcing of jobs overseas by companies that do not seem to care about hard-working Americans, and a political party that has dropped the ball on education, seniors, and health care.

It is ironic, then, that the acronym of the Republican plan is H-O-W. Tell me, Mr. Speaker, how do they plan to provide affordable health care to 8.5 million uninsured children? How do they plan to explain the Robert Woods Johnson Foundation report that one in four Texans have no health insurance? It is high time we ditch these short-term fixes and instead focus on long-term, economically responsible solutions for hard-working Americans.

EXPRESSING APPRECIATION FOR OUR TROOPS

(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 felt it necessary to come down to the floor today and express my appreciation for the service of our Secretary of Defense, Donald Rumsfeld. More than any other cabinet Secretary, Secretary Rumsfeld has made himself available to this body and its various committees.

Over the past year, I have traveled twice to Iraq, once in August and once in February. I have talked to the young men and women who are working hard in harsh and dangerous conditions. They have a keen sense of mission. They understand why they are there and what they are set to accomplish.

Mr. Speaker, they deserve no less than the continuing leadership of a visionary and a brilliant tactician such as Secretary Rumsfeld.

STOP SCAPEGOATING ENLISTED PERSONNEL

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, because we are Americans, I believe that this question should be asked: If another sovereign nation in the name of war held prisoners of war who happened to be Americans, and unfolding before our eyes were the heinous and horrific pictures that we have seen, would it be accepting if the head of that sovereign nation stood before his or her people and said that the ultimate person of responsibility was doing a superb job?

I am saddened by the comments of the administration because Secretary Rumsfeld has violated his duty. He is in dereliction of duty having not informed the Congress or the President when he first heard. He is also in dereliction of his duty because the enlisted man that will be tried, a scapegoat, was a mechanic being used as a military police. That is a decision of Secretary Rumsfeld.

It is time for a clean sweep; and he must go along with the Deputy Secretary, Paul Wolfowitz. The world must understand that we are sorry for the horrific acts and stop scapegoating the enlisted personnel.

AMERICAN TROOPS WORKING TO IMPROVE IRAQ

(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, while we are all appalled and outraged by the actions of a few soldiers, let us not forget there are 135,000 honorable American troops, along with 23,000 courageous coalition partners, working day and night in Iraq to improve the Iraqis' quality of life. These fine men and women in uniform have built and repaired schools, reopened thousands of run-down hospitals and clinics, restored and improved electricity and water supplies, and put a new currency in place.

The positive progress which I saw firsthand last month in Iraq has been astounding, despite daily terrorist attacks that seek to prevent democracy from taking root. The terrorists know that if freedom prevails in Iraq that it will spell the beginning of the end of their quest for tyrannical hold on the Middle East. Yet their desperate attempts will fail, and the American military will continue their noble work to make sure that Iraqis live in a free Iraq to protect American families from future acts of terrorism.

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

FAILURE FROM THE VERY TOP

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, American soldiers are serving with honor, and we stand behind them. We are grateful for their patriotism, courage and sacrifice, and we continue to support them as they finish their dangerous mission. The disgraceful acts in the Iraqi prisons have endangered our troops and made their mission more difficult to accomplish. They have endangered our chance to succeed in Iraq, and they have endangered our national security.

Reports of mistreatment have been available for a year and a half at least, yet the Bush administration failed to take them seriously. These abuses occurred because soldiers were put into situations they were not trained for and for which they did not have proper supervision. This is a failure from the very top, and it is time for the President and Secretary Rumsfeld to stop shifting the blame and take responsibility. Congress must conduct a full and open investigation.

COMMEMORATING TENNESSEE APPAREL CORPORATION

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

Mrs. BLACKBURN. Mr. Speaker, today I rise to commemorate the longstanding commitment of the Tennessee Apparel Corporation to the people of Waynesboro and Tullahoma, Tennessee.

From this company's earliest days in 1901 when it was known as the Sanders Manufacturing Company through its 100-year anniversary and beyond, the Tennessee Apparel Corporation has been at the forefront of supplying our troops with the clothing they need. From dress uniforms to cold-weather gear, Tennessee Apparel has been there for our American fighting men and women. In the last 100 years, they produced nearly 50 million military items. With approximately 480 employees in middle Tennessee, the Tennessee Apparel Corporation provides a tremendous service to our State and our Nation. God's blessing on these fine men and women.

CLEAN HOUSE

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

Mr. McDERMOTT. Mr. Speaker, the world is watching and waiting. As bad as it is, things will get much worse if the President and the Pentagon continue to hope it will go away. We need new leadership and a new policy right now. Release every photograph and every videotape. Get it all out in the open. America's only hope for restoring credibility is to demonstrate with its actions, not words, that we will face the truth and punish everyone responsible. We have not done that. All these ''I am sorries'' are not working.

Instead, the administration has launched another ill-conceived offensive to save one of its own. We can see it on television today as they testify before the Senate Committee on Armed Services. Throw some soldiers overboard and hope the world believes they acted alone.

Mr. Speaker, by all accounts, the soldiers arrived in Iraq as good, decent people. Who thinks that now, either of the soldiers or America?

Clean house, from the top down, not just Mr. Rumsfeld. I see them greasing the skids; the President is 1,000 percent behind him. There are some other people that ought to go with him: Wolfowitz and a few others.

JOBS, CAFE AND KERRY

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

Mrs. MILLER of Michigan. Mr. Speaker, last Friday we received more outstanding news on the economy. In April, 288,000 new jobs were created, and that is on top of the 337,000 jobs created in March. And in April, nearly 10 percent of those jobs were in the manufacturing sector. All of this is great news for America and especially good news for my home State of Michigan.

With our manufacturing sector coming back, we cannot allow JOHN KERRY to enact his unreasonable auto fuel economy standards. According to the United Auto Workers, Senator KERRY's CAFE proposal would force the Big Three to curtail production of larger vehicles and cause substantial job losses. They have estimated as many as 100,000 jobs. The UAW has said that the proposal would lead to additional outsourcing of jobs.

Mr. Speaker, Senator KERRY's proposal would be a disaster for Michigan just at the time our economy is coming back. We must stay on the pro-growth, pro-job path being pursued by President Bush and the Republican majority, not the job-killing, additional-outsourcing path proposed by Senator KERRY.

□ 1415

COVER THE UNINSURED WEEK

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

Ms. WATSON. Mr. Speaker, Americans should be confident that they have access to quality health care. So I support the resolution, H.R. 99, promoted by the gentleman from Michigan (Mr. CONYERS) which gives guidance to provide insurance to all Americans.

Over the past 3 years, 3.8 million Americans lost their health insurance and 43 million Americans are now uninsured. Health insurance premiums have increased almost 50 percent since the beginning of the Bush administration and four times faster than workers' earnings last year.

In a related issue, minority groups often encounter major obstacles in obtaining health care. Minority groups are less likely to have health insurance and are less likely to receive the appropriate health care services. The Health Care Equality and Accountability Act of 2003 would go far in lifting the shadow of health disparities that fall not only on minority communities but on all Americans. Also, this legislation would make quality health care more affordable, providing coverage for parents and young adults who are currently uninsured.

JOBS

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

Mr. PALLONE. Mr. Speaker, this week the Republican majority here in Congress will begin an 8-week public relations initiative in which they will attempt to draw attention away from their dismal economic record. Instead, House Republicans will do their best to show Americans they are working hard to pass legislation that will put Americans back to work and ease the economic concerns of middle-class Americans. Unfortunately, Republicans are spending more time coming up with names for this new PR effort than actually writing new legislation that might really support their rhetoric.

Republicans are desperate to hide the reality that their economic policies have permitted job losses at levels not seen since the Great Depression. If Republicans really wanted results, they would join us in a bipartisan effort to pass commonsense measures to create jobs. Unfortunately, all the American people are going to get over the next 8 weeks is more Republican spin.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

TOMOCHICHI UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2523) to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the ''Tomochichi United States Courthouse''.

The Clerk read as follows:

H.R. 2523

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

SECTION 1. DESIGNATION.

The United States courthouse located at 125 Bull Street in Savannah, Georgia, shall be known and designated as the ''Tomochichi United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Tomochichi United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. HONDA) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 2523 was introduced by the gentleman from Georgia (Mr. BURNS), a distinguished member of the Subcommittee on Economic Development, Public Buildings and Emergency Management, and it designates the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the Tomochichi United States Courthouse.

Tomochichi was a Creek Indian leader, living in what we now know as the Savannah River basin in the early part of the 18th century. In 1733, when General James Oglethorpe arrived leading a group of English settlers at what was to become the new colony of Georgia, they were offered friendship by the Creek chief and assistance in the creation of the new English colony of Savannah. In 1734, Tomochichi traveled with Oglethorpe to England to approve a treaty between the Creek and the English. The friendship between Oglethorpe and Tomochichi endured until Tomochichi's death in 1739 and is regarded by historians as being the key reason for the survival of the Savannah colony. Tomochichi was laid to rest in what is now Wright Square in the city of Savannah.

I encourage my colleagues to join me in supporting this resolution honoring an important person in the history of Savannah.

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

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

H.R. 2523 is a bill to designate the U.S. courthouse located at 125 Bull Street, Savannah, Georgia, as the Tomochichi United States Courthouse. The bill was introduced by the gentleman from Georgia (Mr. BURNS).

In 1650, Chief Tomochichi was born in the small village of Coweta along the Chattahoochee River to the Creek Indian tribe. While he was the chief of the Yamacraw Indians he became a friend of James Oglethorpe, the English settler and leader of the settlers of the fledgling colony in Georgia. He supported Oglethorpe's plan for a new English colony in Georgia to be called Savannah.

Tomochichi was a great warrior, possessing both good judgment and wisdom. As repayment for his sound advice and trusted friendship, Oglethorpe took Tomochichi, his wife, his nephew. And other Indian chiefs to England for 4 months. When Tomochichi died in 1736, Oglethorpe was one of his pallbearers. He is buried in Wright Square, the site of the courthouse to be named in his honor. Tomochichi's actions helped ensure the successful settlement of Georgia and earned him a place in Georgian history. His hospitality is legendary even today. It is most fitting his contributions to American history are honored by this designation.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Georgia (Mr. BURNS), the author of this resolution.

Mr. BURNS. Mr. Speaker, I thank the gentleman for his support of this legislation.

There are many Members of this body that deserve my State's appreciation for bringing this long overdue bill to the floor, honoring a great American, a great Native American and a great Georgian, Tomochichi. The gentleman from Ohio (Mr. LATOURETTE), chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management, and subcommittee ranking member, the gentlewoman from the District of Columbia (Ms. NORTON) were both instrumental in helping this bill advance quickly to the floor. I thank them for their bipartisan support. The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) should be credited with moving the legislation swiftly so that we can bring closure to a long overdue need in my State and in my district. I believe unanimous approval by this body to be of particular importance to the nature of this bill.

This bill renames the Federal courthouse in my district the Tomochichi United States Courthouse. A glance at who this leader was will indicate his accomplishments and quickly demonstrate why his name deserves the eternal respect of his fellow Georgians and Americans.

Mr. Speaker, I believe Chief Tomochichi, the Mico, or chief, of the Yamacraw nation to be the cofounder of my State of Georgia. This bill will do much to reawaken the memory of a great man in the hearts of both Georgians and all Americans for restoring our honor by recognizing his service to the beginnings of our great Nation.

The English general, James Oglethorpe, first launched Savannah on the Savannah River in 1733. He founded the British colony there and he met Tomochichi as he came up the bluff at what is now the city of Savannah. Unlike the tragic history of conflict between settlers and Native Americans in other colonies, Tomochichi brought lifelong friendship to the infant colony, granting the settlers permission to peacefully settle in the Savannah region. Among Savannahians, as has been pointed out, the hospitality that Tomochichi showed these young settlers is legendary. But Tomochichi's gifts to our State were just beginning.

Thanks to his diplomatic skills, this Yamacraw leader was instrumental in convincing the other Creek tribes in the immediate vicinity to accept the fledgling colony of Georgia. Without his political leadership, Georgia may well have perished in its infancy, with a hostile Spanish administration in what is now Florida, intent on turning Native Americans against English settlers.

Tomochichi and his family then traveled to England where they met with the King and the Archbishop of Canterbury. Upon his return to Georgia, Tomochichi successfully lobbied his new neighbors to establish the first missionary school among the Lower Creeks, recognizing that education was the key to the future as these two cultures became intertwined.

Tomochichi passed away at around 93 years of age on October 5, 1739, at what we used to call the Yamacraw Indian Village, just upstream from Savannah. But before he died, he requested that his body be buried in Savannah among his new friends. He was buried with full military honors in the largest public ceremony of the day, with cannons firing a final salute and his old friend General Oglethorpe serving as a pallbearer. His body was laid to rest in the center of the city's main square at the time, later to become Wright Square, with a traditional Indian burial mound atop his grave. A century and a half later in the 1880s, some shortsighted city officials allowed the mound to be removed and another statue placed on the site. Admirers of the great chieftain responded by placing an inscribed granite boulder in honor of Tomochichi a few feet from his remains, but to this day many believe that we owe our old friend much more.

Today this body can help restore the honor and respect due this great American by renaming the Federal courthouse in Savannah, Georgia, as the Tomochichi Federal Courthouse. I urge my colleagues to support H.R. 2523.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2523, a bill to designate the United States Courthouse located at 125 Bull Street in Savannah, Georgia as the Tomochichi United States Courthouse.

Chief Tomochichi was born to the Creek Indian Tribe in 1650 in the small village of Coweta, along the Chattahoochee River. He became the Chief of the Yamacraw Indians and was integral to the success of the Georgia Colony.

Tomochichi enjoyed a reputation as a great warrior who possessed sound judgment and wisdom. In 1773, Chief Tomochichi encountered James Oglethorpe, the English settler who founded the Georgia colony. Tomochichi and the Yamacraw greeted the English settlers warmly, and Tomochichi supported Oglethorpe's plan to settle a new English colony in Savannah, Georgia. He aided the plans for the settlement and smoothed relations with the Creek and other nearby Indian Tribes. Tomochichi also warned Oglethorpe about unfriendly tribes. As repayment for his advice and good counsel, Oglethorpe took Tomochichi, his wife, his nephew, and other Indian Chiefs to England where they stayed for four months.

When Tomochichi died in 1739, he was buried at Wright Square in downtown Savannah. Oglethorpe served as one of the pallbearers and gave Tomochichi full military honors at his funeral. The Federal courthouse to be named in Tomochichi's honor is located in this same square.

Tomochichi's friendship with the English settlers helped the Georgia colony develop in peace, and his hospitality is legendary even today. It is most fitting that his contributions to Georgia and to American history are honored by this designation. I urge my colleagues to support H.R. 2523.

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

Mr. LATOURETTE. Mr. Speaker, I urge the passage of this important resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2523.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2523.

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

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 389) authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run.

The Clerk read as follows:

H. CON. RES. 389

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 4, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2004 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. HONDA) each will control 20 minutes.

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

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

House Concurrent Resolution 389 authorizes the use of the Capitol grounds for the 19th Annual Law Enforcement Torch Run which benefits the District of Columbia Special Olympics. The torch will cross the Capitol grounds on June 4, 2004.

For 31 years, Special Olympics D.C. has provided sports training for citizens with developmental disabilities. Athletic competition provides athletes with increased confidence and self-esteem and allows them to demonstrate courage and experience the joy of sport. There are now more than 2,000 Special Olympics athletes in the District of Columbia. This event is the largest public awareness campaign for the Special Olympics. Last year over 85,000 law enforcement officers from 35 countries participated in the torch run. It is my hope that this trend will continue. The sponsors of the event work with the Architect of the Capitol and the United States Capitol Police to comply with all applicable regulations relating to the use of the Capitol grounds.

I encourage my colleagues to join the law enforcement community in supporting the Special Olympics and join me in supporting this resolution.

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

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

Mr. Speaker, this event needs little introduction. 2004 marks the 37th anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics which take place at Gallaudet University in the District of Columbia. Each year approximately 2,500 Special Olympians compete in over a dozen events and more than 1 million children and adults with special needs participate in Special Olympic worldwide programs. The event is supported by literally thousands of volunteers from the District and the region.

The goal of the games is to help bring mentally challenged individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic games. I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics. I urge support for H. Con. Res. 389.

Mr. OBERSTAR. Mr. Speaker, the District of Columbia Special Olympics is the premier event in the region that highlights the athletic accomplishments of disabled children and young adults. Thanks to the tenacity of Eunice Kennedy Shriver and her family, thousands of special Olympians see their self-confidence, self-esteem, and health increase by participating in these games.

The goal of the games is to help bring mentally disabled individuals into the larger society under conditions where they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic games. Better health, coordination, and lasting friendships are the results of participation.

Law enforcement officers, who are part of the extensive volunteer network that supports the games, carry the Olympic torch across the Capitol Grounds through the District of Columbia to Gallaudet University.

These games are a wonderful expression of inclusiveness and a confirmation of individual contribution. I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics.

I urge support for H. Con. Res. 389.

Mr. HONDA. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge the adoption of the concurrent resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 389.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 389.

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

There was no objection.

□ 1430

SENSE OF HOUSE THAT DEPARTMENT OF DEFENSE SHOULD RECTIFY MILITARY POSTAL SYSTEM DEFICIENCIES

Mr. FORBES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 608) expressing the sense of the House of Representatives that the Department of Defense should rectify deficiencies in the military postal system to ensure that members of the Armed Forces stationed overseas are able to receive and send mail in a timely manner as well as receive and send election ballots in time to be counted in the 2004 elections.

The Clerk read as follows:

H. RES. 608

Whereas the members of the Armed Forces who are currently serving in very dangerous regions of the world deserve a modernized military postal system capable of improving the delivery and tracking of mail to United States forces serving in remote locations;

Whereas the current system relies on outmoded and labor intensive manual sorting processes that result in undue delays and the inability of the Department of Defense to track mail and determine the timeliness of mail delivery;

Whereas the manual sorting of mail intended for deployed members of the Armed Forces unnecessarily requires hours of labor from many troops, which could be used for other, more critical, duties if automation were used;

Whereas the very least our Nation can do for the members of our Armed Forces who are deployed halfway around the world and risking their lives to protect our freedoms is to ensure that they are able to receive the comfort of a letter from those waiting at home;

Whereas mail destined for deployed members of the Armed Forces that is delayed for long periods of time, or not delivered at all, negatively affects the morale of our deployed forces and their families at home;

Whereas the members of our Armed Forces have an unquestionable right to vote in the upcoming election, and the military postal system must not disenfranchise any military absentee voters because of delays in transmitting voting materials;

Whereas with the current military postal system it is not possible to determine the rate of ''Undeliverable as Addressed'' mail, it is therefore not possible to guarantee that all United States forces wishing to vote will be able to do so;

Whereas according to the recent General Accounting Office Report entitled ''Operation Iraqi Freedom: Long-standing Problems Hampering Mail Delivery Need to be Resolved,'' many of the same problems that plagued the military postal system during Operation Desert Storm have continued unabated and are now being experienced in Operation Iraqi Freedom, more than 12 years later;

Whereas according to the same General Accounting Office report, the Department of Defense does not have the ability to adequately assess the timeliness of mail and election ballot delivery because it does not have a reliable, accurate system in place;

Whereas according to the same General Accounting Office report, more than half of sampled members of the Armed Forces were dissatisfied with mail delivery, many waiting 4 weeks or longer to receive mail;

Whereas recent samplings of mail intended for deployed members of the Armed Forces shows that a percentage far exceeding the standard set for domestic mail is ''Undeliverable as Addressed'' and indicates that a large portion of our deployed troops are not receiving their mail;

Whereas the Military Postal Service Agency does not have the authority to formulate and effectively implement a joint service solution to the mail problems in the Iraq Theatre and the Department of Defense has not appointed a single agency to address military postal matters;

Whereas the recent court action in the United States District Court for the Middle District of Pennsylvania, which granted the government's request to extend Pennsylvania's deadline for receipt of ballots from qualified overseas voters, correctly recognizes that mail operations can significantly impact voting rights and, in addition, is sufficient forewarning that the military mail system needs to be resolved before the next election; and

Whereas for at least 52 years, reformers have been attempting to improve the ability of the members of our Armed Forces to vote, as evidenced by a letter from President Harry S. Truman to Congress, dated from 1952, which clearly echoes the challenges we face: ''Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their States either to register or to vote. Yet these men and women who are serving their country and in many cases risking their lives, deserve above all others to exercise the right to vote in this election year. At a time when these young people are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve.'': Now, therefore, be it

Resolved, That it is the sense of House of Representatives that—

(1) it is in the interest of the United States to immediately resolve long-standing military mail delivery problems so that our troops may receive mail from their families when they most need it;

(2) it is in the interest of the United States to immediately resolve long-standing military mail delivery problems so that our troops are not disenfranchised in the 2004 election;

(3) the Secretary of Defense should establish a system that expedites the delivery of election ballots to the members of our Armed Forces so that they may be counted in the election;

(4) the Secretary of Defense should establish a system that accurately tracks military postal transit times; and

(5) the House of Representatives stands ready to assist in resolving these issues.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Virginia (Mr. FORBES) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. FORBES).

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, in the face of insurgencies in Fallujah and other hot spots in Iraq, what is it that keeps our soldiers fighting for freedom and democracy?

In addition to the trials of war, our soldiers in Iraq wake up with the same problems every other American has. Their lives at home did not stop when they received their orders to ship out. They are mothers and fathers. They have elderly parents to care for. They have bills to pay and college educations to worry about for their children. These soldiers are concerned about how their children are doing in school. They wonder what the score of the last Little League game was, and they question whether they can make that car payment, just like many of us. Only they do all this halfway around the world in a combat zone.

And yet day after day, month after month, our service members wake up, put on their uniform, and they diligently do their duty. Every day they make this sacrifice, knowing they are risking their lives to protect our freedoms and spread democracy. The reason they do this is because they know they are building a safer Iraq and, simply put, a safer Iraq means a safer America for their families.

Ask these soldiers what they look forward to the most and what keeps them steadfast, and they will tell us it is news from home. It is the news from a graduation they were unable to attend, an update on a sick friend, a baby picture of their child's first step. Yet many are not getting this news or are getting it far after it was mailed by their loved ones. A General Accounting Office report received last month found that of a survey of over 100 service members in Iraq, more than half reported they were dissatisfied with mail delivery.

The report, issued in response to over 300 congressional and White House inquiries, also found the same problems that plagued the military postal system during Operation Desert Storm have continued unabated and are now being experienced in Operation Iraqi Freedom, more than 12 years later.

The Department of Defense does not have the ability to adequately assess the timeliness of mail and election ballot delivery because it does not yet have a reliable, accurate system in place.

More than half of sampled members of the Armed Forces were dissatisfied with mail delivery, many waiting 4 weeks or longer to receive mail.

The Military Postal Service Agency does not have the authority to formulate and effectively manipulate and implement a joint service solution to the mail problems in the Iraq Theater, and the Department of Defense has not appointed a single agency to address all of these military postal matters.

This is just unacceptable at this time. The very least we should be able to offer those soldiers fighting for democracy is the comfort of a note from those waiting at home. Mail that is delayed for long periods of time, or not delivered at all, negatively affects the morale of not only our deployed forces but also their families at home. Children at home need to hear why Mommy or Daddy is so far away. Husbands and wives need to hear of each others' love and support. The American public needs to hear the true stories of what we are doing in Iraq. It is now, while resolve against terrorism is being tested, that our deployed troops are in most need of mail from their loved ones.

This is not just a morale problem, however. November is coming and in less than 7 months, ballots for the general election will be mailed out all over the country to our troops all over the world.

If we fail to take action, we will again see the voting problems of the 2000 election. Our men and women on the front lines have unquestionably earned the right to express their views on the direction our Nation should take this November. They should have the same confidence of any other American that their ballot will reach the ballot box. It would be an enormous disservice to fail to count the voices of the very individuals fighting for democracy.

This is not a new problem. We saw it in Operation Desert Storm. It was evident early in the war in Iraq, and we are seeing it now. It is vitally important to the success of our mission and to the strength of our democracy that we correct this problem.

Mr. Speaker, House Resolution 608 seeks to do the following: call on the Department of Defense to immediately address the longstanding military mail delivery problems by implementing a joint task force to resolve the problem; recommend that the Secretary of Defense establish a system to expedite military ballots for the November 2004, election; call on the Secretary of Defense to establish a system to accurately track military postal transit times.

There are three important reasons why we need to pass this resolution today. First, we need to send a message to the Pentagon that it is time to take

care of this problem. The problem has existed for 52 years, and we need to send a message that we need to fix it today. Second, our troops in Iraq need to know that we think that it is important that they get their mail and equally important that their family members know that we care about their loved ones and that they get their mail. And third, we need to make certain that our electoral system is not just for Americans who happen to be near the ballot box, but that our troops on the front lines deserve to vote as much as any other American.

To guarantee that our military men and women in Iraq receive their mail will require shifting priorities. It will require the dedicated cooperation and swift action of many. But if we can root out Saddam Hussein, if we can rebuild a nation of terror into a nation of freedom, then we can get the troops the news they need from home. It is up to the Department of Defense to fix this longstanding problem, but we stand ready to help. We stand behind our troops and behind our military families, and we stand ready to help them stay the course.

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

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

I rise in support of House Resolution 608 introduced by the gentleman from Virginia (Mr. FORBES). I would like to recognize the gentleman for his work and interest in ensuring that our military service members stationed overseas are afforded the right to vote.

I would also like to take this opportunity to recognize the gentlwoman from New York (Mrs. MALONEY) and the gentlewoman from Connecticut (Ms. DELAURO), who joined with me in cosponsoring House Resolution 608. The postal service is an integral part of the American existence and something that we often take for granted. To the men and women in uniform serving overseas, however, it is a vital connection to home, and they treasure the ability to send and receive packages and letters.

This resolution, Mr. Speaker, draws attention to the continuing problem of ensuring that members of the Armed Forces stationed overseas have access to mail and that they will be able to send in their election ballots in a timely manner. It would be a real shame if our servicemen and women who are fighting to bring democracy to places like Afghanistan and Haiti were themselves denied the opportunity to cast their own vote in November due to a postal delay.

The 2000 Presidential election brought to the Nation's attention the voting barriers that service members and other Americans stationed or living overseas face in the electoral process. Service members living and deployed abroad often find it difficult to exercise their right to vote. Problems with mail delivery, requirements for valid ballots, and just obtaining information is a serious challenge, particularly for those who may be deployed on a submarine for 6 months or are stationed in remote areas around the world.

To ensure that voting rights of service members and Americans serving and living abroad were protected, Congress implemented a number of improvements to the voting process several years ago. The law was changed to improve the system and enhance the opportunity for overseas service members to participate in the electoral process. For example, clarification was provided on voting assistance programs; annual reviews of the effectiveness and compliance by the Department of Defense Inspector General are required; the importance of voting assistance officers was stressed; military personnel have been afforded guaranteed residency; voter registration and absentee ballot application procedures were simplified; and authority for service members to use a single application for all subsequent elections was provided.

However, Mr. Speaker, this year's annual review by the Department of Defense Inspector General found that while improvements have been made, opportunities exist to improve the DOD voting assistance program. The IG found that the Services need to continue to provide command emphasis and improve oversight of the program, as problems still remain.

The General Accounting Office, or more commonly referred to as GAO, also recently conducted a review of the mail delivery to troops serving in Operation Iraqi Freedom and found that while some improvements have been made, many, many of the same difficulties the mail system faced during the first Gulf War, over a decade ago, still exist today. For example, GAO found that problems still exist in conducting joint service mail operations and that inadequate training and late deployments, as well as inadequate postal facilities, equipment, and transportation, have had an adverse impact on the delivery of mail. My constituents often have particular difficulty getting mail delivered as the regular service to Guam is lengthy and erratic. In the field there is often confusion as to whether Guam is included in domestic mail rates, which of course it is.

I had one soldier e-mail me from Iraq, telling me he was made to pay for postage while everyone else was able to mail for free. These are the kinds of inconsistencies that the military postal service should examine and rectify.

While challenges still remain for overseas and military voters, it is interesting to note that absentee service members consistently vote at a higher rate than those eligible in the United States. However, it is vitally important that we ensure that those who volunteer to serve our Nation in uniform are able to exercise one of their most basic rights, and that, Mr. Speaker, is the right to vote.

As a member of the Total Force Subcommittee, I also want to reassure my colleagues that the subcommittee shares the concerns that are raised in this resolution, and we will address these issues in the defense authorization that will be marked up tomorrow.

I urge my colleagues to support this resolution.

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

Mr. FORBES. Mr. Speaker, I thank the gentlewoman for her work on this resolution and her support today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY), the distinguished chairman of the Readiness Subcommittee of the House Committee on Armed Services.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from Virginia (Mr. FORBES) for yielding me this time.

Mr. Speaker, I rise today in support of House Resolution 608. Few things boast morale in a war zone more than receiving a card, a letter, or a care package from a loved one from back home. And, unfortunately, as more and more men and women in uniform are deployed in support of operations in Afghanistan and Iraqi Freedom, we are hearing countless stories of delays in service members receiving their mail.

On March 24 of this year, the General Accounting Office testified that some of the problems that existed during Operation Desert Storm in 1991 are occurring now in Iraq and Afghanistan. According to the GAO, the current system of delivering mail to service members relies on outmoded and labor-intensive manual sorting processes that result in undue delays. Furthermore, the Department of Defense is unable to track mail and determine the timeliness of deliveries. And since we have known of the problem for so long and we have not gotten it fixed, it tells me that it is not a very high priority of the Department of Defense; and I think that is what this resolution does, is tell the Department of Defense we think this is important and it ought to be a higher priority.

Compounding this situation is the issue of service members serving in war zones that are not able to vote, and we have heard other speakers before me talk about this, but it is serious and it is important. Currently 29 States require absentee ballots to be mailed and returned to the U.S. Postal Service. Since these service members will not be able to utilize fax machines or the Internet to send their ballots, and given the delays in the Department of Defense's mail service, there is a real possibility of a repeat of the military absentee ballot fiasco of the 2000 general election. The potential disenfranchisement of military voters is simply unacceptable.

Mr. Speaker, House Resolution 608 would require the Secretary of Defense to establish a system that expedites the delivery of election ballots to members of the Armed Forces.

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Additionally, H. Res. 608 would require the Secretary of Defense to establish a mail delivery system that accurately tracks military postal transmit times, ensuring servicemembers will not have to wait weeks or months to receive a long-awaited letter or package from home.

Mr. Speaker, this is a problem that must be fixed now, both for the morale of the troops and to ensure that our service men and women are given every opportunity to exercise the voting rights they serve to defend. This is why I rise today in support of H. Res. 608.

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

Mr. Speaker, I wish at this time to urge my colleagues to support H. Res. 608. I do want to take this opportunity to thank the distinguished gentleman from Virginia (Mr. FORBES) for sponsoring this resolution.

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

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

Mr. Speaker, I can just tell you this afternoon that if you asked any soldier, sailor, airman or Marine serving in the Iraq theater what is most important to the morale and welfare of our forces, the answer you will get from them, and you are likely to hear, is mail from home.

The very least our Nation can do for our servicemembers who are deployed halfway around the world risking their lives to protect our freedoms is to ensure that they are able to receive the comfort of a letter from those waiting at home. Now is when our deployed troops need to get mail from their loved ones most.

A recent Chicago Tribune article from May 6 gives real-life examples of why that is so important. One volunteer with Support our Troops Illinois knows the military postal service well. She has mailed out over 2,000 care packages to deployed servicemembers. Now, many of them are stacked up on her front doorstep because they were ''undeliverable.'' She said of the service that she has gotten from the military postal system, ''It is disappointing, because we know how much of a morale boost mail can give the guys.''

Another recent news article stated that the Marines look forward to the nightly mail call because for most it is the only way they can receive a word from home. The article goes on to quote a Marine who says, ''My wife sent me seven boxes, and I've only received one.'' He went on to say that ''the first letter I received from my wife was number six. Since then, I have received five and seven, but I have no idea what happened to the rest.''

Mail that is delayed for long periods of time or not delivered at all negatively affects the morale of not only our deployed forces, but also their families at home. We owe it to our deployed troops to immediately improve the military postal system so that these problems do not continue. We heard from the gentleman from Colorado the importance of getting this fixed for the voting issues that will come up.

Mr. Speaker, I will just close by telling you that this is a problem that began the year I was born. In 1952 a letter from President Harry S. Truman to Congress clearly echoed the challenges that we face still today. He said this: ''Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their States, either to register or to vote. Yet these men and women who are serving their country and in many cases risking their lives deserve above all others to exercise the right to vote in the election year. At a time when these young men and women are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve.''

Mr. Speaker, it is time to pass this resolution and to correct this problem. I urge my colleagues to support the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 608 which states that it is in the interest of the United States to immediately resolve longstanding military mail delivery problems so that our Armed Forces may properly receive their mail and that their participation in the 2004 elections be ensured. Proper mail delivery is a hallmark of our nation, it a form of infrastructure that allows our nation to communicate freely. Therefore, we cannot allow our Armed Forces to have a mail delivery system that is in any way inferior to the one provided to all other Americans.

I want to thank Representative FORBES of the Armed Services Committee for bringing this matter to the floor. There are many reasons why proper mail delivery is essential for our Armed Forces. The most evident reason is that the members of our Armed Forces deserve to know that their correspondence is secure. The transmittal and receipt of mail is the most basic link that our brave men and women fighting abroad have to their loved ones back home. Often, due to the rigors of their duty, mail is the only form of communication our soldiers have access to. Furthermore, our Armed Forces often have lives back home that they leave to fight abroad. This means they have affairs they must put in order and again the mail is the most commonly used way to attend to these affairs. Of course, it is more difficult to ensure proper mail delivery to our Armed Forces since many of them are stationed abroad and often in places of conflict. However, while ensuring proper mail delivery to our Armed Forces is more difficult, it is far from impossible. Indeed, it is frustrating that while private mail delivery companies can guarantee international delivery of packages within a matter of a few days we cannot ensure proper delivery of mail to our men and women fighting abroad.

Perhaps more disturbing than the idea of personal correspondence being mishandled, is the idea that members of our Armed Forces could effectively be excluded from participating in the upcoming elections because of a questionable mail delivery system. Members of the Armed Forces stationed abroad must vote by absentee ballots, which require proper mail delivery in order to guarantee that those votes are counted. Especially after witnessing the closely contested 2000 Presidential elections in which absentee ballots played a major role, it is inconceivable that we would allow a weakness in the system to continue. Just like every other American, members of our Armed Forces, both foreign and domestic, have a right to know that both their mail and their ballot are secure and accounted for.

It is time that we fully modernize the system being used to deliver and receive mail to our Armed Forces. The current system is often unreliable and highly labor intensive. In fact, the current system does not even allow us to know how much mail goes undelivered. Our Armed Forces deserve better; furthermore, they need a better system, for the effective flow of communication is essential in all sectors and the Armed Forces are no different. It is time that we help create a more modern and effective postal system for our Armed Forces.

Mr. FORBES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Virginia (Mr. FORBES) that the House suspend the rules and agree to the resolution, H. Res. 608.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MARY ANN COLLURA POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3939) 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''.

The Clerk read as follows:

H.R. 3939

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

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, and known as the Fair Lawn Main Post Office, shall be known and designated as the ''Mary Ann Collura Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the ''Mary Ann Collura Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. 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. 3939.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3939. This legislation is naming a post office in Fair Lawn, New Jersey, after Officer Mary Ann Collura. She was the first woman to serve as an officer in the Fair Lawn Police Department. H.R. 3939 fittingly honors the tremendous service of an individual fallen peace officer.

Officer Collura was an outstanding 18-year veteran of the Fair Lawn Police Department and a respected community role model. On April 17, 2003, Officer Collura was called in to back up fellow officers involved in a chase with three young men in a car. The chase fatally ended outside a Fair Lawn church as one of the men shot Officer Collura in the chest after she pursued the men on foot. The assailant then stole Officer Collura's patrol car and drove over her body as he made his escape.

Mr. Speaker, everyone in the Fair Lawn area who knew Officer Collura knew she served her community with the highest esteem. Earlier this spring, as steps were being taken to ensure a proper memorial for Officer Collura, the local journal, the Fair Lawn News, quoted a local resident who emotionally said, ''I knew her. She was superior as an officer and as a person.''

Mr. Speaker, Officer Collura's heartbreaking story even attracted President Bush's attention. At the Peace Officers' Memorial Day Service outside this Capitol last year on May 15, the President mentioned Officer Collura as a law enforcement officer who tragically lost her life in the past year.

The President cited a quote from one of Officer Collura's fellow officers, who later said about her, ''There are probably 100 cops like this who did everything right and still have their names on the wall,'' of the National Law Enforcement Memorial. The Officer went on to say, ''You put your faith in the hands of God every day when you go out there.''

Mr. Speaker, the wicked events of April 17, 2003, remind all of us of the dangers of police work. Officers of the peace, like Mary Ann Collura, earn our perpetual respect each and every day for their brave efforts to protect all of us.

This post office naming will posthumously commemorate Officer Mary Ann Collura's service to our Nation. Unquestionably, this is a highly warranted honor, and I strongly urge all Members to support the bill's passage.

Mr. Speaker, I commend the distinguished gentleman from New Jersey (Mr. ROTHMAN) for his meaningful work on H.R. 3939.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 3939, legislation naming the postal facility in Fair Lawn, New Jersey, after Mary Ann Collura. This measure was introduced by the gentleman from New Jersey (Mr. ROTHMAN) on March 11, 2004, and unanimously reported by our committee on April 1, 2004. It enjoys the support and cosponsorship of the entire New Jersey delegation.

Officer Mary Ann Collura was a dedicated police officer, a woman who made a difference in her hometown of Fair Lawn, New Jersey. According to news accounts, Mary Ann had wanted to become a police officer since junior high school. She was 25 when she joined the force, and served for 18 years until her tragic death.

On April 17, 2003, Officer Collura was fatally shot while helping a fellow officer arrest three suspects after a car chase.

Officer Collura was an active and devoted member of the Fair Lawn Police Department. She loved her work and looked forward to helping those in need. Designating the post office in Fair Lawn, New Jersey, is an excellent way to honor the memory of Officer Mary Ann Collura.

Mr. Speaker, I commend my colleague for sponsoring this measure and urge swift passage of this bill.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, this Saturday, May 15, nearly 20,000 peace officers are expected to gather in Washington D.C. to honor their fallen comrades for National Peace Officers Memorial Day. In keeping with this sentiment today, this body will pay tribute to one of the 166 police officers killed annually in the line of duty.

By redesignating the Fair Lawn post office as the Mary Ann Collura Post Office Building, we honor the life of Officer Mary Ann Collura and the extraordinary sacrifice she made to protect her community.

I would like to thank my esteemed colleague, the gentleman from New Jersey (Mr. ROTHMAN), for introducing this legislation. This legislation has special significance for me because Officer Collura was the aunt of my campaign manager, Scott Snyder. After having had the opportunity to hear Scott speak about his aunt, I have greater appreciation for this extraordinary woman and how tragic it is she has been taken from this world far too soon.

Though I have never had the opportunity to meet her, I am humbled by the remarkable life she led. One family member remarked to me, ''Mary Ann was a 6-foot tall female cop who loved motorcycles and taught me how to throw a baseball. But when I look in the mirror and see our resemblance, I can't help but judge myself against her standards, knowing that if I come close, that means I have achieved something great with my own life.''

Through the thousands of stories that have been told about her deeds and personality, the one ringing truth is that she represented a person we all long to be. She was the kind of warm person that could light up faces with a smile, the virtuous type that viewed everyone around her as a potential friend, and the forgiving type of person that can truly see the best in the worst of us. She accomplished this without even knowing, without the official commitment or the sacred vows. She lived from her heart.

Over the course of her career, Officer Collura had received numerous rewards, including a departmental Meritorious Service Award and the Hackensack University Medical Center EMS Excellence Award for her life-saving skills. Furthermore, she had received numerous commendation letters from the community for her prompt, courteous, and thoughtful service.

After dutifully serving for 18 years on the Fair Lawn Police Department, Officer Collura was fatally shot on April 17, 2003, in the line of duty. She was only 43 years old.

Mary Ann did not begin a life of aiding others when she became a police officer. She became a police officer so she could make a living doing what she really had already done, being our protector. For those who knew her, Mary Ann lived by her own rules; and though her death tore deep in the hearts of so many people who continue to grieve, it was her way: on the job, protecting her fellow officers and protecting all of us.

Thanks to the courageous acts of people like Officer Mary Ann Collura, countless Americans can go about their daily lives in a freer and safer society. Police Officer Collura's tragic death should serve as a reminder to all of us how fortunate we are to have such heroic individuals looking over us.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from the Ninth District of New Jersey (Mr. ROTHMAN), the author of this legislation.

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

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from Illinois for yielding me time. I thank our chairman, the

gentleman from Virginia (Mr. TOM DAVIS), and I thank our ranking member, the gentleman from California (Mr. WAXMAN), for moving this bill so expeditiously through the House. And I thank our fellow Senators from the other body for their cosponsoring of my legislation in that body as well.

I rise in support of H.R. 3939, a bill to rename the main post office in Fair Lawn, New Jersey, the town I live in, within my district, as the Mary Ann Collura Post Office.

It has been a year since we lost Mary Ann, who served on the Fair Lawn Police Force for 18 years. She was the first female police officer in Fair Lawn history. She was killed in the line of duty on April 17, 2003.

Mary Ann was backing up another police officer from the district of the gentleman from New Jersey (Mr. PASCRELL), Steven Farrell, who was in the course of arresting three men charged with robbery following a car chase that ended outside a church in Fair Lawn, New Jersey.

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It was at that point that Officer Farrell was wounded and Officer Collura was fatally wounded.

Throughout her life, as the gentleman from New Jersey (Mr. PALLONE) so eloquently said, Mary Ann embodied what is best about the people in our communities in New Jersey, and perhaps in all of America. She was kind, she was generous, she was courageous, she was a pioneer, and she was a person who truly cared about her community. She was the kind of a police officer who all the kids in the school system knew they could go to if they had a problem, especially a problem that they felt uncomfortable talking to their teachers or their parents about. She was a pioneer. She grew up always wanting to be a police officer, and when she got sworn in, it was the happiest, most proud day of her life. There was no obstacle that would stand in her way. She was going to protect the people of Fair Lawn, New Jersey.

She had this special desire, among many other things, innovations of hers, to protect kids during Halloween. So she spearheaded the effort to give each child in Fair Lawn, New Jersey a glow stick so that while they were walking through the streets trick-or-treating, they could be seen by people driving their cars and perhaps their parents following somewhat behind since, of course, it is very embarrassing, as my children say, to be walking with your own children, or have your own parents walking with you. That led, as a matter of fact, to my reintroducing a bill to move daylight savings time one week later after Halloween so that kids could trick-or-treat in an extra hour of daylight.

But it was Mary Ann's love for her community and love for those children that put forth that particular effort and made her a mentor, a mentor to young police officers, men and women, who saw her as a true leader.

She loved motorcycles, and the day after her memorial service, 2,500 police officers, and others, 2,500 motorcyclists rode through Fair Lawn, New Jersey in honor of Mary Ann Collura. It was a sight to behold.

To commemorate the life of Mary Ann Collura and her outstanding service to the people of the community of Fair Lawn, New Jersey, I introduced legislation to rename the Fair Lawn Post Office the Mary Ann Collura Post Office at Fair Lawn, New Jersey, so that when future generations who never had the privilege of knowing her or never read the stories about her, when a child walks into the post office in the future with their mom or their dad, they would say, Mommy or Daddy, why is this plaque here? Who was Mary Ann Collura? And then the story of Mary Ann Collura, her bravery, her great service to the people of Fair Lawn would be retold from generation to generation and onward ever forward, because she truly was a great role model, not just for young women, but for everyone.

As we come together to celebrate National Police Week and National Peace Officers Memorial Day this Thursday, we remember that in life and death, Mary Ann Collura and so many other fallen officers remind us of a difference that one person can make in making this world a safer and better place. We know that Mary Ann is looking down upon us from heaven, and that while Fair Lawn and the people of Fair Lawn may have lost one of their bravest protectors, they have gained and the world has gained another angel.

Mr. Speaker, I urge my colleagues to vote for this piece of legislation, and I know that the gentleman from New Jersey (Mr. PASCRELL) joins with me and will have some remarks as well.

Mrs. MILLER of Michigan. Mr. Speaker, I have no other speakers at this time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from New Jersey (Mr. PASCRELL) from the Eighth District.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I rise to speak in very strong support of H.R. 3939. This bill is to redesignate a postal facility in Fair Lawn, New Jersey in honor of Mary Ann Collura, a wonderful, wonderful woman who I knew personally, a brave officer who was shot down in the line of duty while protecting her hometown and coming to the assistance of another police officer from another town. She was in every sense of the word a first responder all the time, every day.

I want to congratulate my neighboring Congressman, the gentleman from New Jersey (Mr. ROTHMAN), on moving this forward.

Mary Ann Collura defied the odds. She lived her dream by becoming Fair Lawn's first female law enforcement officer. She set her mind to doing it, and she did it.

Officer Collura was a credit to her community, partly because she broke the mold by becoming that first female police officer, and partly because she served an impressive 18 years. But her greatest quality was her attachment and proven dedication to the community of Fair Lawn. She grew up there. She knew that community, and she loved it, and they loved her. No citizen can ask for more from their community police officers.

This was a woman whose service was not restricted by the hours that she worked. When Mary Ann Collura was in Fair Lawn, on duty or not on duty, the public could depend on her vigilance. Many in my town of Patterson knew all about how she cared. We even called her ''Ma.''

Some of my favorite stories about Mary Ann's heroism revolve around her willingness to face fires. Though she was not a firefighter, Mary Ann had that firefighter instinct, was never hesitant to enter a burning building in order to protect her community. She once saved an elderly woman that was trapped in a burning house following a cooking accident.

On April 17, 2003, the day Mary Ann was killed, she was assisting an officer from Clifton, New Jersey, police officer Steven Farrell. Once the apprehended suspect left the district and reached Fair Lawn, the suspect abandoned his car and started to run by foot. Officer Farrell and Officer Collura attempted to pursue and arrest the suspect. Four shots were fired, both officers were shot, but it was Officer Collura who suffered fatal wounds.

Mary Ann Collura's story is humbling. I will never forget the help that she lent to Officer Farrell and the Clifton Police Department. Officer Collura made the ultimate sacrifice to ensure the safety of her loving community, and it is for this that we honor her.

Naming a post office after Officer Collura is only a small token of our deep appreciation. It is my hope that the redesignation will provide that her name and inspiring story will always be remembered.

Mr. Speaker, I urge the House to pass this fitting tribute to Officer Collura. As the story that the gentleman from New Jersey (Mr. ROTHMAN) shared with me earlier this afternoon, someday in the future, that little child will be walking past this Post Office with his parents and will ask, what is that name all about, and the parents will know and will tell the story of Mary Ann Collura.

God bless her and her family, and God bless this Congress.

Mr. DAVIS of Illinois. Mr. Speaker, it is clear from the comments of my colleagues from New Jersey that Mary Ann Collura is indeed a legend in her community and surrounding areas.

Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I have been touched as well by all of the comments about Mary Ann Collura. Sometimes an incident happens like that in a State and in the Nation that touches everybody and, certainly, naming this Post Office after this fantastic American is an appropriate thing.

Mr. Speaker, I urge all of the Members to support the passage of H.R. 3939.

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

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3939.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DR. MIGUEL A. NEVAREZ POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4299) to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''.

The Clerk read as follows:

H.R. 4299

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

SECTION 1. DESIGNATION OF DR. MIGUEL A. NEVÁREZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, shall be known and designated as the ''Dr. Miguel A. Nevárez Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dr. Miguel A Nevárez Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. 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 the bill under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of H.R. 4299 that designates a post office in Edinburg, Texas as the ''Dr. Miguel A. Nevarez Post Office Building.'' All of the members of the Texas State delegation have cosponsored this important legislation.

Mr. Speaker, Dr. Miguel Nevarez has been president of the University of Texas-Pan American in Edinburg for the last 23 years. In 1981, Dr. Nevarez inherited a small university of only 8,000 students. But today, UT-Pan American boasts more than 15,000 students and 600 faculty members. Dr. Nevarez's 23 years of service makes him the longest-serving Hispanic university or college president in the entire Nation.

A distinguished educator, Dr. Nevarez is a vice-chair of the Council of Public University Presidents and Chancellors, and he is a member of the American Council of Education and the American Association of State Colleges and Universities.

Mr. Speaker, Dr. Nevarez retires this Friday, May 14. President Nevarez led his final spring commencement exercises just last weekend, as over 1,200 students from UT-Pan American received their degrees. House passage of this legislation will provide Dr. Nevarez and his family with a timely honor for his contributions to all past, current, and future students of UT-Pan American.

Mr. Speaker, I urge all Members to support H.R. 4299.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4299, legislation naming a postal facility in Edinburg, Texas after Dr. Miguel A. Nevarez.

This measure, which was introduced by the gentleman from Texas (Mr. HINOJOSA) on May 6, 2004 enjoys the support and cosponsorship of the Texas delegation.

Dr. Miguel A. Nevarez has served as President of the University of Texas-Pan American for 23 years. The University of Texas-Pan American is the leading institution serving underserved and underrepresented students in the south Texas community. The university is home to a high concentration of Hispanic students. Currently Hispanic enrollment is 87 percent of the student body.

Throughout his tenure as president of the university, Dr. Nevarez has made a difference in his community and profession by providing and improving higher educational opportunities to south Texas residents. For his efforts, Dr. Nevarez has received numerous accolades. He was named Outstanding Educator by President Reagan in 1985, and has worked closely with many United States Presidents on education reform and Hispanic education initiatives.

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Dr. Nevarez has testified in Congress on the contributions of America's Hispanic-serving institutions. He has been named one of the 100 Influential Hispanics by Hispanic Business Magazine and has been credited with creating a Hispanic middle class in south Texas.

Dr. Miguel A. Nevarez is retiring this year. By way of recognizing his many years of dedicated service, the university is hosting a special dinner on May 14, 2004, in his honor.

Mr. Speaker, I am proud to join my colleague, the gentleman from Texas (Mr. HINOJOSA), in honoring the enormous educational and professional contributions of Dr. Nevarez. Designating the post office in Edinburg, Texas, is an excellent way to pay tribute to Dr. Miguel A. Nevarez.

I urge swift passage of this bill.

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

Mrs. MILLER of Michigan. Mr. Speaker, we have no other speakers at this moment, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Texas (Mr. HINOJOSA), the sponsor of this bill, from the 15th Congressional District of Texas.

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

Mr. HINOJOSA. Mr. Speaker, I rise to urge my colleagues to support H.R. 4299, a bill that will rename the post office in Edinburg, Texas, home of the University of Texas Pan American, in honor of Dr. Miguel A. Nevarez. I want to thank the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from California (Ranking Member WAXMAN) for their assistance in bringing this legislation to the floor so quickly.

I want to congratulate and thank one of the great modern heroes of south Texas, Dr. Miguel A. Nevarez, my good friend, who is retiring this year from the presidency of the University of Texas Pan American.

Dr. Miguel A. Nevarez has presided over a sea change in south Texas. His leadership of the University of Texas Pan American has transformed the region. In fact, he laid the infrastructure that will transform south Texas.

Dr. Nevarez has guided this institution from the days when this was still a position called Associate Dean of Men and only 8,000 students, many in remedial education, to today when UTPA is a full-fledged research institution, offering 56 undergraduate programs, 42 master's programs and three doctoral programs. Today, in 2004, UTPA enrolls over 15,000 students.

The growth and development of south Texas are inextricably linked to the growth and development of UTPA. Dr. Nevarez has risen to the challenge and has made south Texas and its south Texans proud. He has mentored faculties, students, and administrators.

He has built the capacity of the institution both physically and intellectually. UTPA is one of the most beautiful and well-equipped campuses in the State of Texas, and it is on the cutting edge in new research and technologies.

As UTPA has matured, so has south Texas. This is a dynamic region with dramatic growth in population and jobs in all areas of economic activity; and UTPA, with Dr. Nevarez as the university president, is at the center of it all. This is his legacy.

Furthermore, Dr. Nevarez has been the longest-serving Hispanic president of a college or university. He was one of the pioneers that paved the way for Federal support for Hispanic-serving institutions. His leadership and advocacy on behalf of HSIs helped create a specific designation in the 1998 higher education reauthorization. This designation has resulted in increased Federal funding by all Federal agencies for HSIs nationwide. These colleges and universities open the doors of higher education to half of the Latinos attending college in the country.

Dr. Nevarez's leadership has laid the foundation for the educational advancement of the fastest-growing, largest minority group in the country, Hispanic Americans. Raising the level of educational attainment for the Hispanic community is of paramount importance to our future security and prosperity.

I want to also acknowledge and recognize Dr. Nevarez's family. First, his beautiful wife Blanca Medina Nevarez who has been a very loving and strong supporter of her husband. Second, I have seen his three children, Miguel III, Annette and Marc, who have had to share their father with so many people. His duties and responsibilities may have kept him from participating in some important family gatherings, but rest assured that his family's sacrifices have not gone unnoticed. I thank them for supporting Miguel's efforts.

I am happy for my friend. He has earned his retirement. He has given so much of himself to the great State of Texas, to the Hispanic community, and to our great Nation. His efforts and his accomplishments will long be remembered. The post office in Edinburg, Texas, an all-American city, shall bear the name of Dr. Miguel A. Nevarez. He is ready to pass the mantle of leadership for UTPA and south Texas as we move into the 21st century; and thanks to him, we are ready.

Que Dios le bendiga! May God bless you.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Texas (Mr. DOGGETT), a representative from the 10th Congressional District of Texas.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me the time.

Though we honor the life's work of Dr. Miguel Nevarez by designating a post office with his name, his real legacy is reflected in the lives and the careers of the students that he has helped for over a quarter of a century with his leadership and service, mostly as president of UT Pan American.

Dr. Nevarez is the first Hispanic president of UT Pan Am and the longest seated Hispanic president of any four-year institution of higher learning. He has a total of over 30 years of service to UT Pan Am, including his tenure as a professor in the education department, associate dean of men, vice president for student and university affairs and, of course, as president and leader of the university.

Dr. Nevarez has repeatedly been recognized for his leadership, including being named one of the ''100 Most Influential Hispanics in America'' and as one of the ''50 Most Influential Hispanics in Business Technology.'' His commitment to education has fundamentally and forever changed not only the Rio Grande Valley but elsewhere across our Nation as UT Pan Am graduates have assumed positions of leadership.

It is not surprising to any of us who have worked with Dr. Nevarez that, after a much-deserved sabbatical, he will be returning to work with Dr. Velma Menchaca and the outstanding faculty of the Department of Educational Leadership. There, he will return to teaching, and he will be working primarily with the doctoral and master's programs involving higher education, organizational behavior and organizational management, programs that came into being through his leadership as the president at UT Pan American.

Just as the commencements that we are celebrating across America represent both an end and a beginning, so does this announcement by Dr. Nevarez. The opportunity is there for us to step up to the challenge of giving students all the education for which each is willing to work. We can honor this legacy of Dr. Nevarez not only by the quite appropriate naming of a post office down the street in his honor, but by giving our public institutions of higher learning the financial support that they need to do the job to which he has dedicated his life, and particularly, in preparing our students for quality jobs upon graduation, by giving them the financial assistance that they deserve.

With the overwhelming majority of students at UT Pan American qualifying for student financial assistance, but with too many unable to receive the assistance that they need at current funding levels, it would be particularly appropriate to honor Dr. Nevarez with the further tribute of extending and expanding that financial assistance. I believe that we must double the maximum amount of Pell Grants in order to achieve that objective.

Dr. Nevarez already has the grateful thanks of a community that he has served for decades. Today, as we designate this post office with his name, this body, the United States Congress, affirms our gratitude for his life's work in service, not just to the Rio Grande Valley but to our entire Nation in developing the leaders who will guide our country in the future.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity also to rise on behalf of the Texas delegation and congratulate the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Texas (Mr. DOGGETT) on these efforts.

Let me share with my colleagues that H.R. 4299, which designates the facility of the United States Post Office that will be located at 410 South Jackson Road in Edinburg, Texas, as the Dr. Miguel A. Nevarez Post Office Building, is fitting and proper.

Let me just say that I had the opportunity to serve in the Texas House for 11 years in the higher education committee; and during that period of time, I had the opportunity to work with the doctor there, and there is no doubt that his tenacity, his perseverance, and his dedication were displayed.

I also want to take this opportunity to congratulate him on the efforts not only at Pan Am but in higher education throughout Texas. During that period of time, we have found ourselves in Texas in the crossroads of lacking a lot of resources, and one way was to start capping enrollment and was to begin to expand the opportunities for south Texas; and I know Dr. Nevarez was there for us as a whole, making sure that those opportunities were there.

When we started to sue the State of Texas during that time, he was there to make sure that we followed through; and the results of those efforts resulted in a piece of legislation that allowed opportunities for the expansion not only at Texas Pan Am but also the 4-year institution at Brownsfield, the 4-year institution at Downtown San Antonio, the 4-year institution at Corpus Christi, the 4-year institution at Laredo, the expansion at A&I in Kingsville and others.

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And he played a significant role in those efforts.

So I rise today in support of the naming of the United States Post Office for Dr. Miguel Nevarez and to congratulate his service.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to advise my colleague that I have no further requests for time. I would simply congratulate the gentleman for his introduction of the bill and urge its passage.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I urge all Members to support the passage of H.R. 4299. I also understand that Dr. Nevarez will actually be an honoree at a dinner reception on Friday night in McAllen, Texas. And certainly on behalf of all the Members of this body, I want to thank and wish Dr. Nevarez the very best in his retirement, and I specifically want to thank the gentleman from Texas (Mr. HINOJOSA) for introducing this legislation.

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

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4299.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 622) supporting the goals and ideals of Peace Officers Memorial Day.

The Clerk read as follows:

H. RES. 622

Whereas the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 957,500 law enforcement personnel, the highest amount ever in the United States, serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 145 peace officers across the Nation were killed in the line of duty during 2003, well below the decade-long average of 166 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11th terrorist attacks;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty;

Whereas section 136 of title 36, United States Code, requests that the President issue each year a proclamation designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty; and

Whereas on May 15, 2004, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 622, the resolution under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 622 supports the goals and the ideals of Peace Officers Memorial Day. This Saturday, May 15, is Peace Officers Memorial Day, a day that serves as an important remembrance of Federal, State, and local law enforcement officials who were killed or disabled in the line of duty during the past year.

According to the text of the resolution, 145 peace officers were killed during 2003. Mr. Speaker, remarkably, nearly 1 million Americans serve their country in some law enforcement capacity today. Their daily professions remain inherently dangerous, therefore all Americans must recognize and cherish their contributions to our liberty and to our security.

Mr. Speaker, this week is National Police Week, which occurs each year during the calendar week in which Peace Officers Memorial Day falls. Thousands of law enforcement personnel and their families will attend several events in the Washington, D.C. area during this week, culminating with the 23rd annual National Peace Officers Memorial Day services at noon on Saturday, May 15, at the west front of this revered building, the United States Capitol building.

We all owe our Nation's peace officers a tremendous debt of gratitude for their commitment to the safety of every citizen. Therefore, today, I am pleased the House is considering House Resolution 622 during this meaningful and somber week for those who defend our homeland.

Mr. Speaker, I highly commend the gentleman from Colorado (Mr. HEFLEY) for shepherding House Resolution 622 to the floor today. Primarily, I wish to thank him for his work to recognize the sacrifices of the men and women of American law enforcement.

This is a solemn piece of legislation, and I encourage every Member of the House to support it.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, each day, police officers nobly protect our families, friends, and neighbors from crime. While it is impossible to suitably thank these brave Americans for the tremendous sacrifices they make, we pause to salute them for their courage, dedication, and service, and to pay our respects to those who have fallen in the line of duty. Peace officers work to improve the quality of life for all of us. For that, they deserve our sincere appreciation and our respect.

Every year, one out of every nine peace officers is assaulted, one out of every 25 is injured, and one out of every 4,400 is killed. In the last year alone, 145 police officers were killed in the line of duty. And while this number reflects a decrease in officers killed, each death is a tragedy and a loss to the community, and especially to the families.

Sergeant Philip J. O'Reilly of Chicago was killed in an automobile accident while on patrol at 5 a.m. Sunday, March 16, 2003. Sergeant O'Reilly was assigned to the Foster Avenue Police District and had been with the Chicago Police Department for 16 years. He is survived by his wife, six children, and seven siblings.

Sergeant O'Reilly's fellow officers remember him as a devoted officer, a tremendous father, and a great man. It is our duty as Americans to honor the service of men and women like Sergeant O'Reilly who made the ultimate sacrifice so that we may all sleep a little easier at night knowing that our community and our world is a safer place.

On Saturday, May 20, Sergeant O'Reilly's name will be among the 362 fallen officers who will be officially added to a memorial at a candlelight vigil. I support the goals and ideals of Police Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty. And I call upon the people of the United States to observe such a day with appropriate ceremonies and respect.

You can never give more than your life, and these men and women give the very best of what they have.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY), the sponsor of this resolution.

Mr. HEFLEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentleman from Virginia (Mr. TOM DAVIS) for pushing this through in time for the actual memorial.

Mr. Speaker, I rise today to honor the more than 20,000 peace officers from around the country who will come to Washington, D.C. this next week, and in fact all the peace officers, the 1 million or so peace officers of one kind or another throughout the Nation. They are coming for National Police Week to commemorate the lives, as we have already heard, the 145 peace officers who died last year in the line of duty.

Today, we recognize May 15 as National Peace Officers Memorial Day and pay tribute to the commitment, sacrifice, and public safety services these officers provide for all Americans on a daily basis.

As we all know, September 11, 2001 stands out as one of the most tragic days in American history. On that fateful Tuesday, we lost 72 police officers, the largest loss of law enforcement personnel in a single day in our Nation's history. While September 11 offered an extreme glimpse of law enforcement's services and sacrifice, similar acts of heroism, individual acts of heroism and valor, are performed every day in every community by police officers across our great Nation.

Last year, more than 145 officers are killed in the line of duty nationwide, and, thankfully, these police officers killed last year is well below the decade-long average of 166 deaths, and slightly less than in 2002. The deaths have decreased in each of the last 2 years, and, hopefully, this is a lasting trend.

Peace officers in every community have an admirable record of services and sacrifice, yet too many Americans lack true understanding and appreciation, I feel, of law enforcement's work. That is why I worked a few years ago to help establish the National Law Enforcement Museum in Washington, D.C., and this week, 362 names of brave men and women will be added to the memorial, 145 from 2003 and 217 from prior years.

Unlike most other jobs, peace officers face unprecedented risks while bravely protecting our communities and our freedoms. I hope my colleagues will join me today in paying tribute to our Nation's fallen officers and expressing our gratitude for the work these men and women perform.

We feel very strongly here in the Congress, I think, about paying honor to the brave men and women in uniform. And when we say that, we usually mean those that serve in the Armed Services of our country. But there are other brave men and women in uniform we need to pay tribute to, and that is why I offer this resolution today.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I would simply congratulate the gentleman from Colorado for his introduction of this legislation and urge its passage.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume, and I also want to thank the gentleman from Colorado for his work on House Resolution 622. It is a great piece of legislation, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel. More than 957,500 law enforcement personnel, the highest amount ever in the United States, serve their fellow citizens as guardians of peace.

Peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools. 145 peace officers across the Nation were killed in the line of duty during 2003, well below the decade-long average of 166 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11 terrorist attacks.

As chair of the Congressional Children's Caucus, I express my deep appreciation for what the Peace Officers do support the children of America, by focusing on crimes against our children. Every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty.

On May 15, 2004, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them. I am pleased to be joined by my colleagues in the House of Representatives to support the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty. Also, I want to call upon the people of the United States to observe such a day with appropriate ceremonies and respect.

Mr. EMANUEL. Mr. Speaker, today I rise in strong support of House Resolution 622, "Supporting the Goals and Ideals of Peace Officers Memorial Day." Now more than ever our nation relies on the valor and commitment of our peace officers to protect our families and communities each day and in times of crisis. I am privileged to know many fine police officers, including my Uncle Les, a dedicated and long time officer with the Chicago Police Department.

Last year, 145 police officers were killed in the line of duty. While this is a significant drop from previous years, the death of any officer is a tragedy and loss felt deeply in our communities. I join with my colleagues in honoring the memory and sacrifices of these heroes, and I applaud the continued service of law enforcement and all public safety workers who face danger every day to protect our streets and our schools.

As Members of Congress, we have a responsibility to support our nation's law enforcement officers and supply them with all of the tools and resources they need to ensure their safety and ours. Our support means action, not just empty rhetoric. The men and women in blue have asked us to take action on renewing the 1994 Assault Weapons Ban, set to expire on September 13th. Indeed, a broad coalition of law enforcement advotates, including the membership of the International Association of Chiefs of Police, the National Association of Police Organizations, the International Brotherhood of Police Officers, and the American Probation and Parole Association are among many others who have urged Congress to pass an extension of this legislation, which has proven an effective and life-saving law. To date, their call for this common sense remedy to gun crimes has gone unanswered.

These organizations and the police officers they represent support the ban because it works. Before the 1994 Assault Weapons ban, one in five police officers killed in the line of duty were attacked with assault weapons. The year after the ban passed, that figure dropped to zero. This single statistic speaks volumes for its effectiveness. Another case in point: In 1991, assault weapons were used in eight percent all gun crimes. By 2003 it was only one percent. If we allow the ban to expire, our peace officers will be subjected to the proliferation of assault weapons and their lives will be needlessly placed in greater danger.

This past Sunday—Mothers Day 2003—thousands of women gathered on the west lawn of the Capitol to mourn the death of children lost to gun violence. This coming Saturday, 20,000 peace officers will gather at the same place to remember their fallen brothers and sisters. What better way to express our support for them than by renewing the assault weapons ban. I believe Congress should go a step further by closing the gun show loophole and enacting sensible safety protections. We owe it to the families of our fallen heroes to pass these life-savings measures.

Mr. Speaker, I thank the Gentleman from Colorado for introducing this important resolution, and I urge my colleagues to vote for it. I also urge the leadership to bring the Assault Weapons Ban to the floor for a vote. That would be the most meaningful and effective demonstration of our support and to honor America's peace officers and their invaluable role in the safety of our families and communities.

Mr. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 622.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING THE TENTH ANNIVERSARY OF VIETNAM HUMAN RIGHTS DAY

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to resolution (H. Res. 613)

recognizing and honoring the tenth anniversary of Vietnam Human Rights Day.

The Clerk read as follows:

H. RES. 613

Whereas May 11, 2004, is the 14th anniversary of the issuance of the Manifesto of the Non-Violent Movement for Human Rights in Vietnam and the tenth anniversary of Vietnam Human Rights Day, as designated on May 11, 1994, by Public Law 103–258;

Whereas Vietnam Human Rights Day recognizes the important contributions of the author of the Manifesto, Dr. Nguyen Dan Que, and uncounted numbers of innocent Vietnamese, including religious leaders and ethnic minorities who have been tortured, imprisoned, or held under house arrest by the Socialist Republic of Vietnam because of their nonviolent struggle for freedom and human rights;

Whereas the Manifesto, which calls upon Hanoi to respect basic human rights, accept a multiparty system, and restore the right of the Vietnamese people to choose their own form of government through free and fair elections, reflects the will and aspirations of the people of Vietnam;

Whereas the leaders of the Socialist Republic of Vietnam are expanding diplomatic and trade relations with the rest of the world; and

Whereas the United States, as leader of the free world, has a special responsibility to safeguard freedom and promote the protection of human rights throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the 10th anniversary of Vietnam Human Rights Day;

(2) supports the designation of a ''Vietnam Human Rights Day''; and

(3) urges all Americans to share in this commemoration so as to have a greater appreciation of the role Vietnam Human Rights Day has played in helping to defend and further the liberties and freedom of all Vietnamese people.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 613, the resolution under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 10 years ago, the Congress designated May 11, 1994, as Vietnam Human Rights Day through a joint resolution that became Public Law 103–258. The resolution was introduced in response to the issuance of the Manifesto of the Nonviolent Movement For Human Rights in Vietnam. That manifesto, written by the great human rights leader Dr. Nguyen Dan Que, intended to push pressure on the Socialist regime in Hanoi to respect the human rights of all Vietnamese citizens.

This is the tenth anniversary of the Vietnam Human Rights Day, which is the focus of House Resolution 622, before us today. The distinguished chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), brought forth this important resolution, and I commend him for introducing this important measure.

Mr. Speaker, while progress has been made in the fight for a free and democratic Vietnam, the regime there continues to imprison, to attack, torture, kill, and otherwise persecute many of those who publicly express their views. This resolution aims to generate valuable awareness to Hanoi's uncivilized treatment of political dissidents, and I am pleased the House is considering it this afternoon.

Mr. Speaker, it is easy to take for granted our Nation's priceless freedoms of speech and expression and, conversely, to lose track of the reality that countless people around the world in fact pay a great price to express their view. On its tenth anniversary, the principles of Vietnam Human Rights Day continue to act as an important defense of the liberties and freedoms of the Vietnamese people.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 613 and commend the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform, for his introduction of this legislation.

Mr. Speaker, as an American, I take great pride when I see that nations value human rights. It brings me a great deal of joy to stand before you on the anniversary of Vietnam Human Rights Day and to honor the nation of Vietnam for its commitment to human rights. Ten years ago, in Hanoi, a brilliant man by the name of Dr. Nguyen Dan Que wrote a manifesto that called upon the people of Vietnam to respect human rights, to accept a multiparty system, and to restore the right of the Vietnamese people to choose their own form of government through free and fair elections.

Today we honor that manifesto, as well as the many innocent people who were tortured, imprisoned, or held captive against their will for their peaceful protests against oppression by the Socialist Republic of Vietnam.

Those of us in the United States were reminded last week that we are not perfect. In fact, we are far from it. Because we are imperfect, it is important that we recognize the struggles other nations have undertaken in the pursuit of freedom so that we may never forget what a special privilege freedom is.

I stand before my colleagues today as a Member of this honorable body to honor and to recognize the tenth anniversary of Vietnam Human Rights Day and to urge all Americans to share in this commemoration so that we may all have a greater appreciation of the role that Vietnam Human Rights Day has played in helping to shape, defend, and to further the liberties and freedom of all Vietnamese people.

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

Mrs. MILLER of Michigan. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise today to support H. Res. 613, recognizing and honoring the tenth anniversary of Vietnam Human Rights Day.

Vietnam Human Rights Day serves as an important commemoration of the extensive struggle the Vietnamese people have endured for many years in their ongoing fight for basic human rights and freedom.

□ 1545

Ten years ago, the United States ended its trade embargo with Vietnam and normalized relations with Hanoi. While the U.S. continues to open diplomatic relations with Vietnam, we must remember that many issues remain unresolved, including human rights violations, lack of religious freedom, and government corruption.

I traveled to Vietnam in 1998 to learn about these issues firsthand, as well as to raise these concerns with high-level officials. In addition, the large Vietnamese-American community in the 11th district, which I represent, continues to update me on continuing concerns.

As a member of the Vietnam Caucus, I am dedicated to promoting awareness and public policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

House Resolution 613 recognizes the important contributions made by Nguyen Dan Que, the author of the Manifesto of the Non-Violent Movement for Human Rights, and uncounted numbers of innocent Vietnamese for their nonviolent struggles for freedom and human rights.

Dr. Que is one of the most vocal advocates for freedom, democracy, and human rights in Vietnam. Since 1975, Dr. Que has refused to leave Vietnam, and he has turned down an offer to resettle in the United States or to live in exile. He has consciously chosen to stay in Vietnam to speak out and defend human dignity and the rights of all Vietnamese people. He is a profile of courage.

The Vietnamese Communist government has arrested Dr. Que three times for his unrelenting pursuit of human

dignity and freedom. He has been imprisoned off and on for nearly 20 years, beginning in 1978 through the present. During Dr. Que's captivity, he was imprisoned without trial, tortured, beaten, and put into solitary confinement in chains, accused of trying to overthrow the government, charged with espionage, and is now being held in strict incommunicado.

Undaunted, during his time he remained the strongest voice inside Vietnam for equality and dignity. On May 11, 1990, Dr. Que founded the Nonviolent Movement For Human Rights, issuing a manifesto that appealed to individuals and groups inside Vietnam and throughout the world for support of his moderate, nonviolent struggle to establish human rights for all Vietnamese people.

The arrests of Dr. Que, along with many others, demonstrate the ongoing human rights abuses and lack of religious freedom in Vietnam. We must continue to bring attention to these issues, generate pressure on Vietnamese officials, and hold the Vietnamese Government accountable.

It is only through the hard work and effort of individuals such as Dr. Que and the support of the international community that we can bring an end to human rights abuses and religious persecution in Vietnam. My resolution urges all Americans to share in the commemoration of Vietnam Human Rights Day and to have a greater appreciation of the role it has played in helping to defend and further the liberties and freedom of all Vietnamese people.

I am hopeful H. Res. 613 will serve as a small stepping stone towards the ultimate liberation and freedom of the Vietnamese people. However, at the least, I believe it will bring much needed additional awareness to the atrocities committed by the Socialist Republic of Vietnam every day on its own citizens. I urge my colleagues to join me in the passage of this important resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of House Resolution 613, the resolution which recognizes the 10th anniversary of Vietnam Human Rights Day, which is today, May 11. I thank the gentleman from Virginia (Mr. TOM DAVIS) for sponsoring this resolution and allowing me to be an original cosponsor; and I am proud to share with the gentleman membership in the Vietnam Caucus, along with the gentlewoman from California (Ms. LOFGREN) and the gentleman from New Jersey (Mr. SMITH). The initiatives of the caucus, including this bill, are examples of what we can accomplish when we decide to work together in a bipartisan manner.

Mr. Speaker, I represent the largest Vietnamese community in the world outside of Vietnam in Orange County, California. It is fitting then to speak on the House floor about this anniversary of Vietnam Human Rights Day. More importantly, it is the 14-year anniversary of the Manifesto of the Nonviolent Movement For Human Rights. This was written by a courageous and bright man, Dr. Nguyen Dan Que. I have had the pleasure of meeting Dr. Que. In fact, I went to his home in 1998 when I was in Vietnam. As we were meeting, his home all locked up, the military police came to the home to try to get me out of there. Of course we had locked up the house, and we continued our conversation.

One of the things that Dr. Que said to me was that it was important for America and Americans to continue to push for human rights in Vietnam. What type of human rights are we talking about here? Well, the right to assemble as we do here today, that is not allowed in Vietnam. The right to choose your own God and the way you want to worship that God, that is not allowed. You have to only do it through the official church or churches that the state of Vietnam approves. The right to free press. Every piece of paper written to be distributed must be done by the state in Vietnam. In fact, when I was meeting with the cardinal of the Catholic Church of Vietnam, he said one of the things that he cannot do is to hand out a newsletter to people that come to church on Sunday. The right to collectively bargain one's labor for decent wages and a decent place to work.

All of these things are not allowed in Vietnam, and this is what Dr. Que speaks to. He speaks to the human rights issues within Vietnam. I guess the most important thing that Dr. Que said to me that day in 1998 was that the reason we need to keep pushing for human rights in Vietnam is that it inspires and it gives hope and it gives courage to those within Vietnam who are fighting for basic human rights. Religious leaders like the Venerable Tic Kwzug Doh; a geologist like Gizug; and General Do, whom I had an opportunity to meet with, who had been a former communist and understood what was going on in the country and decided he would speak out; and, yes, Dr. Que.

Mr. Speaker, these are just a few of the dissidents within Vietnam who speak every day; and yet each and every one has been imprisoned, either taken away without charges or with false charges, or imprisoned in house arrest.

I hope today we will vote this unanimously to send a strong message that human rights are important in every country, and in particular for those who have not seen them for a long time.

Mr. DAVIS of Illinois. Mr. Speaker, I just also note that yesterday was my father's 93rd birthday, and I take this opportunity to wish him a happy 93rd birthday, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be here today to recognize, House Resolution 613, recognizing and honoring the tenth anniversary of Vietnam Human Rights Day. H. Res. 613 observes the fourteenth anniversary of the issuance Manifesto of the Non-Violent movement for Human Rights.

Vietnam Human Rights Day serves as an important commemoration of the extensive struggle that Vietnamese have endured for many years, in their ongoing fight for basic human rights.

H. Res. 613 recognizes the important contributions made by Dr. Nguyen Dan Que, the author of the Manifesto, and uncounted numbers of innocent Vietnamese, including religious leaders and ethnic minorities who have been tortured, imprisoned, or held under house arrest by the Socialist Republic of Vietnam because of their nonviolent struggle for freedom and human rights.

This measure urges all Americans to share in this commemoration so as to have a greater appreciation of the role Vietnam Human Rights Day has played in helping to defend and further the liberties and freedom of all Vietnamese people.

These arrests demonstrate the increasing human rights abuses and lack of religious freedom and free speech in Vietnam. As we consider our ongoing economic relations with Vietnam, our goal in Congress must be to continue to bring attention to these issues, generate pressure on Vietnamese officials, and hold the Vietnamese government accountable.

We all realize that U.S. economic relations with Vietnam have improved in recent years. In 1994, the United States lifted its trade embargo with Vietnam and normalized relations with Hanoi. However, I will continue to fight for better human rights for all Vietnamese people and the right for families from Vietnam to reunite with their families in America.

H. Res. 613 indicates how far Vietnam has come in its struggle for human rights. This is an anniversary that deserves to truly be celebrated.

Ms. LOFGREN. Mr. Speaker, during the month of May, we celebrate Asian Pacific American Heritage to commemorate the contributions Asian Pacific Americans have made to the fabric of our communities and to this nation as a whole. I could easily spend this month, and longer, describing the tremendous accomplishments of Asian Pacific Americans.

However, today is the tenth anniversary of Vietnam Human Rights Day and we sadly must recognize that Vietnam has not come far enough in respecting the human rights of its citizens.

Just one month ago, on Easter Week, Human Rights Watch reported that peaceful protests by indigenous minority Christian Montagnards turned violent when police used tear gas, electric truncheons, and water cannons on protestors. Reports indicate that police arrested several individuals, many whose whereabouts are currently unknown. Worse yet are reports of torture, police beatings, and deaths associated with this crackdown on the Montagnards.

Today, my colleagues, Congressman CHRIS SMITH, TOM DAVIS, LORETTA SANCHEZ and I

are introducing a Congressional resolution recognizing the countless number of innocent Vietnamese "who have been tortured, imprisoned, or held under house arrest by the Socialist Republic of Vietnam."

Also today, Congressman SMITH is leading an effort, with over 100 cosponsors, to pass House Concurrent Resolution 378 to call on Vietnam to immediately release Father Thaddeus Nguyen Van Ly and condemn the "violations of freedom of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam."

Ten years ago, the Congress and the Senate passed a resolution designating today, May 11th, as Vietnam Human Rights Day, recognizing that "the United States, as the leader of the free world, has a special responsibility to safeguard freedom and promote the protection of human rights throughout the world."

Unfortunately, President Bush and his Administration have not heeded that responsibility to safeguard human rights. Although this Administration tells me they are "deeply troubled by the restrictions that the government of Vietnam places on its citizens' freedom of expression, as well as other human rights," this Administration has been initiating a new friendly relationship with the communist regime in Vietnam without demanding protection of human rights as a condition of our friendship.

The Bush Administration's hypocrisy and apathetic attitude towards human rights is unacceptable. As long as the people of Vietnam are oppressed, abused, and imprisoned, our President should first demand protection of human rights before getting friendly with a communist regime that oppresses its people.

On this 10th Anniversary of Vietnam Human Rights Day, I urge our President to condemn the Socialist Republic of Vietnam for violating human rights and I call on the Vietnamese government to protect the human rights of its citizens.

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

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER of Michigan) that the House suspend the rules and agree to the resolution, H. Res. 613.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS OF PEOPLE OF INDIAN ORIGIN TO UNITED STATES AND BENEFITS OF WORKING TOGETHER WITH INDIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 352) recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

The Clerk read as follows:

H. CON. RES. 352

Whereas India is the largest democratic country in the world and enjoys a close and mutual friendship with the United States based on common values and common interests;

Whereas people of Indian origin who have for decades immigrated to the United States have made extraordinary contributions to the United States, helping to make the United States a more efficient and prosperous country;

Whereas these contributions have spanned disciplines ranging from science, technology, business development, and public service, to social justice, philanthropy, literature, and the arts;

Whereas generations of doctors and nurses of Indian origin have attended to the sick in large cities as well as in rural regions of the United States that are otherwise underserved;

Whereas people of Indian origin have designed defense systems that protect United States naval ships while at sea, and have contributed to engineering, designing, and participating in the United States space shuttle program, at great personal sacrifice;

Whereas people of Indian origin have invented many of the technologies that power the computer and the internet, have created and directed laboratories that produced significant breakthroughs in modern medicine, and have taught at, and are leaders of, many United States institutions of higher learning;

Whereas people of Indian origin have made invaluable contributions to the vitality and viability of the United States economy through creative entrepreneurship and leadership in both large and small businesses;

Whereas people of Indian origin have shared and integrated their rich culture into the fabric of American daily life;

Whereas trade with India integrates a democratic country of more than one billion people into the flow of commerce, offering the United States a large and rapidly growing market and unlocking vast reservoirs of talent;

Whereas the United States is India's largest trading partner and a major source of foreign direct investment and foreign institutional investment in India;

Whereas United States exports to India are growing at 25 percent, making India one of the fastest growing foreign markets for United States goods and services;

Whereas India's industrial tariffs have fallen from 150 percent in 1988 to a peak rate of 20 percent today;

Whereas United States exports to India will accelerate as India continues reducing tariffs and instituting liberalization measures in its trade and investment regime, thereby expanding the trade relationship of the two countries and bringing mutual benefits;

Whereas India has been a key partner in the war against terrorism;

Whereas India and the United States have agreed to increase cooperation in the areas of nuclear activities, civilian space programs, high-technology trade, and missile defense;

Whereas multi-faceted cooperation between India and the United States will strengthen the bonds of friendship and commerce between the two countries, lead to the peaceful use of space technology, and increase global stability and security; and

Whereas United States efforts, whether in combating global HIV/AIDS, pursuing nuclear non-proliferation, promoting democracy, enhancing stability of the world economy, eliminating poverty, fighting terrorism, and expanding and strengthening global trade, will be more effective and successful with India as a strategic partner: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the contributions of people of Indian origin to the Untied States, and

(2) is committed to working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. 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 the concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, H. Con. Res. 352 recognizes the contributions of people of Indian origin to the United States and the benefits of working together with India toward promoting peace, prosperity and freedom among all countries of the world. This is a noncontroversial resolution which was easily approved by the Committee on International Relations. It points out the many areas and disciplines to which Americans of Indian origin have contributed to a stronger America. Indeed, in communities throughout the U.S., we can find Indian Americans who are active citizens participating in all avenues of life. America is strengthened by ethnic diversity and a climate of achievement and progress.

This measure points out the ever-growing relationship between India and the United States and the benefits to each country resulting from increases in trade, cultural exchange, and the sharing of democratic values. This is indicative of U.S. relationships with the other countries of South Asia. These relationships are evolving; and we should encourage this progress, not only for the individual benefits to each country in the region but because it supports the collective goals of regional stability and economic development. I urge a strong "aye" vote on this measure.

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

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

Mr. Speaker, I rise in strong support of this resolution and thank the gentleman from Nebraska (Mr. BEREUTER); the chairman of the subcommittee, the gentleman from Iowa (Mr. LEACH); the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member; and the gentleman from Illinois (Chairman HYDE) for bringing this important

resolution before us. And I particularly want to commend my neighbor and colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD), for introducing this very important resolution. She has been a true leader on Indian-Americas issues, and we are all grateful to her.

Mr. Speaker, America is a Nation of immigrants and is the world's preeminent power because of the diversity of its people and the strength each ethnic group has brought to our Nation. It is hard to think of an ethnic group that has made such an enormous contribution to our Nation in such a short period of time as America's more than a million and a half citizens of Indian descent. In business, in science, in academia, in medicine, Indian Americans have assumed leadership roles; and they have given back to the communities in which they live.

In the field of medicine alone, our Nation is blessed to have over 35,000 Indian-American physicians, many of whom work with residents of rural and inner city communities. Another 10,000 Indian-Americans are currently in medical school or are working as interns. Indian-Americans have also made enormous contributions to the economy of our country, and to my district in particular. Technology firms in Silicon Valley depend heavily on the brain power of our Indian-Americans. Over 300,000 Indian-Americans are working in cutting-edge technology firms, and they play a critical role in generating new start-up companies.

In academia, more than 5,000 Indian-Americans today serve as faculty members at institutions of higher learning. Two Americans of Indian ancestry have been awarded the Nobel Prize, one in medicine, one in physics.

In the cultural world, millions of Americans have relied upon self-help books and spiritual teachings of men like Deepak Chopra or enjoyed the cinematic productions of M. Night Shyamalam.

□ 1600

Of course, Mr. Speaker, we all remember the unique contribution and sacrifice made by Dr. Kalpana Chawla, the first Indian American to fly in the U.S. space shuttle. While Dr. Chawla perished in the horrendous Columbia shuttle disaster, we must never forget her enormous contributions to science and to our space program.

Indian Americans have also worked to further develop the political, economic and security ties between the United States and India. These ties between our nations are unbreakable. After all, the world's largest democracy and the world's oldest have much in common. India has become a vital American ally in the fight against global terrorism. In the same manner that the United States and India have forged strong economic and commercial links, so too have we strengthened our partnership for peace and our collaboration to battle terrorist groups who wish to destroy freedom and democracy both in India and the United States.

Mr. Speaker, we currently have over 75,000 Indians studying at our institutions of higher learning. I have no doubt that these young Indian men and women will be the next generation of leadership in India's political, economic and cultural worlds. Their experience in the United States will ensure positive relations between our two great nations for generations to come.

Mr. Speaker, I urge all of our colleagues to support H. Con. Res. 352.

Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California for yielding me this time. I rise in strong support of this resolution honoring the contributions of Indian Americans in the United States and honoring our strong U.S.-India relations. As a cosponsor of this bill, I urge all of my colleagues to support this much-needed and well-deserved legislation.

As the founder and former cochair of the Congressional Caucus on India and Indian Americans, I have for a number of years advocated on behalf of my Indian American constituents and worked toward creating stronger U.S.-India policies.

India is the largest democracy in the world and shares common ideologies with the United States which has led to our natural relationship as allies. India has also been an important ally in the war against terrorism and has historically served as the key stabilizing force in the volatile south Asia region. Our economic, political, and defense relations with India are now more important than ever and I am pleased that our cooperation in the areas of nuclear activities, civilian space programs, high-technology trade, and missile defense continue to grow.

In addition, people of Indian origin who have emigrated to the U.S. serve as an outstanding community within American society. 1.8 million strong, their contributions are tremendous and span fields such as engineering, technology, business development, health and medical care, public service, social justice, education, philanthropy, literature and the arts. Whether it is combating domestic and global HIV/AIDS, pursuing nuclear nonproliferation, promoting democracy, advocating for health and education rights, enhancing stability of the world economy, eliminating poverty, fighting terrorism or expanding and strengthening global trade, Indian Americans are on the forefront and these goals can be achieved by maintaining India as a strategic partner.

Again, I urge my colleagues to vote ''yes'' on H. Con. Res. 352 in an effort to honor the contributions of the Indian Americans and to commit to working together with India in promoting global peace and prosperity.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY), a member of the Committee on International Relations.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time. I rise in support of H. Con. Res. 352. As the cochair of the Caucus on India and Indian Americans and the representative of the second largest concentration of Indian Americans in the United States, I would like to speak in strong support of the gentlewoman from California's resolution recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India. I know firsthand the contributions that Indian Americans are making to the United States because of my close relationship with my constituents and the Indian-American community across the country.

One Indian American that many Members may not know is the first and only Indian American ever elected to Congress. His name was Dalip Singh Saund. Congressman Saund first came to the United States to study at the University of California where he received his master's and Ph.D. Even with Congressman Saund's high level of education, he had little job opportunity because of the prejudice that existed against Asians at that time. Despite the prejudice that existed, Congressman Saund went on to become politically active, to give something back to his community and was influential in working with Congress to pass the Luce-Cellar Act which was signed into law by President Truman in 1946. This act gave Asian Indians the right to become naturalized citizens.

Congressman Saund was elected to the House of Representatives in 1952, just 6 years after his work to secure citizenship for Indian Americans. He served as a distinguished Congressman from California for three terms before he suffered a stroke during his campaign for a fourth term in the House. This is just one Indian American that has made a major contribution to the United States.

I would like to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for introducing this resolution. I am proud to be supportive of it and an original sponsor of it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate the opportunity to be here this afternoon, and I want to especially thank my good friend, the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her work in bringing us together here to recognize the contributions of people of Indian origin to the United States and the benefits of working together with India.

Mr. Speaker, there are vital Indian-American communities in Texas. In fact, Texas's Indian-American community is one of the leading ethnic groups in my home State, and its members have made important contributions to the local economy and culture.

As the largest immigrant group other than Mexicans, Indians account for 4.3 percent of North Texas's foreign-born population. Indian immigrants in this area come from all over the subcontinent, but especially the western Gujarat province.

Many of Texas' Indian-Americans are professionals who play key roles in sectors like the technology industry and the field of medicine. Many others are business owners.

About 1 million Indian-Americans live in the United States. Many Americans assume that Indian-Americans, because they are often well-educated, do not face the same problems as other minorities. They are wrong. In many parts of this country Indian-Americans are victims of hate crimes and racial harassment. They are victims of discrimination in business and in education. We in Congress cannot allow people who come to this country seeking out the American Dream to be victimized or subjected to bigotry.

Indian-Americans are proud of the tremendous strides their homeland has made. By the year 2050 India will be the most populous democratic country in the world. India and the United States today represent the greatest democracies on the face of the earth: the oldest and the largest.

The United States is also one of India's largest trading partners. India's economy has been advancing rapidly, with a large stock market and strong high-tech enterprises like aircraft, a computer industry, and its own space program. We must promote greater understanding between the United States and India, particularly in the economic, political and cultural areas.

Mr. Speaker, again I would like to take this opportunity to express my gratitude and appreciation to the Indian-American community. I know my colleagues join us in recognizing the profound contributions Indian-Americans have made to American society and their descendants throughout the world.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to begin by commending Congresswoman MILLENDER-MCDONALD for introducing this bipartisan bill. H. Con. Res. 352 recognizes the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

As the world's 2nd most populous nation and the largest democracy in the world, India and the United States have forged a long-lasting friendship. For the past month, peoples from all over the country of India went to the polls and marked their choice for Parliament. This act of citizenship shows India's neighbors, and nations across the world, that democracy works. Reports indicate that over 50 percent of the population voted in this year's elections.

India shows us that the commitment to democracy is strong and that the ties between India and the United States are even stronger. The everlasting bond that is forged by the 1.7 million Indian-Americans living in the United States is a shinning example of our commitment to one another. Indian-Americans lead thriving lives in communities throughout the U.S.—the contributions to our society demonstrate the resilience and fervor of the Indian-American spirit. It is that spirit that holds the future between our two nations together.

Mr. Speaker, following the September 11th cowardly and evil terrorist attacks on the United States, Indian Prime Minister Vajpayee offered to cooperate with the Bush Administration "in the investigation of this crime and to strengthen our partnership." The following day, the Indian Cabinet Committee on Security voted unanimously to offer the United States the use of Indian facilities for any U.S. military operation in pursuit of the perpetrators of the terrorist attacks.

Secretary of Defense Rumsfeld states that, "the United States and India share important interests in fighting terrorism. . . ."

In the past two years, the United States and India have held numerous joint exercises involving all military branches. Last September U.S. and Indian special forces soldiers held a two-week joint exercise in Ladakh near the India-China border, and the largest-ever "Malabar 2003" joint naval exercises off the southern coast of India that included an American nuclear submarine.

In the 2002 report of the National Security Strategy of the United States, the White House made the following statement: "The United States has undertaken a transformation in this bilateral relationship with India based on a conviction that U.S. interests require a strong relationship with India. We are the two largest democracies, committed to political freedom protected by representative government. India is moving towards greater economic freedom as well. We have a common interest in the free flow of commerce, including through the vital sea-lanes of the Indian Ocean. Finally, we share an interest in fighting terrorism and in creating a strategically stable Asia." I could not agree more.

Another great example of this fruitful bond is the fact that trade between India and the United States has shown a healthy growth in recent years. Last year, U.S. exports and imports from India totaled $5.0 billion and $13.1 billion, making India the 24th largest U.S. export market and the 18th largest supplier of U.S. imports. With a GDP of $390 billion and an annual growth rate of 6.8 percent, India is not only an important ally in defense, but also a key ally in international trade. Bilateral trade now stands at around $15 billion, with software exports at another $3 billion—emphasizing the true relationship between our two countries.

As the world comes together and joins forces to help its people, I am positive that the strong ties between India and the United States will serve as an example of fruitful and positive bilateral relations.

Mr. Speaker, H. Con Res. 352 is truly fitting. I stand here and pay special recognition to the proud and resilient people of Indian origin in the United States. Their devotion and hard work have brought great prosperity to countless communities in the United States. I am proud to be cosponsor of this bill and proudly congratulate all peoples of Indian origin for their perseverance.

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today to join my colleagues in recognizing the many contributions made by people of Indian descent and in celebrating the strong allegiance we share with the nation of India. In Northwest Indiana, like the rest of the Nation, Indian-Americans have shown themselves to be leaders in every field and in every endeavor. It is my pleasure to join today in expressing my admiration and gratitude to these Americans, as well as my hopes that our relationship with India remains strong and productive.

As a proud member of the Congressional Caucus on India and Indian Americans, I am well aware of the importance of our nation's commitment to cooperation. It is the strength of this commitment that will lead us both toward our mutual goals of peace, prosperity, and freedom among all countries of the world. We stand shoulder to shoulder with the government of India in combating the challenges facing the international community.

While the nation of India has been a trusted friend in international affairs, people of Indian descent who have chosen to immigrate to this Nation have consistently contributed to our prosperity at home. Through their participation in the U.S. space shuttle program, their technological contributions that power the computer and the Internet, and their significant breakthroughs in modern medicine, Indian Americans have helped to make the United States the world leader in countless fields. Furthermore, Indian-Americans teach at, and are leaders of, many U.S. institutions of higher learning, thus passing on their legacy to our future world leaders.

In my home district of Northwest Indiana the contributions of the Indian-American community are no less great. I would like to name but a few of the outstanding leaders, educators, and citizens who help to make the Indiana First such wonderful place. Doctors Bharat Barai, Panna Barai, Vijay Gupta, Padma Neelaveni, Vijay Dave, Shaun Kondamuri, Avtar Dhindsa, Beno Sikand, Harish Shah, Vidya Kora, Jagdish Patel, Kalpna Patel, Ravi Kanakamedela and Sandhya Kanakamedela have given tirelessly of their selves to serve our community and improve the health and well-being of my constituents.

Mr. Speaker, at this time, I ask you and my other distinguished colleagues to join me in recognizing and paying tribute to India and Indian-Americans. Again, I express my hopes for continued cooperation between our nations, and my gratitude for the role that Indian-Americans have played in making this Nation great.

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

Mr. BEREUTER. Mr. Speaker, I urge a strong, unanimous vote for the resolution.

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

The SPEAKER pro tempore (Mr. HAYES). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 352.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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.

RECOGNIZING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES GOVERNMENT AND THE EUROPEAN UNION

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 577) recognizing 50 years of relations between the United States Government and the European Union, as amended.

The Clerk read as follows:

H. RES. 577

Whereas on May 9, 1950, 6 countries of Europe, committed to promoting a united Europe, founded the European Coal and Steel Community (ECSC), which has evolved into the European Union (EU);

Whereas in November 1953 the United States sent its first diplomatic observers to the European Coal and Steel Community;

Whereas in 1954 the High Authority of the European Coal and Steel Community commissioned the United States law firm of Clearly and Gottlieb to open an Information Office in Washington, District of Columbia, thus establishing the first official presence of the precursor to the European Union in the United States;

Whereas on November 18, 2003, Secretary of State Colin Powell, while in Brussels, Belgium, dedicating a plaque commemorating 50 years of cooperation between the United States and the European Union stated that ''the United States embraces the European Union as a global partner for peace and security . . . and that the world's best hope for meeting [global] challenges still rests, in large part, on a deep, broad, and lasting partnership between Europe and the United States'';

Whereas although differences of opinion have existed on a broad array of issues over the past 50 years, there remains an important foundation of shared values across the Atlantic which reaffirms that the current strengths and common interests of the United States and the European Union far outweigh the differences;

Whereas an effective political partnership between the United States and the European Union has continued to develop over the past 50 years in many areas of vital common interest which has resulted in the United States and European Union consistently and effectively working together for prosperous, stable, and democratic world;

Whereas the events of the past several years, including the events of September 11, 2001, have increased the need for forceful and coordinated strategic cooperation between the United States and the European Union on economic, trade, and domestic and foreign security matters;

Whereas the economic foundations for the United States-European Union partnership are a central and irreversible reality of the world economy;

Whereas to effectively manage the United States-European Union partnership, closer institutional linkages and other mechanisms to facilitate more direct and continuous United States-European Union dialogue are necessary; and

Whereas in May 2004, an event commemorating 50 years of relations between the United States and the European Union will take place in Washington, District of Columbia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 50th anniversary of relations between the United States and the European Union;

(2) commends the United States mission to the European Union and the mission of the European Commission to the United States for the professional representation of the interests of the United States and European Union over the past 50 years;

(3) recognizes that continued cooperation between the United States and the European Union is essential to resolving international disputes, promoting peace, expanding global economic opportunity, combating global threats, and being prepared to respond to unforeseen events; and

(4) encourages enhanced United States-European Union strategic discussion and institutional cooperation, including increased discussions between representatives of the United States Congress and the European Parliament through the Transatlantic Legislator's Dialogue.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 577, as amended. I would note for my colleagues that two amendments were made to the original text of this resolution. One more precisely addresses the history of the EU and one notes that an event at the Department of State regarding the anniversary has now taken place.

Mr. Speaker, 53 years ago, in an effort to rebuild and integrate a war-devastated economic system throughout Europe, six nations of Europe came together and signed the European Coal and Steel Community treaty (ECSC) in Paris on April 18, 1951. Since then, the coal and steel community has evolved to become what we now refer to as the European Union. In 1953, the United States government sent its first diplomatic observers to the European Coal and Steel Community and one year later, in 1954, the High Authority of the ECSC established its first official presence in the United States. This resolution which we have under consideration today recognizes 50 years of formal relationship between the United States and the European Union.

Mr. Speaker, relations with Europe have been an integral part of our own history. The importance of that relationship became even more clear as the Euro-Atlantic community entered the postwar period in 1945. During that period and throughout the Cold War, the United States and Europe developed a strong set of shared values, common interests, mutual political goals, and fully integrated economies. The cooperation which has developed between the United States and Europe has resulted in an effective partnership which has met the global challenges of building a peaceful, secure, democratic and prosperous world.

Yet as we all know, the relationship has not always been cordial. We have had our differences of opinion on many issues. The relationship has had what some might consider ''defining moments.'' But as we have seen over these past 50 years, the melding of our common interests and the strength of our partnership has far outweighed the differences we have encountered.

Last November, the U.S. Mission in Brussels, led by Ambassador Rockwell Schnabel, held an event to kick off the 50th anniversary of relations between the United States and the European Union. Secretary of State Colin Powell attended the ceremony and dedicated a plaque commemorating the anniversary. In his statement, the Secretary noted that the ''United States embraces the European Union as a global partner for peace and security and that the world's best hope for meeting global challenges still rests, in large part, on a deep, broad and lasting partnership between Europe and the United States.''

Last week, on May 6, a similar event was held here in Washington at the Department of State which continued the celebration. One difference between the November event and this month's event is the fact that by virtue of the enlargement of the European Union which took place on May 1, the celebration here in Washington was with 25 nations of Europe rather than 15. As we welcome those 10 new members of the European Union, we welcome the opportunity to develop an even stronger partnership with the EU and its member states.

Mr. Speaker, in closing, H. Res. 577 recognizes the 50th anniversary of U.S.-EU relations. It reaffirms the importance of cooperation between the United States and Europe. It encourages closer institutional linkages in order to facilitate a more direct and continuous dialogue with Europe and its union. Finally, the resolution supports an enhanced dialogue between this institution, the Congress, and our colleagues in the European Parliament.

I urge the adoption of this resolution.

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and I yield myself such time as I may consume.

I want to commend the gentleman from Nebraska (Mr. BEREUTER), chair of the Subcommittee on Europe, for this excellent resolution. I also want to thank our colleagues who played a role

in bringing this resolution forward: the gentleman from Florida (Mr. WEXLER), the ranking member of the subcommittee; the gentlewoman from Virginia (Mrs. JO ANN DAVIS), chair of the Transatlantic Legislators Dialogue, the gentleman from Massachusetts (Mr. DELAHUNT), and the gentlewoman from California (Ms. LEE).

Mr. Speaker, May 1, 2004, was a historic day. Ten days ago, the European Union expanded to a total of 25 member countries with the addition of 10 new member states to the European Union. This was the largest expansion in the organization's almost half a century of history. Most remarkably, 8 of the 10 countries became new members of the European Union that were formerly members of the Soviet bloc. Having seen on countless occasions firsthand the trials and challenges these countries faced in the 50 years following the Second World War, I am personally delighted and encouraged at the prospects that this new union will give to these countries.

The 10 new member states bring an additional 75 million citizens to the European Union. The population of the European Union, as we all know, now surpasses that of our own country. The economic output of the 25-member European Union is very near to our own. With open and free borders, common economic policies and shared security objectives, the new European Union can and will become an even stronger economic and political force globally.

Mr. Speaker, this expansion of the European Union extends the zone of economic and political stability and security hundreds of miles to the east.

□ 1615

It anchors the new member states in an economic and political union that is committed to democratic values and respect for civil and human rights and the rule of law.

The new member countries which were formerly part of the Soviet sphere have had more limited experience with democratic governments and the free market economy. Their participation in the EU will provide new experience and a stronger commitment to these vital values that we share with the European Union.

Mr. Speaker, while the effects of this EU expansion will be different for every one of the new member states, it is clear that there is potential benefit for the United States in this historic development. We in the Congress welcome this new expansion of the European Union, and we reaffirm our desire to continue the positive relationship that we have had with the European Union and its predecessor organizations over the last half century.

The U.S.-European relationship is critical to stability and security throughout the globe. To the extent that we cooperate and work together, the entire world will be a safer and more prosperous place. But to the extent that our political and economic relations are in disarray, the entire world will suffer.

Mr. Speaker, in the economic sphere I call upon the united European Union, and particularly the new member states as well as our own government, to focus our relations on working together to resolve the trade and economic differences that occasionally divide us. Our economic ties are far too important to be dominated by minor disputes.

In the political and security sphere, it is critical that we cooperate in dealing with the threat of terrorism and the challenges that face all of our societies. I urge all member countries of the European Union to work with the United States to assure that our significant mutual interests take precedence over less important irritants that have strained our relations in recent times.

Mr. Speaker, our resolution welcomes a historic change in the European Union. We in the United States stand to gain much from this change, and we should all welcome it. I urge all of my colleagues to support H. Res. 577.

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

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, to the chairman and the ranking member I want to thank them for bringing this resolution to the floor. I have had a chance to speak in a Special Order and tie the EU expansion also to NATO expansion. And what it does is it brings a Europe whole, united, and free; and I think it brings great opportunity for the world, stability in the region, the ability for the European Union countries to help be more active in their backyard as they have committed to bolster their ability to respond based upon the Petersburg task but also a commitment to NATO in the Article V self-defense relationship that makes the transatlantic nations so important. It ties the North American continent to Europe in a stronger fabric that I think will really benefit the Nation and democratic institutions for years to come.

As we know, there are constant threats to democracy and liberty around the world. So I think I speak for many of our colleagues who will get a chance to either vocally vote ''yes'' or to do it through a registered vote by saying wherever democracy, liberty, freedom, the rule of law prevail, we as a country and as a world are stronger because of that.

So I, too, want to welcome the new members to the EU. I also want to applaud the old members for their reaching out and the invitation for these new members; and I want to tie that to the great self-defense organization that we know and have loved for so long, which is the North Atlantic Treaty Organization. That transatlantic link will serve us both well from now and into the future.

I want to applaud the ranking member; I want to applaud the chairman. And I thank the chairman for yielding me this time.

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

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

Mr. Speaker, as I was listening to the distinguished gentleman from California, I was thinking how remarkable this must look to him in particular since as a boy and a young man, he grew up in a very different part of Europe and a different kind of system in Hungary and what a contribution the gentleman has made. I recall in my second or third term, I became, fortunately, a member of what we then called the U.S. House-European Parliamentary Exchange, and the gentleman was the chairman for all of those years in which his party was in the majority; and I remember the outstanding leadership and education he gave this Member in those years.

And I think back to how remarkable it is for all of us, but perhaps especially for the gentleman, that the line drawn across Europe at Yalta which brought down the Iron Curtain to which Winston Churchill referred. It separated the countries that had been a part of a whole, and now gradually we have seen that curtain lifted and we have a united Europe.

Just this morning I had a chance to examine a proposed welcome from one of our Slovak parliamentary colleagues, Josef Banas. Mr. Banas was preparing his welcome to our spring meeting of the NATO Parliamentary Assembly, which will be in their capital city, Bratislava, Slovakia, over the Memorial Day recess to drive his point home how much things have changed and how much joy is in his country as one of the 10 new members of the European Union, one of the seven new members of NATO.

He talked about his mother, who has lived and is yet living in a small village near Bratislava. She was born in that village before World War I, and he was tracing how many different countries and different political systems she has lived under in her time, even though she has never moved from that village. It has been that kind of remarkable change in Central Europe which we have witnessed in the years since World War I, but especially remarkable changes since World War II.

I want to thank the gentleman for his leadership all these years on European issues, and I want to say that I am enthusiastic about the current leadership, both Democrat and Republican, on what is now called, and I am still having a hard time with the new name, the Transatlantic Legislative Dialogue. And the gentlewoman from Virginia (Mrs. JO ANN DAVIS) has a statement which will be submitted under General Leave. She would have liked to have been here today to participate in this dialogue, and I very

much wish the gentleman well as he continues this dialogue with European parliamentarians.

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

Mr. BEREUTER. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, let me first thank him for his most generous observations, and let me again say how deeply we will miss his enormous contributions to this body as he assumes new and bigger responsibilities.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his kind remarks, and I know that Europe will be in good hands. That is why I am moving my focus to a different continent.

Mr. LINDER. Mr. Speaker, today, the House will debate H. Res. 577, a resolution recognizing 50 years of relations between the United States and the European Union. I hope the House overwhelmingly approves this resolution.

The U.S. and EU not only have shared values and an indisputable friendship, but also shared global responsibilities. Responsibilities that are grave in light of the terrorist threat facing our world today. The U.S. and EU must continue to work together to root out terrorism around the world, and seek to promote peace and stability. I am pleased to note that members of the EU and the U.S. are currently working alongside each other in both Afghanistan and Iraq to combat terrorism, and to ensure that these countries successfully make the transition toward democracy.

In addition to our shared interest in promoting global security, the U.S. and the EU share economic interests. The U.S. and the EU have the largest bilateral trading and investment relationship in the world with transatlantic flows of trade and investment amounting to roughly $1 billion a day.

Mr. Speaker, President Bush has stated that strong ties between America and Europe are essential to peace and the prosperity of the world. I believe that both sides will remain committed to fostering the relationship so that together the U.S. and the EU can promote their common goals and interests in the world much more effectively.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in support of H. Res. 577 noting the 50th Anniversary of formal relations between the United States and the European Union.

Fifty years ago the United States government sent its first diplomatic representatives to what was then the European Coal and Steel Community because the U.S. Government was fully supportive of the integration of Europe's economic systems as a way to help rebuild a war-torn continent. One year later, in 1954, the High Representative of the Coal and Steel Community opened an office here in Washington.

In November, the United States Mission in Brussels held a ceremony marking the beginning of the anniversary. Last week, a similar ceremony was held at the State Department to continue the celebration. H. Res. 577 reminds us that over these past five decades, we and Europe have worked to develop a common bond based on values, shared views of the need to promote democracy and market reform and a commitment to stability and peace throughout the world. As our Europe Subcommittee Chairman has said, the relationship has not always been easy or friendly. We have had some serious disagreements. Nevertheless, it should be clear to this House that a strong and mature transatlantic relationship is critical to the long-term political, economic and security interests of the United States. It is also clear that one of the central ingredients to a successful transatlantic partnership is a stable, integrated and dynamic Europe.

Recently, I traveled to Europe with a delegation of our House Colleagues to participate in the Transatlantic Legislators' Dialogue. Our meetings with our Colleagues from the European Parliament were frank, but cordial. It reaffirmed the need for continuous dialogue and understanding of how we each view those common challenges which face us and how we should respond. I appreciate the fact that H. Res. 577 notes that the TLD is an important aspect of this U.S.-EU relationship.

Mr. Speaker, in conclusion, I want to remind my Colleagues that on Saturday, May 1st, we witnessed yet another historic event in the evolution of the European Union. On that day 10 new nations of Europe joined the European Union. What began just fifty-three years ago as a Union of 6 has now become a Union of 25. As the U.S. Chairman of the Transatlantic Legislators' Dialogue, I look forward to meeting and working with the Parliamentarians of these newest members who soon take their seats in the European Parliament and who will be part of the next fifty years of U.S.-UE relations.

I urge adoption of this Resolution.

Ms. JACKSON-LEE of Texas, Mr. Speaker, I rise in strong support of this symbolic and commemorative resolution that speaks to our commitment to the establishment of continued and ever-growing ties with the European Union (E.U.). Especially given the dangers that plague the international community as a whole, it is important that we do everything we can to break bread with our international partners to form alliances against those who threaten to do our families harm.

The European Union and the United States are the two largest economies in the world and jointly account for about half the entire world economy. The E.U. and the U.S. have also the largest bi-lateral trading and investment relationship. Transatlantic trade and investment amount to around $1 billion a day, and jointly, our global trade accounts for almost 40 percent of world trade. By working together, the U.S. and the E.U. can promote their common goals and interests in the world much more effectively.

According to information gathered by the European Community's Trade Directorate General, the United States and the European Union have had the most prolific commercial relationship in the world and have been each other's largest trade and investment partners. In 2002, E.U. exports to the United States were estimated at $227.9 billion, representing 24.1 percent of total E.U. exports. E.U. imports from the United States totaled $166.1 billion, representing 17.7 percent of total E.U. imports.

Investment of E.U. firms in U.S. markets has been growing consistently. In fact, direct investments in the U.S. amounted to $863 billion in 2002. Together, both nations employ about 4 million respectively.

In a similar trend, American investment in the E.U. totaled $700 billion in 2002. The initiation of the Economic and Monetary Union on January 1, 1999 improved and facilitated American investment by providing a maturing Single Market.

The relationship between the E.U. and the U.S. exists even on a nation-to-state level. In December 2001, the European Union Center, one of 15 such Centers in the entire U.S., was established at Texas A&M University and was supported by funding from the European Commission to form a Network of European Union Centers.

The Department of Homeland Security (DHS) launched its Container Security Initiative (CSI) in the area of maritime security after the attacks of 9/11. Our main concern was the possibility of containers being used for terrorist attacks either against ports of the United States or against a participant in maritime transport. As a first step, the U.S. has invited about twenty mega-ports worldwide to join this initiative.

As a Member of the House Select Committee on Homeland Security, I applaud the fact that the U.S. has signed declarations of principle (bi-lateral agreements) on the application of its Container Security Initiative (CSI) in individual ports with eight E.U. Member States—the Netherlands, Belgium, France, Germany, Italy, Spain, United Kingdom and Sweden. These bilateral agreements propose to shortly involve the stationing of U.S. customs officials in many of the ports that have significant container traffic to the United States.

In terms of formal agreements between the E.U. and the U.S., the two have executed the Transatlantic Declaration, the New Transatlantic Agenda, and the Transatlantic Economic Partnership.

The Transatlantic Declaration was adopted by the U.S. and the E.U. in 1990. This document set forth principles for greater E.U.-U.S. cooperation and consultation in economy, education, science, and culture.

In 1995, the New Transatlantic Agenda (NTA) and the E.U.-U.S. Joint Action Plan were adopted. The NTA and the Joint Action Plan stimulated partnership and cooperation under four areas: promoting peace and stability, democracy and development around the world; responding to global changes; contributing to the expansion of world trade and fostering closer ties; and building bridges across the Atlantic.

The Transatlantic Economic Partnership (TEP) was executed at the London summit in May 1998. The TEP is an extension of the spirit and premise behind the NTA. It includes both multilateral and bilateral elements. Bilaterally the purpose is to tackle technical barriers to trade. The purpose of the second part is to stimulate further multilateral liberalization—by joining forces on international trade issues. An innovative aspect of the proposal is to integrate labor, business, environmental and consumer issues into the process. It is, however, too early to say what will come out of this partnership.

Mutual commitment to "full and equal partnership" in economic, political, and security matters was the hallmark of the Bonn Declaration adopted by both nations at the 21 June 1999 E.U.-U.S. summit held in June 1999 in Bonn. The Bonn Declaration outlines how the E.U. and the U.S. want to shape their relationship over the next decade and is embedded in the NTA process.

The record of joint efforts to strengthen the economic, social, and diplomatic ties between

the European Union and the United States demonstrates that we can do even better. I commend my colleague Mr. BEREUTER for his efforts and leadership in bringing this important resolution to the Floor. It will help to improve our record even more through its representation of the voice of Congress.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). 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. 577, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING ON THE GOVERNMENT OF SOCIALIST REPUBLIC OF VIETNAM TO RELEASE FATHER THADDEUS NGUYEN VAN LY

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 378) calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 378

Whereas in February 2001, Father Thaddeus Nguyen Van Ly, a Roman Catholic priest was formally invited to testify before the United States Commission on International Religious Freedom but was denied permission to leave the Socialist Republic of Vietnam and thus, instead, submitted written testimony critical of Vietnam which was read into the Commission record on February 13, 2001;

Whereas Father Ly's testimony before the Commission documents numerous specific actions of the Government of Vietnam against religious freedom which he classified as collectively being ''extremely cruel'' and requiring a ''non-violent and persistent campaign'' to achieve full religious freedom for all people in Vietnam;

Whereas Father Ly has been detained by the Government of Vietnam since February 2001, when it placed Father Ly under administrative detention—as a direct response to his testimony, branding him a traitor for ''slandering'' the Communist party and ''distorting'' the religious policy of the Government of Vietnam;

Whereas the Government of Vietnam issued a second decree suspending Father Ly's ability to ''carry on any religious responsibility and functions'' and later formally removed Father Ly from his church, detained him, and denied him access to adequate legal counsel;

Whereas on October 19, 2001, the Thua Thien Hue Provincial People's Court convicted Father Ly of all charges after a one day, closed trial, without the benefit of counsel and sentenced him to two years in prison for violating the terms of his administrative detention, thirteen years in prison for ''damaging the Government's unity policy'', and 5 years of administrative probation upon release from prison;

Whereas after pleas from United States Government officials and the world community Father Ly's sentence was reduced by 5 years;

Whereas in June 2001, Father Ly's nephews Nguygen Vu Viet, age 27, and Nguyen Truc Cuong, age 36, and his niece Nguyen Thi Hoa, age 44, were arrested for allegedly being in contact and receiving support from organizations in the United States concerning the religious situation in Vietnam and disseminating information concerning the detention of Father Ly;

Whereas after their cases generated much concern in Congress, Nguyen Thi Hoa, Nguyen Vu Viet and Nguyen Truc Cuong all have been or are expected to be released shortly;

Whereas on November 27, 2003, the United Nations Working Group on Arbitrary Detention issued Opinion No. 20/2003 stating ''the Group is convinced that [Father Ly] has been arrested and detained only for his opinions . . . [and] the deprivation of the liberty of Father Thaddeus Nguyen Van Ly is arbitrary, as being in contravention of Article 19 of the Universal Declaration of Human Rights and of Article 19 of the International Covenant on Civil and Political Rights'';

Whereas Father Ly has been deprived of his basic human rights by being denied his ability to exercise freedom of opinion and expression; and

Whereas the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress;

Whereas continuing concerns regarding human rights in Vietnam were recently highlighted by large demonstrations in the Central Highlands on April 10 and 11, 2004, in which thousands of Montagnards gathered on Easter weekend to protest their treatment by the Government of Vietnam, including the confiscation of tribal lands and ongoing restrictions on religious activities; and

Whereas although the Government of Vietnam has attempted to control information about the April 2004 protests and access to the Central Highlands, reputable human rights organizations have reported that the protests were met with a violent response and that many demonstrators were arrested, injured, or are in hiding, and that others were killed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) condemns and deplores the arbitrary detention of Father Thaddeus Nguyen Van Ly by the Government of the Socialist Republic of Vietnam and calls for his immediate and unconditional release;

(B) condemns and deplores the violations of freedom of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam;

(C) strongly urges the Government of Vietnam to consider the implications of its actions for the broader relationship between the United States and the Socialist Republic of Vietnam, including the impact on trade relations;

(D) urges the Government of Vietnam to allow unfettered access to the Central Highlands by foreign diplomats, the international press, and nongovernmental organizations; and

(E) condemns the extent of the violence used against Montagnard protesters on April 10 and 11, 2004, and the use of any violence against peaceful protests and demonstrations; and

(2) it is the sense of Congress that the United States—

(A) should make the immediate release of Father Ly a top concern;

(B) should continue to urge the Government of Vietnam to comply with internationally recognized standards for basic freedoms and human rights;

(C) should make it clear to the Government of Vietnam that the detention of Father Ly and other persons and the infliction of human rights violations on these individuals are not in the interest of Vietnam because they create obstacles to improved bilateral relations and cooperation with the United States; and

(D) should reiterate the deep concern of the United States regarding the continued imprisonment of Father Ly, and other persons whose human rights are being violated, and discuss their legal status and immediate humanitarian needs with the Government of Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Government of Vietnam likes to say that Vietnam is a country, not a war. It is a catchy little self-evident phrase that some Members of Congress picked up during the bilateral trade agreement debate, as if to suggest that the debate was somehow about the Vietnam War, which it was not, instead of Vietnam's shameful present-day human rights record, which it was.

Of course Vietnam is a country, to which I respond: behave like an honorable country. Live up to their word as a signatory to numerous human rights covenants, including the international covenant on political and civil rights. Stop bringing dishonor and shame to their government by abusing their own people.

Mr. Speaker, according to the U.S. State Department report, the ''Report on Human Rights Practices for 2003'': ''The Government's human rights record remained poor, and it continued to commit serious abuses.'' Rather than repress and jail, harass, intimidate, and torture, the government should recognize and reflect the innate goodness of the Vietnamese people, a kind, gentle, compassionate people who deserve better, much better.

Take the case of Father Ly. In February 2001, Father Thaddeus Nguyen Van Ly submitted written testimony to the United States Commission on International Religious Freedom for a hearing at which he was invited to testify. He was not able to testify in person, but submitted written testimony which I will include in its entirety in the RECORD.

Because this brave Catholic priest told the truth, spoke the truth to power, the Government of Vietnam persecuted and cruelly mistreated him;

and he is now serving a 10-year prison sentence, and he has been in prison for 3 of those years. Amnesty International calls Father Ly a prisoner of conscience, and even the U.N. Working Group on Arbitrary Detention has condemned his detention.

I think it is worth focusing just for a moment on his testimony, which was incisive and compelling; and I quote it in part: ''Since their victory of April 30, 1975,'' Father Ly wrote, ''the Vietnamese Communists have extended its oppressive policy toward the different religions of South Vietnam. Laws and decrees have been promulgated to confine, restrict, or ban religious activities. The government has falsely accused clergy members and lay people as a pretext to detain and imprison those who protest its oppressive policy, or those who teach catechism, lead a church choir, or join a seminary. They have been banished to concentration camps for years. This policy has been ongoing,'' he writes, ''for nearly 50 years.

''The government has used many ruses,'' he continues to write, ''to divide and politicize the Cao Dai, Catholic and Protestant Churches; to split the Buddhist Church in two, the Unified Buddhist Church of Vietnam and the Buddhist Church of Vietnam; and to set up the puppet Hoa Hao Buddhist Committee of Representatives, which consists of mainly Communist cadres, to claim leadership over 5 million Hoa Hao Buddhists. The government has requisitioned for its arbitrary use numerous facilities and properties belonging to different Churches.''

Father Ly continues to write: ''With regard to the Catholic Church, the Communists have severely restricted her fundamental rights,'' and he points out and lays out some 10 different instances, including the fact that the government still keeps many priests, clergy members, and lay people in prison or under house arrest.

Father Ly continues to say: ''Faced with this extremely cruel policy of the Vietnamese Communist Government to strangle religions, the Churches in Vietnam have unceasingly demanded religious freedom. Their nonviolent and persistent campaign will continue until the Vietnamese people have full religious freedom, which anyone else in the civilized world has.''

□ 1630

This campaign has, as he points out, the following objectives. This is number one. This is Father Ly's testimony:

''Number one: the government must fully respect the right of all citizens to true religious freedom and the right of churches to select, train and appoint their own priests, clergy members and dignitaries. The government must stop its practice of listing the religious affiliation of citizens on their identity cards and personal documents so that no citizen be discriminated against and be able to freely practice his or her faith.

''Number two,'' Father Ly writes: ''The government must return all facilities and properties it has confiscated or requisitioned from the churches, even when the documentary evidence of ownership was lost in the war if local people can confirm the rightful ownership of these facilities.

''Number three: the government must abandon the ruses and schemes it has used to oppress and destroy religions. Its interference in church affairs must cease. Committees created by the government but dressed up as religious institutions in order to serve the government's anti-religion policy must be disbanded.

''Number four: the government must unconditionally release all clergy members, priests, officials and dignitaries of the churches and lay people who are currently in prison or under administrative detention because of their faith.

''Number five: the government must fully respect every and each article of the International Covenant on Civil and Political Rights, of which the Vietnamese Communist Government became a signatory on September 24, 1982.''

Finally, Father Ly writes, ''However, for as long as the Vietnamese Communists keep their dogmatic and totalitarian rule and disregard the fundamental freedoms of the people as I have presented above,'' he goes on to say, ''by trading with Vietnam the U.S. and other countries only strengthen the Communists' grips on power.''

Again, I would like his full statement read by Members, because it is a very strong and compelling bit of testimony.

These are the words of Father Ly. He is now in prison 3 years of a 10-year prison term.

The resolution we are considering today, Mr. Speaker, has over 100 cosponsors and I believe, we believe, will send a strong message to the leaders of Hanoi to free Father Ly and that the ongoing systematic abuses of human rights must cease and that they will not be tolerated.

H. Con. Res. 378 also condemns, and this amendment we are offering with the language today, the brutal crackdown against the Montagnard. Largely ignored by the American press, Vietnam crushed thousands of Montagnard in the Central Highlands on April 10 and 11. In classic dictatorship style and brutality, many Montagnard, who were protesting the confiscation of tribal lands and ongoing restrictions on religious activities, were beaten and there are reports that some were killed. This comes on the heels of another brutal crackdown against the Montagnard in December of 2001 that has resulted in the closing of over 400 churches.

I would just point out to my colleagues that there are also attempts to coerce people to renounce their faith, renunciation of faith. According to Ambassador John Hanford, our Ambassador At Large For Religious Freedom, there are approximately 100,000 Montagnards who were pressured to renounce their faith. I am happy to say that most resisted, but 100,000 within the last few months and years have been pressured to say ''no'' to their faith in Christ.

H. Con. Res. 378 also urges the government of Vietnam to allow unfettered access to the Central Highlands, where all of this is going on, by foreign diplomats, the international press and nongovernmental organizations, and condemns the extent of the violence used against, as I said, the Montagnard protestors.

Mr. Speaker, finally, human rights have gotten worse, not better, since the Bilateral Trade Agreement with Vietnam of 2001. We must not remain silent while the government of Vietnam continues to persecute religious and political dissidents and ethnic minorities. As a matter of fact, I believe strongly that Vietnam should be branded a Country of Particular Concern, a CPC country, pursuant to the provisions of the International Religious Freedom Act.

We care deeply, Democrats and Republicans, Mr. Speaker. We care deeply about the people of Vietnam and respect and honor their legitimate aspirations to be free. Why does not Hanoi?

Mr. Speaker, I include for the RECORD the written testimony of Reverend Thaddeus Nguyen Van Ly before the U.S. Commission on International Religious Freedom.

TESTIMONY OF REV. THADDEUS NGUYEN VAN LY

Ladies and gentlemen, it is a great honor to be perhaps the first Vietnamese Roman Catholic priest living under a communist regime to testify before your Commission at a location that represents the ideals of democracy. I would like to send my greetings of the New Millennium to you and to the people of the United States.

In the opening statement of the Declaration of Independence of the Democratic Republic of Vietnam on September 2, 1945, Ho Chi Minh tried to win your nation's support by solemnly quoting the second paragraph of Declaration of Independence of the United States: ''All men are created equal. They are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.''

In less than 250 years since her independence, your country has become the shining example of freedom and independence—anyone who wants to know what freedom and independence are only needs to visit your country and her people.

As an eyewitness living in Communist Vietnam for more than 25 years, I would like to boldly and frankly present my ideas on three issues as your invitation letter has suggested.

I. THE REALITIES OF THE RELIGIONS IN VIETNAM IN THE NEW MILLENNIUM

In order to achieve independence, liberty and happiness for the Vietnamese people, Ho Chi Minh chose Communism. This is a fundamental contradiction because Communism calls for a dictatorial regime that does not tolerate the concept of true liberty. Freedom of religion will be absent for as long as the Vietnamese government hangs on to its Communist ideology.

Since their victory of April 30, 1975, the Vietnamese Communists have extended its oppressive policy toward the different religions

to South Vietnam. Laws and decrees have been promulgated to confine, restrict, or ban religious activities. The government has falsely accused clergy members and lay people as a pretext to detain and imprison those who protest its oppressive policy, or those who teach catechism, lead a church choir, or join a seminary. They are banished to concentration camps for years. This policy has been on-going for nearly 50 years (from 1954 to 2001).

The government has used many ruses to divide and politicize the Cao Dai, Catholic and Protestant Churches; to split the Buddhist Church in two—the United Buddhist Church of Vietnam (UBCV) and the Buddhist Church of Vietnam (BCV); and to set up the puppet Hoa Hao Buddhist Committee of Representatives, which consists of mainly Communist cadres, to claim leadership over five million Hoa Hoa Buddhists. The government has requisitioned for its arbitrary use numerous facilities and properties belonging to the different Churches.

With regard to the Catholic Church, the communists have severely restricted her fundamental rights. The many petitions issued by the Catholic Bishops Conference of Vietnam (CBCV) since 1980 have unmasked the Government's policy. This I have analyzed in my Ten-Point Proclamation released on November 24, 1994 and the follow-up proclamation dated November 24, 2000, which I have sent to your Commission. Following is the summary of the points made in those two statements.

1. The Vietnamese Communists have brutally interfered with CBCV's authority to organize its annual Pastoral Assembly: the Bishops must apply for permission to organize and the Assembly's agenda must be preexamined by the Government. After the Assembly, the minutes must be submitted to the Government. All reports from the Assembly must be vetted by the Government before they can be released to the Catholic community and the public.

2. The Vietnamese communists have brutally interfered with CBCV's authority to appoint bishops and ordain of priests. The Holy See had to negotiate with the Vietnamese Government for years on each bishop appointment. The Government often rejects candidates selected by the Church and only accepts those they are pleased with. The Government counts on The Vatican having to yield eventually so as to prevent excessive harm to dioceses facing extended absence of a bishop. The dioceses of Hung Hoa, Hai Phong, and Bui Chu . . . have not had a bishop for more than eight years and The Vatican is not allowed to appoint any.

Anyone intending to join a seminary of any candidate for priesthood elected by the Church must have the approval of and their background examined by the Public Security Police. These candidates must prove their docility and show no sign of resisting the regime. The police give special preference to those agreeing to serve as informants for the Government within the seminary. An applicant's chance would increase if he can afford to bribe the authorities. Applicants having family members who worked for defunct Republic of Vietnam or holding nonconformist views stand no chance of being approved for admission into a seminary or priesthood regardless of their qualifications and moral virtues and regardless of the Church's support. I know many young men who have repeatedly passed the Church-administered entrance exam with top scores but have not been approved for admission into any seminary. Any bishop intending to ordain a seminarian into priesthood or to assign a priest to a mission must ask for permission and negotiate with the Government in a protracted process, which in some cases has taken nearly 20 years without results. The approval criteria imposed by the Government has nothing to do with the moral quality that the Church requires of candidates for priesthood. As a result, the number of newly ordained priests has drastically decreased and is currently insufficient to meet the Church's pastoral needs. Aging priests die or retire without successors. Many priests in rural regions have to minister more than ten parishes, all distant from each other. There is hardly normal religious life in these parishes. It is very difficult for priests to change their residence for new assignments.

3. Groups of faithful in new economic zones or in remote areas are anxious to have mass for Christmas and Easter each year but their most basic spiritual need is rarely met. The atheist Government wants these people not to think of religion, which it considers harmful and dangerous.

4. A Mass that brings together the faithful from different places and priests desiring to say mass in places other than their usual assigned location must have prior government permission.

5. The Government still keeps many priests, clergy members, and lay people in prison or under house arrest. (Committee for Religious Freedom in Vietnam has made this list available to your Commission.)

6. The Government brutally violates the Church's freedom of the press. No local or national publication of the Church is allowed. As a result, The Church cannot fulfill its evangelical duties. Before 1975, there were more than a dozen Catholic newspapers and magazines in South Vietnam. Today there are only two weekly magazines, Cong Giao & Dan Toc (The Catholics & The People) and Nguoi Cong Giao Viet Nam (The Vietnamese Catholics), which are created and financed by the Government. CBCV's only publication is the newsletter Ban Tin Hiep Thong (The Communion News), of which the first six issues were ''illegal.'' The Government gave the Church temporary permission to publish issues 7–9 from February to September 2000. In October 2000, the government rescinded its permission and discontinued this only publication of The Church. There is no freedom of speech in my country. Churches of course have none. This kind of statement that I am presenting to you cannot be circulated in Vietnam because no photocopying store or printing shop would dare to reproduce it. Nobody dares to keep it, fearing for his own life and the safety of his family. Those who dare must be prepared for martyrdom. In fact, on February 7 the public security police searched two of my assistants and found a floppy disk containing a draft of this statement. These two brave young men were detained overnight at the police station for extensive questioning.

7. The Government forces all students from all grades and in college to study and love Socialism while in fact nobody likes to teach or study it. Only the three million communist party members and the five million members of the Communist League of Youth should study this ideology if they still believe in it. Forcing the entire Vietnamese nation to study a bankrupt ideology that has caused them so much suffering is outright unconscionable.

8. The Communist Government has, since 1954 in North Vietnam and since 1975 in South Vietnam, seized or requisitioned thousands upon thousands of Church facilities used for education, charity, and medical service. Consequently the Church has no means to train seminarians, providing education and human services to the poor, the sick, the handicapped and the orphans, and it is extremely difficult for Church members to deliver service in a government facility. For example, the Pius X Papal Institute in Da Lat, run by the Jesuits, had been an outstanding college for priesthood formation until its confiscation in 1976 by the Government, which turned it into a training school for Communist cadres. The Hoan Thien Minor Seminary at 11 Dong Da, Hue, offering high school-level training to seminarians, was taken by force by the Government in December 1979; all three priests teaching at the seminary and more than 80 seminarians were evicted. These are but a few examples.

Faced with this extremely cruel policy of the Vietnamese Communist Government to strangle religions, the Churches in Vietnam have unceasingly demanded religious freedom. Their non-violent and persistent campaign will continue until the Vietnamese people have full religious freedom, which anyone else in the civilized world has. This campaign has the following objectives.

1. The Government must fully respect the right of all citizens to true religious freedom and the right of Churches to select, train, and appoint their own priests, clergy members and dignitaries. The Government must stop its practice of listing the religious affiliation of citizens on their identity cards and personal documents so that no citizen will be discriminated against and be able to freely practice his or her faith.

2. The Government must return all facilities and properties it has confiscated or requisitioned from the Churches, even when documentary evidence of ownership was lost in the war if local people can confirm the rightful owner of these facilities and properties.

3. The Government must abandon the ruses and schemes it has used to oppress and destroy religions. Its interference in Church affairs must cease. Committees created by the government but dressed up as religious institutions in order to serve the Government's antireligion policy must be disbanded.

4. The Government must unconditionally release all clergy members, priests, officials and dignitaries of the Churches and lay people who are currently in prison or under administrative detention because of their faith.

5. The Government must fully respect every and each article of the International Covenant on Civil and Political Rights, of which the Vietnamese Communist Government became a signatory on September 24, 1982.

II. EFFECTS OF THE BILATERAL TRADE AGREEMENT ON HUMAN RIGHTS AND RELIGIOUS FREEDOM IN VIETNAM

I am only a priest, not a specialist in economics and politics. I speak as a Vietnamese citizen with a deep love for my country and my people.

Vietnam needs the Bilateral Trade Agreement (BTA) for her economic development. In principle I dearly want my country to have the trust of other countries, among them the United States, so that my country may achieve prosperity and my people may have a better life and fully realize their potentials.

However, for as long as the Vietnamese Communists keep their dogmatic and totalitarian rule and disregard the fundamental freedoms of the people as I have presented above, by trading with Vietnam the United States and other countries would only strengthen the Communists' grips on power; the BTA may end up benefiting only the governing minority while prolonging the suffering of the entire people; the vast majority of the common people like us may at best receive small crumbs trickling down from the top but in return must endure our fate of the exploited and disenfranchised for so much longer.

In regard to the ratification of the BTA, I urgently warn the US Congress not to trust

the Vietnamese Communists' promise of good faith. The United States and many other countries have had bitter experiences dealing with their broken promises in the past.

The Vietnamese Communists have signed many international accords and agreements on human rights but have never intended to respect them. Their intention is to deceive the international community. For example, Vietnam became signatory to the International Covenant on Civil and Political Rights in 1982 but does not abide by Articles 18 and 19 of this covenant which call for the respect for the freedoms of thought, speech, and religion. If international human rights institutions allow themselves to fall victim to such deception, they will contribute to the following dire consequences: (1) the Vietnamese Government will exploit their signing the document to falsely claim that there are human rights in Vietnam; (2) these international institutions will lose their credibility as they prove to be so easily deceived; and (3) these institutions unknowingly prolong the Communist oppression of the Vietnamese people—this in fact constitutes a major crime against my people.

Therefore, if the United States and other countries truly sympathize with my ill-fated people and truly care about human rights, especially the right to religious freedom, of the Vietnamese people, you must not help the Communist Government prolong its totalitarian rule. Instead, the United States and other countries should suspend all agreements harmful to the Vietnamese people and do everything in your capacity to put pressure on the Vietnamese Government to allow freedom and democracy to dawn on our country.

III. WHAT CAN BE DONE TO HELP IMPROVE FREEDOM OF RELIGION IN VIETNAM IN THE NEAR TERM, AND IN THE LONG TERM?

The Vietnamese Communists have idolized Ho Chi Minh, turning him into a ''god'' and creating a new religion revolving around him. The Communist Government wants to suppress all other religions and replace them with this new religion in order to unify the Vietnamese people behind it. In fact, Ho Chi Minh had made significant contributions to our national struggle for independence but at the same time had committed serious crimes against the Vietnamese people. One basic endeavor that the international community needs to undertake is to unravel the harmful myths woven by the Communists around this historical figure.

In the short term, the United States and other countries should help the Churches in Vietnam achieve greater independence from the government, should show by example how freedom of religion is respected in the free world, and should expose the oppression that the Vietnamese Government has imposed on the Churches. At first, the Vietnamese Communists may feel that such independence would clash with its totalitarian power but with time it may realize that the power to control and interfere with Church affairs, such as the appointment of priests, should have never been theirs to start with.

The Vietnamese people will not enjoy religious freedom for as long as the Communist regime remains in place. Therefore if the United States and other countries truly desire to see the return of religious freedom to the Vietnamese people, they will need to create favorable conditions for the early demise of the Communist regime.

Ladies and gentlemen,

This is a precious opportunity to speak on behalf of my people, of the different Churches, and of the Catholic Church in particular. I would like to extend my gratitude to you, to the U.S. Congress, and the American people, including some two million Vietnamese-Americans, for having given me such an opportunity.

May God bless you, your families, your colleagues, the American people, and your beautiful country. Thank you.

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

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

Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, first I want to commend my good friend, the gentleman from New Jersey (Mr. SMITH), for his leadership on Vietnam human rights issues and, indeed, on being the most indefatigable and passionate advocate of human rights in this body.

As the political security and economic relationship between the United States and Vietnam become increasingly complex, we must never forget the continued absence of internationally recognized human rights in Vietnam.

Mr. Speaker, Father Ly, the subject of this resolution, is a Vietnamese Catholic priest. Three years ago, he was invited by the International Religious Freedom Commission to give testimony related to religious freedom in Vietnam. Since the Vietnamese Government denied Father Ly permission to leave his country, he submitted written testimony for the record. In this testimony, Father Ly outlined the lack of religious freedom in Vietnam and urged his fellow Vietnamese citizens to continue to struggle, nonviolently, for their rights.

He was subsequently sentenced to 15 years in prison after a 1-day closed trial in which he was denied adequate legal counsel. Father Ly was convicted of slandering the Communist Party and distorting the religious policy of the government of Vietnam.

Subsequently, Mr. Speaker, the United Nations Working Group stated that Father Ly was arrested and detained only for his opinions, and the deprivation of the liberty of Father Ly is arbitrary and contravenes the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Mr. Speaker, as we meet here today, Father Ly continues to remain in prison because he had the courage of his convictions and he refused to whitewash the continued lack of religious freedom in Vietnam. Our resolution urges his immediate release from prison, a call for justice long overdue.

It is my strong hope that the Vietnamese Government will receive this wake-up call through the passage of our resolution. While large numbers of Vietnamese Catholics continue to attend services each Sunday, the Vietnamese Government prohibits the church from training enough priests to meet the growing demand for clerics. The Vietnamese Government has also refused to compensate the church fully for expropriated church property, and it prohibits the church from expanding its activities to help the poor in Vietnam.

Mr. Speaker, I urge all of my colleagues to show their concern about the continued unjust imprisonment of Father Ly and the lack of religious freedom in Vietnam by supporting strongly our resolution.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, we are here on the floor to demand of the communist government of Vietnam that Father Ly immediately be released, unconditionally. Father Ly's only offense is that he is a Catholic priest who sought to minister to the spiritual needs of his countrymen and countrywomen in Vietnam. For this offense, he has been in prison for the last 3 years, and the communist government of Vietnam expects that he will serve the full decade of his sentence.

This is, of course, an affront to human rights. It is also an affront to the United States, because it was the U.S. Commission on International Religious Freedom that solicited Father Ly's testimony. They asked that Father Ly testify in person. He was willing to do so; but, of course, the communist government of Vietnam forbade him from doing so. So Father Ly then submitted written testimony, and it is on the basis of that written testimony that he was convicted. That is why he is now in jail.

Never has there been a clearer path from freedom to imprisonment than in this case. We can read the entirety of his offense. What he said, in response to questions from the United States, is that there is not religious freedom in Vietnam. He said that the government of Vietnam had stripped all churches of their independence and freedom. For speaking this truth, Father Ly is now expected to spend a decade in a communist prison.

It was 1 month after he wrote this testimony and sent it to the United States that he was arrested. Indeed, he was arrested while he was saying mass. He was on the alter before a congregation. Six hundred policemen of the Vietnamese communist government surrounded the church, stormed it, and dragged him off. Of course, the Vietnamese Government provided him no legal representation, no consultation whatsoever; and not surprisingly, on October 19 of that same year, Father Thaddeus Nguyen Van Ly was sentenced to this seemingly indefinite time in prison, 15 years originally. He has already spent 3 years. Now he is going to get a 10-year sentence.

Father Ly is no stranger to repression at the hands of the Vietnamese

dictatorship. Since 1977, the government has repeatedly harassed him, repeatedly arrested him, and repeatedly jailed him for his advocacy of religious freedom.

So the Congress today calls for the immediate and unconditional release of Father Ly. But we also recognize that he is not alone. He represents the struggle of all of those citizens of Vietnam who are fighting for freedom and for democracy.

Another piece of legislation to address that struggle is the Vietnam Human Rights Act, H.R. 1587, which I hope the House will soon consider. This legislation will prohibit nonhumanitarian assistance to the government of Vietnam, it will support the efforts of human rights and democracy advocates there, and it will help us work to overcome the government's jamming of Radio Free Asia and their Vietnamese broadcast. It will help resettle refugees and require an annual State Department report on the progress towards freedom and democracy in Vietnam, or the lack of it.

This resolution that is before us today, of which I am an initial cosponsor, is, therefore, a call to action. It is a call, of course, upon the Vietnamese Government to act; but it is also our call to action. The Vietnamese Government and other dictatorships around the globe must come to realize that oppression does not go unnoticed, that the Congress and the President will continue to fight for those like Father Ly who seek meaningful change in their country.

Mr. Speaker, I am very, very proud to join the gentleman from New Jersey (Chairman SMITH) and the gentleman from California (Mr. LANTOS) in supporting this resolution, and I am very proud of the stands for human rights that this Congress will soon take.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend and distinguished colleague, the gentlewoman from California (Ms. LORETTA SANCHEZ), a champion of human rights.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of H. Con. Res. 378, a resolution which calls for the immediate and unconditional release of Catholic Father and human rights champion Thaddeus Nguyen Van Ly. I thank my colleague, the gentleman from New Jersey (Mr. SMITH), for bringing this resolution to the floor. I am proud to be an original cosponsor of the bill, and I am proud to work with him on the bipartisan Vietnam Caucus.

On this day, the 10th anniversary of Vietnam Human Rights Day and the 14th anniversary of the Vietnamese Manifesto of Nonviolent Movement For Human Rights, there can be nothing more appropriate action for this Congress than to pass this resolution about Father Ly. Why would that be? Well, we as Members of the United States Congress have a special responsibility, for, you see, it was testimony to this Congress, to this Nation, that Father Ly gave us that put him behind bars.

□ 1645

In fact, we brought forward that testimony in a human rights caucus hearing on religious freedoms in Vietnam, or, should I say, the lack of religious freedom in Vietnam. So we have a particular responsibility to let the world know and to put pressure on the Vietnamese Government with respect to Father Ly's incarceration.

In reaction to Father Ly's defense of human rights and his pronouncements on the need for religious freedom and nonviolent resistance, the Government of Vietnam branded him a traitor, a traitor, and prohibited him from carrying out his religious duties as a priest and sentenced him to 10 years of prison for ''damaging the government's unit policy.''

The imprisonment of Father Ly is not only a violation of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, it is a direct attack on each and every one of us who value human rights.

Mr. Speaker, I thank the gentleman from New Jersey, and I thank the gentleman from California for being such a strong supporter of human rights in the world, and I urge my colleagues to support this important resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. AKIN), and I thank him for his support on human rights in general and human rights in Vietnam in particular.

Mr. AKIN. Mr. Speaker, it is a pleasure to be able to join my colleagues today and to add my support for House Concurrent Resolution 378 calling for the immediate and unconditional release of father Thadeus Nguyen Van Ly.

Father Ly has peacefully campaigned for more than 30 years for religious freedom in his country, and he has called on the officials of that nation of Vietnam to allow churches to appoint their own leadership and to stop listing people's religious affiliation on their I.D. card, and to return property that was confiscated from the churches to those particular denominations and faiths.

Now, recently, Father Ly, as we have heard, has been sentenced to 15 years of solitary confinement, a very serious sentence, for merely advocating people having the right for free religious expression. That sentence has been mitigated by 5 years, still a 10-year sentence. In the brief time that he had to speak to his own family, he made the following statement: ''My duty and my conscience required me to fight for the freedom of our church. If I had realized those terrifying situations for our church and had not done anything, I would have been guilty before God. Now I think I have accomplished my duty, I do not feel sorry for myself.''

Father Ly, though he lives on the other side of the world, is in a sense a brother of each of ours. This is a personal affront that the Government of Vietnam has stood against those people who have the courage to allow people to express their own personal consciences.

It is particularly appropriate in this Chamber and at this time for us to recall the words of Madison on the subject of property. When property was discussed by our founders, they did not think so much of a piece of land or even of possession, but they thought of the property first and foremost and closest to the heart of all true lovers of freedom: It was the property of our own convictions, the property of our own soul, the property to be able to express our opinion and our devotion to whichever God it is that we would worship. And it is this fundamental, fundamental, heartfelt core of American belief which binds us to freedom-fighters all over the world and which calls us to strong condemnation of the Government of Vietnam, that they would trample people's right to worship and freedom under their feet with total disregard, and would lock a champion of freedom like this away for 10 years, away from his family, and harassing his family.

So I strongly add my support to the gentleman and his resolution, H. Con. Res. 378.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 378, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. 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. Con. Res. 378, the concurrent resolution just considered.

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

There was no objection.

RECOGNIZING THE 60TH ANNIVERSARY OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 91) recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944.

The Clerk read as follows:

H.J. RES. 91

Whereas on June 22, 1944, President Franklin D. Roosevelt signed into law the Servicemen's Readjustment Act of 1944, commonly known as the GI Bill of Rights;

Whereas the GI Bill of Rights provided education and training benefits to more than 7,800,000 United States veterans and subsequent Acts have provided those benefits to more than 21,500,000 United States veterans;

Whereas the GI Bill of Rights provided unemployment benefits, small business loans, and job counseling services to assist veterans with the transition from military service to civilian employment;

Whereas the GI Bill of Rights is credited with contributing to the robust recovery of the United States post-World War II economy, and is largely recognized as one of the most successful domestic programs of the United States;

Whereas the GI Bill of Rights, and subsequent Acts, established home loan programs for United States veterans which, since 1944, have guaranteed more than 17,500,000 loans, totaling aggregate loan amounts of more than $800,000,000,000, providing home ownership opportunities to millions of United States veterans and their families; and

Whereas the GI Bill of Rights, and subsequent Acts, have been recognized by political, business, sociocultural, and educational leaders as landmark pieces of legislation which have collectively contributed to the development of the United States middle class: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) supports the recognition of the 60th anniversary of the Servicemen's Readjustment Act of 1944, and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the 60th anniversary of the Servicemen's Readjustment Act of 1944 with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 91 would recognize the 60th anniversary of the Servicemen's Readjustment Act of 1944, popularly known as the GI Bill of Rights, arguably America's most successful domestic program ever.

In the decade following World War II, more than 2 million eligible men and women went to college using the GI Bill educational benefits. The result was an American workforce enriched by 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, 22,000 dentists, and another 1 million college-educated men and women. It is estimated that another 5 million men and women received other schooling or job training on the GI Bill, helping to create the modern middle class.

The original GI Bill exceeded all expectations and had enormous benefits beyond the immediate benefits given to our deserving war veterans. College enrollment grew dramatically in 1947. GI Bill enrollees accounted for almost half of the total college population, resulting in a need for more and larger colleges and universities. In New Jersey, Rutgers University saw its admissions grow from a pre-war high of 7,000 to almost 16,000 during the postwar decades.

Mr. Speaker, economic philosopher Peter Drucker looking at the GI Bill's historical impact noted ''The GI Bill of Rights, and the enthusiastic response on the part of America's veterans, signaled the shift to a knowledge society. In this society, knowledge is the primary resource for individuals and the economy overall.''

In fact, Mr. Speaker, a Veterans Administration study in 1965 showed that due to the increased earning power of GI Bill college graduates, Federal Government income tax revenues rose by more than $1 billion annually; and in less than 20 years, the $14 billion cost of the original program had been recovered. Further, the home loan portion of the original GI Bill of Rights was so successful that it is credited with creating the suburbs in America. Before the GI Bill, the great majority of Americans were renters. Now, most Americans live in their own homes.

Most importantly, the GI Bill transformed the working men and women of America, giving millions new opportunities they could only dream of before it was enacted.

Mr. Speaker, building upon this success of the original GI Bill, Congress approved a second education bill known as the Veterans Readjustment Assistance Act of 1952 during the Korean War, and then a third bill, the Veterans Readjustment Benefits Act of 1966 during the Vietnam War, and a fourth bill, the Veterans Educational Assistance Program for the post-Vietnam War era.

Finally, in 1985, Congress approved today's Montgomery GI Bill, or the MGIB, which was designed not only to help veterans transition into the workforce through education and training, but also to support the all-volunteer Armed Forces. All totaled, over 20 million men and women have used the VA educational benefits in the various programs since the first GI Bill in 1944.

Furthermore, the use of educational benefits as a recruitment tool has been one of the most spectacularly successful of all tools given to our Nation's military recruiters.

Mr. Speaker, when I was first elected chairman of the House Committee on Veterans' Affairs in January of 2001, the GI Bill needed to be updated. As a result of inflation and rising higher education costs, the monthly educational benefit was estimated to cover less than two-thirds of what would be required for a veteran student to attend a 4-year public college as a commuter student. GI Bill utilization rates were down under 50 percent, as far too many veterans concluded they simply could not afford to attend college or job training programs using GI Bill benefits.

With good, solid, bipartisan support in the House and Senate, along with a coalition of education and veterans leaders, I introduced the comprehensive legislation, H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001, now Public Law 107–103, which dramatically increased Montgomery GI Bill benefits. Signed by President Bush in December of 2001, this legislation boosted the total lifetime Montgomery GI educational benefit from $24,192 in December of 2001 to $35,460 today, an increase of $11,268, which goes directly towards education and job training for qualified veterans. This number is about a 46 percent increase when it was phased in over 3 years.

Already, the number of GI Bill users has risen dramatically by over 24,000 in the first full year of the higher benefit levels, from 289,894 in 2001 to 323,165 in 2002, an 11.5 percent increase after 3 years of declined usage. So in other words, it was going in the opposite direction in terms of utilization. That now has ratcheted upwards.

In addition to benefit increases over the past 4 years, Congress has also made dozens of other improvements to the GI Bill program through 32 separate provisions of law, including accelerated GI Bill payments for short-term, intensive, high-technology courses; two major increases in chapter 35 benefits for veterans' surviving spouses and their dependents; protection against loss of GI benefits resulting from mobilizations and deployments; use of the GI Bill for entrepreneurship courses offered through the Small Business Development Centers; and use of benefits for licensing and credentialing.

And, later this week, I am happy to say, Mr. Speaker, the Subcommittee on Benefits of the Committee on Veterans Affairs, chaired very admirably by the gentleman from South Carolina (Mr. BROWN), is poised to mark up H.R. 1716, the Veterans Earn and Learn Act, which I introduced along with my good friend and colleague, the gentleman from Illinois (Mr. EVANS), to modernize the VA's on-the-job training and apprenticeship programs.

Mr. Speaker, the late author Michael J. Bennett in his book, ''The GI Bill and the Making of Modern America'' wrote: ''The GI Bill was the legislation that made the United States the first overwhelmingly middle-class Nation in the world. It was the law that worked, the law whose unexpected consequences were even more than its intended purposes.''

I am pleased to join with the gentleman from Maine (Mr. MICHAUD), the prime sponsor of this resolution, and many others in writing this resolution,

and I strongly encourage all of my colleagues to support it. Let us have all of America celebrate a remarkable legacy that continues to give, a legacy given to us by the visionaries who crafted it, and the World War II veterans who converted its opportunities into the American dream.

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

□ 1700

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

I rise today in strong support of House Joint Resolution 91, and I encourage my colleagues to do the same. This joint resolution commemorates the 60th anniversary of the Servicemen's Readjustment Act of 1944, commonly known as the GI Bill of Rights.

On June 22, 1944, President Franklin Roosevelt signed into law the GI Bill of Rights establishing what many believed to be one of the most socially progressive and economically effective legislative measures ever passed by the United States Congress.

Former Senator Dale Bumpers of Arkansas has stated that he ''considers it to be the best single investment the Federal Government has ever made.''

A noted author, James Michener, said of the GI bill that he ''judged the law one of the two or three finest Congress has ever passed since our Constitution took effect.''

A congressional research study found that for every dollar invested in the GI bill, the country recouped between $5 and $12 through revenue generated by veterans taking advantage of the program's benefits.

Mr. Speaker, it is interesting to note that the GI Bill of Rights was originally drafted as an economic stimulus package, not necessarily as an education program. The GI bill benefits originally included education and training; loan guarantees for homes, small businesses and farms; unemployment pay of $20 a week for up to 52 weeks; and job training services.

Many social and political leaders of the day remembered the high unemployment, homelessness, and frustration faced by World War I veterans upon their return to a country in the throes of a deep economic recession. These leaders wanted to avoid the regrettable Bonus March on Washington of 1932, and they understood that nearly double the number of World War II veterans would return than after World War I.

It was essential to our Nation's welfare that action be taken to assist veterans' transition back into civilian life. What they did not realize was how popular and effective the education benefits were going to be under the new law.

Of the approximately 16 million individuals who served in World War II, the GI Bill of Rights provided nearly 7.8 million veterans with education and training benefits; 2.2 million veterans chose to study at the college and university level; and by 1947, half of all college students were veterans.

This influx changed the face of higher education. No longer was college limited to the upper class. Former servicemembers of all socio-economic classes, races, and religions broke open the doors of higher education, including nearly 60,000 women. The Greatest Generation went to college.

World War II veterans also had a tremendous effect on the housing market. With the assistance of the GI bill home loan benefit, many veterans purchased homes. By 1955, approximately 4 million home loans had been granted, and veterans and their families owned nearly 20 percent of all new homes built.

This housing boom allowed FDR's administration to stave off a post-war recession. The unemployment benefits, small business and farm loans, job training services, and education benefits allowed the Greatest Generation to successfully transition from soldiers to civilian leaders.

By 1956, the year the original GI bill expired, the Federal Government had invested over $14 billion in the program, and the veterans of our Nation made good on that investment. The Department of Veterans Affairs estimated that the increase in tax revenue of World War II veterans alone was several times the amount appropriated for the benefit.

Mr. Speaker, the GI Bill of Rights was unquestionably one of the greatest legislative accomplishments. It was a catalyst for the development of the United States middle class and provided our Greatest Generation with an opportunity to succeed. Indeed, the impact of the original GI bill continues today.

Subsequent related acts have provided education and training benefits to more than 21.5 million veterans and guaranteed more than 17.5 million home loans to veterans and their families. I know very well that the GI Bill of Rights and subsequent acts have provided many generations of veterans in the State of Maine quality benefits and an opportunity to succeed.

Mr. Speaker, it is fitting that today we come together in this great body to recognize and celebrate the 60th anniversary of the GI Bill of Rights. I encourage all Members to recognize the importance and power of this law and to continue to work together to provide our veterans the quality benefits that they earned through their service to our Nation.

This joint resolution deserves the support of all Members.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN), the distinguished chairman of our Subcommittee on Benefits.

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time.

Mr. Speaker, I join with the gentleman from Maine (Mr. MICHAUD) and the gentleman from Illinois (Mr. EVANS) and the gentleman from New Jersey (Mr. SMITH) in asking my colleagues to support House Joint Resolution 91.

This resolution would recognize through ceremonies and other educational activities the 60th anniversary of the World War II GI Bill of Rights, probably the most successful domestic legislation this Chamber has ever written.

History tells us that much of America's post-World War II motivation was concern over another depression. When 12 million of our demobilized troops came home to an uncertain economy as the mills of war stopped grinding and the United States undertook a massive rebuilding effort in Western Europe and Japan, our great Nation showed remarkable vision.

The Congress gave veterans an opportunity to go to college, sort of an economic cubby hole for them, as we transformed our economy from one of wartime to one of peacetime focus.

Our fellow Americans who selflessly saved the world from tyranny and dictatorship excelled in college because they were already veterans of what author Michael Bennett has referred to as ''America's most demanding prep school,'' the wartime military. World war II veterans attended college and other forms of training in droves, some 7.8 million strong under the GI bill.

Disciplined by duty and enlightened by experience, World War II veterans changed America's higher education dramatically because they did something that was very unusual in an agrarian-based economy: they went to school year around. James Conant, former president of Harvard, noted that former GIs are the best students Harvard has ever had.

Veterans took our economy to new heights of prosperity. In fact, economists credit the veterans themselves with repaying the $14.5 billion cost of the World War II GI bill. By 1960, they paid it off through the additional taxes on their increased earning power as doctors, teachers, engineers, entrepreneurs, civil servants and leaders of business, industry and labor.

Mr. Speaker, this resolution is about their inspiring story. I urge my colleagues to support House Joint Resolution 91.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the committee.

Mr. EVANS. Mr. Speaker, I rise in support of this resolution, and I want to thank the chairman of the full committee for bringing it to the floor today, and I want to thank the chairman of our subcommittee and the Democratic side for their hard work in bringing this together and this important resolution that I hope this House will pay close attention to.

Mr. Speaker, the Servicemen's Adjustment Act of 1944, or as most people

call it, the act of the GI Bill of Rights, was signed into law by President Franklin Delano Roosevelt nearly 60 years ago on June 22, 1944. The Nation was fighting World War II in the Pacific and the European theaters, and the civilian population came together like no other time in our history to support the war effort on the home front. It truly was the Greatest Generation of our veterans.

This joint resolution is a timely tribute to one of the most important legislative measures passed into law, and the men and women who returned home to build and strengthen our economy and our society. The GI Bill of Rights sets the standard for how all other comparable legislation should be measured.

Because of it, millions of young soldiers returning from the war went to college, an opportunity unimaginable to many before. In fact, just from the chairman's home State, Peter Rodino attended an institution as a result of the GI bill. Richard Nixon, John Kennedy, I guess John Kennedy did not need as much help with the resources that he had, but it has helped dozens of other people. So that the majority of the Congress in the year 1946 was comprised of World War II veterans, and I just think it shows us how good it is.

I stand before my colleagues as one recipient who used my GI bill benefits for education and for housing opportunities. So I am very thankful, and I think the Nation should be proud of itself for doing something so right at that important time.

Mr. Speaker, I stand before my colleagues, like so many other veterans, as a beneficiary. That is why I support this joint resolution, and I urge my colleagues to support this measure to commemorate the 60th anniversary of the GI Bill of Rights, and I want to thank Sonny Montgomery for making sure that we had this review and he with us today, if not in his presence, in our prayers and thoughts.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS), the distinguished chairman of our Subcommittee on Health.

Mr. SIMMONS. Mr. Speaker, I thank the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey, for extending to me time; and I rise in support of House Joint Resolution 91, which supports the recognition of the 60th anniversary of the Servicemen's Readjustment Act of 1944, more popularly known as the GI bill, which transformed our country immediately after World War II and brought the American dream to life.

It is my understanding that during an emergency meeting of the American Legion leadership in 1943, Harry Colmery, a former national commander, crafted the initial draft of the GI bill on hotel stationery at the Mayflower Renaissance Hotel. President Franklin Roosevelt signed the GI bill on June 22, 1944.

The bill put the dream of a college education within grasp of all of the veterans who came back from World War II who had served 90 days or more, and they qualified for up to $500 per term for vocational school or for college.

In my home State of Connecticut, at the University of Connecticut, over 8,000 students enrolled during the period 1946 to 1947, four times the number registered in the period shortly preceding the war.

When we think, Mr. Speaker, of the GI bill, we should not just think of the Greatest Generation. We should think of the many tens of thousands of veterans who since that time have taken advantage of the GI bill; veterans, like myself, returning from service in Vietnam and seeking additional education and then also my wife and I coming here to Washington, D.C., in the early 1970s and looking for a house to buy and appealing to the GI bill to assist us so that not only the dream of an education and the dream of a better job but the dream of homeownership came home to us because of the GI bill.

It makes me proud, Mr. Speaker, to be a life member of the American Legion, knowing that it was the American Legion that initiated this incredible transforming program for America's veterans.

I am excited to join my colleagues from the Committee on Veterans' Affairs here today to celebrate the 60th anniversary of this wonderful piece of legislation, and I thank my colleague, the gentleman from Maine (Mr. MICHAUD), specifically for introducing this resolution.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for his leadership on this and join with my colleagues in calling for this resolution, which commemorates the 60th anniversary of the GI Bill of Rights.

As the speakers before said, this is a perfect example of responsible and progressive government, and it was truly an economic stimulus package of far-reaching impact. Many authorities indicate that passage of this GI Bill of Rights paid for itself many times over and largely contributed to the post-World War II economic recovery.

Millions of veterans were helped in their transition from soldier to citizen through unemployment compensation, education benefits, and down payment on houses.

The chairman of the committee referred to the creation of the modern middle class. I can well remember after my father volunteered in World War II, the working-class family that I was a part of had to move in with relatives and was renting a very small apartment.

□ 1715

After he came home, I remember 55 years later the incredible feeling of being able to move into our own home for the first time in our lives. With a few thousand dollars down payment, and with the new homes that were constructed by Levitt in New York, the American dream was made possible for working-class families, such as my own, with the help of the GI Bill of Rights. I will tell you that having a sense of your own home was incredibly beneficial to my own family.

So it is appropriate as we approach the 60th anniversary of the bill's enactment that we look back and celebrate the accomplishments of the greatest generation. I would hope also that as we think about this GI bill, we look forward as well. We must honor the sacrifices of the men and women who make up the greatest generation, I think, by investing in the current generation of servicemen and women and provide them the necessary resources so they can succeed and continue the legacy of this greatest generation.

There are a lot of ways to do that. The chairman of the committee, the ranking member of the committee, have bills, for example, to make mandatory the funding of our health care system rather than rely on the appropriations process each year, where we fall behind, further and further, on the adequate health treatment of our veterans. We must get this on to a mandatory funding kind of scheme so we can give our veterans the health care they deserve.

The education provided for in the GI bill that we are celebrating today must be improved upon. We have tried to take steps forward, but right now it pays only $985 a month to veterans who are attending college. And that does not go too far. There is legislation, such as H.R. 1713, the Montgomery GI Bill Improvements Act, that returns the GI bill to its original intent that we are celebrating today by providing full tuition to a public institution of higher learning, and books, fees, and a living stipend for veterans who are students.

Interestingly enough, did my colleagues know there is one group in World War II who were denied their rights under this GI bill that we are celebrating today? The Merchant Marines. The Merchant Mariners of World War II did not come under this bill we are celebrating. They suffered the highest casualty rate of any of the branches of service, and we might say have become the forgotten service. No legislation was passed by this Congress to address their needs until 1988, when they too were granted a watered-down version of the GI Bill of Rights.

I have legislation, H.R. 3721, it is called The Belated Thank You to the Merchant Mariners of World War II, which will grant them compensation to partially, because we can never really make up for it, the 40 years they went without benefits that we are celebrating today, benefits that could have

provided them, too, with an education and a home loan and a small business loan.

Other steps that we can take. We have a discharge petition number 8 sitting beside me that would help widows of veterans to achieve some measure of dignity in their old age. Those widows of servicemen and servicewomen who paid years into the Survivors Benefit Program will only get 35 percent of the retirement pension when they reach age 62. This is not sufficient for people to live on. This is not a sufficient thank-you for those who have been part of a family that have contributed to our Armed Forces and to our Nation's security.

So let us think as we celebrate the 60th anniversary of the GI Bill of Rights and celebrate that wonderful act, let us rededicate ourselves to the task that we have today. Let us honor past veterans by truly honoring present and future veterans in the best way possible by living up to the promises made by a grateful Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank my good friend and the chairman, the gentleman from New Jersey (Mr. SMITH), and my colleague on the Committee on Veterans' Affairs, the gentleman from Maine (Mr. MICHAUD), for his great leadership as the ranking member of the Subcommittee on Benefits.

Mr. Speaker, 60 years ago this June, President Franklin D. Roosevelt signed into law one of the most extensive veterans packages to date: the Servicemen's Readjustment Act of 1944, commonly known as the GI Bill of Rights.

While our troops were fighting in World War II, the Department of Labor estimated that after the war 15 million men and women who had been serving in the Armed Services would be unemployed. To reduce the possibility of postwar depression, a series of programs for educating and training American troops were designed and recommended to Congress by the American Legion.

Although some felt that the GI bill was too expensive and would lower standards in education, the Congress quickly passed the measure. Now the GI Bill of Rights is credited with contributing to the strong recovery of the United States post-World War II economy, and is recognized as one of the most successful domestic programs in the United States.

The GI bill put higher education within the reach of millions of World War II veterans. Starved for students during World War II, college campuses were suddenly overcrowded. The percentage of college-aged men and women grew. Students who had previously been told they were not college material were able to rise to the academic challenge. And most important, the GI bill accelerated the number of college-educated Americans.

In the last 60 years, more than 21 million veterans have been able to take advantage of the benefit included in the GI Bill of Rights. Another important provision of the GI bill was the billions of dollars provided to veterans to purchase homes and to start small businesses. These loans allowed the majority of Americans to transform from renters to homeowners, and the backbone of our economy, America's small businesses, prospered.

The GI Bill of Rights has been amended several times through the years, but the goal has remained the same, providing our veterans with a variety of benefits. And for this we thank those who allowed and who had the vision to pass forth this particular piece of legislation. And we thank our veterans for their service.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume, and, in closing, I do want to thank the good gentleman from New Jersey (Mr. SMITH), the chair of the committee, as well as the ranking member, the gentleman from Illinois (Mr. EVANS), and the chair of the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN), for all the hard work that they do dealing with veterans' issues, as well as staff on both sides of the aisle. They work very well together. I do want to thank staff on both sides of the aisle for their hard work in making sure we do what is right for the veterans here in this country.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I could finally thank the gentleman from Maine (Mr. MICHAUD) for his sponsorship of this resolution. It is very timely and extremely appropriate. I thank him for his work on the subcommittee and, of course, thank the gentleman from Illinois (Mr. EVANS), our ranking member, for all of his cooperation. We do things in partnership, and it is greatly appreciated, and I think the veterans benefit from that kind of bipartisanship.

The gentleman from Connecticut (Mr. SIMMONS) made the point, and I think it was very well taken, about the great role the American Legion played in drafting this legislation. At the time, there was talk of maybe giving a $500 bonus to the returning GIs. Then out of the blue, pretty much, Harry Colmery, who was the American Legion National Commander in 1936, a World War I veteran, crafted, as the subcommittee chairman pointed out, on Mayflower stationery this fine concept and practically wrote the GI bill at the Mayflower Hotel. It was quickly grasped by Members of Congress and the President as an extraordinarily good idea, and it really did create the modern-day middle class.

One of the things I do when I wear my international affairs hat, as chairman of the Commission on Security and Cooperation in Europe, is to strongly encourage the Eastern European countries, the Russians and others, that if you want a stable middle class, this landmark legislation crafted by the American Legion, and certainly pushed through to completion by the Congress at the end of the world war, is the way to go. It is historic and truly landmark legislation that has profound positive implications and consequences.

I think recognizing it the way we are today is very proper and fitting, and again I want to thank the gentleman from Maine (Mr. MICHAUD) for that.

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

The SPEAKER pro tempore (Mr. HAYES). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the joint resolution, H.J. Res. 91.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MICHAUD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE VETERANS WHO SERVED DURING WORLD WAR II, THE AMERICANS WHO SUPPORTED THE WAR, AND CELEBRATING THE COMPLETION OF THE NATIONAL WORLD WAR II MEMORIAL

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 409), recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia.

The Clerk read as follows:

H. CON. RES. 409

Whereas the National World War II Memorial on the National Mall in the District of Columbia will be the first national memorial to both recognize the courage, bravery, and unselfish dedication of the members of the United States Armed Forces who served in World War II and those who served on the home front and acknowledge the commitment and achievement of the entire American people in that conflict;

Whereas World War II veteran Roger Durbin of Berkey, Ohio, first proposed the construction of a National World War II memorial, and Congresswoman Marcy Kaptur of

Ohio introduced legislation to establish the memorial in the District of Columbia to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war;

Whereas, in Public Law 103–32 (107 Stat. 90; 40 U.S.C. 8903 note), approved May 25, 1993, Congress authorized the American Battle Monuments Commission, an independent Federal agency, to design and construct the memorial;

Whereas the location selected as the site for the memorial, the Rainbow Pool site on the National Mall at the east end of the Reflecting Pool between the Lincoln Memorial and the Washington Monument, was dedicated on November 11, 1995;

Whereas, in an open competition, the American Battle Monuments Commission selected Friedrich St. Florian as the design architect for the memorial, and his final architectural design was approved by the Commission of Fine Arts, the National Capital Planning Commission, and the Secretary of Interior;

Whereas the late Representative Bob Stump of Arizona, who served as Chairman of the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives, sponsored several measures to expedite the funding and construction of the memorial, which were enacted as sections 601, 602, and 603 of Public Law 106–117 and Public Law 107–11;

Whereas after eight years of planning, six years of public deliberation, and four years of fund raising, construction began on the memorial in September 2001;

Whereas the memorial would not have been possible without the efforts and dedication of National Chairman Senator Robert J. Dole and National Co-Chairman Frederick W. Smith, who were instrumental in raising over $194,000,000 for the construction of the memorial;

Whereas these generous contributions came from hundreds of thousands of individual Americans, as well as corporations, foundations, veterans groups, fraternal and professional organizations, States, communities, and schools;

Whereas actor Tom Hanks, the Advertising Council, and the History Channel played a key role in increasing public awareness of the heroic achievements of American World War II veterans and the war effort and in raising support for the memorial;

Whereas President George W. Bush will formally dedicate the memorial on May 29, 2004;

Whereas the memorial will be a monument to the selfless sacrifice and undaunted courage of the members of the United States Armed Forces who served in World War II and a place of remembrance to honor the more than 400,000 American servicemen and servicewomen who died in that conflict defending the United States; and

Whereas the memorial will be a source of inspiration for current and future generations of Americans, giving visitors to the memorial a new appreciation for the accomplishments of America's World War II generation, which united in the quest to free the world from tyranny: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrates the completion of the National World War II Memorial on the National Mall in the District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the prime sponsor of the resolution.

Mr. MORAN of Kansas. Mr. Speaker, I thank the chairman very much for yielding me this time and for his leadership not only on this issue today, the previous one, but all the many things he does on behalf of our country's veterans. I am delighted to join him as a member of his committee here today on a resolution that I introduced, H. Con. Res. 409, which recognizes the men and women who served during World War II, those who died defending our freedom, and the millions of Americans who supported the effort on the home front.

This resolution also celebrates the completion of the National World War II Memorial here in our Nation's Capital, on the Mall between the Washington Monument and the Lincoln Memorial, which will be dedicated on May 29. Veterans who served in World War II and their families have made a tremendous sacrifice for this country, and I am proud to be involved in honoring those men and women with this memorial.

I am also proud to be from a State that has been home to many prominent members of our military, including the gentleman just described in the previous bill, Mr. Colmery, who was a Kansan, and who wrote out the GI Bill of Rights on a napkin here in Washington, D.C. But also two that come to mind today, General Dwight D. Eisenhower, from Abilene, Kansas, and Senator Robert J. Dole of Russell, Kansas.

General Eisenhower rose quickly through the ranks of the military, and during World War II he achieved the rank of a five-star general. He served as the Commander of Allied Forces in our landing in North Africa in November of 1942, and on D-Day he served as Supreme Allied Commander of our troops that began the battle for Europe. General Eisenhower's dedication and sacrifice made a significant difference and brought about the freedoms that we enjoy today as Americans.

A soldier from Russell, Kansas, Second Lieutenant Bob Dole, also fought for freedom and served under General Eisenhower's command. Second Lieutenant Dole served in World War II in the Allied liberation of Northern Italy and was twice wounded and decorated for heroic achievements.

Both General Eisenhower and Senator DOLE achieved greatness on the battlefield and in public service. Senator DOLE is recognized in this resolution for his contribution in making the National World War II Memorial possible. Through his fundraising efforts as the national chairman, Senator DOLE played a crucial role in raising more than $195 million in private money pledges to construct this memorial.

All in all, Kansas is proud to be home of approximately 40,000 World War II veterans, and I am honored to be here today to pay tribute to them and to recognize the contribution they made for me and my family and for all those Americans who fought for our great country.

□ 1730

I am honored to be serving in Congress with a number of World War II veterans, my colleagues, the gentleman from North Carolina (Mr. BALLENGER), the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. HALL), the gentleman from New York (Mr. HOUGHTON), the gentleman from Illinois (Mr. HYDE), and the gentleman from Ohio (Mr. REGULA), a group of men who fought the battles of World War II who now serve with distinction in the United States Congress. I would also like to acknowledge the gentlewoman from Ohio (Ms. KAPTUR), who with her foresight and commitment over many years brought about the legislation that establishes this memorial honoring our World War II veterans.

Mr. Speaker, I put my tennis shoes on today and walked to the World War II Memorial this afternoon. It is a tremendous tribute to our Nation's veterans. If it has the impact it had upon me this afternoon, it will be a fitting memorial to those who served our country so well.

In fact, my father, another Kansan, an 89-year-old former staff sergeant from World War II, received a call from his son today, something I have never said before to my dad, Dad, I love you, I am proud of you, I thank you for your service to our country, you are to be honored as a World War II veteran at this memorial, and it means a lot to me and my family to know you and others, all who served like you, have made a difference so important to all the rest of us.

So I am proud to sponsor H. Con. Res. 409, and I thank the Committee on Veterans' Affairs and the Committee on Resources for their support of this resolution, and I ask my colleagues and all fellow Americans to join me in recognizing the contributions and sacrifices of our Nation's veterans, the contributions they have made to protect this Nation and defend our way of life, and acknowledge all those who made the World War II memorial possible.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 409. This important resolution recognizes the service and sacrifice of our World War II veterans, the domestic contributions of Americans in support of the allied victory, and celebrates the completion of the National World War II Memorial located on the National Mall here in Washington, D.C.

I thank the gentleman from Kansas (Mr. MORAN) for his work on this resolution, as well as all of my colleagues who assisted in its drafting. I especially thank the gentlewoman from Ohio (Ms. KAPTUR) for all of her work and perseverance to ensure the establishment of the National World War II Memorial and for her hard work on behalf of the many veterans in the great State of Ohio.

Most importantly, I thank and express my gratitude to all of the World War II veterans. Without their efforts and sacrifice, this world would be a quite different place. This resolution is indeed important and appropriate as we prepare to dedicated the National World War II Memorial. Not only does it recognize the heroic veterans of World War II, but it also commends the individual and collective contributions that American citizens have made on the homefront in support of the Nation's war effort. This memorial that we will soon dedicate and celebrate will stand before us as a reminder of the great sacrifices and the great triumphs of the Greatest Generation.

I am proud and humble to represent the 17th Congressional District of the State of Ohio where many veterans of World War II reside. This resolution is for them and all of those who have fought to protect this great country, and I thank them.

Mr. Speaker, I support this measure, and I urge all Members to do the same.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first thank the gentleman from Kansas (Mr. MORAN) for sponsoring this important resolution and for his touching remarks and great work on behalf of the Nation's veterans. It is appreciated by this chairman and many others.

I also want to say I rise in strong support of this resolution which celebrates the completion of the National World War II Memorial on the National Mall here in Washington. More than 16 million Americans served in the armed forces, including my own father who saw horrific action in New Guinea, and he ended up in the Philippines at the end of the war. Very, very rarely would he even talk about it unless my brothers and I really prodded him for details. He finally wrote a lot of it out, which makes for some very disturbing but important reading for any son or daughter who had a father who fought in World War II.

This great memorial will crown that achievement because certainly all of our fathers and mothers who participated in the war effort, whether here at home or abroad or in any way who were a part of that great effort, know that without them we would have been, unfortunately, perhaps saluting the Nazi salute or been part of Imperial Japan; and we know the terrible things that they did during World War II.

This is a fitting tribute I think to the peacemakers, the men and women who answered the call and did so so gallantly. More than 400,000 of our GIs lost their lives in World War II. As I said, virtually every American rose to the challenge, and that is why they are the Greatest Generation, as said Tom Brokaw.

This is the first national memorial built to honor all of the dedicated Americans who served during World War II. It stands as a monument to the spirit, sacrifice, and commitment of the American people to the defense of the Nation and really the defense of the world, because without intervention of the United States and the great leadership of Presidents Roosevelt and then Truman, the world would have been lost to tyranny.

Someone said freedom is not free, and nothing could have been more appropriately said by that generation in standing up against tyranny.

This resolution recognizes the leadership of Bob Stump, who as chairman of the Committee on Veterans' Affairs and the Committee on Armed Services, authored legislation to expedite the funding and construction of the memorial. Bob's family must certainly be proud of his role in expediting this memorial and his own valiant service during World War II.

It also recognizes the good work of the gentlewoman from Ohio (Ms. KAPTUR) in helping to bring this memorial about. In 1993, we all know Congress passed legislation that authorized the American Battle Monuments Commission, an independent Federal agency, to design and to construct a memorial. After years of planning, public deliberation and fundraising, construction began in September of 2001. Funded primarily with extensive private contributions, the memorial is located within tennis-shoe distance, according to the gentleman from Kansas (Mr. MORAN), at the east end of the Reflecting Pool between the Lincoln Memorial and the Washington Monument. This prominent location is commensurate with the historical importance and lasting significance of World War II to America and to the world.

On May 29, nearly 59 years after the end of World War II, President Bush will dedicate this fitting memorial, and this ceremony may well be the last large gathering of World War II veterans, and it will be very well attended, I am sure.

Mr. Speaker, I thank the gentleman from Kansas (Mr. MORAN) for sponsoring this timely resolution.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his leadership and for the gentleman's work on the previous resolution on Vietnam human rights today, and also those people who fought in the past for our freedoms that we have today.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Ohio (Mr. RYAN) for yielding me this time on this important resolution, and I thank the gentleman from Kansas (Mr. MORAN) for deciding to do this, because it is extremely important.

Mr. Speaker, for over 50 years America's Greatest Generation has been waiting for a memorial to call their own. Although we have many great monuments in our Nation's capital, we lacked a tribute to one of our country's most defining moments. It is with great honor that I stand before this body today to pay tribute to the more than 60 million veterans who served in the United States Armed Forces during World War II. Among them was my father-in-law, Daniel Pena, and many more, relatives and uncles and cousins. I also pay tribute to those Americans who supported the war effort in the home front.

After 8 years of planning, 6 years of public discussion, 4 years of fund-raising and 3 years of construction, we can finally say America's Greatest Generation has won their final battle to have a national monument commemorating their many sacrifices.

It is estimated that our country suffers the loss of more than 1,000 World War II veterans each day. Many of these veterans were new soldiers with very little fighting experience. Many of them were teenagers. All of them were heroes. During this time, Americans were willing to set aside their differences in order to defeat tyranny. The building of this national monument is another way for us to show America's Greatest Generation that their sacrifice was not done in vain.

During Memorial Day weekend, the largest gathering of World War II veterans since 1954 is expected to visit our Nation's capital for the official dedication of the World War II Memorial. Similarly, veterans throughout the country will gather at their local VFWs and American Legion halls to pay respect to the local World War II veterans. As these gatherings occur, it is my hope that Congress continues to support all veterans by providing them with adequate health care and services. It is the least we can do for the Greatest Generation before us.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS), and a personal friend of mine.

Mr. EVANS. Mr. Speaker, although no resolution or parade will ever be able to express our appreciation enough to our World War II veterans, this resolution is indeed an honorable effort.

Mr. Speaker, the World War II era was a decisive time for our Nation and the world. Sixteen million American

men and women served in uniform, and many more came together at home to support the war effort. The men and women of the Greatest Generation, along with our allies around the world, stood up and turned back fascist tyranny and extremism in Japan.

The World War II memorial soon to be dedicated on the National Mall in Washington, D.C. will be the culmination of many efforts. Its dedication will provide us an opportunity to revisit the history and sacrifices that our World War II veterans made, the civilian home-front efforts, celebrate the American spirit and high ideals. I support this resolution and urge my colleagues to do the same.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise today to support H. Con. Res. 409, a resolution in recognition of the veterans of World War II and celebrate the completion of the National World War II Memorial.

As one of the 12 Members of Congress who is a veteran of World War II, I am proud and pleased that our Nation will be dedicating this World War II memorial on May 29. The memorial is a beautiful and solemn tribute to the 16 million men and women who served, the 400,000 Americans who died, and the millions who supported the war effort at home.

Ours has been called the Greatest Generation, but in reality our parents were the great ones because they survived two wars and a depression, and understood the importance of work and sacrifice. They instilled in the World War II generation a sense of duty that mobilized our country into action and ultimate victory.

While we are engaged in wars overseas, it is fitting I think to pause and remember the selfless sacrifice and the courage of the members of the United States armed services. Like the men and women currently serving, soldiers' valiant efforts in World War II helped secure the freedoms we enjoy today and secured America's leadership throughout the world.

This will be a monument not only for the World War II generation, but also for our children and our grandchildren. I am hopeful that Americans will visit this site for years to come and take time to honor those throughout the ages who answered the call to duty. They did not seek war, but rather yearned for peace and for liberty.

□ 1745

Mr. RYAN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR) who initiated this whole process.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Ohio very much for yielding time and am pleased to join with him, the gentleman from Kansas (Mr. MORAN) and all the other Members of this body who have sponsored this wonderful resolution to officially now recognize the contributions of the American people to the victory of liberty over tyranny in World War II.

Of course, there will be major Memorial Day celebrations in our country on May 29, indeed the entire week prior, and during that weekend to especially commemorate this Memorial's dedication. I come to the floor this evening to pay honor and tribute to the 16 million Americans who literally bequeathed freedom to us, as well as to all those who served on the home front. If you go down to the memorial today, which has taken 17 years to complete, it is really very poignant to talk to family members who are strolling through the plaza. I met a family last week, a son pushing his father, a World War II veteran, in a wheelchair. All the memories and all of the history come rushing at us. This idea began in 1987 in a place called Jerusalem Township, in the Trustees hall, at the Annual Lucas Township Trustees' fish fry when a wonderful veteran by the name of Roger Durbin approached me. Actually, he shouted at me across the room and said, ''Congresswoman Kaptur, Why is there no World War II memorial in Washington, D.C. where I can bring my grandchildren so they understand the reasons that we fought and how the world was changed? From that moment until May 29, now nearly two decades later, every effort was put forward to properly represent the enormous contribution of the 20th century in bequeathing freedom to the next generation.

This memorial will sit between the Washington Monument, representing the founding of our Republic in the 18th century, and the Lincoln Memorial, representing the preservation of the Union in the 19th. This sits between them is a beautiful, reflective, peaceful expression, including waterfalls and 4,000 stars, each representing 100 of those who lost their lives for us and for the cause of freedom. As the tourists have begun coming through, now they tell me at the rate of 5,000 per day, it will be one of the most visited memorials. It is also the most important memorial in our nation's Capital representing the 20th century's most profound achievement. It is located where it belongs, right there on our Mall of Democracy.

And so we prepare for these great patriotic celebrations. Our deepest regret as we celebrate this moment is that so many of those who fought and those who served on the homefront will not be there with us. I also know that every single veteran or their family members who will come here on May 29 will first think not of themselves but of their comrades and their family members and their friends who are not here, and who will not be able to be here.

I just want the American people to know that as we pass this resolution today, I want to acknowledge the presence in our Chamber today of the gentleman from Illinois (Mr. EVANS) and the gentleman from New Jersey (Mr. SMITH), both involved in the Committee on Veterans' Affairs from the very beginning of our service here. I want to acknowledge Congressman Sonny Montgomery and Congressman Bob Stump. Bob has passed. Sonny I know will be with us. Both were key chairs of the Committee on Veterans' Affairs when we passed the two key parts of legislation that made this memorial possible. It took 10 Congresses to get this job done, two decades to get this job done right. Other members who helped in their capacities as committee chairs were Bill Clay of Missouri who is retired, Henry Gonzalez of Texas who has passed, and Esteban Torres of California, who assisted us on the bill related to the coinage, that is, the minting of three coins that raised the initial $7 million to help us begin the architectural and engineering studies. Speaker Jim Wright and Congressman Jack Brooks, both war veterans themselves when we first introduced this legislation back during the 1980s. And in the other body Senators John Glenn, now retired, and Senator Strom Thurmond who has passed, and of course Senators Bob Dole and JOHN WARNER.

All of these individuals were a part of those early years. Let me mention also Congressman John Grotberg of Illinois, who preceded the current Speaker in this institution, and was so important in helping us bridge the partisan line here to expedite these bills' passage. To his wife and to his family, I wish to assure that he is mentioned respectfully in our proceedings here today.

I also wanted to mention to all veterans who may be listening, and to their families, that as part of this memorial, in fact right adjacent to it, there is going to be in perpetuity, run by our Department of Interior, a veterans' legacy section where you can place the name of your loved one, whether they served in battle or here on the home front. So families can take that information and help record for history of what their loved one did doing World War II. When you enter the site, there is a facility being operated by the Department of Interior with three computer terminals now where families of our country can tell the whole story of America's participation.

This has taken a long time. But we look forward to the moment on May 29 when this entire Nation will say ''Our thank you to the most unselfish generation in American history . . . a grateful Nation remembers.''

Mr. RYAN of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I would like to recognize the gentlewoman from Ohio for her work on this legislation. It was 20 years ago. We were both freshmen. She has stuck with this issue and pounded away. I am so proud of her

and what she represents. It really tells me what kind of job she is doing as a Congresswoman. I thank the gentlewoman. Just so all the veterans in our country know that she made it happen more than anybody else.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. EVANS. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, let me just say that the gentleman from Illinois is a combat veteran. I am not. I have many in my family who have been, including those who served in World War II. I have the highest respect for the gentleman from Illinois. If anyone represents perseverance and honesty and integrity in this institution, it is he. It is my privilege to serve with him.

Mr. EVANS. I thank the gentlewoman.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute. I would like to thank the gentleman from California (Mr. POMBO) chairman of the Committee on Resources, which also has jurisdiction, for allowing this resolution to be considered on the floor in such a timely fashion.

I include the following letter from the Committee on Resources as part of the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, May 5, 2004.

Hon. CHRISTOPHER H. SMITH,
Chairman, Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Veterans' Affairs wishes to schedule for rapid Floor consideration H. Con. Res. 409, recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia. This bill was referred primarily to your committee and additionally to the Committee on Resources.

I have reviewed the legislation and have no objection to its consideration. In fact, I have asked the author to add me as a cosponsor before the bill is voted on by the House of Representatives. Therefore, I have no objection to the Committee on Resources being discharged from further consideration of the bill. Of course, this action should not be construed as waiving the Committee on Resources' jurisdiction over the bill or as precedent for other bills. In addition, if a conference on H. Con. Res. 409 should become necessary, I ask that you support my request to have the Committee on Resources be represented on the conference. Finally, because no bill report will be prepared on the legislation, I ask that you include this letter and any reply in the Congressional Record during consideration of H. Con. Res. 409.

I congratulate you and Mr. Moran for producing a timely and thoughtful bill and I look forward to working with you again on other matters of mutual interest.

Sincerely,

RICHARD W. POMBO,
Chairman.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield myself 30 seconds just to say that as a Member of this body who arrived here at 29 years old, a member of the generation or two to follow the greatest generation, I would just like to thank all of the veterans who gave us this great system that we have, where young men and young women from all over this country can run for office and get voted on by their community to come down here and represent their views. We have a tremendous system here that was achieved by great sacrifice from those who came before us. Again, I thank everyone who has brought forth this particular resolution and the World War II Memorial that we will be celebrating here in the next few weeks.

Mr. KIND. Mr. Speaker, I rise in support of H. Con. Res. 409, which recognizes the 16 million Americans who served in the Armed Forces during World War II and the millions more who supported them at home. As the dedication of the National World War II Memorial and the 60th anniversary of D–Day approach, our country will rightfully be thinking of those Americans who bravely gave or risked their lives to a great cause.

I remain in awe of this generation, of men who accepted the call to travel around the world to spend years fighting in the Asian and Pacific theaters, and of women who kept the country running by assuming jobs in factories, growing victory gardens, and serving overseas in the Women's Army Auxiliary Corps and other capacities.

It has been my good fortune to spend some time with veterans and their families in my home district of western Wisconsin, and I always enjoy hearing their stories of wartime. In fact, it was the experience of listening to my uncle, a World War II veteran, that inspired me to introduce legislation creating the Veterans Oral History Project. Almost 4 years after becoming public law, the Veterans History Project at the Library of Congress has collected 16,000 stories and is working at a feverish pace to collect more everyday. This living legacy is testament to the millions of Americans who sacrificed so much during World War II.

Now, almost 60 years after the end of the war, a monument has at last been built in our Nation's Capital that pays tribute to the generation that fought and won World War II. The monument, set in the middle of the National Mall between the Lincoln Memorial and Washington Monument, will remind all visitors to the city that World War II was the defining event of the 20th century and the seminal point for what is often and aptly called "the Greatest Generation."

Mr. SMITH of Michigan. Mr. Speaker, H. Con. Res. 409 resolves that Congress recognizes with humble gratitude the more than 16 million veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrates the completion of the National World War II Memorial on the National Mall in the District of Columbia.

The National World War II Memorial on the National Mall in the District of Columbia will be the first national memorial to both recognize the courage, bravery, and unselfish dedication of the members of the United States Armed Forces who served in World War II and those who served on the home front and acknowledge the commitment and achievement of the entire American people in that conflict. Many of my family and friends that served in World War II suggested to me some kind of a National World War II memorial. I join with my friend Congresswoman MARCY KAPTUR of Ohio who introduced legislation to establish the memorial in the District of Columbia to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

Congress authorized the American Battle Monuments Commission to design and construct the memorial. The location selected as the site for the memorial, the Rainbow Pool site on the National Mall at the east end of the Reflecting Pool between the Lincoln Memorial and the Washington Monument, was dedicated on November 11, 1995. In an open competition, the American Battle Monuments Commission selected Friedrich St. Florian as the design architect for the memorial, and his final architectural design was approved by the Commission of Fine Arts, the National Capital Planning Commission, and the Secretary of the Interior.

The late Representative Bob Stump of Arizona, who served as Chairman of the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives, sponsored several measures to expedite the funding and construction of the memorial, which were enacted. After 8 years of planning, 6 years of public deliberation, and 4 years of fund raising, construction began on the memorial in September 2001.

The memorial would not have been possible without the efforts and dedication of National Chairman Senator Robert J. Dole and National Co-Chairman Frederick W. Smith, who were instrumental in raising over $194,000,000 for the construction of the memorial. These generous contributions came from hundreds of thousands of individual Americans, as well as corporations, foundations, veterans groups, fraternal and professional organizations, States, communities, and schools. Actor Tom Hanks, the Advertising Council, and the History Channel played a key role in increasing public awareness of the heroic achievements of American World War II veterans and the war effort and in raising support for the memorial. President George W. Bush will formally dedicate the memorial on May 29, 2004.

The memorial will be a monument to the selfless sacrifice and undaunted courage of the members of the United States Armed Forces who served in World War II as well as a tribute to their families and most Americans that joined in the war effort. It is a place of remembrance to honor the more than 400,000 American servicemen and servicewomen who died in that conflict defending the United States. The memorial will be a source of inspiration for current and future generations of Americans, giving visitors to the memorial a new appreciation for the accomplishments of America's World War II generation, which united in the quest to free the world from tyranny.

It is with great respect that I strongly support this resolution.

SMITH ANNOUNCES VETERANS HISTORY PROJECT

WASHINGTON, DC.—Congressman Nick Smith announced a special initiative today,

encouraging citizens to participate in the Veterans History Project, which is an effort by Congress and the Library of Congress to collect audio- and video-taped interviews of veterans, or civilians who served in support of the war effort, along with other first-hand materials such as photographs, diaries, and letters.

''As we approach Memorial Day, I would like to invite all of my constituents to get involved in the Veterans History Project,'' Smith said. ''I encourage families, friends, historians, teachers, senior care workers, and students to participate and volunteer to interview a veteran.''

On Monday, Congressman Smith sat down with James Cox, a WWII veteran, to conduct an interview for the Veterans History Project. Cox served with the famed 30th Infantry Division. The 30th opened the way for General Patton's 3rd Army to drive into Brittany and on to Brest, and was kept in the forefront all the way into Belgium, Holland and Germany. The interview is being aired on cable public service channels. Congressman Smith will be interviewing someone from each county in the 7th District to raise awareness about the Veterans History Project.

''The Veterans History Project is important, not only to preserve the experiences and memories of our nation's veterans, but also to bring families and communities together. Grandchildren should interview their grandparents, students should interview community members, and veterans should interview each other.''

The Veterans History Project was enacted in October of 2000. Oral histories and documents collected through this project will be part of the national Veterans History Project Collection at the Library of Congress.

Interview kits are available at Congressman Smith's office in Battle Creek and Jackson. People who have questions about the Veterans History Project should contact the Congressman's office or go to the home page of Congressman Smith's Web site at: www.house.gov/nicksmith, which has a link to the Veterans History Project in the ''Quick Links'' section. Completed interviews can then be sent to Congressman Smith's office which will then be submitted to the Library of Congress.

Mr. RYAN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 409.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RYAN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 409.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

H.R. 4299, by the yeas and nays;

House Resolution 622, by the yeas and nays; and

House Resolution 577, by the yeas and nays.

The remaining votes will be taken later in the week.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

DR. MIGUEL A. NEVAREZ POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4299.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan. (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 4299, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 153]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
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-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
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 (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
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)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
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
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
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
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Brown, Corrine
Buyer
Carter
DeMint
Dingell
Edwards
Gerlach
Gonzalez
Green (WI)
Hoeffel
Isakson
John
Kingston
Kucinich
Lipinski
Maloney
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY) (during the vote). Members are advised there are 2 minutes remaining in which to vote.

□ 1855

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 622.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the resolution, H. Res. 622, 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 404, nays 0, not voting 29, as follows:

[Roll No. 154]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
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-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
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 (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
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)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
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
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
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
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Brown, Corrine
Buyer
Carter
Davis (TN)
DeMint
Dingell
Edwards
Feeney
Gerlach
Gonzalez
Green (WI)
Hoeffel
John
Kingston
Kucinich
Lipinski
Maloney
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1904

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES GOVERNMENT AND THE EUROPEAN UNION

The SPEAKER pro tempore (Mr. MURPHY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 577, 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. 577, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 7, not voting 29, as follows:

[Roll No. 155]

YEAS—397

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

Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
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 (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
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.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Myrick
Nadler
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
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Akin
Johnson, Sam
Jones (NC)
LaHood
Miller (FL)
Musgrave
Paul

NOT VOTING—29

Blackburn
Brown, Corrine
Buyer
Carter
DeMint
Dingell
Edwards
Gerlach
Gonzalez
Green (WI)
Hoeffel
John
Kingston
Kucinich
Lipinski
Lynch
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1921

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. DEMINT. Mr. Speaker, I was absent during rollcall votes 153, 154, and 155. Had I been present, I would have voted "yea" on each of those rollcall votes.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. POMEROY. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on S. Con. Res. 95, Concurrent Resolution on the Budget For Fiscal Year 2005.

The form of the motion is as follows:

MOTION TO INSTRUCT CONFEREES

Mr. POMEROY. Mr. Speaker, I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING EXPORT OF CERTAIN GOODS TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–184)

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:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have issued an Executive Order (order) in which I declared a national emergency with respect to the threat constituted by certain actions of the Government of Syria. Further, in accordance with subsection 5(b) of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (SAA), Public Law 108–75, this message also constitutes the report on my exercise of the waiver authority pursuant to that statute.

On December 12, 2003, I signed into law the SAA in order to strengthen the ability of the United States to effectively confront the threat to U.S. national security posed by Syria's support for terrorism, its military presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq. These policies by the Government of Syria directly threaten regional stability and undermine the U.S. goal of a comprehensive Middle East peace. Despite many months of diplomatic efforts to convince the Government of Syria to change its behavior, Syria has not taken significant, concrete steps to address the full range of U.S. concerns, which were clearly conveyed by Secretary of State Powell to Syrian President Asad in May 2003. I find the actions, policies, and circumstances described above sufficiently grave to constitute a threat to the national security, foreign policy, and economy of the United States, and thus have declared a national emergency to address that threat.

In implementation of subsection 5(a) of the SAA, in the order I directed that action be taken to prohibit the export

to Syria of products of the United States other than food and medicine, including but not limited to items on the United States Munitions List or Commerce Control List, and I prohibited commercial air services between Syria and the United States by aircraft of any air carrier owned or controlled by Syria, as well as certain non-traffic stops by such aircraft.

It is important to the national security interests of the United States, however, that certain discrete categories of exports continue in order to support activities of the United States Government and United Nations agencies, to facilitate travel by United States persons, for certain humanitarian purposes, to help maintain aviation safety, and to promote the exchange of information. Also, it is important to U.S. national security interests that aviation-related sanctions take into account humanitarian and diplomatic concerns as well as the international obligations of the United States.

Accordingly, I have waived the application of subsections 5(a)(1) and 5(a)(2)(A) of the SAA to permit the export and reexport of: products in support of activities of the United States Government to the extent that such exports would not otherwise fall within my constitutional authority to conduct the Nation's foreign affairs and protect national security; medicines on the Commerce Control List and medical devices; aircraft parts and components for purposes of flight safety; exports and reexports consistent with the 5(a)(2)(D) waiver outlined below; information and informational materials, as well as telecommunications equipment and associated items to promote the free flow of information; certain software and technology; products in support of United Nations operations; and, certain exports and reexports of a temporary nature. These items are further identified in the Department of Commerce's General Order No. 2, as issued consistent with my order. I have also waived the application of subsection 5(a)(2)(D) to permit the following with respect to aircraft of any air carrier owned or controlled by Syria: takeoffs or landings of such aircraft when chartered by the Government of Syria to transport Syrian government officials to the United States on official Syrian government business; takeoffs or landings for non-traffic stops of such aircraft that are not engaged in scheduled international air services; takeoffs and landings associated with an emergency; and overflights of U.S. territory.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 11, 2004*.

CALLING FOR RESIGNATIONS DOES NATION DISSERVICE

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

Mr. CUNNINGHAM. Mr. Speaker, Secretary of Defense Rumsfeld led this Nation through two wars. There was a minimum loss of life on both sides. He was effective and provided freedom for millions of men, women, and children. General Kimmitt in January reported that there were problems at a prison, ordered immediate investigations under the rule of law. Unfortunately, someone released pictures to the press and blew it out of proportion.

There is a lot of anger from all Americans and many Arabs, but I think in the long run the world is going to see what a free nation is capable of. A rule of law, justice, is it perfect? No. But it is the best we have in any part of the world.

We will bring the guilty forward in punishment, and there will be probably more than the original six that will be tried. When we come out of this, we will be stronger, and those calling for the resignation of the Secretary, I think, do this Nation great disservice.

HONORING ASIAN PACIFIC AMERICANS

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

Mr. HOYER. Mr. Speaker, I wanted to do a Special Order today that I will not be able to do, but I join the gentleman from California (Mr. HONDA) and the rest of my colleagues on the occasion of Asian American Heritage Month. During this month, we celebrate the important contributions Asian Pacific Americans have made to our great country.

The gentleman from California (Mr. HONDA) is head of the Asian Pacific Caucus, and the gentleman has helped all of us learn more about the concerns and issues facing Asian Americans and the Pacific Islander community, and I salute the gentleman's work on these issues.

More importantly, I thank every Asian American for the extraordinary contribution they have made to this country. I have a list which I will not have time to read, but it will be included in the RECORD.

Mr. Speaker, suffice it to say I am pleased that the gentleman from California (Mr. HONDA) took out this very appropriate Special Order to honor Asian Americans during Asian American Heritage Month.

TRUTH WILL PREVAIL

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

Mr. WELDON of Pennsylvania. Mr. Speaker, on Thursday afternoon for 2½ hours, I met with one of our soldiers from the unit that was assigned to the prison in Baghdad. I can tell Members that as this story unfolds, we will continue to be vigilant in prosecuting not just those soldiers who were involved, but those superiors who in some cases ordered our soldiers to do the acts that they were asked to do and to also be involved in the oversight. We will hold these individuals responsible, and we will seek and obtain justice.

But, Mr. Speaker, I also rise to pay tribute to a neighbor of mine, who lived less than 15 minutes from my home by the name of Nick Berg who we just learned in the past several days was brutalized in the most unbelievable way imaginable by those same people over in Iraq who expect us to treat those perpetrators of crimes in the prison with justice.

I also rise to pay tribute to Tali Hatuel, an Israeli who was gunned down, along with her four children and her unborn child, in the most despicable way. Truth and justice will prevail. I just wish that were the case on both sides both with al Qaeda as well as with our own troops.

COMMEMORATING ASIAN PACIFIC HERITAGE MONTH

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

Ms. WATSON. Mr. Speaker, I rise today to also commemorate Asian Pacific American Heritage Month and to celebrate the lives and accomplishments of Asian Pacific Americans in U.S. history.

I want to thank the gentleman from California (Mr. HONDA) and the gentleman from American Samoa (Mr. FALEOMAVAEGA), the new chair and vice chair of the Congressional Asian Pacific American Caucus, for organizing this Special Order. And in particular, I want to recognize the contributions of Korean-Americans in my district and commend them for their tireless work in improving the City of Los Angeles.

Mr. Speaker, today Asian Americans continue to gain new ground in even greater social and political representation. As we commemorate and celebrate the crucial role of Asian Pacific Americans and the role they have played in the development of this Nation, we must work harder to improve their lives and opportunities for 12.5 million Asian Pacific Americans who are still confronted with daily prejudices, discrimination, and economic inequalities.

ECONOMIC REMEDIES

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

Mr. BROWN of Ohio. Mr. Speaker, last week President Bush took one of his bus trips through the State of Ohio trying to argue for his economic policy. Ohio is a State that has lost 170,000 manufacturing jobs. Virtually every month during the Bush administration, we have lost manufacturing jobs. One out of six manufacturing jobs in the

State of Ohio has disappeared since President Bush took office. His answer always is more tax cuts for the wealthiest people in our society with the hope some will maybe trickle down and create jobs. That has not worked. His other answer is more trade agreements like NAFTA that shift jobs overseas.

Instead, Congress should extend unemployment benefits for the 1 million American workers whose benefits have expired, and Congress should pass the Crane-Rangel bill which gives incentives to those companies that manufacture in the United States, not continue to give big corporate tax breaks to the largest companies in the world who send jobs to China and send jobs to Mexico.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CHOCOLA). 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.

CALLING FOR RENEWAL OF ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, Sunday was Mother's Day. An awful lot of us were down here in Washington to kick off the next several months on going to so many different States to remind people that September 13, the assault weapons ban will expire. In many ways it was great seeing people I have met over the last several years, people from California, Oregon, Washington, New York, Jersey, Connecticut, people that gave up Mother's Day to come down and to be here today and tomorrow to lobby Members of Congress to remind their legislators they want the assault weapons ban kept in place. One of the saddest things was talking to so many friends that I have met over the years, those that have lost their children, their husbands, their wives, and yet they are still out there fighting.

We know that reducing gun violence in this country will always be a tough fight. But the one thing I heard constantly, Why are we letting the assault weapons ban expire? It is going to be up to the million moms across this country. I happen to think the dads and the grandfathers, the husbands and wives, should certainly be out there. We have every national police organization behind us. They do not want to see the assault weapons ban expire. Yet when the White House was asked about what they were going to do about the assault weapons ban, the answer came back, NO comment. That is a far cry from what was said during the last campaign when President Bush said he would sign the bill if it came to his desk.

I know it is an inside Washington thing, but to get a bill on the desk, it actually has to be brought up here on the floor so we can vote on it. That is where the American people have to come into play. The American people have to start e-mailing, they have to start faxing their Representatives and say we want to keep the assault weapons ban in place. That is the only way that we can put pressure on this House to make sure it is coming up for a vote.

I happen to think that when our police officers start going to all their local legislators and their Senators, that we are going to see a change in the tide. I know we do things here at the last minute on the House floor. I accept that. But I have to tell you, when there is only 125 days left to make sure that the assault weapons ban stays in place and only 50 days before an election, I think the American people's voices should be heard.

I am a great believer in one person can make a difference. It was gratifying to see so many people from around the country down here in Washington. When you multiply that and multiply that throughout the Nation, we can make a difference. I always hear from the American people that it makes no difference what we do down in Washington, that they have no voice. I say that is wrong. Do you know how many votes pass in this House by one vote or fail by one vote? Over in the other body today, unemployment insurance failed by one vote. The assault weapons bill going back when it first passed, it passed by one vote. One vote does count. One vote means a lot.

Sixty-six percent of gun owners believe that the assault weapons ban should be renewed. Seventy-six percent of the American people believe the assault weapons ban should be kept in place. May I remind our people out there, the guns we are talking about are AK–47s, Uzis, the guns unfortunately that we see in the war every day. Do we actually want them back in our communities? Do we want them in our streets? In our schoolyards? Have we not seen enough gun violence in this country that we would want to put these weapons of mass destruction back out on the streets? I do not understand this. This is not taking away anyone's right to own a gun. Talk to hunters across the country; they do not hunt with these guns.

So what is the holdup here? They are back on their old rhetoric, saying the bill never worked. Talk to the police officers across this country and they will say the bill does work. May I remind everybody why we passed an assault weapons ban in the first place? Because too many of our police officers were being mowed down. Get out there and let your voices be heard. We can make a difference.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that they are not to refer to actions of the other body.

DROUGHT IS A NATURAL DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, as many people know, we frequently talk on the floor here about the state of the economy. However, it seems to me that much of this criticism is unfounded. We currently have historically low interest rates. Inflation is at 1.9 percent which, again, is almost at an all-time low. Economic growth is exceptional, 12 percent in the fourth quarter. Productivity increase is the highest in the last 40 years. And recently we have heard that government revenues are increasing, which means that we may have $100 billion less deficit than was originally forecast.

The majority of the criticism seems to focus on joblessness which currently stands at 5.6 percent of American workers and is decreasing. This is certainly a figure we would like to see better, like to see it improved. But I would like to point out, Mr. Speaker, that in the decade of the 1970s the average unemployment rate was 6.2 percent; during the 1980s, it was 7.3 percent; during the 1990s it was 5.8 percent. So for that 30-year stretch from 1970 to 2000, we averaged 6.4 percent unemployment. Today it is at 5.6 percent. In April we added 280,000 payroll jobs. We have added 867,000 since January, and 1.1 million since last August.

Those who decry the overall strength of the economy would appear to be in error. My thesis is that this is the strongest economy in the world and is generally doing quite well. However, Mr. Speaker, one segment of the economy is currently very troubled. I would like to point to the graphic here which I think illustrates this. Currently the dark areas, the red, the yellow, the brown and the deep brown are areas of drought in the country. This would be bad enough if it was just this year, but this is something that has been ongoing now for 5 years. Throughout that area, those who are raising dry land crops have had practically no crop at all. The reservoirs which are used for irrigation are now down to 25, 30 percent. Many of them will run dry within a year.

I think it is important that we look at what is happening to the farm economy. This is a natural disaster. We sometimes readily provide assistance for fires, for floods, for tornadoes or hurricanes but not for drought. I guess the argument is that somehow a drought comes on slowly so it is not a natural disaster. But as far as those

people living in this part of the world are concerned, it certainly is a natural disaster.

One reason sometimes we are reluctant to give assistance for the drought is because it is assumed that there is a lot of money in the farm bill, that farmers are being taken care of maybe too well. I would like to call attention again to another graphic here which illustrates that the farm bill has really been functioning in a way that many people have not anticipated. The projected costs in 2002 were $14.3 billion. In actuality it cost $13.2 billion. In 2003 the projected costs were $18.6 billion. Instead it cost $12.1 billion, a saving of roughly $6.5 billion less than projected. In 2004 the projection was $17.5 billion and now it looks like it is projected to come in at about $10.1 billion. Out of a $50 billion expenditure that was predicted, we are actually going to spend about $35 billion.

The point is that we would hope that maybe out of that $15 billion shortfall that we think is certainly good for the country and good for the taxpayer, that maybe at least some of that, a little bit of that could go back to those who have really labored under this drought.

Mr. Speaker, I would like to close by urging Congress not to ignore the largest ongoing natural disaster facing the United States today, which is the extended drought, and I would also like to hope that Congress would not fail to appreciate those who provide the world's best, the safest, and the cheapest food supply of any place on this planet.

NATIONAL COVER THE UNINSURED WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, this week marks National Cover the Uninsured Week where we focus our attention on the many health care problems confronting Americans without health insurance. This evening I returned to Washington from Houston after participating in a symposium, at St. Joseph's Christus Hospital, on the uninsured. St. Joseph's and Sisters of Charity have for decades served both the uninsured and the insured in the Houston area. Some of the most innovative and lifesaving research and treatment developments are being discovered in our backyard. The problem is that too many of our neighbors cannot access these lifesaving treatments because they lack health insurance.

Currently 31.2 percent of adult Texans are living without health insurance, more than any other State in this country. The growing number of uninsured in this country is truly a problem for all Americans. The uninsured often use the emergency room as their primary source of health care, which increases health care costs for all Americans. Americans without health insurance are less likely to seek preventive health care and only get care once their health problems reach emergency proportions. In fact, nearly 40 percent of the uninsured adults skip a recommended medical test and half of those people have not received care for a serious health problem in the last year.

I hope that Cover the Uninsured Week will result in a renewed debate about the serious health care problems that we face in our country and the actions we must take to ensure Americans access to quality health care. But we are increasingly going in the wrong direction. Uninsured, particularly children, have taken such a huge cut in the children's health care initiative program, the CHIPs program. I know in my State of Texas alone we have lost at least 107,000 children from CHIPs because of State budget problems. I am sure that problem is around the country with all our States.

As we have learned in the past, a rush to enact flawed policy is arguably just as bad as enacting no policy at all. A prime example is the new Medicare discount drug cards that are giving our seniors too little benefits and too many frustrations. This card was created from a flawed Medicare prescription drug bill that does not provide prescription drug coverage until 2006 and creates a huge gap in coverage forcing seniors to pay all their drug costs between $2,250 to $3,600.

Therefore, it is no surprise that I had doubts about our seniors' ability to utilize this first step, the discount drug card. I worried about seniors' access to information about the various cards and their ability to get reliable data from which to make an informed decision. Yet with great fanfare, Medicare released a Web site to provide just this information and allow seniors to compare the drug prices offered by the cards. That is precisely where the confusion began. The Houston Chronicle recently published an article detailing just how confusing this drug card is for seniors. In fact, the author found that the drug card was more confusing than preparing your income taxes or dealing with an insurance company regarding a hospital bill. I think this article sheds important light on the frustrations seniors are facing right now. I submit this article for printing in the RECORD.

[From the Houston Chronicle, May 4, 2004]

MEDICARE DRUG DISCOUNT CARDS EXPLAINED, SORT OF

(By Jim Shea)

The first thing seniors need to find out about the new Medicare prescription drug discount cards is if they are eligible.

This will not be easy.

Doing your taxes is easy.

Trying to straighten out a hospital bill with the insurance company is easy.

Explaining the infield-fly rule is easy.

Figuring out if you qualify for a discount card is, well, let me try to put it in context.

Beginning this week, seniors who are thinking of applying for the card can call for information. To handle the anticipated volume, the government has hired 1,000 ''benefit advisers.''

This sounds pretty good until you do the math:

Problem: How many times does 1,000 (government bureaucrats) go into 12.5 million (confused Medicare recipients who may call)?

Answer: Enough times to boost ''death by on-hold music'' to the top of the mortality charts.

Next, let's explore the matter of choosing which of the 28 government-approved private companies you should get your discount card from.

To make this choice, the government suggests you compare such things as drug availability and price before signing with a provider.

Seems like reasonable advice, except for one little hitch.

The discount card company you join is under no restriction to maintain the price that enticed you to join in the first place. In fact, it doesn't even have to guarantee it will continue to carry the drugs you need.

In private business this practice is known as bait and switch. In Republican-controlled Washington these days, it is known as a benefit.

If this provision seems a little one-sided, a little too big-business friendly, consider this: Even if you are baited and switched and generally hosed all over, you are prohibited from moving to another discount card company until your mandatory one-year commitment is up.

I mean, you get better terms from the Gambinos.

In fairness, seniors at the low-income end of the spectrum who manage to escape the registration process without contracting a terminal case of phone ear will benefit from the program. They qualify for an annual subsidy of $600, which if they are smart, they will use to purchase round-trip bus tickets to drug-stores in Canada.

Seniors at the high-income end of the spectrum, who own the right stocks, will also make out well.

To everyone else, let me just say that if you can't get your questions answered, give me a call and I will explain the following:

The first thing to know about the infield-fly rule is that it only applies if there are less than two outs and . . .

The first problem with the Medicare Web site is that a large number of senior citizens do not enjoy or are not proficient with the Internet. Frankly, I do not blame them for being skeptical about providing sensitive financial information such as their monthly income or other indicators of their financial situation. Yet even if our seniors are willing to go through all the steps on the Medicare Web site, the information generated is too confusing to help our seniors make a truly informed choice regarding their discount drug card. My staff and I attempted to put together a simple document to help seniors in our district easily understand the choices before them, yet it did not take long for us to realize there is nothing simple about this card.

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One zip code in my district had 12 participating cards; yet a neighboring zip code under the Web site had zero participating cards. It is hard enough for a senior to determine what cards serviced their zip code. For example, a senior would also have to figure out if

her pharmacy accepted that card and if her drugs were considered preferred under that card. If that is not difficult enough, then that senior would have to compare that card to all the other cards in her area, for example, the one that had 12 with the neighboring zip code that had zero.

Unfortunately, the story gets worse for our seniors. After spending the time, energy, and brain power to choose the best card, seniors are not even guaranteed that the companies will continue to maintain the cost that is on that Web site or access to those particular drugs that the seniors have looked for and they need. The company is under no obligation to maintain its advertised prices or even carry the drugs that they need. If they start losing too much money on a particular drug, they can just cease to offer that coverage during the year. And while all these private companies get escape clauses, Medicare beneficiaries are forced to stay with each card for at least a year.

In the end I am afraid we will learn the hard way that this discount drug card is just as bad a deal as the Medicare drug bill that created it.

THE WAR AGAINST THE TERRORISTS

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have been watching television like all of my colleagues over the past few days and we are all very disappointed and disgruntled, upset, whatever one wants to call it, about the pictures that we have seen of prisoners in Iraq, and it is really tragic that those sorts of things happen in war. But we have had wars in the past where these things have happened. We had My Lai in Vietnam. We even had a problem in the Revolutionary War where other generals were calling for the resignation of George Washington because they had not won any victories because they had made so many mistakes. And of course they have Valley Forge. He crossed the Delaware, attacked the Hessians at Trenton, and he became a big hero, and we all know that he became the father of our country because of the successes of the Revolutionary War.

There are tragedies in all wars, but what we must not lose sight of is we are in a world war against terrorists. Over 3,000 Americans lost their lives in the World Trade Center. We saw in Fallujah Americans being burned and dragged through the streets and hung up by terrorists. Just these last couple of days we saw an American, an innocent American civilian, who was just working over there, having his head cut off, and they said it was because of the pictures. The terrorists said it was because of the pictures that were shown about what happened in the prisons in Iraq. The fact of the matter is they have been perpetrating these terrorist acts on and on and on because they want to defeat us and our way of life. And we must not let that happen.

And then I hear my colleagues criticizing the President and the Secretary of Defense over and over and over again saying, oh, my gosh, they are making mistakes; they should be doing this and that and the other thing. The fact of the matter is we do not need 535 would-be commander in chiefs. And that is what we see around here, people second-guessing everything that is going on.

As a matter of fact, we are winning the war in Iraq. We are winning the war in Afghanistan. The terrorists are on the defensive. And we must not send any signals to them whatsoever that they have a chance to win this sort of thing. And that is what I am afraid many of my colleagues are doing.

President Bush is doing a very good job. Donald Rumsfeld, as Secretary of Defense, is doing an outstanding job. And we need to stand with them and with our troops in the field and not be casting aspersions on every single thing that goes wrong over there. In war mistakes are made, and we are going to see more mistakes in this war. But we are winning it and we are going to win it as long as we have people like President Bush and Don Rumsfeld at the helm. And I hope my colleagues will think about that before they start shooting off their mouths in the future.

PRESCRIPTION DRUG DISCOUNT CARDS

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, my disagreement with Secretary Rumsfeld began 2 years ago, 1½ years ago, when it was clear when Members of this Congress, in this House, and both parties were calling on the President and the Secretary of Defense to provide body armor for our soldiers, many of whom did not have body armor, with demands that they put armor on the underbellies and the doors of Humvees; still are not fully done and Americans have died because of it. That is the first major criticism of the Secretary of Defense and the President, something that they should have stopped what they were doing to take care of the safety of our men and women in Iraq.

Mr. Speaker, last week enrollment began for the President's prescription drug discount card. They became available through the Medicare bill passed last year. What we could have done in this body is simply to have given a card like this, a Medicare card to every senior, and said this card will get them a significant 50, 60, 70 percent discount in their prescription drugs because we could have set our system up the way Canada does. The Secretary of the Center for Medicaid and Medicare Services, the director, could have negotiated directly with the drug companies on behalf of 40 million Medicare beneficiaries, got a discount similar to what they have in every nation in the world, given this discount card to every senior, and they could have gotten a discount the way the Canadians get and the French get and the Germans and the Israelis and the Japanese, a 50, 60, 70 percent discount. Instead, the President wanted to privatize Medicare. He wanted to privatize these prescription drug cards, these discounts cards.

So what do we have? Beginning last week in my State of Ohio, there will be 50 cards available. I am not making this up. They need to select one of these 50 cards if they are a senior. This card may have a discount for Fosamax. This card may have a discount for Zoloft. This card may have a discount for Vioxx. This card may have a discount for something else. Maybe a 22 percent discount here, a 12 percent discount here. They have got to figure that out as a senior. They have got to look at all 50 of these cards and figure out where it makes the most sense to get a discount and which card makes the most sense for them. After they take one of these cards, they will be paying $30 and have this card for the year. The problem is the card seller, several of whom are big contributors to the President, and they are going to make a lot of money, these cards, but the prescription drug card seller, after they have chosen the card, can change the discount and can change the drug formulary in the drugs which are covered.

One might wonder why the President and why my friends on the other side of the aisle, instead of choosing one card and getting a 50 or 60 percent discount, would make seniors look at 50 cards and try to figure out the best 10 or 15 percent discount that they are going to get. One might wonder why would the President, why would the Republican leadership choose to do that. It has got a whole lot to do with the way this Congress operates. The word on the street is the drug industry is going to give $100 million to the President's reelection campaign. The drug industry and the insurance industry have already contributed millions of dollars to the Republican leadership, to the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Speaker HASTERT) and Republican leadership, millions of dollars to President Bush. In fact, a nonpartisan study said that this bill will mean $150 billion more in subsidies to the drug industry, in additional profits to the drug industry, and a $46 billion direct subsidy to the insurance industry, $46 billion coming out of taxpayers' pockets, going directly to the insurance industry, $46 billion.

We could take that $46 billion and divide it among the 39 million Medicare beneficiaries and they would each get a $1,100 drug benefit just from that alone. Instead, Republican leadership gives us

these cards and gives the insurance industry a $46 billion subsidiary. And do my colleagues know what? While the drug benefit program does not go into effect until 2006, the insurance industry, the HMOs, already got their payment on March 1, their first payment.

Mr. Speaker, we could have done this right and done a regular prescription drug program through Medicare with a good discount. Instead, the President and the Republican leadership have again done the bidding of the drug industry, again have done the bidding of the insurance industry, again have done the bidding of these companies that make these discount cards.

It is outrageous, Mr. Speaker, that instead of doing Medicare right and preserving the Medicare that we know and that this country likes and that seniors have benefited from, we have privatized this system. We have confused seniors, and we have let the drug industry and the insurance industry write this legislation, benefit from that legislation, and cash in on this legislation.

WE MUST SUPPORT OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, first of all, in response, I found a different case from my constituents. The first woman who signed up for one of the drug cards, Mr. Speaker, was 85. She had a monthly cost of $409, and after the card was given and she was able to navigate her way through it, her cost was $13.61. Mr. Speaker, that hardly sounds like the drug industry is going to get a payoff.

Mr. Speaker, I, like many, am profoundly disappointed in the photos and the actions of a handful of our soldiers, but I do not for one moment mistake the actions of a few to be representative of the many.

On the floor of this House, Mr. Speaker, I have heard my colleagues from the other side of the aisle say that the war being fought in Iraq cannot be won and is, in fact, ''unwinnable.'' And yet with straight faces these same colleagues say that they support our troops.

They have short memories, Mr. Speaker. They say they support our troops, and yet some of them earnestly voted against providing our troops with the very resources they need in the field, fighting not only for our liberty but for the freedoms of others.

Mr. Speaker, the words and actions of these individuals do not indicate support for our troops, and I find it profoundly disappointing when some show such blatant disregard, dishonor, and disrespect for our troops. Some of my colleagues have made such comments without concern for the impact that it has on the morale of our troops who are currently fighting in Iraq as well as those who are poised to go to Iraq.

Is this Election Year rhetoric and the partisan banter part of the Democrats' winnable strategy in Iraq? The bottom line is that some Members of the other party have become representative for retreat and appeasement. Mr. Speaker, appeasement and retreat has not worked in the past and will not work in the future with the terrorists. Mr. Speaker, we must win this war on terror. The stakes are too great for the future of humanity.

I went to Iraq late last year and personally visited with our soldiers. The young men in this picture and the young women that I met, those are the soldiers in Iraq who are an all-volunteer force who are fighting so that our children and grandchildren do not have to live in a world where there is daily fear of terrorism. These men and women deserve the thanks of a grateful Nation and a grateful world. They deserve to have our unwavering support for their unwavering belief in liberty and their understanding of freedom.

Since the American people will not hear these stories on the evening news, Mr. Speaker, I am here tonight to share true stories of astonishing bravery, courage, compassion, valor, and steel nerve. Mr. Speaker, I am talking about our soldiers and what they have done for America, Iraq, Afghanistan, and the entire world.

The soldiers of the 101st Airborne Division have been working to make Iraq secure but also have been putting time and effort into helping towns and villages with their ''Operation Helping Hands'' program. With ''Operation Helping Hands,'' our soldiers donate their own money to help provide families with food and health care necessities. Brigade Commander Colonel Ben Hodges came up with the idea of helping the poor families in the area. They have collected several thousand dollars, which goes a long way toward helping many Iraqi families.

Mr. Speaker, our troops are compassionate. They are helping Iraqi families in a way that they have never been helped before. Soldiers are often out in Iraq communities to provide medical care and humanitarian assistance. A small, impoverished village about 10 miles from Baghdad was recently paid a visit by personnel from the Medical Civic Action Program. This program sends doctors and medics out to provide free medical care on a regular basis. Because of conditions under Saddam Hussein, soldiers are treating diseases we rarely see here at home such as tuberculosis, hepatitis, and polio.

Mr. Speaker, we should also be proud of our troops for fighting for women's rights. For the first time in history, women in Mosul, Iraq were able to join the rest of the world in celebrating International Women's Day. The day recognizes coordinated efforts of women everywhere for equal rights and political and economic equality.

The People's Assembly Building was rededicated as the Center for Iraqi Women. The center will serve as a meeting place for all women of Iraq where they can share ideas, offer training, coordinate communications, and build a safer homeland.

And in Mosul, Iraqi police say they are grateful to the soldiers from the U.S. Army's 503rd Military Police Battalion for their assistance in rebuilding police stations. Coalition forces helped to renovate several police stations and enabled the Iraqi police officers to protect their fellow citizens. There are more than 1,600 policemen who have trained from scratch in an 8-week training program.

Mr. Speaker, these are the stories of our young men and women in Iraq. These are the stories of the people who are fighting for freedom and fighting to rebuild a country. Mr. Speaker, the war on terror must be won.

The new Iraqi Army is growing. In early March, more than 1,000 recruits of the 4th Battalion graduated from the nine-week basic training program.

These are our soldiers stories. There are hundreds, perhaps thousands more. I am proud of our soldiers and want to say ''thank you.'' These are not the stories that you will hear on the news, or in the newspapers—nor will you hear them during election year rhetoric.

A U.S. soldier evacuated an Iraqi woman, Farha Abed Saad for medical treatment after she had been harmed by the thugs who wish to rob Iraqis of their right to freedom. ''Thank God, you have come here to Iraq and make us free,'' said Ms. Saad, kissing a soldier's hands. ''When I see you, I see my own sons! Thank you, thank you.''

It is a sad day, Mr. Speaker, when some in this city who routinely ignore the great accomplishments of our soldiers only to politicize the war at their expense.

We will win this war on terror, Mr. Speaker, there is no other option. This IS a winnable war—and we must stand behind our policy and our troops with a firm resolve.

A world controlled by terrorists is not acceptable. If the United States of America cannot defeat terrorism, who in the world can? We will continue to fight against Al-Qaeda and Al-Qaeda affiliated groups—like the one who viciously beheaded 26-year-old Nick Berg. Nick Berg was a civilian who voluntarily went to Iraq to help rebuild Iraqi communication antennas. And my prayers are with his family.

After 9–11, Mr. Speaker, America was called to a new destiny. Our destiny is to defeat terrorism and tyranny. Amid the towers of American tragedy, Mr. Speaker, emerged our soldiers as towers of American strength.

And they shall have my eternal gratitude.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4275, PERMANENT EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–483) on the resolution (H. Res. 637) providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986, to permanently extend the 10-percent individual

income tax rate bracket, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4279, PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; H.R. 4280, HEALTH EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004; AND H.R. 4281, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–484) on the resolution (H. Res. 638) providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees, which was referred to the House Calendar and ordered to be printed.

A FAILURE OF LEADERSHIP AT THE HIGHEST LEVELS

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, in response to the gentleman who spoke earlier in the well about casting aspersions on Donald Rumsfeld and others in the Bush administration, I will not cast aspersions. I called for his resignation earlier; and if I have time at the end, I will go into those again.

But I am going to read from the Army Times, not exactly a bastion of Democrats or liberalism.

''Editorial: A Failure of Leadership At the Highest Levels.

''Around the halls of the Pentagon, a term of caustic derision has emerged for the enlisted soldiers at the heart of the furor over the Abu Ghraib prison scandal: The six morons who lost the war.

''Indeed, damage done to the U.S. military and the nation as a whole by the horrifying photographs of U.S. soldiers abusing Iraqi detainees at the notorious prison is incalculable.

''But the folks at the Pentagon are talking about the wrong morons.

''There is no excuse for the behavior displayed by soldiers in the now infamous pictures, and an even more damning report by Major General Antonio Taguba. Every soldier involved should be ashamed.

''But while responsibility begins with the six soldiers facing criminal charges, it extends all the way up the chain of command, to the highest reaches of the military hierarchy and its civilian leadership.

''The entire affair is a failure of leadership from start to finish. From the moment they are captured, prisoners are hooded, shackled and isolated. The message to the troops: anything goes.

''In addition to the scores of prisoners who were humiliated and demeaned, at least 14 have died in custody in Iraq and Afghanistan. The Army has ruled at least two of these homicides. This is not the way a free people keeps its captives or wins the hearts and minds of a suspicious world.

''How tragically ironic that the American military, which was welcomed to Baghdad by the euphoric Iraqi people a year ago as a liberating force and ended 30 years of tyranny, would today stand guilty of dehumanizing torture in the same Abu Ghraib prison used by Saddam Hussein's henchmen.

''One can only wonder why the prison wasn't razed in the wake of the invasion as a symbolic stake through the heart of the Baathist regime.

''Army commanders in Iraq bear responsibilities for running a prison where there was no legal advisor to the commander, no ultimate responsibility taken for the care and treatment of the prisoners.

''General Richard Myers, chairman of the Joint Chiefs, also shares in the shame. Myers asked '60 Minutes II' to hold off reporting news of the scandal because it could put U.S. troops at risk. But when the report was aired, a week later, Myers still hadn't read Taguba's report, which had been completed in March; Defense Secretary Donald Rumsfeld also failed to read the report until after the scandal broke in the media.

''But then, of course, it was too late.

''Myers, Rumsfeld and their staffs failed to recognize the impact the scandal would have, not only in the United States, but around the world.

''If their staffs failed to alert Myers and Rumsfeld, shame on them. But shame, too, on the chairman and Secretary, who failed to inform even President Bush.

''He was left to learn of the explosive scandal from media reports instead of from his own military leaders.

''On the battlefield, Myers and Rumsfeld's errors would be called lack of situational awareness, a failure that amounts to professional negligence.

''To date, the Army has moved to court-martial the six soldiers suspected of abusing Iraqi detainees and has reprimanded six others.

''Brigadier General Karpinski, who commanded the MP brigade that ran Abu Ghraib, has received a letter of admonishment and also faces possible disciplinary action.

''That is good, but not enough.

''This was not just a failure of leadership at the local command level. This was a failure that ran straight to the top. Accountability here is essential, even if that means relieving top leaders from duty in a time of war.''

That is from the Army Times, the May 17, 2004, issue.

I called earlier for Secretary Rumsfeld's resignation, as had others, because of the jiggered intelligence about the weapons of mass destruction and the so-called links that did not exist with terrorist groups with this regime, the fact that they ignored intelligence reports and plans drawn up by the State Department, and concerns about post-war occupation of Iraq, about the number of troops necessary to prevent looting, the downward spiral that could begin with looting, the fact that the troops did not have body armor, armored Humvees.

That is all because they were not ordered, not because there was not enough money. They were not ordered. Rumsfeld did not think they would need them, in his arrogance.

And today he talks about troops as fungible, and he reigns over a Defense Department that has wasted billions, while the troops are lacking basics. And he is the guy at whose desk the buck stops when prisoners are abused, as says the Army Times, not just a progressive Democrat from Oregon.

WHAT AMERICA HAS ACCOMPLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, we all demonstrated our righteous indignation over what took place in the Abu Ghraib prison in Iraq, and we are horrified by it. But I would like to take just a few minutes to share the transcript of the Fox News Sunday program hosted by Chris Wallace, in which he talked about the positive accomplishments.

He said on Sunday, ''As many of you may know, we thought the ABC News program, 'Nightline,' made a mistake last week, listing all the brave men and women who died in Iraq but without providing the context of what they died for. So we have said that we would put together our own tribute, our own list of what these brave men and women have built in Iraq.

''A couple of points before we begin. Some of you have written saying that we're pushing the White House agenda. As you saw in the last segment, there are plenty of hard questions to ask about the Bush administration's policy in Iraq, and we will keep asking them.

''There were also times this week when you couldn't help but wonder about putting on the good news from Iraq, as we saw those ugly pictures from the Abu Gharib prison. But the more we thought about it, what better

time to talk about what the vast majority of our troops are doing there? What better time to try to make sense of the sacrifice of the 767 men and women who have died in Iraq?

''We call our tribute, 'What We've Accomplished.' ''

Chris Wallace went on to say, ''First, ending the brutal regime of Saddam Hussein. Ending the systematic torture and murder of hundreds of thousands of Iraqis. Since Saddam was overthrown, investigators have found dozens of mass graves in which more than 300,000 Iraqis were buried.

''Ending the theft of billions of dollars from the Iraqi people,'' Wallace goes on to say. ''Since 1991, Saddam built 48 palaces, at a time when his regime said it did not have the sources to build housing. And an investigation has found Saddam stole more than $11 billion from the U.N.'s Oil for Food program.

''Ending the threat that weapons of mass destruction will be developed and used. Since the invasion, U.S. inspectors have not found WMD, but during its time in power, Saddam's regime manufactured chemical and biological weapons and, at one point, actively pursued nuclear weapons.

''Second, quality of life. Daily life has improved dramatically for the average Iraqi since the fall of Saddam, but it has come at a cost. These three soldiers were killed last July while they guarded a hospital at Baquba.

''Under the old regime, little money was spent on education and there was no schedule for maintaining school facilities. So far, 2,500 schools have been renovated, with another 800 to be finished soon.''

Then the voice of an Iraqi female saying, ''They put in electricity for us and a fan for us so we could get some air, and I say thanks to God.''

An Iraqi child says, ''Before, the school was dirty and not clean and even the bathroom was not good. This year, they made a new bathroom for us and they changed the building and painted it well.''

Chris Wallace goes on to say, ''What children are learning in school has also changed. Before the war, the government fired teachers for not following the party line. Almost 9 million new math and science textbooks have been printed and distributed. Old books were filled with pro-Saddam propaganda.

''And here are U.S. troops handing out knapsacks full of school supplies in Samarra. This just days after those four American contractors were killed and their bodies mutilated in Fallujah.

''Major progress has also been made in health care. Under Saddam, the Ministry of Health spent $16 million a year. The current budget is almost $1 billion. The health care system is now open to all Iraqis, with 30 percent more people using the facilities. Doctors who used to get $20 a month now earn up to $180. Modern medication, such as cancer drugs, are now available, something unheard of during Saddam Hussein's years.

''Last Sunday, these five Navy Seabees were killed in the Sunni triangle while on assignment rebuilding schools and medical facilities for the Iraqis.

''Third, human rights. Since the end of Saddam Hussein, a fully functioning legal and judicial system has been developed. More than 600 judges are working in courtrooms across the country. Iraqis charged with crimes now have rights that would have been laughed at under the old regime: the right to remain silent when they're arrested; the right to a fair, speedy and open trial; the right to a defense lawyer at all stages of the process.

''Iraqis now enjoy freedom of speech. Street protests against the United States occupation are now routine in Baghdad, something that in the past would have earned these demonstrators imprisonment or death.

''There is also something approaching freedom of the press. Under Saddam all newspapers were controlled by the government.''

Here was a woman that was a reporter for 27 years. She said, ''Before, we write as they tell us to write. Now we write what we believe.''

Mr. Speaker, I include the rest of the transcript for the RECORD.

WALLACE: Now, 120 papers are being published, some of them critical of the U.S. The coalition has shut down only two papers, which it said were inciting violence.

This is another sign of new freedom: Internet cafes. Before, few people had access to computers, fewer still to the government-monitored Internet. Now people can communicate, get information or sound off in Web blogs.

And here's more technology that was banned under Saddam Hussein: satellite dishes. Now more than one-third of Iraqi households receive news from around the world by way of these dishes.

Finally, the economy and infrastructure. There's a new currency in Iraq. Gone are those ever-present pictures of Saddam in a country that used to have two weak currencies, there is now one stable form of money.

Iraq's most important resource, oil, is showing a strong revival. Production now exceeds pre-war levels, averaging half a million barrels a day more than when Saddam was forced from power.

Still, gasoline shortages have meant that U.S. soldiers often have to guard filing stations to prevent looting. Private First Class Jason Wright from the 101st Airborne Division was killed by a drive-by shooter as he protected Iraqis who were buying gas.

One crucial area that has seen solid improvement is basic utilities. After years of neglect, Iraqis have electricity for only part of the day. By this summer, the average Iraqi will have electricity for 16 hours a day, 40 percent above pre-war levels. Under Saddam, only half of the country had access to clean drinking water. Now extensive renovations of water plants have brought cleaner water to more people, almost 15 million, on a more reliable basis.

Before the war, few areas had proper sewage facilities. One example of what soldiers are doing on the ground is in Mosul, where a neighborhood was swamped with raw sewage for 17 years. The U.S. Army spent $40,000 to hire local workers, and the problem is fixed.

Improvements in the infrastructure are widespread. Here are some key examples. Baghdad airport now has 43 passenger flights a day, including regular commercial service to Jordan.

And look at something as simple as phone service. Under Saddam, cell phones were a luxury, reserved only for top party and government officials. Now, more than 340,000 Iraqis have cell phones, and business is booming.

There's one other big difference: When Iraqis make a call now, they say no one is listening in.

IRAQI MALE: I call him now on the phone. Now we can discuss anything. We are not—I am not afraid to say anything.

WALLACE: As we struggled to put all of this together, we were astonished by all that our troops have accomplished. And we'll keep an eye out so we can update you on some of the ways our troops are making life better for so many Iraqis.

Mr. DREIER. Mr. Speaker, we have seen tremendous improvements. We can see that a great deal has been accomplished. As we have seen suffering that so many have gone through, we are enjoying tremendous success.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2660, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004

The form of the motion is as follows:

MOTION TO INSTRUCT CONFEREES

Mr. GEORGE MILLER of California. Mr. Speaker, I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

GROWING CONCERN ABOUT ALARMING LANGUAGE USED TO DEMEAN THOSE QUESTIONING AMERICAN POLICY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, millions of Americans throughout this country share my growing concern about the alarming language being used to demean anyone raising questions about American policy in Iraq. But we have been there before.

We have endured the excesses and the shame of the Palmer Raids, of McCarthyism, of J. Edgar Hoover, and Nixon's Enemies List. It is a sad, but historical, fact that in these times of national crisis and stress, some resort to challenging not merely the ideas of our fellow citizens, but their character, their integrity, and even their patriotism.

Some would prefer that we ignore such blasphemy, that we treat such exaggerated rhetoric with the indifference it deserves. I respectfully disagree. I believe that we have learned a sad lesson from history of this and other countries that ignoring vicious political slurs encourages further abuse and undermines free speech and open debate.

We have substantial disagreements about the wisdom of our course in Iraq. Those who disagree with our policies include highly decorated veterans, intelligence experts, some of our closest allies and millions of our constituents, a growing number every day.

And yet, when a widely respected Member of the House, an honored veteran who has been a staunch supporter of the defense community through 30 years of congressional service, offered a somber analysis about the misdirection of our Iraqi effort, he was denounced by other Members as conducting ''a calculated and a craven political stunt.''

Now, the author of that statement has a tendency towards loose language and personal invective, and most people do not take his words too seriously. I do, because he is the majority leader.

He was speaking about our distinguished colleague, the gentleman from Pennsylvania (Mr. MURTHA.) He called him ''craven.'' The gentleman from Pennsylvania (Mr. MURTHA), craven?

Craven is a strong word. It means gutless. It means spineless. It means cowardly, weak, fearful. It is a word that should never be used by a Member of Congress to describe another, and could never be used to describe the gentleman from Pennsylvania (Mr. MURTHA).

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The gentleman from Pennsylvania (Mr. MURTHA) joined the Marine Corps during the Korean War. He volunteered to serve in Vietnam, while those who accuse him managed to avoid military service. He is the first combat Vietnam veteran elected to Congress. He retired from the Marine Corps Reserves in 1990 and has been awarded the Navy Distinguished Service Medal and the USO's Spirit of Hope Award for his many services to the men and women in the military.

To even suggest that his impassioned and difficult statement about the course of the war in Iraq was a ''political stunt'' is to insult a distinguished veteran and Congressman, and I denounce it in the strongest terms.

But the voices of hysteria did not stop there.

Now we are told that those expressions of concern about the misdirection of the Iraqi campaign demonstrated that ''the national Democratic Party declared its surrender on the war on terror.'' Democrats were accused of giving ''aid and comfort to the enemy,'' according to another Republican Member who never served in combat.

Let every American understand the meaning of these words: It does not matter who you are, if you have worn the uniform of your country, if you have risked your life in combat; to those who use these words on the floor of the House, it does not matter. Challenge the policies of the Bush administration and House Republicans in Iraq, and you are ''giving aid comfort to the enemy.'' You are surrendering to terrorism.

In other words, you are a traitor. That is what these Republican Members would suggest about Members of Congress.

Well, according to the latest poll, 60 percent of the American public think the situation in Iraq is out of control. Have we become a Nation of traitors in the eyes of the Republican leaders of this institution?

Mr. Speaker, this disgraceful, demeaning, and insulting rhetoric has no place in the Congress, it has no place in America, and it should be denounced by every Member of this House, regardless of party and regardless of one's position on Iraq. The day we lose our ability to voice our heartfelt views without having our patriotism demeaned is a dangerous day for democracy.

Some may argue that these are just the voices of an extreme, though powerful few. Some say it is just partisan politics. That is not the case. We have been here before.

Two years ago, the patriotism of Senator Max Cleland was challenged, a man who served in Vietnam and left three of his limbs there; a man who served honorably as the Secretary of Veterans' Affairs and as a United States Senator. Apparently he did not lose enough limbs to prove his patriotism to those who attacked him, those who sought multiple deferments in the same war that cost Max Cleland his limbs. Those attacks cost him an election, too.

This year, the vicious attacks are leveled, as we knew that they would be, against Senator JOHN KERRY, who volunteered in Vietnam while others used their connections and deferments to avoid service. Senator KERRY earned three Purple Hearts, a Silver Star, and a Bronze Star, but now his patriotism is also challenged. Evidently, Senator KERRY's wounds were not deep enough for some of his critics.

And now, the gentleman from Pennsylvania (Mr. MURTHA) is the target of this disgraceful, venal slander.

It is time to stop.

Americans deserve, and they want, an honest discussion on the issues, not a vicious assault on the integrity and the patriotism of distinguished men who carry their wounds of war.

WHERE IS THE OUTRAGE?

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, earlier this afternoon, like so many Americans and citizens of the world, I watched the news with disgust as they announced the beheading of Pennsylvanian Nick Berg, a young man, 26 years old, who was working in Iraq as a civilian. Somehow, Abu Musab Zarqawi and other al Qaeda decided it was time to show us, once again, their version of justice which, to we Americans, is more of what we call murder.

Repeatedly, the stations talked about this and then cut back and forth to hearings taking place here on Capitol Hill to review the hearings about the Abu Ghraib prison and the terrible behavior of several soldiers there.

I was struck by the idea that while the actions of the soldiers in the prison were reprehensible and that they should face court-martial, I am also wondering where is the outrage about the murder of an American citizen? Where was the outrage also about the four contractors who were killed, their bodies mutilated, drawn and quartered and hung and burned? Where was the outrage about the terrorists living in Iraq and showing us the way that they see the world: innocent citizens who had no trial, because no trial could be held, because they committed no crime.

But it continues to give us a flavor of what we are up against when we note how terrorists view Americans and view Western culture and the world. Whether or not we are in Iraq, whether or not we are in Afghanistan, they will continue to perpetrate their war to kill us; not because they want land, not because they are seeking economic gains, but simply because they feel they are on a mission to kill anyone who is Western, who is from America, who is Christian or Jewish, and they will not stop until they have killed us or we have killed them.

But let us not forget who Abu Musab Zarqawi is. He is not just someone who appeared on television today.

World history tells us that in 1999, Zarqawi planned a terrorist attack for the millennial celebration in Jordan. The Radisson Hotel in Aman and other American, Israeli, and Christian cites were targeted. The plot was discovered before it was carried out, and Zarqawi escaped before he could be indicted.

In 2000, Zarqawi went to Afghanistan where he oversaw a terrorist training

camp. He also specialized in chemical and biological weapons.

In 2001 Zarqawi was sentenced to 15 years for his terrorist plots in Jordan. However, since he escaped before he was arrested, he has not served any of his term.

In October 2001, after the Taliban lost control of Afghanistan, Zarqawi fled to Iran with a wounded leg. While he was there, Zarqawi dispatched two Palestinians and a Jordanian who entered Turkey, and then they were supposed to go to Israel to conduct bombing attacks.

In February of 2002, the three terrorists who were sent by Zarqawi were caught in Turkey.

Then in May of 2002, Zarqawi traveled to Iraq; yes, Iraq. He had his leg amputated and had a prosthetic limb to replace it.

From May through July of 2002, Zarqawi spent time recovering in Baghdad and, at the same time, several extremists also came to Baghdad and established a base of operations.

In the late summer of 2002, Zarqawi traveled to Lebanon to meet with leaders of Hezbollah, another terrorist group.

And then in October of 2002, Lawrence Foley, a United States official with the Agency For International Development was assassinated, and after some arrests were made of the actual shooters in December of 2002, Zarqawi was linked to the plot by providing the murder weapons.

In early 2003, Zarqawi returned to the Ansar al-Islam camp in northern Iraq. Other terrorists who have trained in this particular camp have plotted chemical attacks with various toxins in Britain, France, Georgia, and Chechnya.

In January 2003, several terrorists were arrested in Britain for planning to put the toxin ricin in the military food supply. These terrorists were linked to Zarqawi. He continues on with his murderous ways.

It is important to note that as this history tells us that indeed this terrorist was plotting in Iraq, this terrorist was working in Iraq to train other terrorists. But where is the outrage? Where is the outrage among us?

Instead, we talk on and on, snipe back and forth, point fingers, call each side names on both sides of the aisle, trying to score political points instead of trying to achieve peace; looking at polling numbers, and not working on policy.

It is time that we lay these things to rest and look at the outrage and look at the ties that bind us and say, this is why we are fighting terrorism. It is to stop the murders, and it is to ask ourselves where is the outrage of their behavior.

MISMANAGEMENT IN IRAQ THREATENS AMERICAN TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, the scandal at Abu Ghraib prison is indeed a stain on our national honor and a grave disservice to the brave men and women of our Armed Forces. More importantly, it is a threat to their safety in the field, as these despicable pictures have increased the fury of our opponents as they fight against us.

Only two items I think reflect in any form or fashion of positive sense for the United States. Actions speak louder than words. Two things may be positive actions. First, the apology of the President and the Secretary of Defense, in a rare display not of humility, but at least of a sense of concern for the feelings of others around the world and, in particular, in the Muslim world. This was a good thing. Second, and I think this is very important, the serious congressional hearings and investigations that are underway now are shedding a great deal of light on the scope and nature of abuses. We are showing the world how we respond when our misdeeds are uncovered, and that is a great example of our democracy: public, transparent hearings and investigations. Compare this, then, with the barbaric terrorists who hide behind masks when they commit acts of terrorism, assassination and, most recently, beheading.

However, unfortunately, apologies and investigations are not enough. The Taguba report says we have in this country a failure of leadership at the highest levels. I find it ironic in this context, then, that the President says that Mr. Rumsfeld, Secretary Rumsfeld is a superb leader. I beg to differ.

First, Secretary Rumsfeld was a party to false and misleading prewar intelligence and analysis. There are no WMDs, weapons of mass destruction, and we have not been viewed as liberators. I am someone who put aside partisanship based on representations made by this administration that there were, indeed, legitimate threats to our security.

Second, we find that Secretary Rumsfeld engaged in inadequate planning for postwar transition. We simply do not have enough troops. Not just Democrats are saying this. Experienced retired generals have said, almost unanimously, we do not have enough troops to do the job that we are required to do.

What about winning the hearts and minds of the Iraqis? We are losing. We are actually creating recruiting posters for terrorists, because the Iraqis have not seen us as liberators, they have seen us as an oppressive force. This administration has not done the things that would convince the Iraqi people that we are there to do them good.

One minute the Baathists are out, the next minute the same old Baathist generals are back in. How does that work for an administration that describes Secretary Rumsfeld as a superb leader?

This is the same Secretary Rumsfeld that set aside the Geneva Conventions and then wonders why we are having this problem at Abu Ghraib. Well, he set the tone. This administration and Secretary Rumsfeld bear the responsibility for inadequate planning of confinement facilities and for inadequately training our military police.

We heard one of our colleagues on the Republican side talk about all of the great accomplishments that our troops have done. Unfortunately, those accomplishments are undermined by this scandal and these outrageous pictures of sexual abuse of prisoners at the hands of our own troops.

What about the role of military intelligence in directing Army MPs to ''set the conditions'' and ''soften them up?'' This too falls at the feet of Secretary Rumsfeld. This is a great disservice to our men and women in the field.

Not only is this prisoner abuse a disgrace, it is the kind of behavior that we condemn on human rights grounds in other countries such as Cuba and other Third World countries. I am sure those countries now understandably scoff at our high-minded words.

We have created tremendous anger and hostility towards the United States by the Iraqi people and around the world. This will make the job of bringing stability to Iraq much more difficult.

What is to be done? First, we must hold those up the chain of command accountable. One of the things that concerns me as we review this scandal is that a few sergeants and privates are being made scapegoats for a failure of leadership at the highest level.

Second, since we are about to turn over sovereignty to the Iraqis, perhaps now would be a good time to invite them in as a show of good faith and let them serve as observers, those who have been properly screened, in the prisons to say that yes, we are not only turning over sovereignty, we have nothing to hide.

Finally, we need more troops. The generals have said it, the Democrats have said it. Most people realize we have not managed this war well. More troops would help us do a better job and help ultimately to protect our troops.

IRAQ OIL FOR FOOD PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. COLE) is recognized for 5 minutes.

Mr. COLE. Mr. Speaker, I rise today to address what I believe to be important facts about the United Nations Oil for Food Program with Iraq and how it ultimately was corrupted by Saddam Hussein with the aid and willing cooperation of allies from the international community.

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In addressing this issue, Mr. Speaker, a few simple facts should be reiterated.

In February of 2000, President Clinton's administration registered their dissatisfaction with Saddam Hussein's government when he complained that approximately $2 billion was spent to build nine lavish palaces and import liquor and cigarettes under the Oil for Food program.

During the postwar occupation, some very serious allegations have been made regarding people and corporations who circumvented the Oil for Food program by receiving illicit payments from oil surcharges. Among those implicated were U.N. officials administering the Oil for Food program. This was first reported by Al Mada, an independent Iraqi newspaper. Some people and organizations who have been accused have been confirmed in this account to have violated the program. Others have so far denied it.

Mr. Speaker, it is clear that a tremendous number of companies signed oil exploration contracts with Iraq that would ultimately have served to undermine any remaining viability of the Oil for Food program. Not surprisingly, the companies predominantly seemed to have come from countries which opposed the liberation of Iraq.

Just this March, the General Accounting Office testified before our own Committee on Financial Services that it believed that Saddam Hussein's regime increased its revenues through illicit activities in the Oil for Food program by approximately $10.1 billion between 1997 and 2002. These funds were spent to oppress the Iraqi people and provide a lavish lifestyle for the regime's rulers.

Mr. Speaker, the facts are clear. Saddam Hussein engaged in an ongoing circumvention of the Oil for Food program, flouted the U.N. resolutions, persecuted his own people, and was engaged in widespread corruption. He was assisted in these activities by a number of companies and perhaps countries, as well as people within the U.N. bureaucracy itself. This is just one more example that gives credibility to our campaign to remove the regime of terror and replace it with one that truly represents the Iraqi people.

Mr. Speaker, thanks to the Oil for Food program, Iraq was able to successfully advance its foreign policy by offering future contracts to companies for oil exploration, thus receiving a buy-in from other countries, bolstering Saddam Hussein's legitimacy.

The Oil for Food program was suspended just before Operation Iraqi Freedom began on March 19, 2003. The U.N. staff in Iraq departed on March 28, 2003. As U.N. forces moved north towards Baghdad, the U.N. Security Council adopted Resolution 1472, restarting the program's operations, empowering the United Nations to take direct control of all aspects of the program, and directing the United Nations to set priorities on the delivery of already contracted supplies. This actually enhanced U.N. authority and then was later extended on June 3, 2003, a remarkable usurpation of power given the record of the U.N. up to that time administering the program.

On May 22, 2003, Resolution 1483 was adopted, lifting sanctions on Iraq and providing for the phasing out of the Oil for Food program's ongoing operations within 6 months. In accordance with the resolution, the program was terminated on November 21, 2003, and was taken over by the U.S. occupation authority, the Coalition Provisional Authority.

Mr. Speaker, my colleagues can be assured that the CPA is now more effectively delivering food and resources to the people of Iraq than Saddam Hussein ever did. Today, Iraqi resources are being used for the Iraqi people for the first time in decades. Our achievements are impressive in this area and should demonstrate our commitment to the people of Iraq.

Mr. Speaker, before I close, I would once again call for a full and thorough investigation of the expenditures of all funds involved in the Oil for Food program. The corruption was so deep in the Saddam Hussein administration and in those countries, companies and international institutions that propped up the regime, I am convinced that we will not like what we discover.

IRAQ ABUSES MAY GO UNPUNISHED

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I would ask you to suspend your emotions for a moment and look closely at the pictures from Iraq. The Americans appear to be dressed about the same, but there is one major difference. Some of the photos include U.S. soldiers and U.S. civilian contractors. In fact, in one photo the civilian contractors are turned away from the camera. Maybe they were trying to protect themselves. From what?

Some of the U.S. soldiers involved will face a military court martial. The civilian contractors will not face a military court or an Iraqi court or an American court. Civilian contractors involved may not face any punishment thanks to the Pentagon.

Secretary Rumsfeld outsourced the President's war. He outsourced the checks and balances. He outsourced the chain of command. He outsourced due process.

The Pentagon wrote an order that specifically protects civilian contractors from prosecution in Iraq for crimes committed under the umbrella of official duties, and if a civilian contractor commits a crime while off duty in Iraq, U.S. Administrator Paul Bremer has to agree in writing to local prosecution. Does that sound like the United States? Is this the model of democracy we are trying to install in Iraq? Does this sound like adhering to the Geneva Convention?

Last week, the Attorney General rushed to the microphones to tell America that he can prosecute civilians implicated in Iraqi crimes, but the Attorney General neglected to tell the American people that not a single FBI agent has been dispatched to Iraq to investigate. Not one. When two U.S. embassies were bombed in Africa during the Clinton administration, 900 FBI agents went to the scene. The Attorney General says he will wait until the Pentagon finishes its investigation. What is he waiting for?

The International Red Cross has been sounding the alarm for over a year, but the administration and its war machine turned a deaf ear and a deaf eye to what was happening. Now the United States and every soldier is paying the price for benign neglect.

Civilians were given authority to interrogate, clearly using any and all means. Civilians had some mission control over U.S. soldiers, and they exploited this control.

Civilians were immune from local prosecution and immune from military chain of command. We know there has been torture and likely even murder; yet some soldiers were involved, but we cannot stop there and pretend that is the end of it.

There are thousands of civilian contractors in Iraq. We owe it to every good and decent American soldier to get to the worst black mark in military history. We must know what role, secret or otherwise, the civilians were playing in the war. What else were they given besides protection? What secret orders are they carrying out? Who is accountable for the civilians? What assurances will the Iraqi people have that any civilian implicated will be brought to justice? How can we say that we stand for freedom if we let the criminals go free?

The U.S. military told the administration before the war that hundreds of thousands of troops would be needed. The administration refused to listen. Instead, the administration deployed a hand-over strategy concerning Iraq. The administration handed over critical duties to people outside the military and then protected them.

The administration keeps talking about handing over Iraq on June 30. They have already handed over to the wrong people. We need to get back in control of what is going on in Iraq. This administration has got to come clean on what those contractors were hired to do, by whom, and who supervises them.

Are there bosses in Virginia that run those companies? Are they exempt, too? Is nobody responsible for the interrogations that went on in that prison or in the other prisons in Iraq?

These are the questions that must be answered by this administration, and I am afraid that if Mr. Rumsfeld does not want to do it, he is going to have to go.

CURRENT AFFAIRS AND SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today with a heavy, heavy heart. When we turn on the television or the radio or open a newspaper, what we hear and what we read is the great sadness that accompanies the deaths of so very many people around our world.

Reading the newspaper this week, we read that the lives of innocent men, women, and children are being taken in such disparate places as Sudan and Uganda in Africa; Israel, the Palestinian territories and Iraq in the Middle East; Haiti in the Caribbean; Chechnya and Afghanistan in Asia; and countless others places around the world.

Today, another distressing event took place, the beheading of an American civilian in Iraq, a video of which was posted on a militant Islamic Web site. This was a man who ventured to Iraq to help with the rebuilding of its infrastructure, a man whose only crime was traveling to an unstable country, thinking he might be able to make a contribution in the midst of all the chaos. He was 26 years old. This is a terrible tragedy.

But we are no longer surprised to hear that tragedies of this sort are occurring every day around the world. No country is immune. No group of people can avoid the misfortune that is accompanied by simply existing, by simply being alive in today's world.

In Haiti, for example, hundreds of innocent people have died of starvation. They are so hungry they are eating cakes made of butter, salt, water and mud. Mud. Yet here in the United States we do not act.

The gentlewoman from California (Ms. LEE) has introduced a sensible resolution that would establish comprehensive health systems in Haiti. Despite the amount of news coverage that Haiti has received these last few months, less than 10 percent of this House has signed on to the gentlewoman from California's (Ms. LEE) important legislation.

We watch, as we did during the catastrophic Armenian genocide of the early 1900s and during the Holocaust of the 1940s. We make claims of never again, but then we sit back and watch as these events occur again and again and again.

Is this the way humans are going to live out their lives on this Earth? Are we not destined for more? Are we not better than the sum of all these innocent deaths? Can we not address the economic gap between rich and poor, between rich countries and poor countries, between rich individuals and poor individuals?

There has to be a better course for humankind than the one we are currently on; and there is, one that emphasizes brains instead of brawn, one that is consistent with the best American values.

I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART treats wars as an absolute last resort. It fights terrorism with a stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished nations with an emphasis on women's health and education.

The Bush doctrine has been tried, and it has failed. It is time for a new national security strategy. SMART security defends America by relying on the very best of America: our commitment to peace, our commitment to freedom, our compassion for the people of the world and our capacity for multilateral leadership.

SMART security is tough, pragmatic, and patriotic. SMART security is smart, and it will keep America safe.

CONGRATULATING ST. JOSEPH'S HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to take the opportunity to, first of all, congratulate St. Joseph's Hospital in Houston, Texas, in this week of acknowledging the uninsured for a briefing this morning to emphasize the numbers of uninsured in my community, in Houston, Texas, that draws our attention to the 44 million who are uninsured around the Nation. I would only say that is it not tragic that we have made choices that do not allow us to effectively provide the resources for our Nation and those within it.

□ 2045

And then I would like to acknowledge the World Food Program, because they feed 110 million people in 82 countries. It would be wonderful if we could focus our attentions on feeding the hungry and ensuring that those who need to be insured are.

St. Joseph's Hospital opened for the first time since Hurricane Allison in Houston, Texas, in 2001, their emergency room. But we are most glad they are a hospital with a conscience who are prepared and willing to sacrifice and work hard so that the doors of their hospital can be open to those who are in need.

This week, we will proceed with debates on a number of health policy initiatives. Unfortunately, I think they play right into the hands of politics and politicians. Frankly, we have individuals, children, the elderly and others who are sick and uninsured, and we need to do something about it, which would be full insurance and coverage for all Americans so that we can rise to the level that is not with shame.

I speak about choices this evening, Mr. Speaker, because it is imperative that we continue to raise the consciousness not only of our colleagues but the American people. I have often said that we can debate, as we are supposed to debate in the halls of Congress and on the floor of this House, because democracy is the underpinning of what these two Houses are about, the House and the Senate, and the three branches of government. But I ask the American people, where is your outrage? This morning I asked if your prisoners of war were held in a sovereign nation and the abuse that was shown over the last couple of days were rendered unto those who carried American citizenship, where would be your outrage?

Would you accept the fact that enlisted men and women, no matter whether they were from North Korea or some other country, was sufficient to answer the question of how these young men and women were put in the position of being the only ones that would find themselves before courts of law and the military court of justice? Or would you express such outrage that you would suggest it went to the highest levels of government?

I ask that question because I believe that is what we find ourselves in today. Let me remind you of what has happened. The human rights record of the United States is now in question. The United States foreign relations and policy is now in question. Adjudication under the Uniform Code of Military Justice is now in question. The separation of powers is now in question under the Constitution. Adherence to and respect for international law is now in question because of the Geneva Convention. The state of national security of the United States is now in question. The safety of Americans is now in question. The very fact that we have military personnel now endangered by our acts is now in question.

Today, tragically, one more mother and one more father lost a young man who had gone to Iraq simply to do good, to participate in the rebuilding of Iraq. We saw the horrific and terrible indication that he was murdered in a most intolerable way. What can we say about this, other than the fact that the pictures that have been distributed all over the world have contributed to America's demise, with people suggesting that we have lost our high moral ground.

I know the American people have not lost that position in this world. We are defenders of peace. We view the importance of life over death and peace over war. So, I say to the President and to this administration, it goes to the very highest levels of government. We are required by the world's sentiment and what is right to be done, which is for the removal of all of those who have been engaged, from the very lowest to the very highest, Secretary Rumsfeld, Deputy Secretary Paul Wolfowitz and

others who may be included in this, whether they are at the very highest levels of military personnel. We must begin the healing.

Secretary Powell has to be heard on the international arena to begin to bring nations together. Condemnation must be loud, and punitive measures must be swift. I ask that this Congress not shun its responsibility. Shame on us if we do not investigate this in the Committee on the Judiciary, the Committee on International Relations, and the Permanent Select Committee on Intelligence. And these hearings must be open to the people of the world and the American public.

Yes, we are going to hold an international crime trial, but that is not enough, Mr. Speaker.

And as I close, is it not worthwhile to investigate the three women? Were they intimidated, were they stigmatized, did they feel they had to go along with the boys? What is happening to women who are in combat?

Shame on us, Mr. Speaker, if we do not investigate this and bring this to a point where the world knows that we are ashamed and we are moving forward to clear the slate and fight this war so that we can bring about the peace.

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND 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 Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania 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 Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL 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. 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

(Mr. MEEK of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from 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 gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HONDA) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HONDA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of my Asian Pacific American Heritage Month.

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

There was no objection.

Mr. HONDA. Mr. Speaker, I rise today to recognize the Asian American and Pacific Islander community and commemorate Asian Pacific American Heritage Month.

Before I begin, I would like to recognize the gentleman from Oregon (Mr. WU) former chair of the Congressional Asian Pacific American Caucus, or better known as CAPAC, for his leadership, as well as the current vice chair of the caucus, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

As chair of CAPAC, I am proud to stand here to honor the accomplishments and diversity of the Asian American and Pacific Islander community. In 1978, my good friend Norman Mineta and Representative Frank Horton from New York, along with Hawaii's Senators DANIEL INOUYE and Spark Matsunaga, first introduced the first resolution establishing Asian Pacific American Heritage Week to recognize the ongoing contributions to our Nation of the API population.

The first 10 days of May were chosen to coincide with two important anniversaries, the arrival in the United States of the first Japanese immigrants on May 7, 1843, and the completion of the transcontinental railroad on May 10, 1869. In 1992, the month of May was designated as Asian Pacific Heritage Month. I take great pride to see the celebration of our community expand from 10 days to a month.

For centuries, America has been enriched by our diverse and rapidly growing API communities and by the contributions that Native Hawaiians, Chamorros, and Samoans have made in their ancestral homelands. The first API settlement in this country dates to 1763, when Filipinos escaped imprisonment aboard Spanish galleons and established a community near New Orleans. Chinese and Japanese immigrants, likewise, started communities in Hawaii and California, where they sought labor and agricultural opportunities.

From the time of these settlements, APIs have experienced dual currents of discrimination and assimilation. In the difficult times, APIs were singled out for persecution by such acts as the Exclusion Laws of 1882 and 1924, and the Alien Land Act of 1913, which prohibited API property ownership.

This year, 2004, marks the 62nd-year anniversary of President Franklin D. Roosevelt's signing of Executive Order 9066 on February 19, 1942. President Franklin Delano Roosevelt signed Executive Order 9066, pursuant to which 120,000 Japanese Americans and legal resident aliens were incarcerated in internment camps during World War II. Many of these families lost their property and possessions during the several years they were jailed behind barbed wires.

In order to learn the important lessons from our own history, I sponsored House Resolution 56, which sets aside a ''Day of Remembrance'' in memory of the relocation and internment policies of World War II. This year, House Resolution 56 was passed due to the support from my fellow colleagues here in Congress and support from community groups throughout the country.

I realize we need to learn from our own history. It is more important than ever to speak up against unjust policies. Also it is more important than ever to educate Americans of the Japanese American experience during World War II, as well as the experience of other groups, like Japanese Latin Americans and certain German and Italian Americans. We must remember that the decision to issue the order was shaped by racial prejudice, war hysteria, and a failure of political leadership.

At the newly opened Manzanar National Historic Site Interpretive Center at the Manzanar War Relocation Center, we have the opportunity to explore our past and reflect. Additionally, these past few days, the Enemy Alien Files Consortium has set up their exhibit in the Rayburn foyer. This traveling exhibition, featuring photographs, objects, documents, artifacts, art forms and oral history excerpts examines the little-known history of Italian, German, and Japanese immigrants in the U.S. and from Latin

America who were classified as enemy aliens during World War II.

Over 31,000 of these enemy aliens were apprehended, detained, and thousands interned based on suspicion and the potential dangerousness they posed to the U.S. national security. The internees were held without charges for indefinite duration and without trial. These internees, including many American-born children and spouses, languished in Army and Department of Justice camps throughout the USA.

Mr. Speaker, I would like to now yield to the gentlewoman from California (Ms. Linda Sánchez) to speak to this particular item.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank my colleague, the gentleman from California (Mr. HONDA) for all of his leadership.

Today, I am proud to join him and to join Asian Pacific Americans in commemorating the 27th anniversary of APA Heritage Month. This month allows us to recognize the tremendous contributions the Asian Pacific American community has made to our State and to our Nation.

It is fitting, then, to remind others of important APA legislation. For instance, H.R. 677, the Filipino Veterans Equity Act, which would provide U.S. veterans benefits to World War II veterans of the organized military forces of the Commonwealth of the Philippines and the Philippine Scouts who fought for the U.S. and its allies. These veterans deserve to be recognized for the service they provided to our Nation in a time of need.

It is also a good time to bring attention to H.R. 333, which would amend the Higher Education Act of 1965 to authorize grants for higher education institutions serving Asian Americans and Pacific Islanders. This important bill would open doors for many underserved APA communities.

I am extremely proud my home State of California has the largest Asian American population of any State in America, and I am also extremely proud to represent a region of Los Angeles County that includes many members of the Asian Pacific American community. The diversity represented by the different APA communities of our region is a source of strength in our local economy, our culture, and the education we can provide our children.

Asian Pacific Americans are contributing to every aspect of American life, from business and government to sports, science, research and the arts. I am proud that the political landscape in my district reflects this diversity.

I want to take two seconds to recognize two important female city councilwomen in my district from the APA community: Laura Lee, of the City of Cerritos, and Michiko Oyama, of the Hawaiian Gardens City Council. They are pioneers in California's 39th District. They are smart, tough, compassionate leaders and great role models for all Americans.

As we recognize the many contributions of the Asian Pacific American community during this month, let us also celebrate where the APA community is going and the future impact it will have on our country. I urge all Americans to remember their important contributions to our country not only today but every day. The Asian Pacific American community, like the many diverse immigrant communities in this country, makes our country richer and stronger, and to them I am grateful.

□ 2100

Ms. SOLIS. Mr. Speaker, I would like to acknowledge the good work of the gentleman from California (Mr. HONDA), who has done an outstanding job in representing the concerns of the Asian Pacific Islander community. I was very proud to have the gentleman be part of a very instrumental conference that we held in Los Angeles on health care access. It was a tricaucus effort, and it was the first time the Hispanic Caucus, the Black Caucus, and the Asian Caucus came together in Los Angeles and started to talk about the health care disparities that affect our communities. It has been a pleasure working with the gentleman here in the House; and as a former colleague in the State Assembly in Sacramento, California, I had the pleasure of working with the gentleman there. He continues to shine a bright light here in the House, reflecting all the concerns and needs and issues that we need to pay close attention to.

As a Member representing the 32nd Congressional District, which I believe is the second largest community concentration of Asian Pacific Islanders, there are over 120,000 individuals who represent various Asian communities that live in my district, I have been very, very blessed to represent them for the past several years in any capacity as assembly woman, a State senator, and now as their Congressperson.

I want to tell Members how important it is to help build leadership amongst our community there. I am proud to represent one of the cities which is 70 percent Asian, Monterey Park, known as Little Taipei, which has one of the few city councils which has a majority of Asians.

One of the first assemblywomen came out from Monterey Park City Council, and that is the Honorable Judy Choo, who now serves on the very powerful appropriations committee in the State of California. I am proud to be a part of her accomplishments also in our district.

I want to say also it is very important to be reminded of the many contributions that Asian Americans have made. I am proud that now that my district has been somewhat redistricted, even in new parts of my district, for example in a city known as West Covina, that the Asian population there grew from 4 percent in 1980 to now 23 percent. We have a very distinguished councilman who sits on that city council, and that is Ben Wong, who is also representing our interests very well there, and someone who has been very politically active in making sure that diversity is encompassed and embraced by everyone.

That is why I have a particular joy in being here tonight to help promote the contributions that this community has made in so many ways, and so much is not reported in our history books. I had the pleasure of visiting just a few weeks ago some gentlemen who were actually represented in one of the major battlefields that we were involved in World War II, and these were the Japanese Americans that served in the Armed Forces as a part of the 442nd Infantry Regimental Combat Team. There was still two or three of my members alive in my district. I was very proud that we could present them with their awards and honors and pay tribute to what they bring to our history here that often goes unreported.

As I close my comments, I want to thank our colleagues here that represent a part of the Asian Caucus, and they are so open and willing that even myself, as a member of the Hispanic community, is welcomed as a member in that caucus. I feel very privileged to continue to work with them to see that our issues are in the forefront here in Congress, and that we represent the interests and needs of all of our communities. I thank the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I would like to say to the gentlewoman, in spite of the growth of the Asian American communities, rather than feel threatened, the gentlewoman embraces them; and I think that is why the gentlewoman has been such a welcomed leader for political leadership in our country.

Mr. Speaker, I yield to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in honor of Asian Pacific American Heritage Month and to recognize the great contributions of Asian and Pacific Island Americans to our Nation. I, too, as the previous speaker said, am very proud to represent the territory of Guam in the Pacific, and I want to thank the gentleman from California (Mr. HONDA), the chairman, for his sterling leadership. Ever since I have come to Congress, I have noted he is out there working hard for the Asian Pacific recipients and the representatives from the various areas, as has the gentleman from American Samoa (Mr. FALEOMAVAEGA), the vice chair of the Asian Pacific American Caucus. I thank them for their efforts on behalf of our communities.

Asian and Pacific Islanders are contributing in every aspect of American life, from business to education, government, public relations, the military, sports, entertainment and the arts. In each of these professions, we find prominent Asian and Pacific Islander Americans making their mark. The late congresswoman, Mrs. Patsy Mink, was a champion of women's rights and

a leader in social justice who worked tirelessly to provide opportunity to the poor and disenfranchised. Today her legacy lives on and inspires many to remain strong in their convictions.

With her award-winning book, ''A Single Shard,'' children's author and Korean American, Linda Sue Park, has instilled important lessons of honesty, integrity, hard work, and perseverance in millions of children.

My predecessors, the Congressmen Antonio Won Pat, Ben Blaz, and Robert Underwood, faithfully served the people of Guam; and they have served as an inspiration to a generation of Chamorros.

Our communities have embraced America as our new homeland, and our unique cultures have survived and continued to thrive because America has come to know and appreciate how our contributions have enriched our Nation.

Today, as we celebrate ''Freedom For All, a Nation We Call Our Own,'' and as our military operations to win the war against terrorism continue to hold national attention, we are reminded of the sacrifices made to ensure our freedom. No one can doubt the patriotism of Asians and Pacific Islanders who have served this country with pride and distinction, and many without the benefit of citizenship.

Let us honor the 21 Asian American World War II veterans from the 100th Infantry Battalion and the 442nd Regimental Combat Team who were awarded the Medal of Honor for extraordinary heroism and bravery on the battlefield.

I especially want to remember those who have given their lives to protect our freedom, including Army Specialist Christopher Wesley, Lieutenant Michael Vega, and Sergeant Eddie Chen, soldiers from Guam who were killed in Iraq. We are saddened by their deaths, but their courage is an inspiration to all of us.

This year the people of Guam will be commemorating the 60th anniversary of our liberation from enemy occupation by U.S. Armed Forces during World War II. As the only American territory with a civilian population occupied by the enemy during World War II, they risked their lives to protect American soldiers from capture and endured great hardship and suffering. I want to recognize the people of Guam for their steadfast loyalty during these trying times.

As we celebrate Asian Pacific American Heritage Month, let us remember and honor all of the contributions of Asian Pacific Islanders. Let us appreciate the cultural diversity, the patriotism, and the communities that make our Nation so great.

Mr. HONDA. Mr. Speaker, I thank the gentlewoman from Guam for raising the profile of Guamanians in the history and the patriotism of this country.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE), the Congresswoman from Oakland.

Ms. LEE. Mr. Speaker, first let me just say tonight that I also rise to celebrate Asian Pacific American Heritage Month, which commemorates the significant contributions of Asian Pacific Americans throughout our country's history.

I would just like to take a moment and especially thank the gentleman from California (Mr. HONDA), the leader of our Asian Pacific American Caucus, for organizing this Special Order this evening and also for the gentleman's consistent leadership on so many issues which affect not only the Asian Pacific American community, but the entire country and the entire world. I thank the gentleman for his leadership and for making sure that we stay on point.

Let me say tonight that I, too, honor the memory and the legacy of a very good friend, a great woman who left this Earth much, much too soon, the first woman of color to serve in the House of Representatives, our great sister, Congresswoman Patsy Takemoto Mink. She made such an impact in this body, and tonight as we celebrate Asian Pacific American Heritage Month, I want to just remind us of Patsy's great legacy.

Also, I would like to recognize the contributions of Asian Pacific Americans in my district, the 9th Congressional District of California, the East Bay of Northern California, and really commend everyone for their dedicated service and vision in making life better for those in our community and our Nation.

Asian Americans and Pacific Islanders have long played a crucial role in the life and the history of the East Bay. The region's identity has been profoundly shaped by its place on the Pacific Rim. However, today Asian Pacific Americans still face a wide variety of challenges, including access to educational opportunities and community resources.

I specifically want to talk about three great organizations in my own district that are working to strip down the language and educational barriers that isolate far too many Asian Americans and Pacific Islanders today. They are the Asian Immigrant Women Advocates, Oakland Asian Students Educational Services, and Asian Health Services.

First, the Asian Immigrant Women Advocates has been providing resources to low-income Asian immigrant women workers for over 20 years. They work with women workers employed in the garment industry, in hotels, in restaurants, and other low-wage industries in the Bay Area. Every day they stimulate positive change and empower disenfranchised women through education, leadership development, and collective action so they can fight for dignity and justice in their working place and for enhanced and more rational, fairer, and more equitable living conditions.

Secondly, the Oakland Asian Students Educational Services motivates youth who have limited access to maximize their potential through education and social support. OASES provides personalized academic support and enrichment programs for youth from the first grade through their high school graduations. Through OASES, students take technology classes to gain computer skills and are tutored in areas such as math, science and, social studies. Recent young immigrants who face linguistic and social barriers in their schools can also receive language support. With so many social, educational, and economic challenges, health and access to quality care is also a major concern.

Now the four leading causes of death among Asian Americans and Pacific Islander women are cancer, heart disease, stroke, and unintentional injuries. That is why the work of the third organization that I would like to highlight tonight, the East Bay Consortium of Health Care Centers, their work is critical, especially as being part of the Asian Health Services.

Asian Health Services is a comprehensive community health center that provides medical care, health education, insurance counseling, and client advocacy to the underserved Asian and Pacific Islander population in Alameda County. Serving the community since 1974, they now provide medical services to 15,000 patients annually. Their staff of 150, which includes 18 doctors and physician assistants and 23 nurses, is bilingual in nine languages. In addition to providing high-quality health care, AHS is home to the Language and Cultural Access program, a medical interpretation and translation service, and Community Voices for Immigrant Health, a health policy development program.

As Members may know, recent immigrants face many obstacles today. Organizations like these help their clients to conquer these barriers. I want to salute them tonight for their achievements and congratulate them for a job well done and a job that continues to soar on behalf of our community.

□ 2115

In addition, as part of Asian Pacific American Heritage Month, I believe that it is also very important to celebrate the accomplishments of prominent Asian American leaders in our community. Let me just recognize Oakland City Council members Jean Quan and Henry Chang and Danny Wan. Also our supervisor, Alice Lai Bitker and one of the most powerful persons in the California legislature, our majority leader Wilma Chan. They work daily to enhance the quality of life for Asian Americans and Pacific Islanders, also for our entire community, the States and the entire Nation. For this, I am deeply grateful.

Finally, I want to recognize a hero for many of us, someone who has profoundly affected the lives of all Americans, Professor Ronald Takaki. Professor Takaki is a foremost thinker in

the field of multicultural education and ethnic studies. He has been a professor in Asian American studies at the University of California Berkeley for more than 30 years. His research and teaching have shed light on the vast contributions that Asian Americans have made to the history, to the culture, and to the achievements of our country.

Professor Takaki believes that the study of multiculturalism results in a more accurate understanding of who we are as Americans. The grandson of Japanese immigrants to Hawaii, Professor Takaki cites the moral vision of Martin Luther King, Jr. and the civil rights movement as the stimulus for his study of race in America. Since then, much of the core curriculum in ethnic studies has grown from his own wide-ranging original research. In 1984, he was a founder of Berkeley's Ph.D. program in ethnic studies, the first of its kind in America. Professor Takaki is retiring this year from the University of California Berkeley and tonight I want to honor him for his vast contributions to bettering our society and in championing diversity and minority rights in our country.

Mr. Speaker, tonight in conclusion, as a proud member of the Congressional Asian Pacific American Caucus, I am pleased to join the gentleman from California tonight. I want to thank him again for organizing this Special Order. As we commemorate and as we celebrate the crucial role that Asian Americans and Pacific Islanders have played and continue to play in the development of this Nation, we must also recognize at the same time the unique needs and challenges of the 13.1 million Asian Pacific Americans in the United States and work towards supporting efforts to improve their future. I again thank the gentleman for his leadership and his friendship.

Mr. HONDA. I thank the gentlewoman from California, and I appreciate her sharing the work that the community-based organizations are doing for the community in order for the members of the community to be able to access and be full participants in our country.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. NAPOLITANO), another great leader.

Mrs. NAPOLITANO. Mr. Speaker, I thank my colleague and dear friend, the gentleman from California. I rise to honor, recognize, and celebrate Asian Pacific American Heritage Month and thank my friend for making us aware that all of us are immigrants to the United States and that we need to work together to be able to forge a better partnership for the betterment of the whole of the United States.

I have the privilege of representing a large and diverse community of Asian Pacific Americans in my California 38th District. As part of the Congressional Hispanic Caucus leadership and a member of the Congressional Asian Pacific American Caucus, I extend my gratitude to the gentleman from California, chair of CAPAC, for organizing this Special Order and for bringing us together to recognize and celebrate this very special evening.

This month, the members of the Congressional Hispanic Caucus pay tribute to Asian Pacific Americans, especially, as we have heard, our great deceased friend, Patsy Takemoto Mink. We also have a great leader in the United States in Transportation Secretary Norm Mineta who has been a great friend to all of us and made a very heavy impact in transportation for the whole of the United States.

The last day of this month is Memorial Day. I extend my appreciation to all Asian Pacific Americans who have died in combat and also to the more than 60,000 Asian Pacific Americans currently on active duty in the armed services. For over two centuries, Asian Pacific Americans have helped to strengthen and define America. In the 1700s, Filipino immigrants fled from Spanish oppression and settled in Louisiana. In the mid-1800s, Chinese immigrants were actively recruited to work on the transcontinental railroad, a vital line for early settlers in the West. In the face of discrimination, many Chinese and Japanese workers continued immigrating to Hawaii and California in the late 1800s to work long hours in agriculture long before other immigrants. Despite playing a critical role in the United States westward expansion, believe it or not, laws were passed to exclude Asians from citizenship. Today immigration policy is still fraught with some of the same systemic problems and hypocrisy early Asian Pacific immigrants encountered.

Last week the gentleman from Illinois (Mr. GUTIERREZ) introduced H.R. 4262, an immigration reform bill that addresses the needs of the immigrant community labor organizations and business groups. It fixes many of the systemic problems and honors the hard work of today's immigrants, all immigrants, including Asian Pacific Americans, provides better security for our country and gives the framework for managing future immigration.

I have the highest regard for the determination and entrepreneurship and the spirit of these Asian Pacific immigrants. They have one of the highest levels of self-employment in the U.S. It is even higher than their American-born counterparts. America must pass an immigration policy that respects their hard work and the jobs that they bring to the United States.

As a community, Asian Pacific Americans have never forgotten the struggles of those who came before us. The Tri-PAC which the Asian Pacific American Caucus, the Hispanic Caucus, and the Congressional Black Caucus have formed have been working together and will continue to work together to better the very, very hard issues that face our different communities. We have had the privilege to work with our friends in the Congressional Asian Pacific American Caucus, CAPAC, to make the path smoother for those who come after us. The members of the Congressional Hispanic Caucus look forward to continuing to work with CAPAC on improving minority health, increasing education resources, and working for real immigration reform for all those that need it in this great country of ours.

Mr. HONDA. I thank the gentlewoman from California. Let me also comment and thank her for her leadership in helping this country understand how diverse and how colorful this country is.

Mr. Speaker, I yield to the charismatic gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, our country is obviously going through times of great difficulty, but it is vital in such times that we pause to reflect on all that is good in our country, that we reflect upon the glue of our country, what holds us together. In that context, I am very pleased to join the gentleman from California, a most worthy and passionate advocate for our people, and my other colleagues on the Congressional Asian Pacific American Caucus on commemorating Asian Pacific American Heritage Month. I stand here as the proud Representative of my Second District of Hawaii, the most ethnically diverse district in the most ethnically diverse State of our country.

In my Hawaii, out of a total population of 1.2 million, over half are comprised of Asian and Pacific Islanders. And so as we commemorate Asian Pacific American Heritage Month, I want to reflect on the history of Hawaii, not just because I am immensely proud of our history but also because I believe very strongly that we remain a beacon for where this country is going and what this country can be in the area of ethnic contributions and ethnic diversity.

Of course among our country's original Pacific Islanders were and are the indigenous peoples of Hawaii, the native Hawaiians. They came from elsewhere in Polynesia in the early centuries A.D. and built one of the most amazing societies that this world has ever seen. The circumstances under which their kingdom gave way to the Republic of Hawaii remain controversial and far reaching, the subject even today of vital legislation to reaffirm the special relationship between our government and native Hawaiians everywhere. But what is unquestioned is that our indigenous peoples, like other Asians and Pacific Islanders, have seen a remarkable and deeply moving renaissance in their own culture and ethnic pride that has not even begun to approach its zenith.

Modern Western contact in 1778 started Hawaii on the journey to ethnic and cultural diversity, a journey on which we are still embarked. As our economy turned to large-scale agriculture and we saw many foreign workers come in, we saw the Chinese come

in beginning in 1852, Japanese in 1868, Portuguese in 1878, Puerto Ricans in 1901, Koreans in 1904, Filipinos in 1907. Today we continue in Hawaii to attract immigrants to our shores, including Vietnamese, Laotians and Cambodians from southeast Asia and other Pacific Islander groups including Tongans, Samoans, Fijians, Maori, Chamorros, Marshallese, Palauans and other Micronesians, Polynesians and Melanesians.

Today Hawaii's Asian and Pacific Islander community counts all of these as valuable members of our society. My own congressional district is home to many, including the largest number of native Hawaiian and Filipino populations of any other district in the country. So it is no surprise that Hawaii leads our country in interracial marriages, including my own, where the undisputed head of my household's family originated in the great country of Japan a century ago. More than one-third of married couples and more than one-half of unmarried couples are interracial. More than 50 percent of the children born in Hawaii nowadays, including my own, are interracial. So you can see that in Hawaii, we live Asian Pacific American Month every month. We are proud of our API community, their contributions to our national and international life. For example, of the 33 Asian and Pacific American Members of Congress ever elected, seven have been from Hawaii, including Prince Jonah Kuhio Kalanianaole, Senator DANIEL KEN INOUYE, Senator Hiram Leong Fong, Senator Spark Masayuki Matsunaga, Congresswoman Patsy Takemoto Mink, Senator DANIEL KAHIKINA AKAKA and Congresswoman Patricia Fukuda Saiki.

We have boasted a few firsts at the gubernatorial level. The first Governor of Japanese ancestry, George Ariyoshi. The first Governor of native Hawaiian ancestry, John Waihee. The first Governor of Filipino ancestry, Governor Ben Cayetano. We have seen today in the halls of Congress the incredible contributions of a patriot, Major General Antonio Taguba, a Leilehua High grad from Hawaii and a proud member of our Filipino community. And, of course, former General Eric Shinseki, 34th Chief of Staff, U.S. Army, of Kauai.

Like everywhere else in our country we have tragically given thousands of the lives of our sons and daughters, including from the Asian and Pacific American community for the cause of freedom. The exploits of the 442nd Regimental Combat Team remain legendary, but more recently we have seen the tragedy, the tragedy of the loss in Iraq of Maui native Sergeant First Class Kelly Bolor and Big Island native Wesley Batalona.

In sports we have seen Michelle Wie, a 14-year-old Hawaii high school freshman referred to as the Tiger Woods of women's golf. We have seen Benny Agbayani in baseball, Duke Kahanamoku and Rell Sunn in surfing, Ben Villaflor in boxing, Tommy Kono in weightlifting. Ellison Onizuka gave his life for the cause of science. Miss Universe Brooke Lee. Miss America Angela Baraquio. In music, Braddah Iz, Israel Kamakawiwo'ole. In Hollywood Kelly Hu, Jason Scott Lee, Tia Carrera. In sumo, Takamiyama, Akebono, Musashimaru and Konishiki. In civil rights, Bruce Yamashita. And, of course, how could we end the night without mentioning Camille Velasco and more recently Jasmine Trias? If you want to show your support for Asian and Pacific Americans, tonight you know what number to call on what TV show right about now. Jasmine just finished singing.

Mr. Speaker, this is just some of what our proud Asian and Pacific American community offers our country and world. We are deeply committed to sharing with our fellow Asian and Pacific American community nationwide a bright future. I have only the utmost thanks and respect for the gentleman from California (Mr. HONDA) again for his leadership and for my other colleagues, not just in the APA community caucus here but on all of the other ethnic minority caucuses. Together we are working for a much brighter, a much better, a much more vibrant and diverse and amazing culture and future that lies in front of us here in this country.

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I thank him and bid him a warm mahalo.

Mr. HONDA. Mahalo. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE) to round out the great State of Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for the opportunity to speak here this evening on Asian Pacific American Heritage Month Special Order. Mr. Speaker, I rise today with my colleagues on the congressional Asian Pacific American Caucus to recognize Asian Pacific American Heritage Month. As a member of the caucus's executive committee, I want to honor the many achievements and contributions of more than 11 million Americans of Asian and Pacific Islander descent in our country.

As has been mentioned by the gentleman from Hawaii (Mr. CASE), back in 1978 my friends and colleagues, Senator DANIEL K. INOUYE, former Senator Spark Matsunaga, former Representative Frank Horton, and former Representative Norm Mineta, helped establish the first 10 days of May as Asian Pacific American Heritage Week. Fast forward to the 102nd Congress: legislation establishing the entire month of May as Asian Pacific American Heritage Month was signed into law.

The congressional district I represent is composed of approximately 70 percent Asian Americans and Pacific Islanders. There is a special strength and resilience embodied in Hawaii's unique cultural mix. We have chosen to be defined by our diversity rather than divided by our differences. That resolve to work together with Aloha can serve as an example for the rest of the country and I might say, Mr. Speaker, for the world.

For those of us from the State of Hawaii, there is something missing in this year's heritage month celebration, however: the dynamic presence of our colleague Patsy Takemoto Mink. Patsy fought all her life for social and economic justice. Throughout nearly 50 years of public service, she championed America's most deeply held values: equality, fairness, and, above all, honesty. Her courage, her willingness to speak out and champion causes that others might shun resulted in tremendous contributions in the fields of civil rights and education. She has earned an honored place in the history of the United States House of Representatives as the co-author of title IX, which guarantees equality for women in education programs. Every single woman in this Nation who today has access to equal opportunity in education and by extension in virtually every other field of endeavor owes a debt to Patsy Mink.

She was one of the pioneers who transformed Hawaii and transformed the Nation. Whenever any of us felt some sense of discouragement, whenever any of us felt some sense of despair or feeling we could not succeed, it was only required for Patsy to come into the room to change the atmosphere. Patsy Mink had the capacity to make dead air move. Patsy Mink, this little dynamo from Hawaii, was a giant in her heart and in her commitment. I miss her every day. I measure all I do by her unfailing standard of integrity.

She would be the first to say while we can look at Asian Pacific American Heritage Month as a time to recognize and celebrate many individual accomplishments, we must also take action. The other members of Hawaii's congressional delegation and I are working every day to respond to the issues raised by people of Hawaii and the Nation. I hope I can work productively to resolve them, always remembering that our Nation should be defined by our diversity rather than be divided by our differences. I thank the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE), and he makes Hawaiians very proud; and we are privileged to have him as one of our members of CAPAC, and I always look toward him to understand how to deliver a speech eloquently.

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding to me, and I am very proud to be here as one of Hawaii's answers to affirmative action this evening.

Mr. HONDA. Mr. Speaker, I was hoping he would say that.

Mr. Speaker, I too would like to extend my gratitude to the patriotic men and women serving our country and the

military including the 60,813 Asian American and Pacific Islanders serving on active duty in the U.S. armed services as well as the 20,066 in the Reserves and National Guard. I also commend the 351,000 API veterans. Last week I had the privilege to meet a young soldier, Army Specialist Bermanis of the Army's 82nd Airborne Division. He was presented with the Bronze Star, a Purple Heart for Meritorious Conduct in Operation Iraqi Freedom. On July 16, 2003, the award presentation ceremony took place bedside at Walter Reed Army Medical Center where he was convalescing from grave injuries. Specialist Bermanis and a fellow soldier were on guard duty in southern Baghdad when they sustained an attack by rocket-propelled grenades on June 10, 2003. His fellow soldier died instantly, and Specialist Bermanis lost both his legs and his left hand.

Specialist Bermanis hails from Pohnpei in the Federated States of Micronesia. Officials from the Federated States of Micronesia and the U.S. Government had visited him at Walter Reed and praised him for his courage and exemplary service. A senior U.S. official commended Specialist Bermanis's service as representative of the Federated States of Micronesia citizens' commitment to the security of the United States and Pacific region.

Mr. Speaker, this month also affords us time to reflect on the various social needs that exist in the API community. Today there are 12.8 million APIs, which represents 4.5 percent of the U.S. population. Between 1990 and 2000, the community grew nationally by 72 percent.

APIs are one of the fastest growing populations in the country. The API community in this country encompasses 49 ethnicities speaking over 100 languages and dialects. The population enriches our culture linguistically through a range of languages, such as Japanese, Chinese, Samoan, Thai, Vietnamese, Hmong, Cambodian, Micronesian, and Korean.

Our linguistic diversity has contributed greatly to American society. It has allowed us to exercise international leadership economically and politically. According to the U.S. Census Bureau, slightly less than half of the 7 million API who speak a language other than English at home report that they speak English ''very well.'' We need to better address the educational and health care needs of all limited-English proficiency students, children, and adults.

Additionally, data is a cross-cutting issue. Lack of data impacts our understanding of the health problems in our communities as well as the problem of access and quality. Adequate data collection continues to be a challenge for the API community. Although we are often mistaken to be a homogenous group, our community is extremely diverse in ethnicities and languages. Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicities.

This year as chair of CAPAC, I have looked into these and other critical issues within the API community. Through our CAPAC task forces, we have targeted such goals as eliminating racial ethnic health disparities, enacting comprehensive immigration reform, fighting to create jobs, and providing educational opportunities for the underserved.

CAPAC has had the privilege to work with our colleagues in the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Native American Caucus to advance dialogue on these important issues.

I yield to the gentleman from American Samoa (Mr. FALEOMAVAEGA), the vice chairman of CAPAC, a Member of the Congress for many years, a leader and a person who represents American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California (Mr. HONDA) for yielding to me and not only for his leadership but as chairman of the Asian Pacific American Caucus and for him to request this Special Order to allow Members of this institution to pay tribute and to recognize the contributions of our Asian Pacific American community to our Nation.

I think with some sense of perspective in history, Mr. Speaker, when we talk about the Asian Pacific American region, we talk about all those countries that comprise Asia as a region as well as those Pacific Island nations. The Asian Pacific region constitutes two-thirds of the world's population. This region also has six of the 10 largest armies in the world. The U.S. commercial and trade relations with this Asian Pacific region far exceeds other regions of world. In fact, the U.S. trade with the Asian Pacific region is twice that of Europe alone. As I recall, Senator INOUYE once made the observation that for each 747 that flies across the Atlantic, four 747s fly between the Asian Pacific region and our Nation.

Americans whose roots are from the Asian Pacific region are over 13 million strong and among the fastest growing demographic group in the United States today.

Permit me to share with my colleagues an overview of some of the contributions that Asian Pacific Americans have given to our Nation. Just 3 months ago, a world renowned Chinese American physicist, Dr. Chien-Shiung Wu, perhaps little known to the average American, passed away quietly in her home in New York. For decades she dedicated her life to the study of beta decay. She was born in Shanghai, and in her youth studied with Nobel Laureate E.O. Lawrence, the inventor of the cyclotron at U.C.-Berkeley, where Dr. Wu also received her doctorate degree in physics. For some 30 years, Dr. Wu taught physics at Columbia University. In 1957 she won the Nobel Prize in physics for her work on emission of electrons from radioactive nuclei. I think there are approximately 10 other Nobel Laureates who are of Asian Pacific ancestry in the field of physics, mathematics, and chemistry.

A couple of years ago, Time Magazine featured as its Man of the Year Dr. David Ho. Dr. Ho is a Chinese American who was born and raised in Taiwan. His family moved to the United States when he was a young man, and he is now a leading scientist in the field of medicine and has been recognized for his research efforts to find a cure for HIV/AIDS.

For several decades now, Dr. Makio Murayama, a Japanese American, conducted vital research in the United States that laid the groundwork for combating sickle-cell anemia. In 1973 Dr. Leo Esaki, a Japanese American as well, was awarded the Nobel Prize in physics for his electron tunneling theories. And in the field of engineering, few have matched the architectural masterpieces created by the genius of Chinese American I.M. Pei.

In the fields of law and finance, the names of prominent Asian Pacific American corporate leaders and legal scholars are too numerous to mention. One need only to read our Nation's top newspapers and periodicals to document that Asian Pacific American students, both in secondary schools and universities, are among the brightest minds our Nation offers to the world. We have every expectation that they now and will in the future contribute their talents and expertise to solve major issues and problems now confronting our Nation today.

In the fields of entertainment and sports, the late Chinese American kung-fu martial arts expert Bruce Lee captivated movie audiences around the world by destroying the common stereotype of the passive, quiet Asian Pacific American male. Now another sports and movie icon is moving his way through the movie industry and is believed to be the heir apparent to Sylvester Stallone and Arnold Schwarzenegger, Governor Arnold Schwarzenegger. His name is Dwayne Johnson, commonly known today as the Rock. The Rock is a former World Wrestling Federation champion wrestler and has completed his third movie. First it was The Scorpion King, then The Rundown, and now Walking Tall. And just a unique thing about the Rock, Mr. Speaker, is that his father is African American and of European descent, but his mother is pure Samoan Polynesian. Now just about every Samoan claims kinship with the Rock, including myself, Mr. Speaker.

When we talk about sports, for example, golf, Mr. Speaker, it is ironic that the two best golfers in the world are of Asian Pacific descent. Tiger Woods's mother is Thai. Vijay Singh from the island of Fiji is of Asian descent. And as mentioned earlier by my colleagues from the State of Hawaii, we have a new Tiger Woods among the women's professional golfers, and this is a 14-year-old junior golfer from the State of Hawaii. She is Michelle Wie.

About 4 decades ago, Mr. Speaker, a native Hawaiian named Duke Kahanamoku shocked the world by winning the Olympic gold medal for the United States in swimming, followed by Dr. Sammy Lee, a Korean American, who also won the Olympic gold medal in high diving. Dr. Lee told me during the 1988 Olympics in Korea that in his day, because he was nonwhite, he was not allowed to train along with his fellow Olympic American athletes.

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So he had to become creative by performing high dives off cliffs and tall trees. Despite all this, he still won the gold medal for our country.

And what can you say about Greg Louganis, the Samoan American, perhaps the best high diver ever in the world. Dr. Lee, who was his former teacher, I asked him in Korea, ''Why is it that Greg Louganis is such a fantastic high diver?'' He said, ''ENI, look at his legs. Because of the power that he gets from his legs,'' this high diver named Greg Louganis, ''he is able to perform more difficult tricks in his routines when he does this.'' I think everybody knows that Greg Louganis has been the greatest diver ever known to the world.

Let's talk about the National Football League. We have had Asian-Pacific Americans who have also made All-Pro: Charles Ane with the Detroit Lions, Rockney Freitous with the Detroit Lions; Luther Elliss; and the perennial All-Pro, Junior Seau, formerly with the San Diego Chargers, now with the Miami Dolphins. We have Jesse Sapolu with the Forty-Niners and Dan Saleaumua with the Kansas City Chiefs, and also Jim Nicholson, also formerly with the Kansas City Chiefs.

We also have Asian-Pacific Americans who are making their mark on history, not in our country, but in Southeast Asia. About 20 years ago, an 18-year-old Samoan kid named Saleva'a Atisanoe, then weighing only 384 pounds was an All-State football player who had intended to play college football. While walking Waikiki Beach with his buddies, he was immediately brought to the attention of the famous Native Hawaiian sumo wrestler and teacher, Jesse Kuhaulua—or Takamyama—as he was known throughout Japan.

After convincing Saleva'a's parents to have their son try sumo wrestling as an optional sport, Takamyama brought this Samoan young man to Japan. Saleva's left with only a little lavalava and a t-shirt on his back and started a training program so rigorous and demanding that very few foreigners make it through the first 6 months.

Saleva'a told me that he trained every day for 6 or 7 hours. His body took every form of pain and physical punishment including stretching, pushing, pulling. If you want to know how rigorous the training is and what a sumo wrestler has to do in order to be successful in this ancient sport, let me just say that a 500 pound man must be able to do the splits just like a seasoned ballerina dancer does at an opera concert.

Saleva'a's name was later changed to Konishiki, and he weighed in at 570 pounds and at six feet in height. Konishiki took the entire sumo wrestling world to a different level. His successes in winning his matches within 2 years usually would take most sumo wrestlers 5 years to achieve. Although he achieved the second highest level in sumo, which was Ozeki, Konishiki became a household name throughout Japan, and was forerunner to two other Polynesian sumo wrestlers who eventually became Yokozuma or grand champion.

Indeed, two Americans of Polynesian descent scaled even greater heights by attaining the highest status—Yokozuna or Grand Champion—in this ancient Japanese sport of sumo wrestling. A Native Hawaiian, Chad Rowen, or Akebono as he is known in Japan became Yokozuma. Of course, he weighed about 500 pounds and stood six feet eight inches tall. The other was Samoan-Tongan American Peitani Fiamalu also known as Musashimaru. He tipped the scale at 550 pounds and stood six feet four inches.

Mr. Speaker, if I may, I would like to now direct my attention to another area in our Nation's history, where Members of our Asian Pacific American community were severely challenged. As a Vietnam veteran, it would be ludicrous for me not to say something to honor and respect the hundreds of thousands of Asian Pacific Americans who served then and now in all the branches of the U.S. Armed Forces.

As a former member of the U.S. Army's Reserve unit known today as the 100th Battalion and 442nd Infantry Combat Group, I would be remiss if I did not tell you about the contributions of the tens of thousands of Japanese American soldiers who volunteered to fight our Nation's enemies in Europe in World War II.

Some of us may not be aware of the fact that after the surprise attack on Pearl Harbor on December 7, 1941, by the Imperial Army of Japan, there was such a public outcry for an all-out war against Japan, and days afterwards our President and the Congress formally declared war.

But caught in this crossfire were hundreds of thousands of Americans, Americans, mind you, who just happened to be of Japanese ancestry. Our national government immediately implemented a policy whereby over 100,000 Americans of Japanese ancestry were forced to live in what then called relocation camps, but actually in my opinion they were more like prison camps or concentration camps. Their lands, homes and properties were confiscated without due process of law.

Mr. Speaker, it is also a time in our Nation's history when there was so much hatred and bigotry and racism placed against our Japanese American community. Yet, despite all this, leaving their wives, their parents and brothers and sisters behind barbed wire fences in these prison camps, the White House accepted the request of tens of thousands of Japanese Americans who volunteered to join the Army.

As a result of this request for service, two combat units were organized. One was known as the 100th Battalion, also known as the Purple Heart Battalion; and the other was known as the 442nd Infantry Combat Group. Both were sent to fight in Europe.

In my humble opinion, Mr. Speaker, history speaks for itself in documenting that none have shed their blood more valiantly for our Nation than the Japanese American soldiers who served in these two combat units while fighting enemy forces in Europe in World War II.

The military records of the 100th Battalion and 442nd Infantry are without equal. These Japanese Americans suffered an unprecedented casualty rate of 314 percent, and received over 18,000 individual decorations, many of them awarded posthumously, for bravery and courage in the field of battle.

For your information, Mr. Speaker, 52 Distinguished Service Crosses were awarded to these two units. 560 Silver Stars and 9,480 Purple Hearts were awarded to the Japanese American soldiers of the 100th Battalion and 442nd Infantry Group. However, I find it unusual that only one Medal of Honor was given.

Nonetheless, the 442nd Combat Group emerged as the most decorated combat unit of its size in the history of the United States Army. In fact, Mr. Speaker, President Truman was so moved by their bravery in the field of battle, as well as that of the contributions of African American soldiers World War II, that President Truman issued an executive ordered to desegregate all branches of the Armed Forces.

It was while fighting in Europe that Senator INOUYE lost his arm while engaged in battle against two German machine gun posts. As a result of his valor, Senator INOUYE was awarded the Distinguished Service Cross.

Four years ago, a congressional mandate was issued calling for review of the military records of these two combat units, and I was privileged to attend the White House ceremony where President Clinton presented 19 Congressional Medals of Honor to the Japanese Americans of these two units. Senator INOUYE was one of the recipients of the Medal of Honor.

The fact of the matter is, Mr. Speaker, these Japanese-Americans paid their dues in blood to protect our Nation from its enemies and it is a shameful black mark on the history of our country that when the patriotic survivors of the 100th Battalion and 442nd Infantry returned to the United States, many were reunited with their parents, brothers and sisters who were locked-up behind barbed-wire fences, living in prison camps—and could not even get a haircut in downtown San Francisco because they looked Japanese—despite the fact that they, too, were Americans.

My dear friend and former colleague and now U.S. Secretary of Transportation, Norman Mineta, and Congressman BOB MATSUI from Sacramento remember well the early years of their lives in these prison camps. Secretary Mineta told that one of the interesting features

of these prison camps were postings of machine gun nests all around the camp—and everyone was told that these machine guns were posted to protect them against rioters or whatever. But then Secretary Minea observed—if these machine guns are posted to guard us, why is it that they are all directed inside the prison camp compound and not outside?

Mr. Speaker, I submit that the wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese-Americans should forever serve as a reminder and testament that this must never be allowed to occur again. When this miscarriage of justice unfolded during WWII, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare that our treatment of Japanese Americans during WWII was an example of outright racism and bigotry in its ugliest form. After viewing recently the Holocaust Museum in Washington, I understand better why the genocide of some 6 million Jews has prompted the cry, ''Never Again, Never Again!'' Likewise, I sincerely hope that mass internments on the basis of race alone will never again darken the history of our great Nation.

To those that say, well, that occurred decades ago, I say we must continue to be vigilant in guarding against such evil today. Not long ago, we had the case of Bruce Yamashita, a Japanese-American from Hawaii who was discharged from the Marine Corps officer training program in an ugly display of racial discrimination. Marine Corps superiors taunted Yamashita with ethnic slurs and told him, ''We don't want your kind around here. Go back to your own country.'' The situation was made worse by the Commandant of the Marine Corps, a four star general, who appeared on television's ''Sixty Minutes'' and stated, ''Marine officers who are minitories do not shoot, swim or use compasses as well as white officers.'' The Commandant later apologized for his remarks, but it was a little too late.

After years of perseverance and appeals, Mr. Yamashita was vindicated after proving he was the target of vicious racial harassment during his officer training program. The Secretary of the Navy's investigation into whether minorities were deliberately being discourage from becoming officers resulted in Bruce Yamashita receiving his commission as a captain in the Marine Corps.

Mr. Speaker, I am also greatly disturbed by media coverage in recent years involving illegal political campaign contributions made by a small minority of the Asian-Pacific American Community. The media has implied that the Asian Pacific American community as a whole is suspect and corrupt and I find this racial scapegoating to be repugnant and morally objectionable. Playing-up fears of the ''Asian Connection'' serves to alienate Asian-Pacific Americans from participating in our political process.

When Americans raise money, it is called gaining political power. But when Asian-Pacific Americans begin to participate, we are accused of being foreigners trying to inflilrate the mainstream of our Nation's political system. On this note, remember the Oklahoma City bombing incident? Americans of Arab descent were immediately targeted and investigated as terrorists by local and Federal law enforcement agencies. An Anglo turned out to be the bomber which leads me to say that it is wrong to stereotype and this type of negative stereotyping must and should not continue.

In conclusion, I think Bruce Yamashita's case and the hysteria surrounding Asian-Pacific American political contriibutions bear implications not just for the military and the media but for our society as a whole. It begs the question, how long do we as Asian Pacific Americans and other minorities have to be considered as lesser Americans?

I applaud Captain Yamashita and others like him who have spoken out to ensure that racial discrimination is not tolerated. During this month, as we recognize the diverse experiences and contributions our Asian-Pacific American community has made to our great Nation, I would hope that we will take inspiration from the examples I have shared with you this evening.

Mr. Speaker, when I envision America, I don't see a melting pot designed to reduce and remove racial differences. The America I see is a brilliant rainbow—a rainbow of ethnicities and cultures, with each ethnic group proudly contributing in its own distinctive and unique way—making America better for now and generations to come. Asian-Pacific Americans wish to find a just and equitable place in our society that will allow them—like all Americans—to grow, to succeed, to achieve and to contribute to the advancement of the great Nation.

This is why I would like to close my remarks by asking all of us here tonight, what is America all about? I think it could not have been said better than on the steps of the Lincoln Memorial in the summer of 1963 when an African-American minister named Martin Luther King Jr. poured out his heart and soul to every American who could bear his voice, when he uttered these words.

''I have a dream. My dream is that one day my children will be judged not by the color of their skin, but by the content of their character.''

That is what I believe American is all about.

Mr. HONDA. Mr. Speaker, reclaiming my time, I would like to comment on the White House initiative that was initiated by the past administration of President Clinton. It is now in its fifth year, and the initiative suffers from neglect by the current administration.

Executive Order 13216 authorizing the initiative and its corresponding Advisory Commission expired on June 7, 2003; and since that time, both the initiative and the commission have laid dormant.

The commission is mandated to develop, monitor, and coordinate Federal efforts to improve API participation in government programs, foster research and data collection for API populations and sub-populations, and increase public and private sector involvement in improving the health and well-being of the API community.

API citizens deserve the coordination of services that the commission can facilitate.

In conclusion, Mr. Speaker, I wanted to recognize also among other names, the gentleman from California (Mr. MATSUI), a member of the Democratic leadership, and Governor Locke, the first API elected as a Governor in the lower 48 States.

Mr. Speaker, I would like to close by indicating that in this country, we have participated in the functioning of this country in every aspect of society, having athletes, both professional and amateur; we have had Nobel Prize winners; teachers and scholars. We are thankful for this time to share information regarding the Asian Pacific Islanders in this great country and the islands that our Members come from.

Ms. PELOSI. Mr. Speaker, for centuries, American has been enriched by our diverse and rapidly growing Asian American and Pacific Islander communities, and by the contributions that Native Hawaiians, Chamorros, and Samoans have made in their ancestral homelands. Since the 1700s, when Filipino immigrants settled in the Louisiana bayou and Chinese and Japanese immigrants worked the sugarcane fields of Hawaii, Asian American and Pacific Islander communities have worked hard to call America their home.

In the face of prejudice and poverty, interment and exclusion, the Asian American and Pacific Islander community has always remained strong in spirit, proud of its heritage, and committed to making progress. Today, there are 11 million Asian American and Pacific Islanders in the United States, tracing roots to nearly 50 different countries and ethnic groups, each with distinct cultures, traditions, and histories.

The achievement of the community demonstrates the critical role of civic participation in making the American Dream a reality. With more than 200 Asian American and Pacific Islanders running for elected office in the U.S. last year alone, the community's participation in politics ensures that its concerns are addressed at the highest levels of government.

This Asian Pacific American Heritage Month, we salute such pioneers as Prince Jonah Kuhio Kalanianaole, who is 1903 became the first Native Hawaiian/Pacific Islander to serve in Congress; Dilip Singh Saund, who in 1956 became the first Asian American elected to Congress; Hiram Leong Fong, who in 1959 became the first Asian American Senator; and my dear friend Patsy Mink, who in 1964 became the first Asian American woman elected to Congress.

We also celebrate the political leadership of Asian Americans and Pacific Islanders today. As the Leader of the Democrats in the House of Representatives, I am proud to work in the Democratic leadership with Congressman ROBERT MATSUI of California, the highest ranking Asian American in congressional history. We are both proud to lead the only truly diverse caucus in the Congress, which includes our great Congressional Asian Pacific American Caucus (CAPAC). Under the leadership of Congressman MIKE HONDA of California, CAPAC has promoted greater understanding in Congress of the concerns of the Asian American and Pacific Islander community. CAPAC is fighting for educational opportunities for our children, for better access to health care including an end to minority health disparities, for real immigration reform, and to grow the economy and create good-paying jobs.

This Asian Pacific American Heritage Month, we take pride in our history and the promise of our future and we rededicate ourselves to the fight to make the American Dream a reality for all.

Mr. HOYER. Mr. Speaker. Today I join my distinguished friend from California, Mr. HONDA, and the rest of my colleagues on the occasion of Asian Pacific American Heritage Month.

During this month, we recognize and celebrate the important contributions Asian Pacific Americans have made to our great country.

Mr. HONDA, as the leader of the Congressional Asian Pacific American Caucus, has helped all of us learn more about the concerns and issues facing the Asian American and Pacific Islander Community and I salute his work on these issues.

I would also like to commend the leadership of Representative ROBERT MATSUI, who has devoted his time and energy not just to the excellent representation of his constituents, but also to assisting the Democratic Caucus as chairman of the Democratic Congressional campaign committee.

Mr. Speaker, this year's theme, ''Freedom for all, a nation we can call our own'', speaks to both the hopes and the challenges Asian Pacific Americans face in America.

Asian Pacific American families, whether they have lived in this country for generations, or have recently emigrated, have worked as farmers, teachers, and business people, pioneering in the sciences and arts, and serving with distinction on the battlefield.

But achieving the American dream is not always easy for any group of immigrants seeking to establish roots in the United States.

Asian Pacific Americans have fought to overcome discrimination, language and cultural barriers, and even internment by their own government.

Today the Asian Pacific American Community is rightly proud of their rich heritage and the innumerable contributions they have made to the development of our nation.

During the last century, as America's frontier expanded west, hundreds of thousands of Asian citizens worked to build the first transcontinental railroad.

And Chinese and Japanese immigrants answered the need for laborers and agriculture workers in California and Hawaii.

The descendants of these settlers are now leaders in virtually every industry in the United States, from medical research to music education to professional athletics.

In fact, Asian Pacific Americans have the highest proportion of college graduates of any race or ethnic group.

Mr. Speaker, there are now more than 11 million Asian American and Pacific Islanders in America, comprising 5 percent of the total U.S. population.

Over 213,000 Asian Pacific Americans live in my home state of Maryland.

Immigrants from the countries of Asia and native peoples of Hawaii and the Pacific Islands form one of the fastest growing minority groups in the United States today.

And Asian Pacific Americans have the most diverse background of any minority population, tracing their roots to almost 50 different countries and ethnic groups.

The impressive list of notable Asian Pacific Americans is far too lengthy to read here.

To name just a few: First, The Honorable Patsy Mink, the first Asian Pacific American woman elected to Congress, who many of us had the honor to know.

Prince Jonah Kuhio Kalanianole, who in 1903 was the first native Hawaiian and Pacific Islander to serve in Congress.

Maya Lin, the accomplished architect, whose striking memorial to those killed in Vietnam lies close by on the National Mall.

Yo-Yo Ma, the internationally acclaimed cellist.

Tiger Woods and Michelle Kwan, both young champion athletes.

Charles Wang, chairman emeritus of Computer Associates and co-owner of the New York Islanders.

Jerry Yang, who co-founded Yahoo.com in his 20s.

In every profession, it seems, Asian Pacific Americans have made their mark.

Mr. Speaker, let me again say that it gives me great pleasure today to recognize the significant advances and contributions made by the Asian Pacific American Community to our country during Asian Pacific Heritage Month.

Mr. MATSUI. Mr. Speaker, we commemorate Asian and Pacific American (APA) Heritage Month to acknowledge the tremendous achievements of Asian and Pacific Americans and honor their contributions to our families, communities and our nation.

The Asian and Pacific American community has played a vital role in the development of the United States since the first immigrants came to the United States in the 1700's. Today, over 11 million Asian and Pacific Americans live in the U.S., making extraordinary contributions to every aspect of American life. From David Ho, who has performed breakthrough work on AIDS research, to Maya Lin, the architect who designed the Vietnam Memorial; from the lyrical musings of novelist Amy Tan, to the sublime skills of Tiger Woods, the gifts of the APA community have changed the fabric of American society.

The APA community has also changed America's political landscape and I commend all of the APA organizations across America for enhancing the voice of APAs in the political and social arena. Their tireless efforts inspire others to achieve their dreams. All Americans, regardless of their ethnic background and heritage, benefit from their work.

Not only is the APA community working today to improve their families and communities, but they also understand the role of history in teaching future generations. As we celebrate APA Heritage Month this year, we also commemorate the opening of the Manzanar National Historic Site and Interpretive Center in Independence, California. Manzanar was the first interment camp created by Executive Order 9066 and was the site where 11,000 of the more than 120,000 American citizens of Japanese ancestry were uprooted from their homes and communities and interned in 1942. The new Manzanar Center is a critical component in recognizing and understanding the events of the past so that we Americans may maintain our country's fundamental commitment to freedom, democracy, and individual rights. I would like to thank the thousands of individuals who made this project a reality.

Asian and Pacific Americans are as diverse as each of the traditions and cultures they represent. The strength of this diversity and the commitment of all Americans to a shared set of values unites our nation as we work toward a common future. As we celebrate APA Heritage Month, we reflect on the past successes and struggles of the APA community, the diversity that binds us together, and the work we can all do together to make the American dream a reality for all people.

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate May 2004 as National Asian Pacific American Heritage Month.

I am proud to represent the 29th Congressional District of California, a diverse and thriving area of our country where hundreds of thousands have come to raise their children and devote their talents to the community at large. Some of these families have been in the United States for many generations; others are newly arrived. But all of these Americans enrich the fabric of our society with unyielding patriotism and selfless devotion to their neighbors.

The 29th District is home to one of the largest Asian American and Pacific Islander populations in Southern California; almost one-fourth of my constituents are of Asian Pacific heritage. Notable among them are Assemblywoman Judy Chu, Assemblywoman Carol Liu, Asian Youth Center Executive Director May To and Alhambra Chamber of Commerce Board Member Gary Yamauchi; countless Southern Californians enjoy a better quality of life from the leadership provided by these public servants.

It is certainly timely and appropriate to honor Asian Americans and Pacific Islanders in the same month as the dedication of the National World War II Memorial in Washington. The foundation of that memorial was enshrined by the courage and gallantry of the 442nd Regimental Combat Team—Japanese American soldiers who formed the most decorated unit in U.S. military history. I cannot help but think that the fountains and reflecting pool of this new Memorial symbolically contain not only the tears of joy of millions freed from the chains of racism and imperialism, but also the tears of sadness of more than 110,000 Japanese Americans wrongly interned during the war. The deprivation of their liberty while their children were fighting for freedom in Europe is a story of injustice that should be long told to all American children.

But the military service of Asian Americans and Pacific Islanders to the United States actually began long ago. In fact, many soldiers of Asian descent fought bravely in the Civil War, only later to be denied the opportunity for citizenship by the draconian Chinese Exclusion Act of 1882. When the United States was at its most divided and imperiled, these noble individuals took to battlefields far from their home of birth to protect the promise of the American dream for future generations. I am proud to be a sponsor of H.J. Res. 45, which would posthumously proclaim these soldiers as honorary citizens of the United States.

The various ethnicities, cultures and nationalities that compose the Asian American and Pacific Islander communities are bright stars in the wonderous evening sky that is our country. I thank and congratulate the many Asian Americans and Pacific Islanders for allowing us to share in their rich heritage.

Ms. LOFGREN. Mr. Speaker, over 100 Members of Congress work together in the Congressional Asian Pacific American Caucus to promote Asian Pacific American issues and concerns, led by my long-time friend and colleague, Congress MIKE HONDA.

Today and throughout the month of May, we celebrate the many contributions Asian Pacific Americans have made to the fabric of our communities and to this Nation as a whole.

In this Congress, there are five Asian Pacific Americans serving our Nation and their communities as members of the House of Representatives and two Asian Pacific Americans serving in the Senate.

In the field of science and technology, Asian Pacific Americans have long contributed to our country, from Ellison Onizuka, the first Asian-American in space, to Flossi Wong-Staal and Dr. David D. Ho, for their work on HIV and AIDS. Moreover, several Asian Pacific Americans have received Nobel Prizes for their accomplishments in science and technology.

Hundreds of thousands of Asian Pacific Americans have also loyally served our Nation in the military willing to give their life for the United States of America. Asian Pacific American veterans of the Armed Forces number 284,000.

In sports, Asian Pacific Americans have helped bring home Olympic gold medals for the United States, including the first woman to win gold medals in the ten and three meter diving events—Filipina American Victoria Manalo Draves.

Although it is important for us to celebrate Asian Pacific American heritage this month, we must not forget the plight that Asian Pacific Americans endure despite the community's many accomplishments.

The pitfalls of immigration law and the backlog of immigration applications continue to prevent many Asian pacific American families from reuniting for several years.

We must also not forget the APA community suffers from greater poverty than non-Hispanic Whites, especially in the Hmong, Laotian, Cambodian, and Vietnamese American communities.

We must work to ensure that Asian Pacific Americans are appropriately counted when our government collects date that will be used to understand the needs of the APA community.

We must make every effort to invite Asian Pacific Americans to participate in government to ensure that our government meets the needs of the APA community.

In commemoration of Asian Pacific American Heritage Month, I honor the contributions of millions of Asian Pacific Americans who have contributed to our Nation and who I am sure will continue to contribute in the future. But while I celebrate this month, I also renew my pledge to address the issues affecting Asian Pacific Americans around the country.

Ms. WATSON. Mr. Speaker, I rise today to commemorate Asian Pacific American Heritage Month and to celebrate the lives and accomplishments of Asian Pacific Americans in U.S. history. I want to thank Congressman HONDA and Congressman ENI FALEOMAVAEGA, the new Chair and Vice Chair of the Congressional Asian Pacific American Caucus, for organizing this special order. In particular, I want to recognize the contributions of Korean Americans in my district and commend them for their tireless work in improving the city of Los Angeles.

Last month this chamber unanimously approved legislation that I sponsored to designate a U.S. Post Office in the Koreatown section of my district be named the ''Dosan Ahn Chang Ho Post Office.'' Dosan Ahn Chang Ho, who spent his formative years in the United States, is credited by many as the spiritual father of modern, independent, democratic Korea. During his stay in Los Angeles, at the beginning of the 20th century, he worked to unite the Korean-American community, founding schools and cultural organizations, and helping improve living and working conditions for his fellow Korean Americans. I am proud to be the sponsor of this legislation and grateful to the House for paying this timely tribute to a great Korean American.

Mr. Speaker, the contributions of Asian Pacific Americans to the growth and success of this great nation can never be overstated. The history of their struggle and triumph in the United States must be re-told. We need to remember that it was the Chinese immigrants who toiled in the mines during the California Gold Rush of the 1800s and helped construct the transcontinental railroad in the 1860s. And we can never forget how Americans of Japanese ancestry were placed in internment camps during World War II, one of the saddest and most notorious chapters in our nation's history.

I also want to take this opportunity to share with you the rich and diverse history of Korean immigration to Los Angeles. Although a small number of Koreans had immigrated to the United States at the beginning of the twentieth century, major waves of Korean migration to America did not occur until Congress passed the 1965 Immigration Act abolishing the quota system that had restricted the numbers of Asians allowed to enter this country. Since then, Korea has become one of the top five countries of origin of emigrants to the United States.

Among the more than one million Korean Americans today, roughly 33 percent are settled in California, making it the state with the largest Korean American population. Today, Los Angeles is home to the largest concentration of Koreans outside of Korea, roughly 160,000 people. Located in my district, Koreatown is the hub of the Korean community and vital to our local economy. It is fabled that from the establishment of a single Korean store at the corner of Olympic Boulevard and Hobart Street in 1969 emerged today's Koreatown, which stretches from Beverly Boulevard and Pico Boulevard to the north and south and Hoover and Crenshaw on the east and west. Although 68 percent of the people living within these boundaries are Latinos, Korean Americans are the predominant business owners, and the area serves as a cultural, business, and social center for not just Korean Americans but all of Los Angeles.

Indeed, for the past four decades, the district that I represent has thrived with the contribution of Koreatown. The willingness of Korean-American merchants to sacrifice for their future generations by working extremely long hours and overcoming linguistic and cultural barriers has led to many successful enterprises crucial to the growth of our local economy. For example, today Korean Americans own 46 percent of small grocery markets, and 45 percent of one-hour photo shops in Southern California, all of which demonstrate the critical role Korean Americans play in our communities. The Hanmi Bank, located on Wilshire Blvd., has become a major financial institution in the Korean-American community as well as to others in the greater Los Angeles area.

Mr. Speaker, today Asian Pacific Americans continue to gain new grounds in ever greater social and political representation. As we commemorate and celebrate the crucial role Asian-Pacific Americans have played in the development of this Nation, we also must work harder to improve the lives and opportunities for the 12.5 million Asian Pacific Americans today, who are still confronted daily with prejudice, discrimination, and economic inequalities. The 1992 Los Angeles civil disturbances, in the aftermath of the Rodney King verdict, is one such tragic example that illustrates the need for continued dialogue and understanding.

Nationally, Asian Pacific Americans continue to experience a crisis in health and health care disparity and face unique challenges in education, immigration, and economic development. It is very disappointing to me that this Administration has failed to renew the Advisory Commission on Asian Americans and Pacific Islanders and the White House Initiative on Asian American and Pacific Islanders (AAIPs) in the Department of Health and Human Services (HHS). As a member of Congress I will continue to fight to ensure that our government address the needs of Asian Pacific Americans. Let's work to renew the American Dream for many future generations of Asian Pacific Americans to come.

Mr. HONDA. Mr. Speaker, I yield back the balance of my time.

REPLACING THE INTERNAL REVENUE SERVICE WITH A NATIONAL SALES TAX

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. LINDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. LINDER. Mr. Speaker, I would like to add my voice to those of my friends in the Asian Pacific community for honoring those who have served.

I would like to spend the next hour talking a little bit about the economy and what we can do to even improve it more. We should be grateful for the growth we have seen. Four years ago, we saw the dot-com bust that cost $5 trillion in value for shareholders, we saw the beginnings of corporate fraud, which have been dealt with, and we saw a downturn in the economy which is causing losses of jobs.

President Bush, to his credit, stood tough by a decision to leave people more of the money they earn in their own pockets, and had several important tax cuts; and the American people, not government, not Congress, not us, but the American people have turned around an economy to create a boom that is going on right now, with 600,000 jobs created just in the last 2 months.

The American people deserve the credit for that, but there is still one anchor on the neck of the economy. The biggest drag on the neck of the economy is the IRS. 230 years ago, Adam Smith wrote that the market was the invisible hand of the economy. I agree with that. And 230 years later, we can say that the visible foot on the throat of the economy is the IRS code.

We spend 6.9 billion man-hours just filling out IRS paperwork. At $20 an hour, which is a $40,000-a-year job, that is $240 billion lost.

Corporate leaders tell us they spend more calculating the tax implications of a business decision. A friend of mine who was on a board of directors came back from a meeting of one of the Fortune 100 companies, and he said, ''We spent 80 percent of the entire meeting calculating the tax implications of a business decision. We should be thinking about our shareholders, our employees and our customers, and not the government.'' We believe we spend more than 6.9 billion man-hours just calculating that.

Studies have shown that we lose 18 percent of our economy to people making decisions for tax reasons instead of economic reasons. That is a $180 billion loss.

All of this is to say the following: the American people spend upwards of $500 billion a year to comply with a code to send in just four times that much to the government. And who pays it? The consumer. This is not rich corporate America or investing America. All of the bills of corporate America are paid by the final consumer, who cannot pass those costs on. The consumer picks up the entire tab.

We have studies that show for a small business to collect $100, comply with the Tax Code, remit that $100 to the Federal Government, it costs them $724. This is not an efficient way to raise our revenues.

It is time for the IRS to go away, it is time for the income tax to go away, and H.R. 25 will do just that. H.R. 25, which has tonight I think 49 cosponsors, would abolish all taxes on income, the corporate income tax, the personal income tax, the payroll tax.

Seventy-five percent of America pays more in payroll taxes than they do in income taxes. It would get rid of the gift tax, the estate tax, the capital gains tax, the Alternative Minimum Tax for a one-time-at-the-checkout retail sales tax.

Americans would pay taxes when they choose, as much as they choose, by how they choose to spend. And to untax essentials. We would not define them; that is a political operation that would be fought in the halls here. Nor would we follow you around to make sure you spend on essentials. That is a police operation we cannot afford.

We would use the government's definition of poverty-level spending, which is that spending necessary for a given size household to buy their essentials. It is determined every January by the Department of HHS. For my mother that is $9,500 a year. For my daughter and son-in-law and four grandsons, that is $30,000 a year. For George and Laura Bush and their two daughters, that is $24,500 a year.

Their check at the beginning of every month would totally rebate the tax consequence of spending up to the poverty line. Beyond that, we are all discretionary spenders, and we all pay the same.

Over the last 9 years, Americans for Fair Taxation has raised privately and spent $25 million on economic research, market research, spreading the word. The most compelling study we have is from Dale Jurgensen, who is the head of economics at Harvard, that says today, 22 percent of what you spend at retail is the imbedded cost to the IRS.

Twenty-two percent of what we pay for at the checkout counter is paying the tax bills of America. If you take a loaf of bread that has been touched by a seed company, a farmer, a combine operation, a trucking company, a processing company, a bakery, a cardboard manufacturer, a distribution company, a retail outlet, the people who make tractors and plows, all of those companies have income tax costs and payroll tax costs, and accountants and attorneys to avoid the tax costs, and the consumer pays it. The consumer pays everything. And when you think about it, there is no mechanism for a business to pay a bill, other than through price.

In 41 years, my wife and I have built six businesses. We always looked for that ''secret drawer'' where the money just kind of piles up and you help yourself to it to pay your tax bill and your payroll taxes. It is not there.

Our patients, when I was a dentist, our customers in business, paid our labor cost, our light bill, our rent and our tax bill; and our studies say that the tax component in the price system is 22 percent of what you spend.

We say abolish that system, repeal the Tax Code, let competition quickly work that out of the system and replace it with an imbedded 23 percent, a frank and transparent tax. It will fund the government at the current level, but you get to keep your whole check, and you will all be voluntary taxpayers, as I said earlier, paying taxes when you choose, as much as you choose, by how you choose to spend.

What will happen in the world? The first year we will have a 26 percent increase in exports. That is good for jobs, corporate profits and good for America. The first year you will have a 78 percent increase in capital investment.

We know in a study done from 1945 to 1995, that every time we increase capital spending, we increase real take-home wages in exactly the same proportion because workers are more productive.

We have overseas somewhere between $500 billion and $1 trillion floating around in Euro dollar markets because it is cheaper to borrow at 6 percent than to repatriate those dollars at 35 percent, and it is easier to spend them overseas at no tax consequences.

All of that money would come home. All that money would come home and put new liquidity into our economy and create jobs. We know it costs $100,000 to create one job in all America. All of that money would come to job creation.

We have seen studies that suggest that every major international corporation that is domiciled overseas, in Europe or Japan or Latin America, if we had no tax on capital or labor, every one of those corporations would build their next plant in the United States.

□ 2200

We know that DaimlerChrysler really wanted to be ChryslerDaimler; they really wanted to be in New York City, but the crushing way we treat capital in America with our tax system led them to Stuttgart.

We have a Social Security system and a Medicare system that is destined for collapse. A very recent study by Larry Kotlikoff from Boston College says that the 75-year unfunded liability in Social Security and Medicare; that is to say, promises we have made for retirees in that period of time for which there is no money set aside and will not be any, a shortfall, in today's dollars, not inflated dollars, but today's dollars, the 75-year unfunded liability to those programs is $51 trillion.

To put that in perspective, if you started a business on the day Jesus Christ was born and lost $1 million a day through yesterday, it would take another 720 years to lose $1 trillion. In 75 years, we are going to have a shortfall of $51 trillion in those programs. The entire wealth of America, that is everything we own of value, our cars, our homes, our retirement programs, and our shares, including Bill Gates and Warren Buffett. The entire wealth of America is $43.8 trillion. If we were to take everything away from every American and apply the value to the shortfall in those funds, in those two programs, we would cover 80 percent of the shortfall.

We say fund Social Security and Medicare out of the sales tax, go from 138 million workers paying into the system to 300 million Americans buying every day, paying into the system, plus 51 million visitors to our shores, and fund Social Security and Medicare off the overall size of the economy as opposed to the number of people working in it or the amount we are willing to tax those workers, and we would double the revenues to those categories in 15 years by doubling the size of the economy in 15 years, well before we need to do so.

We hear a lot of talk from people, in our Treasury Department particularly, that a tax of that amount would cause evasion of an enormous scale. My response to them is twofold. Number one, we are already paying this; it is just hidden. The cost of living is going to be about the same, but we will keep our whole check. But more importantly, currently, all you have to do to evade taxes is to lie on your tax return, put down the wrong numbers, sign it, send it in, and the chances are that nobody will know. You have a less than 1 percent chance of being audited. Under our system, you are going to have to have somebody cooperate with you, conspire with you to cheat. Now, I do not know how many friends you have

that are willing to go to jail for you. I have none. I have none. It is going to be tougher to cheat on this system, because it is going to take two to do so.

Secondly, on the evasion issue, the IRS currently tells us that they collect 75 percent of the taxes that they know are owed. They are unwilling to guess how large the underground economy is, because no one knows. Well, 6 or 8 months ago a book came out on this issue by an economist who said that three pieces of the underground economy, pornography, illegal drugs, and illegal labor, those three pieces comprise a $1 trillion economy, untaxed.

Under our system, if they wanted to buy that loaf of bread or a new house or a new car, they would pay their fair share. Always in these discussions in politics, it comes down to who is going to win and who is going to lose. My argument has been consistent: Everybody is a winner. If you can become a voluntary taxpayer and be untaxed on essentials, everybody wins. If we can give you a tax system that gives you in a free society the privilege of anonymity, no one should know as much about it as their government does, you are a winner. But in point of fact, the people coming out the best in this system are people living at or below the poverty level who are currently losing 22 percent of their purchasing power to the current system. They will have a huge increase in purchasing power.

Frankly, this is a tax on accumulated wealth. The left should love this idea. If you pay taxes on your earnings, you pay taxes on building a business, you pay capital gains tax when you sell it, this system is going to tax you one more time when you or your heirs spend the money. They should love that.

To those who have accumulated wealth, I would just say this: You are already paying this tax. But what do you think is going to happen to your nest egg if all the world's investors are going to invest in our economy with no tax consequences? I do not know, but I can tell my colleagues of two nationally known names who manage money and say, I do not know what the value of the Dow Jones would be at when you pass this bill, but in 2 years it will have doubled. All the trillions in the world would be in our economy, buying our shares, increasing the value of the nest egg, and creating jobs.

There are all kinds of reasons to do this, most important of which is freedom, giving you the freedom to make your own decisions and not be under a corrosive system. But right now, as the Secretary of the Treasury told me, this would make us the largest magnet for capital and jobs in history.

So I suggest to my colleagues, several of them who have not signed this bill, to sign it. I suggest to you that if you want to create jobs, the way to do it is to get the tax off capital and labor and the jobs would come. For the very reason today jobs are going overseas because of the Tax Code, they would come flocking to our shores tomorrow. And let us move on and build our economy.

I yield to the gentleman from Georgia.

Mr. COLLINS. Mr. Speaker, I appreciate the gentleman from Georgia yielding, and I want to thank him, too, for bringing this event here tonight, this opportunity to speak on the fair tax, as well as introducing the fair tax bill into the House of Representatives. I am also pleased that our two colleagues in the other body have also introduced the same legislation over there.

I have the opportunity to speak quite often to large groups and people who are very interested in the tax system, particularly the change in the tax system. But I am asked a lot of questions and I just thought maybe we might go through some of those questions here tonight, if the gentleman does not mind.

The gentleman mentioned the rebate. This is for the necessities in life. Just exactly how would the rebate work? How is it structured and how would it work? Who receives the rebate? What do they have to have in order to receive the rebate?

Mr. LINDER. Mr. Speaker, first of all, the IRS would be gone. Our Treasury Department would have several thousand people contracting with the States to do the collecting. Forty-five States are already collecting sales tax. They have mechanisms in place to judge whether there is fraud involved.

We would contract with the States to collect the money and we would pay them a quarter of a percent for everything they brought in for doing so, just as we would pay the retailer a quarter of a percent for collecting it. Every household in the State would sign up with that State once a year or, if they had children during the year, sign up again, and list the numbers of people in the household and their Social Security numbers so we do not have people living in every household. And then the Social Security department, which currently sends out about 45,000 checks a month, would handle the rebate.

We envision the rebate to be nothing more than a computer click. This government is moving dramatically toward getting rid of checks, moving just to electronic transfers which are a nickel or a dime to make instead of the cost of taking postage and envelopes. So we think that every household will do nothing more than a computer click to put enough money in their account previous to the first day of the month; previously on spending it, that would totally untax them in terms of spending up to the poverty level.

Mr. COLLINS. Well, if I understood the gentleman right, it is based on a Social Security number and being a resident of the United States?

Mr. LINDER. A resident of the United States and a resident of that State.

Mr. COLLINS. Well, does the gentleman think that 23 percent as a fair tax is a comparable tax, equivalent to bringing in the revenues that we currently receive from the income tax, or does the gentleman think it would bring in more revenue and would it generate a stronger economy?

Mr. LINDER. Mr. Speaker, the 23 percent was calculated in 1995, and since we have had significant tax cuts since then, it may be less than 23 percent. We have to go back to the committees that the gentleman deals with on the Committee on Ways and Means to have new studies done on that.

But in 1995 it was revenue neutral, which means it brings in exactly the same amount of money as the current system does.

But let us point out that the average income-earner today spends 28 percent of their income to the withholding of the IRS, of the Tax Code, and another 8 percent roughly for their Social Security and Medicare. So as an individual spending, I would rather give up 23 percent of what I spend than 34 percent of what I earn. It will encourage great earnings and great savings.

Mr. COLLINS. Mr. Speaker, in relation to that, we hear a lot about the whole exemption for interest on deductibles. I think the gentleman's numbers are very interesting and I think they would work the same way in the home deduction, would they not?

Mr. LINDER. Mr. Speaker, realtors would come in my office and say, we need the deductibility of home interest to calculate if they can afford to buy a house. My response has always been a little bit flip. I say, well, if you think that the deductibility of mortgage interest sells your houses, double the interest rate and you will sell twice as many houses. Well, it does not work that way. In fact, two-thirds of America uses a short form and does not use deductions anyway.

Secondly, what really sells houses is whether an individual has enough take-home pay at the end of the month to make that house payment. Currently, according to our studies, 28 percent of the cost of a new house is the embedded cost to the IRS. There are thousands of business entities that touch all the products that go into a new house, and each of them has tax costs. We think that 28 percent of the cost of that house is the embedded cost to the IRS. Under our system, it would be 23 percent of the cost of a house, so the house would be less expensive.

Secondly, if you are making $60,000 a year, you are currently taking home $3,800 a month to make the payment. Under our system, you would take home $5,000 a month, so you could make the payment easier. We also believe, our studies show that interest rates would decline by about 30 percent. So for that one-third of us that uses deductibility of home interest, you lose that, but you will not have anything to deduct against, because you will not have any income tax.

Mr. COLLINS. So you actually would have more take-home pay, pay a less

percentage in tax under the fair tax than you would under the current income tax system, even without a mortgage deduction?

Mr. LINDER. Mr. Speaker, the average income-earner, paying the 28 percent withholding and their share of the 8 percent of the payroll tax, would have a 56 percent increase in take-home pay the next day.

Mr. COLLINS. What about the one section of the Tax Code that seems to be the most abused section that you hear about and is reported to us in the Committee on Ways and Means, which is the earned income tax credit; How would this affect that?

Mr. LINDER. My understanding is, and the gentleman from Georgia could tell better than me, we spend about $34 billion a year on the earned income tax credit.

The reason it was put into place many years ago was to relieve people at lower income, $17,000 to $23,000 or $24,000 a year from the payroll tax. These people do not pay income taxes, so they are not paying for the military or the parks or the Justice Department or the FBI, and the earned income tax credit relieves them of paying for their own retirement. Nine billion dollars of that $34 billion is considered to be fraud.

Under our system, since nobody will have a payroll tax, there will be no reason to have an earned income tax, an earned income tax credit, and we will save a ton of money.

Mr. COLLINS. Mr. Speaker, one last question, and I receive this question quite often too, and it deals with trade. We hear a lot about outsourcing and insourcing and, fortunately, we have more insourcing jobs today than we have outsourcing, and I think it has a lot to do with the American workforce and the work ethics, the reason companies from abroad are locating here and working our people, but they are headquartered in their country of origin, which means that is where they will pay their tax. I think it has a lot to do with our tax codes and the treatment.

But how does the gentleman think this will affect us to be competitive in the world market in trade?

Mr. LINDER. Well, as the gentleman knows, most of the companies support their governments largely on the value-added tax, which is a consumption tax.

□ 2215

We rebate that tax to the companies that export overseas so they come to America more competitive because they do not have much of a tax component in the tax system.

Under our system, we will be selling goods and services under the global economy, 22 percent less on average, making the same profits; but our imports to our shores will be taxed at the retail checkout counter exactly the same as the domestic competition and will be perfectly neutral, although I think we will be more competitive if we can totally get the tax component out of the tax system.

Mr. COLLINS. I believe prior to the income tax, our revenues did come from tariffs and excise taxes which dealt with trade. I fully agree with my colleague. I think it would be an excellent opportunity for our workforce in America to become more competitive with workforces in other parts of the world and would make us more competitive in the world market because we then would have a way to take all of the tax costs out of production of goods and service, whether we use them domestically or whether we export them; and it would be added back to any product that we imported, making it more fair and giving us not an advantage, but a more level playing field to be able to trade and compete in the world market.

I appreciate the gentleman's time and efforts.

Mr. LINDER. Mr. Speaker, I would yield to the gentleman from Texas.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the gentleman from Georgia's leadership with this issue. I have to be honest, I have been real excited about this chance to talk about the fair tax because I think it really is the future of America.

Let me just preface my remarks with the events of today. I was commuting from Texas to Washington. As I got off the plane, I learned today about American Nick Berg's murder by his al Qaeda captives. It took a great deal of air out of my balloon today just because of the barbarism of it all, and I think it is important for America to understand, for terrorists, for our enemies, this is not retaliation. It is routine.

We have seen it in the beheading of Daniel Pearl and the mutilation of American workers. Yet again today, America is not to forget who we are fighting and how serious they are to defeat us. We have to unite in this test of wills against international terrorism because if we do not prevail, if we back off, if we lose our backbone, I do not believe any nation, any country, any community will be safe again; and I hope Nick Berg's family and friends understand how heavy a heart we all have tonight. And in our discussion of how to improve America, it is one of the reasons why Nick went over to Iraq in the first place.

Mr. LINDER. I thank the gentleman for those comments.

Mr. BRADY of Texas. Mr. Speaker, let me say, too, I serve on the Committee on Ways and Means and like the gentleman from Georgia (Mr. COLLINS) have seen firsthand just how horrible a Tax Code we have. I knew it was bad before going on the committee. I had no idea just how horrible and burdensome it is.

It is just impossible to comply with. It takes so much energy out of our economy. It is so complex; there are so many loopholes. You have got a secretary of a corporation who could be paying more than the CEO, and that is just not right.

It seems to me, too, that we tax all the good attributes of Americans, people who go to school to learn a skill, those who get married, those who start a family, go to work, start a business, invest for the future, save for retirement, build up a farm or a business to pass down to their kids. Those are the people we tax the most, regulate the most through our Tax Code. It seems to me people are smart, and when you tax them, punish them for doing the right thing, they start thinking about doing something else.

The fair tax, which my colleague is the leader of, I think reverses all that; and instead of taxing investment and hard work and savings, it taxes consumption and does it one time, at its final place of consumption. It does not tax used items. It does not tax business, buying something else from a business to create a product. It taxes it one time, and while at first I think for a lot of Americans you say we are going to have a 23 cent sales tax, their first reaction is a big gasp. Then you start talking about can you imagine if you kept all of your paycheck, not some of it, all of your paycheck, because I have got 23 percent coming out of my paycheck already. A lot of people seem to have the same.

Then can you imagine that when you go to the grocery store and buy a loaf of bread or you go to the auto dealership and buy a car or to a Realtor and buy a home, which we all cherish, can you imagine not paying the high prices in that product from all the taxes built up, from the cars, everyone who manufactures and builds the homes and constructs the lights and does the electrical items in there, and we pay the price of their taxes?

At a home, people who lay the foundation, who frame the house up, the plumbers, electricians, every part of their bill adds on the taxes they have to pay; and ultimately, my wife and I have to pay that.

Can you imagine not having to pay those extra prices? Then can you imagine that the person next to you in the grocery store pays the same amount that you do? There is no loophole. There is no exemption. There is no special treatment for people. All Americans pay the same amount.

I know, too, that, one, we are going to see prices go down, and people often say, well, I am not sure businesses would lower the price. Well, they do not have a choice. In America, consumers are king. All you need to do is go on the Internet and search for anything you want from a car to a toaster. My wife wanted a reciprocating saw, of all things, for Mother's Day, probably one of the strangest Mother's Day gifts I have given. We could search down to the penny throughout the country. There is intense competition and businesses are going to have to lower their prices to meet our consumer demand.

We are going to see a boost in the economy; and as the gentleman from Georgia (Mr. COLLINS) said, for the first time we are going to take this tax off of American products being sold overseas, and it is going to be placed on products coming into America. So for the first time, other countries are going to pay a share of the taxation here in America. We are going to create jobs, and we are going to capture that underground economy.

Then the final point is on Social Security and Medicare. This is probably, besides reforming Social Security to transition to traditional retirement accounts, which we have to do for our young people. I think the only way we can fund Social Security for our seniors is to go off the payroll tax, which is declining, fewer and fewer workers for more and more seniors. We are reaching a crisis point, and put it on something stable and growing like sales tax, which as the gentleman said will triple the amount of Americans paying into preserving Social Security.

Mr. LINDER. Reclaiming my time, on that point, people have said to me over the years, well, will people quit consuming? The studies that we have shown from 1945 to 1995 is that the consumption economy is a very steady predictor of economic activity. People will spend so much. The biggest downturn it has had since 1945 was 3 percent in the 1970s and early 1980s.

The income economy is very volatile. We are seeing collections right now down 20 percent because of layoffs and no corporate profits; and yet if we were on the consumption economy, the revenues would have increased in 13 of the last 14 quarters because the economy grows.

This is a predictable thing to build retirement programs on. We know it is going to grow. We know if we fund the programs off the overall size of the economy, as opposed to the number of people working in it, we will be able to fund those programs.

The gentleman is right, and you study it in your committee on a regular basis. This system is destined for collapse.

Mr. BRADY of Texas. It really is, and I think as more Americans examine the fair tax, the more they get excited about it because I am convinced, as you are, that our kids do not have to live under the same complex, burdensome income tax code we have. The fact that the IRS is so deeply involved in our lives and our businesses' lives, that does not have to happen. There is no one that says that has to be part of American life.

In fact, our traditions and our principles are just the opposite. We ought to have the freedom to choose, and we should do it not based on what the Tax Code encourages us to do, as the gentleman pointed out, whether it is in the board room or in our living rooms, but what do we need and how are we going to choose to use our money.

I will close with this. We have other Members here who are excited about this proposal as well, but I leave with the thought that we would push power out of Washington and give it back to the people, let them make their choices based on their decisions, and I know the gentleman and I believe the same thing. Given the choice between government and people, I have more faith in people to make the right decisions about their American dream than we do; and I think the fair tax gives them that power, gives them the economic boost and ensures that we have jobs and important programs like Social Security forever.

So I applaud the gentleman's leadership on this issue.

Mr. LINDER. I thank the gentleman, and I yield to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding.

I would like to add my thanks to the gentleman from Georgia (Mr. LINDER) for bringing this significant and important concept to the American people. It is time we have a change. The IRS has been a burden on all of us for too many years, and the fair tax offers us an opportunity to right a wrong that is long overdue.

I think it is interesting, if we look back historically, that when our Founding Fathers first developed the Constitution, an income tax was illegal. It was barred. It was not even accepted. It was universally disdained, and the wisdom of our Founding Fathers in the Constitution, article I, section 9, said, ''No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.''

In 1787 they said no income tax. What happened? What happened?

Well, it appears that later on in the 1894 time frame, Congress came along and decided that they were going to tax income. They were going to suggest that we needed to generate some revenue and that we were going to unfortunately have to address this issue with an income tax; and Mr. Speaker, the income tax was a whopping 2 percent, 2 percent, flat tax. Two percent on incomes over $4,000, $4,000.

Mr. LINDER. Which is about the top 2 percent of incomes.

Mr. BURNS. Absolutely. So what we are going to do is tax only those people who make over $4,000, a king's ransom at that time, and unfortunately, at least for the Congress, they were trying to use the existing Constitution. Because of its vagueness, the Supreme Court overturned it, said an income tax is unconstitutional. That led to the constitutional amendment in 1909 that fundamentally changed our tax system that we now struggle with today.

So I think it is interesting that if we went back to our Founding Fathers, they recognized the dangers of an income tax, and here we are in 2004 trying to say America, wake up. It is time.

Again, I thank the gentleman from Georgia for this visionary approach and the work that he has done in this environment, but we have talked about criminals and tax cheats and illegals who have an underground economy. Help the American people understand the challenge that we face just in that underground economy. Help them understand the numbers.

Mr. LINDER. There are 8 to 12 million people living in the shadows of our life doing jobs in America that other people are not doing. You could not get a crop out of the ground in your district without some of these folks. You cannot build a house in north Georgia without some of these folks; but the biggest concern that I run into among my constituents is that they think they are not paying anything for their fair share. I think if they were paying every time they bought a loaf of bread and they were paying their share to the government, attitudes would change.

There is no question we need to find these folks and identify them, and as President Bush has suggested, know who they are; when the job is over, send them back. But if the American people knew they were equally supporting the cost of government every time they bought a loaf of bread, I think the attitudes would change.

I think your point is right.

Mr. BURNS. Mr. Speaker, I think it is important for the American people to understand that our current tax system does not provide all of those in our Nation the opportunity to contribute to our society; and the fair tax, a consumption-based tax, does just that. We all participate in a fair and equitable manner.

One of the biggest areas of concern is in the area of health care and in the need to support Medicare and our Social Security retirement system and all of the things that are an essential part of what we are as America; but this fair tax, this tax would eliminate an income tax, Social Security tax, all Federal withholding taxes, is that correct?

Mr. LINDER. There would be no taxes on income whatsoever.

Mr. BURNS. One hundred percent of your gross income would be your net.

Mr. LINDER. Let me just address an issue you raised that is kind of interesting and it is a bit arcane.

Health care. We made a decision in the 1940s to allow corporations to deduct health care insurance and not have it treated as income to the employees, and so the first dollar of third-party coverage has really caused the abuse of the system.

I was with a corporation where we had a huge health care debate in 1994, and they proudly told me that they spend $1,000 per employee per month on the health care.

□ 2230

I said, ''You ought to be ashamed of that.'' Because they were funding everything from fertility treatments to the grave, and hair transplants and everything in between. Under our system,

that benefit, the value of that premium would be taxed as a personal consumption. And if I worked for that company that was spending $1,000 a month for me, I would start saying, ''I do not need that fertility treatment or hair transplant. I do not need AIDS coverage. I want this, this, and this, and I am willing to pay the tax on the provision of those services.'' And then I think we would have, for the first time since 1946 or 1947, American citizens shopping for and selecting their coverage benefits, and they would bring some sanity to the health care world.

Mr. BURNS. Mr. Speaker, if the gentleman will continue to yield, I think he is 100 percent right. One of the biggest challenges we face is the uninsured and the working uninsured, those individuals who would like insurance but, unfortunately, their incomes are taxed before they have the opportunity to buy the insurance. And if they are fortunate enough to have insurance coverage through an employer, there are certain incentives for the employer then to not be taxed on the contribution they make to their employees' insurance coverage.

When we look at the current system, the current income tax system we have, I understand we are talking a 22 percent increase in the cost of everything we produce; is that correct?

Mr. LINDER. That is what we are currently paying for at retail.

Mr. BURNS. That is what we are currently paying for. So that means that Mexico and Brazil and the European Union and even Red China have a 22 percent advantage.

Mr. LINDER. Absolutely.

Mr. BURNS. An advantage over everything we produce.

Mr. LINDER. If we could lower the cost of production in Florida of fruits and vegetables by 15 percent, Latin America could not compete with us. If we could lower it by 20 percent, we would blow them out of town.

Mr. BURNS. It is about fairness. It is about a fair, competitive, global environment. And right now the current income tax system is putting us at a severe disadvantage. The fair tax would relieve that, make that playing field more level, and more reasonable on an ongoing basis.

I am always amazed at the simplicity and the obviousness of a fair tax, a tax based on consumption. And again I will go back to our Founding Fathers and point out that they saw this even then. Even in the late 1700s, they recognized that taxing income was the wrong thing to do; that we need as a Nation to incentivize development and progress and investment and opportunity. Unfortunately, our current tax system does not provide those incentives.

Mr. Speaker, I would like to thank the gentleman for his leadership. I would like to thank him for his determination in ensuring that this message is brought to the American people and to this Congress. It is time we had a full debate. It is time that we had a full vetting of this issue, full discussions, and ultimately a vote in this body and certainly in the body across the way in the Senate. But, ultimately, the American people will benefit if they will understand the opportunities given within this fair tax proposal.

Mr. Speaker, I rise to support the legislation of my friend and colleague Congressman JOHN LINDER of Georgia, the Fair Tax Act.

As this bill would enact a major and historic change in our system of federal taxation—one which would significantly alter the functioning of our economy—I think it important to review how we got to the system of income tax that we have today.

The founders of this country barred the federal government from enacting income taxes in the Constitution proper.

''No Capitation, or other direct, Tax shall be laid, unless in proportion to the Census or Enumeration herein before directed to be taken.''—U.S. Constitution, Article 1, Section 9 (1787).

We need to consider the full implication of the importance of this ban being placed where it was in our Constitution.

All of the liberties outlined in our famous Bill of Rights—the right of free speech, worship, the right to bear arms, the right against unreasonable search and seizure—all were added to the Constitution after-the-fact, as Amendments.

Many of the founders felt that the Bill of Rights was unnecessary, as the Constitution didn't give the federal government the power to control the mentioned liberties to start with.

The primary authors were legal and policy purists. They thought it would be redundant and confusing to add Amendments barring the federal government from doing what it had no legal authority to do.

They also sensed more than a little danger to their liberties by doing so, since whatever freedoms and protections were not specifically addressed might be considered up for grabs by future power-hungry bureaucrats.

Without going on for hours concerning the original debate over the Bill of Rights, I believe most historians will agree on the essence of the discussion.

The winning side argued that if the provisions really weren't necessary, then it wouldn't hurt to add them, just to reinforce the fact that the federal government had no power to tamper with these rights.

The point of bringing this up is that the Founders of our nation, those who devised our entire system of government, actually argued with great passion over whether to pass the revered Bill of Rights, which are now copied and emulated worldwide as detailing the basic rights of mankind.

Yet these same founders had no such question over an income tax.

They were so fundamentally opposed to the concept it was banned by universal agreement, specifically, in the First Article of the Constitution itself.

Did our Founders view the income tax as a greater threat to liberty than the lack of a Bill of Rights? I believe they did, and that's why we find that ban in our original Constitution.

The governmental powers necessary to enforce an income tax, and the individual rights and freedoms implied and detailed in our Constitution, simply cannot logically co-exist.

The Constitution gave no power to the government to conduct unreasonable search and seizure, but that power would have been implied as a necessary enforcement tool to collect an income tax. The only way income taxes can be enforced is through opening every home in America to search both physically and electronically.

The Constitution gave no power to the government to force people to be a witness against themselves. But that power would have been implied as a necessary enforcement tool to collect an income tax. Every American would have to be required to file potentially incriminating documents to prove their income.

Further, a tax on income threatened to turn Americans against each other, and ultimately destroy our free-market economy, and all our liberties in the process.

All those with smaller incomes could be tempted to use their democratic vote to simply seize the incomes of anyone with more money than themselves. In short order there would be no financial incentive for anyone to seek to create new wealth, and our economy would be identical to the former Soviet Union's—poverty for all.

In addition, there would be no natural check on excessively high and confiscatory tax rates.

Many of the founders, who were strong advocates of the principles of Natural Law, felt that all governmental systems should have natural restraints built into their structure.

Alexander Hamilton wrote in Federalist Paper 22 in 1787:

> It is a signal advantage of taxes on articles of consumption that they contain in their own nature a security against excess. . . .
>
> If duties are too high, they lessen the consumption; the collection is eluded; and the product to the Treasury is not so great as when they are confined within proper and moderate bounds.

If we fund our government with taxes paid equally by all, every American is infinitely aware of tax increases and high rates.

They have within their individual power the ability to legally avoid or lessen those taxes by spending as little as possible.

That's precisely why unfortunately a big-spending peacetime Congress in 1894 tried to adopt an income tax as a way to raise taxes, without the majority of the voters feeling it.

They came up with a two percent flat tax on incomes over $4,000, which was a very large income at the time, and argued that the restriction in the Constitution was sufficiently vague to allow their pernicious scheme to survive.

Within a year, the Supreme Court held income tax unconstitutional as an unapportioned direct tax.

But the spending appetite of an industrial-age Congress could not be whetted by the wisdom of the founders. In one of the few cases in history of Congress rising to overturn a Supreme Court decision, Congress passed an Amendment in 1909 to reverse the foundational decision of Jefferson, Hamilton, Madison, and Jay.

By 1913, a sufficient number of states having been persuaded that this new tax would only affect a tiny percentage of Americans with extreme wealth—and not their voters—had brought the sixteenth amendment into law, and removed all limitations on the imposition of federal income taxes.

"The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."—16th Amendment to the Constitution as passed by Congress in 1909, and ratified by the states in 1913.

Congress immediately passed a federal income tax with low rates that affected only a few people with very high incomes. In the early days, it was considered a status symbol to have to pay income tax, as only the wealthiest had to pay.

But over time, the rates changed to shift the burden increasingly to lower income Americans, to a point in recent years in which people at the lowest incomes still pay high federal taxes, and the middle class shouldered the largest share of out-of-control federal spending.

We reversed a little of that with the tax cuts this Congress has enacted since 1994, but not nearly enough. In fact, just as the founders envisioned, it has become increasingly difficult to enact any significant reform, as the cry immediately arises, "tax breaks for the rich."

This evil system has indeed pitted American against American.

But it has done far more damage than even the moral decay based on economic envy envisioned by our founders.

It is now undermining our health care system, our manufacturing base, even our ability to feed and clothe our families.

It is allowing criminals, tax cheats, and illegal immigrants to live tax-free lives of opulence, while middle-income, two-wage earner families, no longer can save for their children's college or their own retirement.

And it has created a federal agency—the Internal Revenue Service—that far too often has shown sniveling contempt for the basic natural rights of mankind, when dealing with their fellow Americans.

We have created an income tax system which adds 22 percent to the cost of every thing we make in this country—a whopping 22 percent advantage in international trade for Mexico, Brazil, Europe, and most notably, Red China. Dump this tax, and our sorely-pressed manufacturing and agribusiness sectors can once again start competing on a semi-level field.

Illegal immigrants enter our country, earn cash, and pay no taxes, as they report to no one, leaving law-abiding native-born citizens and legal immigrants to pick up their tab.

Drug dealers and pimps earn fortunes tax-free, leaving single-parent working class homes to pay their share of our federal tax burden.

The very wealthiest Americans, and the wealthiest corporations—a legal entity which did not even exist during our Founder's Day—can and do avoid paying any federal taxes through the system of credits and write-offs created over the decades since 1913, as incentives for any number of things former Congress's at one time or another wished to encourage.

Nowhere have those income tax incentives wreaked more havoc than in health care.

Corporate America is given a free tax ride on everything they spend on health insurance, while the waitress making $25,000 and having to buy her own policy is taxed on her premiums.

As a matter of fact, she's taxed on what she spends directly on health care, up to seven-and-a-half percent of her income, while the corporate executive making $100 million a year gets his top-of-the-line, zero deductible health insurance benefits tax-free.

All while the tax-subsidized health insurance industry subsidizes the spiraling cost of health care, driving more and more middle-income Americans into the ranks of the uninsured, with second rate care at best.

We inherited this system of travesty and tragedy. We should remember how it came about—by a foolish Congress overriding the foundational principles laid down at our Nation's birth.

That foundation was built of the carefully constructed tenets of republican democracy, designed to overcome the historical failure of previous systems of direct democracy.

Every other attempt down through history came unraveled once the populace learned they could vote themselves largesse at the expense of others.

Our founders protected us against that evil, with one of the only direct restrictions in our Constitution.

The Congress of 1909, a Congress of a new century, faced conditions they believed outdated the quaint freedoms held in such high regard by the first Congress. So they robbed us of that political inheritance.

We are a Congress of a new century as well, and I believe our great challenge is the restoration of the individual freedoms and protections of our Constitution, in the face of new and challenging national and global economic conditions.

Freedom and fairness is never outdated. Surely, economic conditions and needs change from one generation to the next.

But I believe it is the duty of this body to faithfully and accurately translate the historic freedoms of this Nation into the economic language of the day—not to cast aside the very principles to which we owe our national wealth.

Mr. Speaker, Congressman LINDER's bill restores the freedoms that have lain trampled and forgotten for nearly a century.

It will provide the economic seed for a rebirth of American manufacturing, farming, health care, and fairness.

It will begin the healing process from the injury and division sown in the past by pitting Americans against each other, resulting in devastating economic damage among those with the least.

Mr. Speaker, this bill deserves consideration at every committee level, and it deserves a fair vote in this body and the Senate. I urge my fellow Members to support that consideration, and support this bill.

Mr. LINDER. Mr. Speaker, I would now like to yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I appreciate the gentleman yielding to me and to the contributions of my colleagues here tonight on this subject matter.

It occurs to me as I listen to the gentlemen from Georgia, the offices that I can go to and always get the right price on a small complimentary bag of peanuts, that a person would have to be nuts not to go for this program. And you all know that in Georgia. It is endemic down there. You have had campaigns on it politically and you know the public in Georgia understands how important it is to eliminate the IRS and go to a consumption tax.

We will get most of the questions answered here tonight, but the balance of the questions can be answered at fairtax.org on the Web.

Mr. LINDER. I thank the gentleman for that.

Mr. KING of Iowa. Mr. Speaker, when I put out that Web page, it is important to go there and take a look. There is always another question and another question.

Myself, I would like to announce how I got to this position. It is almost 25 years ago. The gentleman from Georgia (Mr. BURNS) addressed how simple and obvious it is. Twenty-five years ago, I got audited one too many times. That one too many times caused me to go back to work fuming after all the time I had lost and money that I had lost, and I still to this day believe I filed everything exactly correctly and honestly and legally. But I went back to work and started with the premise I want to eliminate the Internal Revenue Service and I want to eliminate the Internal Revenue Code.

I did not think too much about how to do it, I just wanted to get rid of it. So I looked at how do we replace that, how do we replace the revenue stream? And there is only one way, and that is a fair tax, a national consumption tax on sales and service. We have heard about that here tonight.

The simplicity of it is impressive. And after weeks and weeks of working this through, answering these devil's advocate questions that I asked of myself, and trying to find people around my neighborhood in 1980 that could answer this, and my colleagues that could answer this, and no one had been thinking about it. They looked at me and said, well, that sounds like a good idea, Steve, but we never heard of that before, therefore it must not have a lot of credibility.

I finally concluded they must know something intuitively about this that was wrong with it that I could not begin to comprehend, so I set it on the side shelf of my mind. I always kept it there as something to think about, but I moved along.

In 1993, I picked up a book and the title was "Fire the IRS," written by Dan Pilla, a former IRS agent. He had done all the research and compiled all the data that I had speculated on myself, and that book clicked with me just exactly.

So I will take you back to the biggest reason why I think we need to eliminate the IRS, and that is this over $1 trillion anchor we drag through our economy. These numbers go back to references in 1985 dollars in Dan Pilla's book. He took the dollars that we have to fund the IRS with, the dollars that we pay our tax preparers, the dollars we pay some people to compile the numbers to go to our tax preparers, and then pay ourselves about $10 an hour to sit up most of the night on the 14th of

April, and then the dollars we spend to enforce the Internal Revenue Code. We also go through the litigation process.

And then add to that the cost to our economy of people who make a decision that they are not going to risk any more sweat or any more capital or any more equity, and to try to earn more money for that year because the tax risk is too high. So they make a decision they are going to pick up their golf clubs or their fishing pole, or spend a little more time with their family and not make that extra sales call, not work those extra overtime hours.

Add all those dollars up that I have described; the disincentive dollars to the actual literal cost, and those 1985 dollars were $720 billion a year. Billion with a B. And if you index that for inflation, that number rolls up to over $1 trillion a year. That is trillion with a T.

And no one, no one has an equation that can evaluate the positive impact on our economy when you take those millions of people that are now working in the regulatory sector, enforcing the IRS and keeping the books and putting the data in. All those bright, creative, productive people out there that are producing something in the nonproductive sector of the economy. They will go find something to do. They are creative. They will come out of that nonproductive sector of the economy and they will do something in the productive sector. They will produce a good or a service that has a value that also is a multiplier in our economy. And that contribution today cannot yet be measured.

So we have this anchor of over $1 trillion. Then, when you add to that the part we cannot measure, it is an anchor that is substantially over $1 trillion to our economy. To give you an idea of the magnitude of that, in 1992, when Bill Clinton was elected President, he called for the United States Congress to issue a $30 billion economic incentive plan. Some will remember that request that the President made, because we needed to jump-start the economy, by his argument.

Well, Congress negotiated that $30 billion request down to $17 billion, and then he decided, well, that is not enough to make a difference and so he decided to drop the proposal. But it was an idea like we would consider AmeriCorps to be today; make-work projects where you put borrowed money into the hands of people that would be spent in the economy to stimulate the economy.

Well, if $30 billion made a difference to this economy, at least in theory in 1992, borrowed money, think what over $1 trillion injected into our economy in the real productive sector of the economy would do. Not borrowed money, real money, multiplied not just one time borrowed at $30 billion but every year over $1 trillion. We cannot, with our normal on-the-street minds, comprehend the contribution to this economy, the jobs that would create.

And when we look around the world and we see where we stand with this Nation, this economy that is growing thanks to the President's jobs and growth plan, but we are also seeing a balance of trade that is a minus $503 billion a year, and we are seeing our industrial base slide off to overseas where they are paying 68 cents an hour, and they are buying lathes and punch presses and training their people to run them.

Those jobs will be hard to get back, but we get to discount 22 percent on average of everything we sell to these foreign countries when we untax our companies that are producing export products as well as our domestically consumed products. That discount keeps us in that market longer and it holds our industrial jobs here in this country longer. That is good for our blue collar jobs and that is good for the sector of our economy that is starting to decline.

And on the other side of this coin, on the high-tech side, we incent capital formation. We no longer punish productivity or capital formation or savings. So when we untax corporations, businesses, your wages, income of all kinds, interest income, dividend income, pension income, no tax on Social Security income, we untax all of that, and we untax also inheritance tax, that means there is an incentive for capital formation. It will not be sewn into a mattress, it will be invested in something that returns on its investment. And that return will result in increased productivity of the American worker.

So whether that money goes into research and development or capital investment so we get more technology in our factories and in our plants, or whether it goes into higher education, or whether entrepreneurs are able to borrow that money and roll that into a new business, all of these things may be temporarily delayed gratification for the retailers, not much, maybe a little, but in the end it is more money in their pockets.

So when I look at the things we are up against here, this idea ultimately makes so much good sense. Every time I take this Rubik's cube of H.R. 25, or you can find out about it at fairtax.org, and I turn it around and I look at it another way and another way, it looks better, and better, and better. It makes so much sense that I am just going to illustrate the two sectors of the economy that need to take a look at this thing and actually be convinced.

One of them are the retailers. They have a study out, and the gentleman from Georgia (Mr. LINDER) and I have sat with people on that study. I think the study shows that about 5 years down the road, there is maybe a half percent decline in total gross retail sales. The premise on that study, it is a 5-year-old-study, by the way, or 4½ anyway, some of those premises I will take issue with. I think it starts with a pessimistic base.

Even if they are right, and I disagree with them, but even if they are right, is $1 trillion in the economy not more than enough to overcome that? They assume that money is not going to come out of research and development or higher education.

Mr. LINDER. If the gentleman will yield for a moment, Mr. Speaker, their own study, because the gentleman and I have met with them, shows the economy will grow faster under this system than the current system.

Mr. KING of Iowa. The economy will grow faster.

So when we look at it from that perspective, there are easy answers for the retailers. More money in the hands of people. They will spend that money.

The other question out there is the one that has to do with large investments, annuities, life insurance, and those kinds of issues. And at first I will say the tax structure around those kinds of investments is a tax structure that has been built and evolved around our income tax system. It is a distortion. It is more akin to something today that is not really economic reality. And I think we can take our $1 trillion and inject it into our economy and find a way to transition our way through making adjustments through annuities, life insurance, and those other kinds of long-term investments and tax deductible investments.

And by the way, another concern will be the dollars that go into charitable contributions. Statistics show that 70 percent of the charitable contributions are not itemized deductions anyway. People find a good cause and put their dollars in there without regard to the tax.

Mr. LINDER. Mr. Speaker, I am so glad the gentleman raised that point. I want to throw one thing in here. Seventy-four percent of the money that goes to not-for-profits come from businesses they run. Universities sell hats and mugs, the Red Cross sells blood. Eighteen percent comes from the checks we write, and the rest comes from interest earned on interest-bearing accounts.

People do not give money away to charities just for tax reasons. The great fortunes that have been given away, the Goulds, the Fricks, the Melons, the Carnegies, were given away before 1913. Carnegie funded 2,437 libraries before the Tax Code came into effect. People with a lot of money give it away because they like to give it away.

In 1980, when the value of a charitable contribution's margin was a 70 percent deduction, we gave $48 billion to charity. Over several tax changes since then, the value of charitable giving has dramatically declined, and last year we gave nearly $200 billion to charities. People give money away if they have more money. If they have more money in their pocket, we will put more money in their pocket.

Mr. KING of Iowa. Mr. Speaker, if the gentleman will continue to yield, that is the answer to charitable contributions.

There is an answer to every single aspect of this. Every time we look at this Rubik's cube it looks better and better and better.

Also, the corporations that have moved offshore to avoid the taxes in United States of America will come back to this country, many of them, and other corporations will move to the United States. An example would be Ireland. They untaxed corporations in Ireland for a period of 10 years, and they ended up with 560 American corporations domiciled in that little island of 4 million people. So imagine multiplying this across this huge continent of almost 300 million people.

□ 2245

Mr. LINDER. Mr. Speaker, let me close with one point, and that is 47 percent of America does not pay any income taxes today. They pay payroll taxes, but we have a huge bias that is a dangerous bias in my judgment because people who do not pay taxes are disproportionate beneficiaries of government, and they want more government and more taxes because they think they do not pay them.

I want a tax system that is so fair and equal that the next time we decide we want a tax increase, my mother is willing to pay it. We had two tax increases in 1990, both promised at the top 2 percent; it works its way through the system, and we all pay. I want a system that everyone sees they are the ones paying the taxes, and they are the beneficiary.

Mr. COLLINS. Mr. Speaker, a recent study by the National Association of Manufacturers said a long-term solution to being competitive in the world market is to change the income tax system, to replace the income tax system. This is a question that Lou Dobbs asked me about 2 weeks ago when I was on the ''Lou Dobbs Tonight Show'' talking about the fair tax: Do you really think this can happen and how?

Mr. LINDER. We hear from everyone, and you talk about it, and people say it will never happen. This town responds to our constituents, and if the American people want this to pass, it will pass. There is no organized opposition to it. If the American people catch on, it will pass. But one thing that I have learned over the last 6 years on this issue, and I have been on several hundred talk radio shows, I have been in many States, the American people are so far ahead of the politicians on this it is scary. Politicians have no idea how close the American people are to throwing them out over this issue. The American people want the simplicity of it, the fairness of it, and they want it to be equal.

All of the polling and focus groups we did, they want everybody treated the same. Half of the people in the focus groups thought they were the only ones paying taxes, and everybody else had a deal. They want everybody treated the same. Cab drivers want wealthy people treated the same because they want to be wealthy one day, and they want to be treated exactly the same.

I believe there is a confluence of events occurring. The Social Security and Medicare crisis is going to force us to make some tough decisions. The fact that our revenues are not dependable, when under the sales tax and the growing economy, would not only be dependable, we may not even be facing deficits, and the projected long-term growth of the economy of a significant percentage above what we can do now. And lastly, we cannot continue to compete in a global economy with such a large tax component in our price system.

These various things are coming to bear on our economy, and I believe the American people will catch on to this. As the gentleman knows in Georgia, he cannot run for office without discussing it. We need to do that in all of the States. I believe the American people will move this country, and it will take them to move the politicians. Politicians are, more than anything, followers. They want to know where the country is going, and they want to get in front of the parade, wherever it is. We are looking for some leaders, and the American people will show the way. Yes, it will happen.

Mr. COLLINS. Mr. Speaker, I concur that the American people will drive this issue. That is the reason it is important that the gentleman from California (Mr. THOMAS) holds hearings in the Committee on Ways and Means. Let us vet it and let the people understand it, and I think the people will respond to Members of Congress, and we will have action taken on this issue.

I was offered the cushy job of being the IRS commissioner about 2 years ago, but I turned it down. I chose not to join them; I want to end them. In order to do that, we have to abolish the income tax, and that will end the IRS as we know it today. I appreciate the gentleman's effort, and I am 110 percent behind you.

Mr. LINDER. Mr. Speaker, I thank all Members who have participated tonight and continue the fight. This will happen.

30-SOMETHING CAUCUS REPORTS

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. RYAN) is recognized for half the time until midnight, approximately 36 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we are here on our second weekly 30-something working group, and I am joined by the gentleman from Florida (Mr. MEEK). We started this last week on Tuesday. Every Tuesday night we are going to come here and talk about issues facing the young people, not only in our own communities in Florida or in the State of Ohio, not only young people who are at universities or private schools throughout the country, but people who are in their 20s, in their 30s and the kinds of challenges they are facing in society here today.

As Members can see, the gentlewoman from California (Ms. PELOSI), who we would like to thank for the opportunity to do this, sponsoring the 30-something working group, we are going to ask young people, and you do not have to be 30, you can be 20, 40, 50, to contact us by e-mail at 30somethingdems@mail.house.gov, and we will repeat the mailing address later, but just to talk about issues that are facing young students, young people today.

Last week we talked for about an hour about the challenges that are facing young people with summer jobs, student loans, Pell grants, and issues related to getting into college, having access to college, having access to higher education in this country. The majority of the discussion we talked about last week revolved around the priorities of the country. As we sit in this Chamber late on a Tuesday night, the issue again is priorities.

We just want to communicate to young people today that there is active participation in this democracy in which young people who think that democracy does not matter, who think that their vote does not count, who think that somehow they cannot participate in the system, we are here to tell them that they can, and they do have an opportunity to participate in this system; and for two young people like the gentleman from Florida (Mr. MEEK) and myself and several others who are here, have gotten to this establishment, this institution, the United States Congress, through the help of a lot of young people. You can either say no, reject the system, you can say no, we do not have an opportunity to talk, we do not have an opportunity for our voice to be heard, or you can say, yes. Yes, we can participate in the system; we can participate in our democracy.

I heard some of the gentlemen before us talk about how the democratic process works and how people will, if given the opportunity, they will dictate what kind of government we get and what kind of government as citizens we receive; but it has to be active participation.

We are here to say we believe, and I know I believe passionately and have spoken on the House floor and I know the gentleman from Florida (Mr. MEEK) has also participated in these discussions, that we believe that the priorities of this institution over the last year, year and a half, several years, have not represented the interests of young people. The Republican Party has controlled the House since 1994. They have controlled the Senate for a good portion of the years since then. They have controlled the White House for the last 3½ years; and the agenda for young people, the agenda for students has not been addressed. As we talked about last week, our discussion had a lot to do with Pell grants and access to college.

The question that we want to present to young people today, tonight, is: Do you agree with the priorities that this administration has established for you? Do you agree with trillions of dollars of tax cuts over the next 10 years? Do you agree with borrowing money to pay for the deficits that we have today in order to give tax cuts primarily to the top 1 and 2 percent? I know the gentleman from Florida (Mr. MEEK), who has been very active in this discussion, has agreed with the majority of us on the Democratic side that we believe that money would be better spent balancing our budget, making sure we have fiscal responsibility in the country, and making sure we make the proper investments. We believe that some of those investments, and it would be misleading to say all of those investments, but a good portion or many of those investments should be made to our young people.

Mr. MEEK of Florida. Mr. Speaker, I want to say that the gentleman from Ohio (Mr. RYAN) has hit the nail on the head. I am glad we are here with our 30-something working group; and we are also joined by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), as she was last week. We are showing a level of consistency; and just from last week, I hold in my hand, almost like the David Letterman Top 10, just some of the e-mails sent in from individuals who saw us here talking about issues not only facing college students, but also facing working families in America that are concerned about how they are going to pay back the second mortgage that they have taken out to allow their children to be educated, and also to students that are now working in student work study to try to pay for college. But they know they have loans that are under attack here in this Congress and the banking community is coming with a new scheme to have them pay more in interest rates rather than have a fixed low rate. I will talk about the e-mails later.

But first, I could not help but look at rockthevote.com before I walked over here, and I can tell Members something that is very, very disturbing. We talk about direct democracy and young people being part of the process to correct the issues that we are here to talk about tonight, health care; and in many locations throughout the country and in some States, students are being told that they cannot register to vote on their college campus.

This is very, very disturbing because it violates Federal law for a State to say you cannot vote, and if you are going to be on a college campus, the University of Ohio, whatever the case may be, if they are there, they are in school, they may register to vote. I would encourage parents and students that care about higher education, care about tuition costs, Pell grants and care about making sure that we have the workforce for the future to lead our country, I encourage them to go to rockthevote.com so they can learn more about this voter suppression.

Mr. Speaker, I am from Florida, and we cannot wait until the last minute to inform not only parents who want their children to be politically active.

Mr. RYAN of Ohio. Mr. Speaker, on that point, we have many kids in school surrounded by their peers who want to participate in the process, who are campaigning for a certain candidate or referendum on a State ballot, but they are from another State. How do they register to vote? I remember being from Ohio, and I went to school in Bowling Green which is across the State, how do you get registered to vote? Should it be by absentee ballot? You have to send a formal letter and you have exams, and you are trying to balance your duties at school to try to achieve a better life; and it becomes a very complicated process, instead of saying register to vote where your school is and being able to participate in the process.

There are many instances where we have a college or university in a congressional district that is controlled by a Member of Congress or a party that is not representative of the people who are at that university, where if all of those kids would be able to register to vote at that university, they would swing a congressional election.

□ 2300

Mr. MEEK of Florida. If I can, I just want to make sure that the listeners that are listening to us right now and also Members of the House, I would definitely urge them, because they should lead in this fight. Direct democracy is important, being able to do away with voter apathy. I do not believe that the folks that are not voting, that it is all voter apathy. It is voter access. I want to read something to you: Under Federal law, college students have the legal right to vote where their residence may be and that is at schools. The Supreme Court established this right in 1979. Yet 25 years later, many local elected officials across the country have not gotten the message. They are rejecting the voter registration applications of students claiming that they are not permanent residents in their community, but the Supreme Court has already said that this concept of permanent is not relevant to students. We have to get that word out.

I would say to the parents that are listening to us tonight, your children can vote in the fall elections. Where will they be in late August or September? They are going to be in school. Where are they going to be in November? They are going to be in school. We have to make sure their voices are heard.

Mr. RYAN of Ohio. Go to rockthevote.com. Or, if the C–SPAN cameras can come in here, 30somethingdems@mail.house.gov. Send us some e-mails. We received a bunch just from last week, our first week here. Send us some e-mails. Let us know what you think, what your issues are so we can develop a students' bill of rights in order to advocate.

I would like to welcome a great new Member of our freshman class the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. It is really great to be here. We are also joined by another colleague of ours, the gentleman from Alabama (Mr. DAVIS). Just to catch the tail end of your conversation, I wanted to say that there seems to be something wrong when people are advocating that young people get involved in politics and express their opinions and vote, and you have 18- to 35-year-olds who want to do just that and then the rules are set up in such a way that make it nearly impossible for them to participate. There is something wrong with a democracy that does not embrace making it easier for folks to participate in the political process and exercise their right to be heard.

Not to get off topic, but one of the things that I wanted to talk about a little bit this evening is a subject that is troubling not just for students, for a lot of young adults all across America, folks that may have graduated from college and been out in the workforce for several years, but that is the need for access to health care. I can remember myself when I was at UCLA law school right after I graduated, there was this intense pressure to find a job, and I had this fear during the period when I was studying for my bar exam, I had this fear because I was not covered by any health insurance, this fear that if I did not get a job quickly after taking the bar, that I was pretty much going to be on my own where health care was concerned. I was fortunate in that when I graduated from law school, I graduated in a somewhat healthy economy and there were quite a number of employment opportunities that presented themselves.

But today students are not so lucky. They are graduating from universities and the job market is very dismal for them. Not only does that mean that they are going to have to struggle without having an income after they graduate and the thought of student loans on top of it, but chances are they probably will not be covered by any type of health care. As we rapidly approach the months of May and June, a lot of college students are going to be graduating and finding themselves in the situation that I have just described.

I know of one particular instance in which a female college student recently shared a story with me regarding her personal hardship where health care was concerned. She is about to graduate from college in California and just received a scare by testing positive for an ovarian cyst. She does not know where to turn. She does not have any idea where she is going to get the money to pay for the necessary procedures; and if this situation is not bad

enough because she is a student, currently some of the things are covered by student health, but imagine if she had just graduated and were covered by no health insurance whatsoever, she might not even be aware of the situation that she is in because she might not have gone to the doctor to be tested. I am sure she is not alone in that situation.

I do not know what it is about young people, and to young people that may be watching this, I say you absolutely have a right to affordable and accessible health care. Do not think because you are young that that is one of the dues that you have to pay. You absolutely should have access to affordable health care. Do not sell yourself short and do not demand anything less. Do not think that because you are young, the government can ignore you. You have an opportunity. You have a voice. Exercise it. You have an opportunity to try to shape the policy that this Nation abides by. Be vocal about that.

We have seen the number of people who are uninsured in this country continue to rise. That is just not the people that are uninsured, but there are many people who are underinsured, which means they have very superficial health care benefits; they are not really meaningful, they have high premiums, they have high deductibles. That means that people have just one more worry as they are starting out and embarking on what should be the rest of their lives and a positive experience.

Four years ago, the President promised us action on health care but every year since then, more and more Americans have lost their health insurance. It is particularly dramatic in young people. Young adults comprise a disproportionately large share of the Nation's uninsured. Despite only representing 15 percent of the population, young adults account for 30 percent of those who go without health care in our country.

It is a shame that an industrialized, modern society, supposedly the greatest country in the world, cannot find a way to make sure that every person in this country has access to health care. Those of you who are listening, all of us here on the floor tonight that are talking about these issues that impact young folks, we are fighting like crazy to try to make sure that big HMOs and pharmaceutical companies are not the ones that are receiving the benefits of the health care policy that we pass in this House. We are urging that 12 million young adults who currently find themselves without access to health care, to get involved politically, talk to your Representatives, let them know how critical this issue is for you.

Mr. DAVIS of Alabama. I thank the gentlewoman, and let me certainly thank my colleagues from Ohio and Florida for their vision in putting this hour together and for making it a regular part of the congressional calendar and the congressional schedule. As I listened to the three of you before I had a chance to participate in this dialogue, something struck me. I am normally one who tends to be resistant to too many political analyses that rest on generation. I am one of these people who thinks that people try to load a whole lot of analytical content into that term when it should not always be there, but this is something that occurs to me from listening to all three of you. Maybe because we are new to this body, maybe because all four of us are relatively new to public life, maybe because all four of us are still young people, we still have a sense of the possible. We still have a sense of how the power in this institution and the power in this government can still be used to make better the lives of some of our people.

Sometimes when I listen to our friends and our colleagues on the other side of the aisle, I honestly think one of the most fundamental differences is that they do not have a very strong sense of the possible. They pretty much want to take this country as we found it. They want to take the divisions in this country as we found them, and they are pretty much happy to get by with that. Maybe what separates us as younger Democrats and as Democrats is that we have a profound sense of what is possible.

As I listened to the gentlewoman from California and I think about health care in this country, we do have an enormous amount still to do. One day some historian is going to look back at the fact that 4 years ago, we had a $122 billion surplus, and we somehow did not manage to spend a dime of it on providing health insurance for working Americans who need it, who are playing by the rules, who are doing everything that the system demands of them, and yet they somehow do not have health insurance. We had a $122 billion surplus and could not spend any of that largesse on addressing the problem of the uninsured. Here we are 3 years later, we have a $521 billion, and climbing, deficit. We are spending all of that money, and we are still not spending a dime of it on addressing the problem of the working uninsured. That is something that a lot of the young people who I hope are listening in their college classroom and in their college dorms tonight will hold us accountable for. That we have had an opportunity to spend an enormous amount of the Treasury in this country, and we have never touched this problem.

Understand something very basic about the problem of the uninsured. Sometimes when we listen to the debate, we almost think that the uninsured are all poor people. This is the reality. A significant number of people who are uninsured are people who are working and people who are earning between $50,000 and $75,000. Not poor by any stretch of the imagination. A lot of these are people who are working as young lawyers. They are people who are working as young legal assistants. They are people who by no means are what we think of as being on the margins of society.

□ 2310

So I would simply make this point tonight when we talk about the obligation that we have as young leaders, one of the most fundamental obligations that we have is to maybe finish some of the business that some other people have left for us, to maybe find some way to deal with some of these problems that have been sitting and festering. Forty-two million Americans are uninsured. That means 42 million Americans are essentially one health crisis away from seeing their financial security wiped out.

Again, my sense of the possible leads me to think that we can do something about that, and my sense of the possible leads me to believe that if we do not address this problem and we simply let it fester, that we are going to wake up one day in America, in this wonderful land of opportunity and we are going to see that we can split in two and become two Americas. We become one America for people who are well endowed and people who are wealthy. We become one America for those who are without.

And I will close on this point. A lot of us are institutional lawyers. The gentlewoman from California (Ms. LINDA T. SÁNCHEZ) I know is an attorney who practiced very ably in California. Unfortunately, in our profession as lawyers, we kind of accept the fact that the more money one has, the better legal service they can get. It is just something that we accept.

When it comes to accounting, as we are just finishing the tax season, the quality of one's bank account determines the quality of the accountants that they get. I hope that we never let ourselves lapse into a world where the quality of one's health and their capacity to fight the ravages of disease is a function of how much money they have got, because if we ever enter that kind of a world, we have entered a world that is fundamentally less fair than what we have had and we have entered a world that is less generous than what we need it to be.

And I would just in conclusion say this: I know that all four of us are fans of Robert F. Kennedy and the vision that he had for America. He was fond of saying, when he concluded a lot of his speeches, ''Some men see things as they are and say why? I see things that never were and say why not?'' And I think that is our challenge as young Democrats, not just to see the things in this country that trouble us and raise our hands and say why, but to see a better and fairer world and to say why not?

Mr. RYAN of Ohio. Mr. Speaker, the gentleman was extremely articulate in his analysis of the situation that we are in, and I think he is right, that a lot of us that are here, and I have seen

many Members who are just a few years older than us, have maintained that attitude that say this institution and politics in general is about what can be for the rest of society.

We have talked a little bit about health care, and I think there are two ways to look at this. I think both are very valuable, but the one is we need to cover people because it is a justice issue. It is an issue where we all believe that every person in America should have adequate health care regardless of one's wealth, period, end of story. That should not be a debate that we are having in the 21st century in America.

And as we provide health care for young people, we are beginning to educate them on the way to behave, the way to treat themselves, the way to be more healthy, so that when they are in the Medicare program one day, that they are not costing us as much money as they would have cost us had they not had the education that they had at a young age.

This should not be just about providing health care coverage. This should also be about teaching wellness in our schools, whether it is through Leave No Child Behind or some other Federal program that we have, but to make sure we are teaching people at a very young age how wellness is the best way to approach life. That is one.

And then the second reason is an economic argument. Imagine if we were providing health care to manufacturers here today. Young kids graduate from school. They go and they work. Maybe they do not even go to college. They go get a 2-year degree, run the new machines, have a technical degree, and they have health care. Imagine the burden that would be released from those people who were owning small manufacturing shops and the money that they would save that they could put back into their business to create economic wealth in the country again.

So this is an investment that I think when we want the government to invest money, we say we want to get the best bang for the buck. We get a justice issue solved, and we also want to get economic development and assist small businesses in a way that they have not been assisted under the current regime that we have here in the United States.

Mr. MEEK of Florida. Mr. Speaker, if I can, I just want to mention I am so glad that the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is here and also the gentleman from Alabama (Mr. DAVIS). The gentleman from Alabama (Mr. DAVIS) represents a rural part and a very poor part of Alabama, and I have heard him on many other occasions, not only in the Committee on the Budget, share the stories of his constituents, and I just want to steal from that for a minute.

I represent Miami and also South Broward County, and it is a very urban area. I will share with my colleagues that not only with the educational institutions that we have there, we have children or we have young people that are gambling on health care. They do not have health care because they cannot afford health care, and they are what I call emergency room health care. As we speak right now, some mother or father has to take their child into an emergency room because they do not have health care coverage. They are working. They are not at home eating a bag of chips and drinking some sort of soda saying that, well, I do not want to work. They go to work every day. These individuals are walking into emergency rooms for their health care. Then we wonder why our health care cost is so high. Why do we have a pill in the hospital, Tylenol, that costs $10?

Mr. RYAN of Ohio. Mr. Speaker, so in essence we do have universal health care in the country but it is through the emergency room.

Mr. MEEK of Florida. Mr. Speaker, I do not want to start talking, but the first thing we instituted in Iraq was universal health care. So I do not want to bounce back and forth, but the gentleman from Alabama is on the Committee on the Budget, and I am glad we have a diversity because I know the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is on the Committee on the Judiciary and the gentleman from Ohio is on the Committee on Armed Services along with me, and I am on the Select Committee on Homeland Security; but really where the rubber meets the road is how we set our budget here, and then how we are setting up future generations and even this generation for failure. Can the gentleman from Alabama talk a little bit about that? Because I am so glad he is here and he is knowledgeable on the issue.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman for raising the issue. One of the interesting things that we often hear in this town and we hear it from the other side of the aisle is we cannot justify their commitment, we are told, by the amount of money that we are spending. A lot of our colleagues and friends on the Republican side of the aisle say we care very deeply about health care, we care very deeply about education, we are just not spending a lot of money on those things and one cannot judge our commitment by that.

Most American families, I think, realize that people spend money on the things they value. They do that in their homes and they do that in the United States Congress. We are steadily walking away from commitments that are decades-long commitments to improving the quality of our educational system, improving the quality of health care. We made a commitment, or our predecessors did, because none of us were here. Not a single one of us voted on Leave No Child Behind. But before we got here in this institution, this House passed a bill called Leave No Child Behind and made a commitment to improve education in this country. That commitment has never been funded adequately. It has never been funded to set the original vision that was laid out.

And on health care, the prescription drug bill that all four of us voted against, incidentally, last November, this is a bill which has an enormous price tag. It is a bill that will leave large numbers of seniors still without prescription drug coverage. And in so many areas, and this is what is striking I think to a lot of our constituents, they hear about the obligations we are undertaking abroad. They hear about the commitment that we are making to improve the lives of people around the world. What they do not see is a commensurate commitment here at home.

And I think we have to recognize that if we want our country to move forward, if we want to fix a firmer and better foundation for our people, that is a matter of resources. It is incredible that we have run up a $521 billion deficit and we have left so many national problems untouched. Now we know why. It is because we have made it a priority to cut taxes by $3 trillion over the last 3 years. We know why, because we have made a commitment to engage in so many crises around the world when there are festering crises here at home. We know why. It is because we frankly have not had our priorities straight in this institution.

I strongly believe that we have to identify the unfinished business of America, and as we move into this congressional and Presidential election, maybe there is one very clear and simple challenge we ought to issue to our colleagues and ideological opponents on the other side of the aisle.

□ 2320

A very simple question: They are fixated on fixing the world and remaking the world. We have to be fixated on remaking America. Because what are we fighting for abroad? If we are fighting for anything, it is for a vision of the promise of democracy. Well, if we believe in that promise of democracy and we believe that the promise of democracy means expanded opportunity, then surely we have to fight for that here at home.

All of us, I know, have a great deal of admiration for John F. Kennedy. John F. Kennedy was a great Democratic President who believed that we can be bold in asserting our interests around the world, but that we can be equally bold in asserting our vision here at home.

You would almost think you could not have it both ways. You would almost think you could not do both of those things, if you listened to some people in this town. We have to have enough confidence and enough belief in the better powers of our government and the better angels of our nature to try to transform America.

I will make this last point. There is a reason, I believe, why so many of our people are disengaged and not voting;

why so many young people, why so many Americans who are struggling economically do not even want to participate. It is because they often do not hear this institution speaking to their values. They often do not hear their needs and their concerns being addressed.

They turn on the TV at 10 o'clock at night and hear us talking about a fair tax that is never going to be, some kind of a complicated esoteric tax thing that is never going to happen. They turn on the television in the middle of the day and they hear us talking about renaming bridges and post offices. They turn on the TV late at night and they hear us talking about cutting veterans benefits, the day we went to war in Iraq. So much of what they hear us say in this institution does not resonate, it does not seem a part of their lives.

I think if we want to get people to vote, if we want to get people engaged, then they need to hear something of themselves in this place. They need to hear something of the echoes that are going all around American living rooms echoing in this chamber.

It is a very real question of relevance, making the things that our people care about a part of our priorities in setting government.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I just want to make this one observation: When I was young I played sports and inevitably was plagued with injuries from time to time, and my mother once told me something, and I hate to admit when my mother was right, but she was so right.

Mr. RYAN of Ohio. Do not do it.

Ms. LINDA T. SÁNCHEZ of California. Mom, here goes. She said, ''You do not feel it now because you are young. You have energy, you are strong, you recover quickly and you think you are indestructible. But when you get older, these injuries are going to come back to haunt you.''

I do not particularly consider myself very old, but it is true. As somebody in my thirties, my soccer ankle that I broke three different times playing bothers me.

For young people who do not have access to health care, who do not have access to treatments and medicines that can help prevent a minor injury from becoming a severe injury down the road, or prevent a mild form of a disease or an illness from becoming something full-blown, the sole thing standing between them and some kind of chronic illness or really devastating health problem is early access to preventive medicine and early access to medicine and to therapies that are going to help them.

Again, it is kind of hard to think when you are 18 years old that you are going to be old and sick and frail one day, but if you do not have access to health care and you cannot get a head start and make sure that you get yearly visits so that you are checked out for any potential conditions, that is a potential that is a very real potential down the line.

So, for young folks, again, I cannot stress this enough. I think sometimes we think, well, we are young, we are just starting out, we do not have the dream job that we are hoping for, but I am working full-time to put myself through school or working full-time right now and have no health care benefits or very minimal health care benefits. You deserve better. Again, you need to exercise your voice and make sure that you are getting better.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, as we are wrapping up here, I want to thank the gentleman from Florida, the gentlewoman from California and the gentleman from Alabama.

I want to take this opportunity to say e-mail us, 30-SomethingDems at mail.house.gov, and check out rockthevote.com for the voter suppression.

I just want to read a couple e-mails real quickly that we received last week. Melanie from Maryland said that she heard us last week. It almost brought her to tears, that people in the Congress were actually talking about her.

Amy from Abilene Christian University wrote. And there was also one other student who called and said he never watched C–SPAN, but ended up watching it for 45 minutes last week to watch ''Gregory Meeks, Tim Ryan and one other guy.'' That ''one other guy'' was the gentleman from Florida (Mr. MEEK).

We will be back next Tuesday. Drop an e-mail to us. We are going to continue to have this dialogue and make sure that the students and 20-somethings and 30-somethings of this country are represented in the United States Congress.

PROVIDING HEALTH CARE FOR ALL AMERICANS

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. BURGESS) is recognized until midnight.

Mr. BURGESS. Mr. Speaker. I appreciate being invited here to be part of the youth leadership hour of tonight's session of the House of Representatives.

There were some interesting comments from the other side of the aisle. I am actually here to talk tonight about health care. Certainly the concept of voting where you live is one that I endorse, and always have. I have several universities in my district, and in fact the NAACP awarded a college chapter at the University of North Texas an award for their program of Live Here, Vote Here that they ran last year, and I certainly salute them in their efforts.

But let us talk a little bit more about health care. Maybe we can talk a little more in depth about health care. I believe the gentleman from Alabama, if I am quoting him right, said that his group had a profound sense of what is possible. Well, let us spend some time talking about what is indeed possible; what is doable right now, this year, even though it is an election year.

Mr. Speaker, I was on the plane coming back from my district in Texas back to the Nation's Capital today. I picked up a copy of the Fort Worth Star Telegram at the airport, and the headline above the fold was ''Firms Offer Plan for Uninsured Workers.''

Now, there is a novel concept. Here is a consortium of large companies. ''More than 50 of the country's largest employees said Monday that they will band together to offer health insurance to workers who would otherwise not qualify, offering coverage up to 4 million uninsured workers and their dependents by next year. The companies include major Tarrant County employers; American Airlines, Lockheed Martin, Bell Helicopter, as well as McDonald's, Sears Roebuck, Home Depot, Ford Motor and General Electric.''

I will not read the entire article, but the article goes on to say that ''uninsured workers tend to delay medical treatment and avoid cheaper preventative care, seeking expensive emergency room treatment.'' We know that emergency health care is some of the most expensive health care in the world. We know this is a huge driver in the cost of overall health care spending.

So here are these large companies back in Texas, many in my district, who are recognizing that the cost of the uninsured is a major cost driver for health insurance, and these companies are banding together to provide a type of coverage available to their employees, who otherwise would not have health insurance available to them. I think this is an example of the type of innovative, consumer-driven approach that we are seeing in health care.

One of the really disappointing things to me, to listen to the dialogue I just heard on the other side, actually goes back to an article written by Mr. Brownstein of the Los Angeles Times last December, where he said there are only two ways to pay for health care in this country. One is private, employer-based insurance, and the other is for the government, State or Federal Government, to pay for the cost of health insurance.

That completely ignores the cost of uncompensated care. As a physician, I know I probably gave away much more in medical care than any of these young lawyers will ever give away in legal fees. But there is a tremendous amount of care that is just simply uncompensated in this country, and that needs to be calculated into the overall expensing of health care.

But the other area that was completely ignored in Ronald Brownstein's article last December was those individuals who pay for health care themselves. We did a great thing in this

Congress last December with the passage of the Medicare Modernization Act, that the other side seemed to not care for. But the creation of Health Savings Accounts in that Medicare Modernization Act will allow more people to bring their own dollars into the health care system and spend their own dollars in the health care system.

□ 2330

Mr. Speaker, I believe that people, given the option of spending their own money in the health care system, will be wiser consumers of health care and, ultimately, that too will bring down the cost of health care.

Let me just say a word about HSAs, or the old term for them was a medical savings account. I had a medical savings account myself for 5 years prior to coming to Congress. In fact, it was kind of a surprise to me that I could not continue my medical savings account when I arrived in Congress, but because of the restrictions placed on medical savings accounts, they are only available to people who are self-employed or who are employed in small groups. So as a member of this body, I had to take the type of insurance that was offered to everyone else in the Federal Government.

But we have made some improvements. With the advent of HSAs last December, many, many more people are going to have this type of insurance available to them and be able to save for their own health care. It is going to give more Americans health care coverage portability, and it is going to promote savings and wealth generation.

Mr. Speaker, in January, the President came here and in his State of the Union address talked about his health care initiatives. Now, Morton Kondracke writes for a magazine or a newspaper up here called Roll Call and it is generally no friend of the administration. In fact, he made a comment in his column the week after the State of the Union address: Usually the only time Republicans ever pay attention to the social needs of ordinary Americans is when Democrats force them to do so. But he did at least allow that President Bush talked about health care in his State of the Union message.

Now, he was not very complimentary of President Bush, but President Bush talked about 3 initiatives in his State of the Union message that could bring down the numbers of the uninsured, and when the gentleman from Alabama (Mr. DAVIS) talks about the art of the possible or having the vision of being able to do what is possible now, these 3 things do not involve any heavy lifting, they are all within our grasp right now.

One of the things that President Bush talked about, of course, was the HSA and how good it was that that was part of the Medicare Modernization Act. The President also proposed, as a corollary to HSAs, making a catastrophic insurance policy available to any worker who wanted it, and allowing them to deduct the cost of that insurance policy from their personal income taxes, the same as a corporation or business can do if it buys insurance for an employee. This would mean, if we combine that catastrophic insurance policy with a health savings account, that anyone who paid income taxes who did not have health insurance would no longer have an excuse not to have health insurance. And, Mr. Kondracke estimated that 7 percent of the 43 million uninsured would indeed have access to insurance under that scenario.

There was another proposal outlined by President Bush in that State of the Union address and that was a bill that we passed in this House almost a year ago, in June of 2003, H.R. 660, called association health plans. Association health plans probably will not by themselves bring down the number of uninsured that dramatically, but it will certainly keep that curve from continuing upward the way it has for the last 7 or 8 years.

Association health plans, again, were passed by this body last June. It has languished over in the Senate and it is certainly time that that bill receive some more attention and get moving over there. In Mr. Kondracke's tally, he estimated that another 2 million people would be benefited by the passage of association health plans.

Finally, a bill that has not passed this House, but one that certainly deserves our attention, are what are called tax credits for the uninsured. Tax credits are perhaps the best and most immediate way to help the so-called working poor; that is, individuals who are out there working and earning a living, do not earn enough money to pay income tax, so they would not benefit from a health savings account necessarily, but do not receive health insurance as a benefit of their employment. This would provide for fully refundable prepaid tax credits that would give low-income individuals and their families immediate purchasing power. In other words, Mr. Speaker, it is not a tax refund; it is a tax prefund. It would be available to those families at the beginning of the year only to pay for their health insurance needs.

Mr. Kondracke in his Roll Call piece estimated that again, this would provide coverage for another 4 million people, but he did allow that this group is perhaps two-thirds of the actual group that is counted as the uninsured, so his estimate may have been a little bit low. But by combining all of Mr. Kondracke's numbers last January, we come up with a figure of 10 million people covered with health insurance who are not currently covered. Mr. Speaker, that is almost 25 percent of the current uninsured in this country who could be covered right now, this year, if we could simply take up and complete the work that we started last year and get association health plans, full deductibility for catastrophic insurance premiums, and tax credits for the uninsured; if we would take that up and pass that this year, those 10 million people would enjoy the benefits of insurance and, as a consequence of that, health care costs would come down.

I wanted to make reference to an article that appeared in yesterday's Christian Science Monitor. The title of the article was ''A Better Way to Pay For Health Care'' by Jonathan Decker, a correspondent for the Christian Science Monitor. It is datelined out of Washington. He starts out, It is rare when a government program actually earns heaps of praise from a taxpayer.

Mr. Decker is talking, of course, about the health savings accounts that were passed by this body last November in the Medicare Modernization Act. He goes on to say that HSAs are the latest method for controlling health care costs and represent a kind of a 401(k) for health care expenses. Since the beginning of the year, the accounts have been available to people underage 65 who have a qualifying health insurance plan with a deductible of at least $1,000 for individual coverage and $2,000 for family coverage. Individuals can dip into their plans to cover out-of-pocket health care costs up to $5,000 a year and $10,000 a year for families.

He goes on to say, What makes HSAs so attractive to many is that the money in the accounts can be spent tax-free on health care, and the funding can be provided by companies, their employees, or both.

Mr. Speaker, it just goes to point out the power of these so-called medical IRAs, these medical 401(k)s that will increase in wealth.

The thing is, the folks on the other side tonight were talking about some of the fundamental differences between Republicans and Democrats. Republicans like to own things. We like to be in charge. And if you own your own health care dollars, how much more in control are you when you become ill, when you go to the hospital, when you go to the doctor. It is a sense of power that I, for one, would not want to relinquish to the Federal Government for an entirely government-run health care system, as some have suggested.

The tax credits for the uninsured have been introduced in this body in a bill called the SAVE Act, Securing Access, Value and Equality in Health Care. This bill provides an immediate tax credit to individuals and families toward the purchase of health insurance. The credit will be $1,000 for individuals, $2,000 for married couples, and $500 for each dependent, up to $3,000 per family; also, an additional credit of up to 50 percent will be available to families that need insurance with higher premiums. The SAVE Act is a way to turn a costly, unwieldy bureaucratic health care system into a more personal, affordable, and accessible health care system.

Mr. Speaker, we heard earlier this evening from a group that was talking about fundamental tax reform, and

they spoke about it quite eloquently and they talked about the cost of embedded taxation in anything we buy.

Well, in health care, there is another hidden embedded cost that we oftentimes do not acknowledge or do not talk about, and that is the embedded cost of our medical justice system, or our medical liability system. Medical liability reform has been a big part of the agenda of this Congress, this Republican Congress this year. Again, we may notice a recurrent theme here. We passed that bill over a year ago, and we are still awaiting some action 400 feet across the rotunda on that. We certainly hope to see that action happen some time this year.

There is a direct cost, of course, for medical liability insurance. But one of the more pernicious aspects from what has happened with our medical justice system in this country with the runaway expenses associated with the medical justice system or the medical liability system, it leads doctors and hospitals to practice what is called defensive medicine. In other words, if I am called to see a patient in the middle of the night and something goes wrong down the road, am I going to look good if this case goes to court. So if you are called to see a patient in the middle of the night and they are complaining of a headache, it may not be anything too serious but, on the other hand, if it did turn out to be that brain tumor and you missed the diagnosis, it is going to look dreadful down the road in court, so let us go ahead and get the cat scan, and it leads to the type of environment where you tend to order every test, you tend to do every procedure to make certain that you are not one day involved in one of those dreadful medical liability suits.

□ 2340

The embedded cost of defensive medicine in our system is significant. There was a study done at Stanford University in 1996, so this is 8 years ago now, almost a decade ago, and these dollar figures would probably be higher if the study was done today. It was estimated the cost to the Medicare system alone of defensive medicine equated to approximately $50 billion a year.

Mr. Speaker, we were criticized for passing a prescription drug benefit last year that cost $400 billion over 10 years or $40 billion a year. The cost of defensive medicine is more than the cost of providing the prescription drug benefit to our seniors.

Let me finish up tonight with talking about the Medicare Modernization Act since the other side did seem to feel that perhaps this was not a wise thing that we did, and they all freely admitted that they voted against it. I do not think that was a wise vote, and I will tell you during the course of this why I do not think that was wise.

I think the Medicare Modernization Act that we passed here last November was, in fact, a significant piece of legislation. It provided that missing link, that thing that had been missing from Medicare since its inception back in 1965 when another Texan was President, President Lyndon Johnson, and signed that bill into law.

Back in 1965, the major health expenditures that a senior might face were if they had to have surgery, if they had to have an operation or they got a serious illness such as pneumonia or had an abscess and had to be treated in hospital with IV antibiotics for several days. Those were the types of serious cost problems that a senior could run into the mid-1960s. We did not have much in the way of prescription drugs back then. Oh, we had steroids and antibiotics, and some people argued those two were interchangeable or at least used interchangeably back then, but look at what we can do now.

The world has changed so much in the 21st century, and the ability to cure, without surgery or without a hospitalization, by the use of modern day pharmaceuticals is nothing short of astounding.

So, again, not having a prescription drug coverage in the Medicare program, gosh, we were paying $280 billion or we are paying $280 billion a year for our seniors on Medicare, for those 40 million people, 40 million Americans who are on Medicare, but we are not getting value for our dollar. This program, providing a prescription drug benefit for the first time, allows us to be able to treat things on the front end and get value for that dollar.

It is not just in the realm of prescription drugs. Yes, it is cheaper to treat illness; to treat the diabetes when it is merely a problem of a chemical abnormality with broad sugar before the retinal damage occurs, before the kidney damage occurs, before the vascular damage that leads to an amputation occurs. We are going to go do that and much more under this Medicare bill.

Every senior who enrolls in the new Medicare program after January 2006 will have a Welcome-to-Medicare physical. Health screenings will be included as part of the Medicare program. Chronic illnesses, such as adult onset diabetes, elevated blood pressure, heart disease, patients will have disease management programs available to them, and health outcomes will be monitored in a much more proactive way.

Unfortunately, when the Congressional Budget Office scored the cost on the Medicare Modernization Act that we passed last November, they could not take any of those things into account. I find it interesting that someone who is running for President has proposed a health care bill where these same types of things will be included, and yet that individual now says that because he is adding disease management and health screenings, his plan is going to cost $278 billion less. I read that in the Washington Post last Friday.

The fact is that this is a good program. It was passed by this Congress. It is choice-based, it is consumer-driven, and it is affordable.

One of the most exciting things to me is we are seeing the roll-out of the prescription drug discount card in just a few weeks, on June 1. Already you can go to medicare.gov or if you are a senior you can call 1–800–MEDICARE. All you need to know, calling 1–800–MEDICARE, if you will benefit from getting one of these prescription drug discount cards, the only information you are going to need to give to the people on the other end of the telephone or be able to type into the Internet is your ZIP code and which medications you are currently taking and the dosages of those medications. This is going to be a powerful tool that develops over the next 18 months as that database is assembled. For the first time, seniors can go to the Internet or go to that 800 number, say I live in this part of the country, I am on this medication and this is the medication and currently I am spending this much money on my medicine; would I benefit from your prescription drug discount card, and in 18 months time would I benefit from the prescription drug program when it does roll out January 1, 2006?

I am really looking forward to having that type of information at the fingertips of seniors. For heaven's sake, we are consumers, if we are nothing else in this country, and we are good consumers. We are cautious consumers. We compare prices every day. We compare prices for airplane tickets. We compare prices for cruises. We will be able to compare prices for prescription drugs on-line and be able to make the best decisions for ourselves. Again, it puts the senior, it puts the patient in the driver's seat, not the Federal Government.

In fact, I think former Speaker Gingrich talked about a time where you would just simply go to a travel-type site and type in your medication, and companies would be able to compete for your business real-time, on-line, and how powerful would that be.

One of the most important things about the prescription drug discount card is that it is going to be available. It is immediate help that is available to every senior, regardless of income, but those seniors who are at the 135 percent of the Federal poverty level will also receive an additional $600 subsidy for the remainder of this year and for next year, and in fact, if that $600 subsidy is not consumed this year, it will roll over to next year. So, essentially, a $1,200 subsidy will be available over the next 18 months time.

I have had people ask me what if I take this prescription drug discount card and then I do not want to go into the Medicare prescription drug program when it rolls out in 2006? You do not have to. It is fully flexible. It is fully your choice to do so, and if you do not take the prescription drug discount card when it is offered this June, you have not lost the ability to go into the

Medicare prescription drug program, if, indeed, it is to your benefit January 1, 2006.

Mr. Speaker, we did hear again a lot from the other side just before I came on this evening. I was particularly concerned that the comment was made that the Republican side of the aisle is walking away from its commitments. I would submit to you nothing is further from the truth, and in fact, if they want to talk about the art of the possible, we can cover one-quarter of the uninsured this year with no heavy lifting, simply by getting some activity 400 feet to the West of the Capitol building and having both sides of this House take up the health credits for the uninsured and the full deductibility of catastrophic health insurance before this term ends at the conclusion of this year.

Mr. Speaker, I know it has been a long day for all of us. So, with that, I will conclude my remarks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Ms. PELOSI) for today on account of a family emergency.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of a family health issue.

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of family reasons.

Mr. KINGSTON (at the request of Mr. DELAY) for today on account of personal reasons.

Mr. ROHRABACHER (at the request of Mr. DELAY) for today on account of caring for his newborn children.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

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. MCDERMOTT) to revise and extend their remarks and include extraneous material):

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material):

Mr. GUTKNECHT, for 5 minutes, May 13.

Mr. MORAN of Kansas, for 5 minutes, May 17.

Mr. BURTON of Indiana, for 5 minutes, today and May 12, 13, and 14.

Mr. PEARCE, for 5 minutes, today and May 12.

Mr. DREIER, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, May 12.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, today.

Mr. COLE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SMITH of New Jersey and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $746.25.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 12, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8058. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-419, ''Practice of Naturopathic Medicine Licensing Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on the Judiciary.

8059. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-420, ''Mount Vernon Triangle Business Improvement District Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on the Judiciary.

8060. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8061. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Portland, Maine, Tow of Rig Pride Rio de Janeiro [CGD01-04-010] (RIN: 1625-AA00) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8062. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Indian River, Cocoa Village Mardi Gras, Cocoa, FL [COTP Jacksonville 04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8063. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Severe Ice Conditions, Buzzards Bay, Massachusetts [CGD01-04-011] (RIN: 1625-AA97) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8064. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit, Boston, MA [CGD01-04-028] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8065. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Eustis, Eustis, FL [COTP Jacksonville 04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8066. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Military Ocean Terminal Sunny Point and Lower Cape Fear River, Brunswick County, NC [CGD05-03-205] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8067. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River mile marker 374.5 to mile marker 867.5 [COTP Louisville, KY 03-035] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8068. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 600.7 to 609.0, Louisville, KY [COTP Louisville-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8069. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-215] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8070. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-216] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8071. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi Sound, Pascagoula, MS [COTP Mobile-03-025] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8072. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Roads, Elizabeth River, Intracoastal Waterway, Virginia. [CGD05-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8073. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-03-026] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8074. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Roads, Elizabeth River, Intracoastal Waterway, Virginia [CGD05-04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8075. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit to Gulfport, MS [COTP Mobile-03-028] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8076. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones, Pascagoula Ship Channel, MS; Mobile Ship Channel, AL; Pensacola and Escambia Bay, and Choctawhatchee and East Bay, FL [COTP Mobile-03-033] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; ICW from Pensacola, FL to Panama City, FL, Mobile Bay, Pensacola Bay, Escambia Bay, Pascagoula Ship Channel, Bayou Casotte Channel, Choctawhatchee Bay [COTP Mobile-03-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-026] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8080. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Escambia River Mile 0.0, U.S. 90 Bridge, Pensacola, FL [COTP Mobile-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-029] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8082. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hathaway Highway 98 Bridge, Panama City, FL [COTP Mobile-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8083. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-030] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8084. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old St. George Island Bridge, Apalachicola Bay, FL [COTP Mobile-04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8085. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; US 90 Bridge, Escambia River, Pensacola, FL [COTP Mobile-04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8086. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hathaway Highway 98 Bridge, Panama City, FL [COTP Mobile-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8087. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Mililtary Submerged Vehicle Recovery Operation, Outer Apra Harbor, Guam [COTP Guam 04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8088. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-031] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8089. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Navy Underwater Detonation Operation Agat Bay, Guam [COTP Guam 04-004] (RIN: 1625-AA00) Recieved April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8090. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-032] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8091. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-033] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8092. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8093. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-036] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8094. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-042] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8095. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8096. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-044] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8097. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8098. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-045] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8099. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-008] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-046] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River; Baltimore, Maryland [CGD05-04-048] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. and Arlington and Fairfax Counties, Virginia [CGD05-04-014] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8103. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-050] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Upper Potomac River and its tributaries, Maryland and Virginia [CGD05-04-020] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-023] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Raccoon Creek, New Jersey [CGD05-04-056] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-025] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations, Blair and Sitcum Waterways, Commencement Bay, Puget Sound, Washington and SS CAPE ORLANDO, SS CAPE ISABELA, SS CAPE INSCRIPTION [CGD13-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River; Baltimore, Maryland [COTP Baltimore 04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, S.C. [COTP Charleston-04-018] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston, SC [COTP Charleston 04-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile Marker 539, Ingleside, TX [COTP Corpus Christi-03-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corpus Christi Ship Channel, Port Aransas, TX [COTP Corpus Christi-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; University of Miami Crew Regatta, Indian Creek, Miami Beach, FL [CGD07-04-016] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Navy Underwater Detonation Operation North of Glass Breakwater, Guam [COTP Guam 04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8116. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Miami Beach Winter Sprints, Miami, FL [CGD07-04-004] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8117. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USCGC ALDER (WLB 216) Launch, Menominee River, Marinette, Wisconsin. [CGD09-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Department of Homeland Security Anniversary Boat Parade, Port of Miami, Miami, FL [CGD07-04-020] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8119. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Renaissance Center. [CGD09-04-007] (RIN: 2115-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3879. A bill to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes; with amendments (Rept. 108–482). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 637. Resolution providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket (Rept. 108–483). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 638. Resolution providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees (Rept. 108–484). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HUNTER (for himself and Mr. COX):

H.R. 4322. A bill to provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes; to the Committee on Armed Services.

By Mr. HUNTER (for himself, Mr. SKELTON, and Mr. TOM DAVIS of Virginia):

H.R. 4323. A bill to amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, and Mr. MURPHY):

H.R. 4324. A bill to amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan, and for other purposes; to the Committee on Government Reform.

By Ms. BALDWIN (for herself, Mr. TIERNEY, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. CONYERS, Ms. LEE, Ms. JACKSON-LEE of Texas, and Mr. OBEY):

H.R. 4325. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 4326. A bill to authorize an outpatient clinic to be established in Denton, Texas, for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CLAY (for himself, Mr. AKIN, Mr. GEPHARDT, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 4327. A bill to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''; to the Committee on Government Reform.

By Mr. FORBES:

H.R. 4328. A bill to suspend temporarily the duty on 3-Cyclohexene-1-carboxylic acid, 6-@(di-2-propenylamino)carbonyl@-,(1R,6R)-rel-, reaction products with pentafluoroiodoethane-tetrefluoroethylene telomer, ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4329. A bill to suspend temporarily the duty on Glycine, N,N-Bis@2-hydroxy-3-(2-propenyloxy)propyl@-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylyene telomer; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4330. A bill to suspend temporarily the duty on 5,5-bis@(y,w-perfluoroC4-20alkylthio)methyl@-2-hydroxy-2-oxo -1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis@(y,w-perfluoroC4-20alkylthio)methyl@-3-hydroxy proply phosphate, di-ammonium salt and Di-@2,2-bis@(y,w-perfluoroC4-20alkylthio)methyl@@-3-hydroxy proply phosphate, ammonium salt and 2,2-bis@(y,w-perfluoroC4-20alkylthio)methyl@-1,3-di-(dihydro genphosphate)-propane, tetra-ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4331. A bill to suspend temporarily the duty on 1(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 4332. A bill to provide for the proper development of Federal lands in Clark County, Nevada, to best promote public welfare and economic development consistent with surrounding airport usage; to the Committee on Resources.

By Ms. HOOLEY of Oregon (for herself, Mr. STENHOLM, Mr. CASE, Mr. EMANUEL, Mr. GRIJALVA, Mr. FARR, Mr. HOEFFEL, Mr. MCINTYRE, Mr. DEFAZIO, Mr. SANDLIN, Mr. TOWNS, and Ms. LEE):

H.R. 4333. A bill to provide for homeland security grant coordination and simplification, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Transportation and Infrastructure, the Judiciary, Energy and Commerce, and Science, 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 Mrs. KELLY (for herself and Mr. SWEENEY):

H.R. 4334. A bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. KING of New York, and Mr. ISRAEL):

H.R. 4335. A bill to amend the Public Health Service Act to provide for a program of screenings and education regarding children with sudden cardiac arrhythmia syndromes; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 4336. 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 the District of Columbia; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 4337. A bill to amend title 49, United States Code, relating to the assurance required of owners and operators of airports with respect to long-term leases for construction of hangars; to the Committee on Transportation and Infrastructure.

By Mr. PLATTS (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mr. GREEN of Wisconsin, Mr. ROSS, Mr. BARRETT of South Carolina, and Mr. GRIJALVA):

H.R. 4338. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for adoption expenses shall be permanent and to repeal the 5-year limitation on carryforwards of unused credit; to the Committee on Ways and Means.

By Mr. PLATTS (for himself, Mr. FROST, Mr. WYNN, Mr. GREEN of Wisconsin, Mr. WELDON of Pennsylvania, and Mr. ROGERS of Kentucky):

H.R. 4339. A bill to amend the Internal Revenue Code of 1986 to allow volunteer firefighters a deduction for personal safety clothing; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. MCNULTY):

H.R. 4340. A bill to require investigations by institutions of higher education of violent felonies occurring on campus; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H. Con. Res. 420. Concurrent resolution applauding the men and women who keep America moving and recognizing National Transportation Week; to the Committee on Transportation and Infrastructure.

By Mr. MCGOVERN (for himself and Mr. LEACH):

H. Res. 636. A resolution expressing the sense of the House of Representatives encouraging the active engagement of the United States in world affairs and urging the Secretary of State to coordinate with implementing partners to create an online database of international exchange programs and related opportunities; to the Committee on International Relations.

By Mr. SESSIONS:

H. Res. 637. A resolution providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

By Ms. PRYCE of Ohio:

H. Res. 638. A resolution providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GOSS and Mr. SESSIONS.
H.R. 63: Mr. SIMMONS.
H.R. 66: Mr. SIMMONS.
H.R. 117: Mr. TERRY.
H.R. 218: Mr. CHANDLER.
H.R. 371: Mr. ABERCROMBIE, Mr. HOLDEN, Mr. DICKS, and Ms. LEE.
H.R. 450: Mr. MICHAUD.
H.R. 463: Mr. MCCOTTER.
H.R. 504: Mr. MORAN of Virginia.
H.R. 770: Ms. JACKSON-LEE of Texas.
H.R. 857: Ms. JACKSON-LEE of Texas.
H.R. 996: Mr. BOOZMAN, Mr. FEENEY, Mr. BOSWELL, Mr. BONNER, Mr. GRAVES, and Mr. HOSTETTLER.
H.R. 997: Mr. HEFLEY.
H.R. 1057: Mr. BISHOP of Utah, Mr. HINCHEY, and Mr. SNYDER.
H.R. 1101: Mr. COOPER.
H.R. 1120: Mr. BOSWELL.
H.R. 1231: Mr. STARK.
H.R. 1258: Ms. DEGETTE.
H.R. 1288: Mr. ROSS and Mr. RUPPERSBERGER.
H.R. 1306: Mr. CLAY.
H.R. 1414: Mr. UDALL of Colorado.
H.R. 1478: Mr. RUPPERSBERGER.
H.R. 1613: Mr. RANGEL, Mr. ACEVEDO-VILA, Mr. ORTIZ, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MAJETTE, Mr. REYES, and Mr. FORD.
H.R. 1653: Mr. DEMINT.
H.R. 1735: Mrs. LOWEY, Mr. UDALL of Colorado, Mr. CALVERT, and Ms. SCHAKOWSKY.
H.R. 1811: Mr. MCCOTTER and Ms. NORTON.
H.R. 1935: Mr. SCHIFF.
H.R. 1981: Mr. ACEVEDO-VILA.
H.R. 2213: Ms. SOLIS.
H.R. 2323: Mr. MCHUGH.
H.R. 2404: Mr. YOUNG of Florida.
H.R. 2490: Ms. WOOLSEY.
H.R. 2525: Ms. LINDA T. SANCHEZ of California.
H.R. 2728: Mr. BARRETT of South Carolina.
H.R. 2729: Mr. BARRETT of South Carolina.
H.R. 2730: Mr. BARRETT of South Carolina.
H.R. 2731: Mr. BARRETT of South Carolina.
H.R. 2759: Mr. LANGEVIN.
H.R. 2773: Ms. MILLENDER-MCDONALD, Ms. BORDALLO, Mr. GREEN of Texas, and Ms. JACKSON-LEE of Texas.
H.R. 2801: Mr. MCDERMOTT, Ms. WATSON, and Mr. FILNER.

H.R. 2821: Mr. BARTLETT of Maryland and Mrs. WILSON of New Mexico.
H.R. 2929: Mr. GONZALEZ.
H.R. 2933: Mr. OSBORNE.
H.R. 2967: Mr. MILLER of North Carolina.
H.R. 3000: Ms. NORTON.
H.R. 3103: Mr. SHAYS.
H.R. 3309: Mr. FALEOMAVAEGA and Mr. PASTOR.
H.R. 3313: Mr. DEMINT, Mr. HUNTER, Mr. HERGER, Mr. POMBO, Mr. HALL, and Mr. KINGSTON.
H.R. 3352: Mr. HOLT.
H.R. 3378: Mr. ENGEL, Mr. CRENSHAW, and Mr. BLUMENAUER.
H.R. 3424: Mr. WEINER, Ms. WATSON, and Mr. GREEN of Texas.
H.R. 3425: Mr. KIND, Ms. KAPTUR, and Mr. DELAHUNT.
H.R. 3459: Ms. DELAURO, Mr. NADLER, and Mr. FRANK of Massachusetts.
H.R. 3473: Mrs. CUBIN, Mr. SMITH of Texas, and Mr. HOLDEN.
H.R. 3474: Mr. BURR and Mr. FOLEY
H.R. 3545: Mr. RANGEL.
H.R. 3573: Mr. BURTON of Indiana.
H.R. 3582: Mr. WATT.
H.R. 3602: Mr. BAKER, Mr. MCDERMOTT, and Mr. PLATTS.
H.R. 3609: Mr. CRANE.
H.R. 3615: Ms. BERKLEY, Mr. MARKEY, Mr. WYNN, Ms. KAPTUR, Mr. EMANUEL, Ms. LOFGREN, and Mr. WEXLER.
H.R. 3716: Mr. COSTELLO, Mr. MILLER of Florida, and Mr. COBLE.
H.R. 3739: Mr. FOLEY.
H.R. 3777: Mr. HOEKSTRA.
H.R. 3779: Mr. WEXLER.
H.R. 3795: Ms. MILLENDER-MCDONALD, Mr. GONZALEZ, Mr. OSBORNE, and Mr. MENENDEZ.
H.R. 3798: Mr. UDALL of Colorado.
H.R. 3802: Mr. DAVIS of Illinois and Mr. ABERCROMBIE.
H.R. 3815: Mr. KILDEE and Mr. GREEN of Texas.
H.R. 3831: Mr. FERGUSON.
H.R. 3832: Mr. SHERMAN.
H.R. 3849: Mr. SMITH of Washington and Mr. UDALL of New Mexico.
H.R. 3880: Mrs. MILLER of Michigan.
H.R. 3881: Mr. MILLER of North Carolina, Mr. LANGEVIN, Mr. UDALL of New Mexico, Mr. GONZALEZ, Mr. SNYDER, Mrs. DAVIS of California, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Ms. KAPTUR, Mr. RODRIGUEZ, and Mr. HASTINGS of Florida.
H.R. 3927: Mr. ROTHMAN.
H.R. 3951: Mr. BERRY.
H.R. 3952: Ms. GINNY BROWN-WAITE of Florida, Mr. NEY, and Mr. BURGESS.
H.R. 3956: Mr. WEINER.
H.R. 3963: Mrs. LOWEY.
H.R. 3965: Mr. LANTOS, Ms. CARSON of Indiana, Mr. WYNN, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. POMEROY, Mr. GREEN of Texas, and Mr. ACEVEDO-VILA.
H.R. 3974: Ms. LEE.
H.R. 3980: Mr. GOODLATTE.
H.R. 3988: Mr. JEFFERSON, Ms. LEE, Mr. RODRIGUEZ, Mr. MEEKS of New York, and Mr. GUTIERREZ.
H.R. 4011: Mr. BALLENGER, Mr. HONDA, and Mr. EVANS.
H.R. 4039: Mr. JONES of North Carolina, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, and Mr. WELDON of Pennsylvania.
H.R. 4057: Mrs. BIGGERT.
H.R. 4067: Mr. LANTOS, Mr. FATTAH, Mr. CLAY, and Ms. SCHAKOWSKY.
H.R. 4101: Mr. CASE, Mr. SABO, and Mr. BLUMENAUER.
H.R. 4155: Mr. BISHOP of New York, Mr. LAMPSON, Mr. NADLER, and Mrs. MALONEY.
H.R. 4156: Mr. MCDERMOTT.
H.R. 4182: Mr. LEVIN and Mr. MENENDEZ.
H.R. 4187: Mr. BRADLEY of New Hampshire.
H.R. 4204: Mr. ACEVEDO-VILA.
H.R. 4205: Mrs. BONO.
H.R. 4206: Mr. BOEHLERT and Mr. HOLT.
H.R. 4233: Mr. RUPPERSBERGER and Mr. ALEXANDER.
H.R. 4235: Mr. MCNULTY and Mr. WEXLER.
H.R. 4260: Mr. ACEVEDO-VILA, Ms. BORDALLO, Mr. PALLONE, Mr. CASE, and Mr. SANDERS.
H.R. 4275: Mr. MCCOTTER, Mr. WOLF, Mr. SENSENBRENNER, Mr. WELDON of Florida, Mr. GREEN of Wisconsin, Mr. BARTLETT of Maryland, Mr. BOOZMAN, Mr. RYAN of Wisconsin, Mr. JONES of North Carolina, Mr. SOUDER, Mr. GILCHREST, Mr. WELLER, Mr. FORBES, Mr. BEAUPREZ, Mr. GILLMOR, Mr. TERRY, Mr. ISAKSON, Mr. MILLER of Florida, Mr. BOEHLERT, Mr. ROGERS of Alabama, Mrs. CAPITO, Ms. HART, Mr. KNOLLENBERG, Mr. BOEHNER, Mr. PENCE, Mr. KELLER, and Mr. PUTNAM.
H.R. 4279: Mrs. MILLER of Michigan, Mr. CRANE, Mr. MCINNIS, Mr. SAM JOHNSON of Texas, Mrs. CAPITO, Mr. GINGREY, Mr. MCCOTTER, Mr. BOEHNER, Mrs. BIGGERT, Mr. PAUL, Mr. MILLER of Florida, and Mr. CANTOR.
H.R. 4280: Mr. SHAYS, Mrs. BIGGERT, Mrs. MILLER of Michigan, Mr. CRANE, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. MCINNIS, Mrs. CAPITO, Mr. GINGREY, Mr. BURNS, Mr. BURGESS, Mr. MURTHA, Mr. PITTS, Mr. BOEHNER, Mr. KELLER, Mr. GOODE, and Mr. HAYWORTH.
H.R. 4281: Mr. SHAYS, Mr. KOLBE, Mrs. MILLER of Michigan, Mr. CRANE, Mr. BALLENGER, Mr. GREENWOOD, Mrs. CAPITO, Mrs. BLACKBURN, Mr. PEARCE, Mr. MCINNIS, Mr. BURGESS, and Mr. KELLER.
H.R. 4284: Mr. HAYWORTH.
H.R. 4295: Mr. MORAN of Kansas.
H.R. 4313: Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, and Mr. KUCINICH.
H.J. Res. 62: Mr. RANGEL.
H.J. Res. 91: Mr. DINGELL, Mr. RODRIGUEZ, and Mr. MCCOTTER.
H.J. Res. 93: Mr. SKELTON.
H. Con. Res. 247: Mr. BAKER.
H. Con. Res. 257: Ms. CORRINE BROWN of Florida and Mr. BURGESS.
H. Con. Res. 311: Mr. KING of New York.
H. Con. Res. 319: Mr. HONDA and Mr. GORDON.
H. Con. Res. 356: Mr. BRADY of Pennsylvania.
H. Con. Res. 363: Mr. GALLEGLY.
H. Con. Res. 366: Mrs. DAVIS of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, and Mr. SMITH of New Jersey.
H. Con. Res. 381: Mr. BRADLEY of New Hampshire, Mr. ANDREWS, and Mr. ROTHMAN.
H. Con. Res. 392: Ms. LINDA T. SANCHEZ of California, Mr. LEWIS of Georgia, Mr. HOLT, Mr. RANGEL, Mr. ALLEN, and Mrs. CHRISTENSEN.
H. Con. Res. 403: Mr. UDALL of Colorado, Mr. EVANS, and Mr. SCHIFF.
H. Con. Res. 409: Mr. MCCOTTER, Mr. KIND, Mr. RADANOVICH, and Ms. ROS-LEHTINEN.
H. Con. Res. 410: Mr. PAYNE.
H. Con. Res. 414: Mr. RYUN of Kansas, Mr. COX, Mr. CANTOR, Mr. TOM DAVIS of Virginia, and Mr. BROWN of South Carolina.
H. Res. 103: Mr. MCCOTTER.
H. Res. 142: Mr. HONDA.
H. Res. 466: Mr. CASE and Mr. ROTHMAN.
H. Res. 550: Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. DOYLE, Ms. ESHOO, Mr. DINGELL, and Mr. BELL.
H. Res. 573: Mr. LEVIN, Mr. KILDEE, Mr. CAMP, Mr. MCCOTTER, Mrs. MALONEY, Mr. STUPAK, Mr. CONYERS, and Mr. DINGELL.
H. Res. 596: Mr. HUNTER.
H. Res. 604: Mr. MCGOVERN, Mr. RODRIGUEZ, Mr. CRAMER, and Mr. LANTOS.
H. Res. 608: Mr. GOODE, Mr. SCHROCK, Mr. JOHNSON of Illinois, Mr. NEY, Mr. BOOZMAN, Mr. VITTER, Ms. DELAURO, Mr. HAYES, Mr. MILLER of Florida, Mr. ROGERS of Alabama, Mr. DOOLITTLE, Ms. HARRIS, Mr. PORTER, Mr. BURNS, Mr. GINGREY, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Ms. BORDALLO, Mr. ROYCE, Mr. DEMINT, Mr. COX, Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. FERGUSON, Mr. BARTLETT of Maryland, and Mr. PETRI.
H. Res. 612: Mr. SCHROCK and Mrs. JO ANN DAVIS of Virginia.
H. Res. 613: Mr. MORGAN of Virginia, Mr. ROHRABACHER, Mr. ROYCE, and Mr. WOLF.
H. Res. 615: Ms. BERKLEY, Mr. NORWOOD, Mr. BURR, Mr. FILNER, Mr. KING of New York, and Mr. BROWN of South Carolina.
H. Res. 616: Mr. KING of New York.
H. Res. 617: Mr. SMITH of New Jersey, Mr. CHANDLER, Mr. ENGEL, Mr. BERMAN, Mr. WEXLER, Mr. CHABOT, Mr. SHIMKUS, Mr. BURTON of Indiana, Mr. MCNULTY, Mr. SHERMAN, Ms. BERKLEY, Mr. NORWOOD, Mr. KING of New York, Mr. BROWN of South Carolina, and Mr. SAXTON.
H. Res. 622: Mr. PORTER.
H. Res. 625: Mr. COX.
H. Res. 626: Mr. GRIJALVA and Mr. BRADY of Pennsylvania.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, MAY 11, 2004 No. 65

Senate

The Senate met at 9:47 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, whose fairness is intertwined with everything You do, You will right all wrongs and reward all loving service and suffering for Your sake. Thank You for each blessing You have given us. Surely You have been good to us, O Lord. You have revealed Yourself through Sacred Scripture, condensing Your thoughts and making them intelligible to humanity. You have cared enough to communicate with us in a clear and accessible way. Forgive us for our reluctance to read Your word and to meditate with listening hearts. Refresh, nourish, and teach our Senators Your thoughts that they may discover Your will and pattern for living and serving. Guide them today and give them Your peace. Help each of us to prove our gratitude for Your kindness by selfless service to those who need our love and care. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business for up to 1 hour. The first half of that time will be under the control of the minority leader or his designee, and the second half of the time will be under the control of the majority side of the aisle.

Following this period of morning business, the Senate will resume consideration of S. 1637, the FSC/ETI JOBS bill. Under the agreement reached last night, today the debate until noon will be equally divided between both sides.

At noon, the Senate will conduct a rollcall vote on the motion to invoke cloture on the FSC/ETI JOBS legislation. If cloture is invoked, we will go immediately to a vote in relation to the pending Cantwell amendment regarding unemployment insurance.

Senators can, therefore, expect up to two votes beginning at 12 noon today. Following those votes, the Senate will stand in recess until 2:15 for the weekly policy luncheons to occur.

I ask unanimous consent that if cloture is invoked, the time during the recess count under the provisions of rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I thank all Members who have allowed us to proceed in this fashion. We have worked on both sides to organize today so we can bring the FSC/ETI bill to closure. I believe we will invoke cloture and we will be able to bring the bill to conclusion, hopefully, later this afternoon or early this evening.

As I stated yesterday, there will be germane amendments, and we will debate them and vote on those; thus, we anticipate additional rollcall votes over the course of the day.

I mentioned several weeks ago, and again yesterday, that we plan to begin the IDEA legislation following the completion of the FSC/ETI JOBS bill and, thus, we have a lot of work to do. I want to encourage people to consider that as we bring the FSC/ETI bill to closure.

I also want to mention a concern that I have with the Executive Calendar. Last week, we were able to confirm some of the pending ambassadorial nominations on the calendar. But still, as you look at the calendar, there are 89 additional nominations that are available for Senate consideration. As we all know, some of these are controversial and, therefore, delay is not unexpected. But the vast majority of these nominations, including many of the judicial nominations, should be cleared unanimously.

I want to take this opportunity to remind my Senate colleagues of our responsibility—the Senate's responsibility—to consider these nominations and to allow them to begin their very important work for the United States of America.

In addition to the 33 judicial nominations, there are 8 additional ambassadorships to countries such as Sweden, Brazil, South Africa, Northern Ireland, and others. So, again, I want to take this moment to bring all of this to the Senate's attention. My colleagues may come to me and ask why we are not moving. It is time to move in that direction.

I have heard the comments of the Democratic leadership regarding their concern with the nominations, and I know there are underway a number of consultations and discussions regarding this process. As we move forward, I urge my colleagues to allow us to consider some of the many noncontroversial nominations that are available so that we can fill these positions.

Mr. President, I also want to comment on last night's action by thanking my colleagues for their unanimous support for S. 356. This Senate resolution, which passed last night, condemns the abuse of Iraqi prisoners at the Abu Ghraib prison and urges a full and complete investigation to make sure that justice is served, and served in a fully transparent way.

The resolution also expresses the Senate's support for all Americans who

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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are serving so nobly in Iraq to bring freedom, democracy, and the rule of law to that country.

The resolution expressed the sentiment and views of the Senate in a clear, firm, and bipartisan manner. In particular, it made clear our expectation that the Senate be kept apprised of the ongoing investigations being conducted in the Department of Defense and of the actions being taken to ensure that these incidents never occur again.

The resolution also made clear that the appropriate committees of the Senate will be exercising their oversight responsibilities to ensure these ends. This is not just the right thing to do; this is the Senate's duty and our obligation to the American people—indeed, to the victims, to the families, and to the Iraqi people.

The Senate has already acted quickly and deliberately to address the heinous actions perpetrated by a few at the Abu Ghraib prison. Last week, the Senate Select Committee on Intelligence held a closed-door session to hear from representatives of the intelligence community regarding the CIA's role. The Senate Armed Services Committee held a full hearing last Friday on this matter with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and several other senior Defense Department officials appeared. Indeed, today, the Armed Services Committee is meeting again to receive testimony from Major General Taguba, who investigated and reported on the Abu Ghraib prison abuses.

We are also working in a bipartisan manner to address the issue of appropriate access to further evidence of the atrocities at Abu Ghraib. And at the leadership level on both sides of the aisle, we are working with the ranking member and chairman of the Armed Services Committee to establish a process whereby materials can be viewed. As well, it is likely that we will afford the Secretary of Defense another opportunity to answer questions from Senators in the near future.

I have also consulted with various committee chairmen about items that might be in their committee's jurisdiction as this investigation unfolds, so that the appropriate Senate tools are applied judicially to buttress the work of the executive branch in getting to the bottom of this scandal, no matter where it leads.

In closing, I ensure my colleagues and the American people that the Senate will continue to hold hearings and briefings and take other steps, as necessary, to ensure that justice is served, that preventive action is taken, that those responsible are held accountable, and that all of this is done in a very fair, deliberate, and open manner.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

ADVANCING THE AGENDA

Mr. DASCHLE. Mr. President, first, I express my support for the remarks just made by the majority leader with regard to the position of the Senate on a bipartisan basis regarding the tragedy involving prisoner abuse. I hope the limited debate that was devoted to the resolution last night will not be seen by anyone as minimizing our strong feelings and the unanimity with which we wanted to express those feelings through that resolution.

I appreciate the effort made by many of our colleagues who participated in the drafting of the resolution, and I am grateful for the strong show of support expressed through the resolution last night.

We condemn these acts. We apologize to the world community for the involvement of the United States in the humiliation and the extraordinary violation of human rights that we have witnessed with the photographs themselves. We also wanted to say again that we recognize this is the exception to U.S. military deportment, not the rule, and that the vast majority of military men and women have served admirably, served their country and the cause, have advanced the goal, and have deserved our commendation and thanks. I think it is critical that we keep that in balance. I hope that as we continue to conduct oversight properly, we maintain not only the interest in holding those at the lower ends of the military echelon accountable, but I would hope we would not allow anyone to use those directly involved, whose pictures are shown, as the scapegoats for everything else that happened. I still have yet to see the degree of accountability up and down the chain of command that I would think would go without question.

We will have a lot more to say about accountability, responsibility, and those in the higher echelons of Government and the military who themselves ought to be asked to account for their actions and their decisions. In that regard, I would hope we could continue to press for even more oversight as the Armed Services Committee is doing today. Someone proposed a select committee, a bipartisan, bicameral select committee to allow for a more thorough investigation in a collective way, rather than have the scores, I guess, of subcommittees and full committees on both sides of the Congress reviewing this material.

Perhaps one committee, which could be formed with the exclusive purpose of reviewing the facts and coming to some conclusion, may be of value. I am not proposing it today. I noted that others have made this suggestion, and I think it merits our consideration.

I know the majority leader also talked about nominations. Last week, we confirmed I believe it was 19 ambassadorial nominations and a number of other executive appointments. We will continue to work with our Republican colleagues, but as many have heard me say on countless occasions, this has to be reciprocal. We cannot be confirming nominations and dealing with the judicial appointments and all of the other things expected of us if the Democratic nominees continue to languish on the calendar and in the administration itself. We have over a dozen Democratic nominees who have not yet been given even vetting, much less the actual official nomination.

We will continue to work with our Republican colleagues and with the administration, but we have to be given the confidence that there will be reciprocity and some degree of appreciation for the need to move all nominees, regardless of political affiliation or of position.

There are two other issues I wish to talk about briefly. First of all, I wish to thank Judge Becker, who has been involved now for many months in helping the Senate find a resolution to the complicated, controversial, and complex array of challenges we face with regard to asbestos.

After the vote on asbestos a few weeks ago, Senator FRIST and I asked Judge Becker if he would be willing to engage in mediation to see if we can move forward on a number of the outstanding questions.

Judge Becker worked tirelessly for the last couple of weeks and met with Senator FRIST and me almost on a daily basis to provide us with his progress reports. We focused on claims values, projections, and the overall amount of the fund. Unfortunately, we were not able to move nearly as far as many of us would have hoped on the issue of claims values. Some movement I think was made but little on projections. Perhaps the greatest movement was made on the overall amount. Business came up a little bit, from 114, with a $10 billion contingency, to 116, with a $12 billion contingency. Labor came down from 154 to 134, with a $15 billion contingency.

I am deeply troubled by the insurance industry. The insurance industry again issued a statement in the form of a letter that said they will not support a legislative response to asbestos. Their intransigence was a major problem in bringing any kind of resolution to this matter.

I am not giving up. I am pleased that Senator FRIST has agreed to meet again this week to ensure that our discussions and perhaps our negotiations can continue as well. This is too important an issue simply to say we failed. We need to keep the pressure on. We need to find a way with which to resolve these three outstanding issues in particular: the overall funding level, the issue of claims values and appropriating the necessary values to circumstances, and then certainly our projections, how many people will definitely be affected, and how can we then come to some conclusion about the other outstanding questions involving existing cases as well as what happens if the fund runs out and is sunset.

Finally, let me just say later on today we will have a vote in relation to the FSC bill. It is a cloture vote. I urge my colleagues to support cloture today. This has been a long and unnecessarily complicated struggle. All we have wanted from the beginning was an opportunity to vote on a number of key amendments. We have had the vote now on overtime. We have had the vote on outsourcing. We intend to have a vote today on unemployment compensation and a number of other issues we felt were very important in the overall context of the creation of good jobs.

We are not finished. There will be other amendments offered to other vehicles, but, in large measure, because we held our position on cloture, we are now at a point where we have been able to protect our Members and offer the amendments we thought were most important. We will certainly work with our Republican friends to bring the debate to a close, deal with a number of still germane amendments that have to be addressed on FSC before we move on to other important legislative matters, including IDEA.

We hope to complete our work on FSC today; if not today, certainly tomorrow. We will then move on to other matters.

I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield myself 15 minutes from the time allotted to the Democratic side of the aisle.

The PRESIDENT pro tempore. The Senator is recognized for 15 minutes.

COVER THE UNINSURED WEEK

Mr. DURBIN. Mr. President, the preamble to our Constitution makes it clear what our responsibilities shall be and puts in order that first we provide for common defense and then promote the general welfare. A lot has been said on the floor of the Senate about our common defense, what is happening in Iraq and Afghanistan in our war on terrorism. It is an issue front and center for the American people, as it should be.

Considering that issue alone is to ignore our obvious requirement under the Constitution to also promote the general welfare. We need to look beyond the defense issue to the welfare of American citizens and look to specific items that concern them. This I can tell you with some degree of certainty.

Pick any State in this Union. Allow me or anyone to visit that State and meet with businesses large and small, and families, and ask them what they are worried about, what do they sit and talk about, what are the issues that give them caution about the future.

What I have found in Illinois, which is a fairly typical State, being rural and urban south and north and midwestern, as well as showing signs of big city with our city of Chicago, when I have visited with these businesses for the is that last several years—small and large businesses alike—their concern is the cost of health insurance. Over and over they say to me: Senator, we are glad you are out there. We are glad you are serving in the Senate. When are you going to start talking about issues that really count for us when it comes to our business and its costs?

This year we are going to make certain that we at least raise this issue in debate on the Senate floor, even if we will not raise a single bill to be considered in the Senate to deal with this issue and grapple with it.

This is ''Cover the Uninsured Week'' across the United States. An impressive coalition of individuals and groups have come forward. Former President Jimmy Carter, former President Gerald Ford, the AFL–CIO, the U.S. Chamber of Commerce, AARP, United Way, the Catholic Health Association, and the American Medical Association have all come forward this week and said: Do not overlook the obvious. Too many people in America do not have health insurance.

Mr. President, 44 million people in our country, 15.2 percent of our population, were uninsured in the year 2000—that was up from 14.6 percent the year before—the largest single-year increase in both number and rate of uninsured people in a decade.

When one wants to measure the strength of the economy and whether we are recovering, it is not enough to say a person has a job. Clearly the obvious question has to be asked: Does the job pay a decent wage? Is there any health insurance coverage involved in it?

We are finding the raw statistics of employment do not tell the whole story. Keep this in mind: More than 20 million working adults lacked health insurance in the year 2002 and the number is growing. These are not lazy people, stretched out on the couch watching soap operas and eating chocolate-covered cherries. These are people getting up every morning, getting the kids off to school, getting a little bit of lunch together, heading off to work, knowing full well if they start feeling bad, if they need to go to a doctor or a hospital, they have to pay for the whole thing out of their own pocket.

There are 20 million Americans without health insurance. Part of the reason is, of course, the cost of health insurance is outpacing inflation and workers' earnings. So if one is earning more money, it is not enough because the cost of health insurance is going up dramatically. Look at these charts, which show from 1996 a 14-percent increase in the cost of health insurance. I think that shows what we are faced with. Look on this chart at wages, which linger around 2 or 3 percent.

The cost of health insurance goes up dramatically. Premiums have outpaced inflation by 4½ times. For the last 6 years, health insurance premiums have increased more than wages. If we go to virtually any city in America and ask why workers are on strike, why they are involved in a long contract dispute, we will find the underlying cause is the cost of health insurance.

Over and over again, I cannot tell my colleagues how many times not only business owners but members of labor unions have said to me: It is breaking our back. We have a dollar more an hour for the next year and every darn penny of it is going to health insurance and we have less coverage.

This is the reality of what businesses and workers face across America, but it is not the reality of what we debate on the Senate floor.

I have had the honor to serve in this Chamber for almost 8 years and in that period of time there has been no—underline no—serious discussion of this issue. In that period of time since 1996, up go the costs of health insurance premiums, down goes the conversation on the Senate floor and in Congress about what we can do about it as a nation.

Since President Bush took office, the number of uninsured Americans has risen by almost 4 million people from 39.8 million in the year 2000 to 43.6 million in 2002, almost a 10-percent increase. Look at the average premiums, from $2,426 on an annual basis to $3,060 in the year 2002; a 26-percent increase in the health insurance premiums, and almost 10-percent increase in the number of people.

In his State of the Union Address, President Bush called for high quality, affordable health care for all Americans and argued we must work toward a system in which all Americans have a good insurance policy. Take a look at his budget. Rhetoric in a State of the Union Address is almost meaningless if the President's budget does not address it. Frankly, this budget does not. The President calls for a tax credit proposal but says before we can enact it we have to offset it with cuts in other areas.

I will tell my colleagues how impossible that is. As our defense budget goes up dramatically at historically high levels, as spending for homeland security goes up in our war on terror, as the national increase in costs for Social Security and Medicare goes up, the amount of money left over for everything else in our Government, education, health care, infrastructure, corrections, all of those things have been shrinking.

We face the largest deficit in the history of the United States of America under this administration, which has

given us tax cuts in time of war, virtually unprecedented in American history, and the largest deficit in the history of the United States. So when the President says we will deal with health insurance with a tax credit proposal and we will offset it by cutting spending in domestic programs, frankly, it is an empty promise.

I will tell my colleagues what this means: A 55-year-old in America today buying health insurance as an individual is going to pay at least as high as $6,000 in annual premiums. If one is in an employer-based group, one might pay closer to $1,000 out of pocket. Now the President and many Republicans are coming forward with health savings accounts. Quite frankly, this is a very suspicious proposal. When one looks at the company that is behind health savings accounts, it turns out to be a very politically well-connected company. Originally, Golden Rule, which was out of Illinois and Indiana, became United Health Care and came up with health savings accounts, which frankly are not going to provide the relief America needs for our serious health insurance problems.

Then the administration has suggested something called association health plans. What that means is the health insurance for groups, small businesses, for example, would be exempt from State regulation and coverage requirements. What does that mean? Right now, insurance is a State responsibility. My State of Illinois, the State of Alaska, and the State of Iowa, all of the States, have insurance commissioners to make certain the companies selling health insurance are solvent.

If a company is going to sell health insurance in my State, they have to prove they have the money to back it up when the claims are filed.

The State association health plans that are now being suggested would be exempt from State regulation, so people will not be certain of the solvency of the companies involved. So what is that worth? A State health association plan with no guarantee of solvency could be worth nothing, and it has been worth nothing.

Secondly is coverage. In my State, we have requirements; if one wants to sell health insurance, here are the things they must cover. Let me give one example because it is a provision in Illinois law I added as a staff attorney many years ago. There was a time when one could sell a family health insurance policy in Illinois and exempt from coverage newborn infants for 30 days after they were born—a pretty smart provision from the insurance company point of view. The baby has a problem at birth, it can be very expensive. They said, if that happens, the family is on their own for 30 days.

We said, no way. If a company wants to sell health insurance in Illinois, they cover that baby from the moment of birth and everything that might happen. We required it in law. When a person goes to these association health plans, it would exempt this coverage requirement for newborn coverage, for mammograms, and for many of the things we consider essential for real health insurance coverage.

We asked the Secretary of Health and Human Services Tommy Thompson what about the state of health care in America? Do you not think we need to be concerned about uninsured people? Should we not move toward universal coverage? Here is what he said on February 3 of this year:

> Even if you don't have health insurance in America, you get taken care of. That could be defined as universal health care.

What does he mean? He means if someone sick shows up in an emergency room, they will not turn that person away. That is Secretary Thompson's view of universal health care and that is why this conversation is going nowhere in Washington, DC. This administration has no meaningful proposal to deal with the health insurance crisis in America. This Congress is afraid to act and has refused to address it. We have refused to address the No. 1 business and labor issue in America today.

In 2003, nearly half of uninsured adults postponed seeking medical care and over a third say they needed it but did not get it in the previous year. More than a third of the uninsured had a serious problem paying medical bills in the last year. The list goes on.

Uninsured people still have to do their best to pay, though. If a person shows up at a hospital and they are provided care, even if they have a low-paying job, they may find themselves being hounded for the payment to the hospital. That is not unusual.

I might add as a postscript, many of my colleagues in the House are raising questions as to why the uninsured person is charged dramatically more at a hospital than someone who is under an HMO or under a Medicaid plan. They are charged 600 to 700 percent above the charge of the low plans. I am speaking about people who have no money to pay.

Bertha Hardiman, who is a 60-year-old laundry worker in Chicago, makes $17,000 a year. She was sued by a Chicago hospital because of a $6,200 hospital bill. A law enforcement official showed up at her door with a summons. She worked out a payment plan. This 60-year-old lady is paying $200 a month, 15 percent of her monthly take-home pay.

A hospital in Champaign-Urbana in my State filed a collections lawsuit against Kara Atteberry, a 26-year-old single mother of two. They said she failed to pay $1,678 after treatment for a miscarriage. She is a waitress at a pizzeria. She was unable to get off work to go to the court hearing and a arrest warrant was issued. She turned herself in to the authorities because she didn't want to be facing the embarrassment of being arrested in front of her daughters. That is what happens in America when you are working at a low-wage job and you have a hospital bill of even $1,600 that you can't pay.

There is a better way. We have to first look at the obvious. Businesses are overwhelmingly looking for ways to save money on health care. This shows the number of businesses that have been shopping for new plans, the number of businesses that have changed health care plans, that are in a constant search to find affordable health insurance because, frankly, it is outstripping their ability to be profitable and to pay their workers.

How big an obstacle are health insurance costs in hiring? Take a look at this chart. When, you ask, is it not an obstacle for businesses in America? An obstacle? Look at the numbers: 71 percent of the businesses in 2000 said health insurance costs were an obstacle to hiring employees, 64 percent in the next year, 71 percent in the year 2002, and 78 percent in the year 2003.

I am glad my colleague Senator BLANCHE LAMBERT LINCOLN of Arkansas has come to the floor because she and I believe this conversation should not stop with a lot of complaints.

We ought to be moving forward in a constructive way. What we suggest is very basic. We think American businesses and workers should be entitled to the same health insurance opportunity to which Senators and Congressmen and Federal workers are entitled.

The Federal Employees Health Benefits Program is an amazing opportunity. We have the best health insurance in the world. Is it our own creation? No. We shop in the marketplace. Each year we have an open enrollment period for every Federal worker, to pick the best health insurance plan for their family. My choice in Illinois is seven to nine plans each year from which to pick, for my wife and myself. How much do we want to pay? What kind of coverage do we want? We go shopping as people shop for a car.

What we are suggesting is creating a pool of health insurance coverage for small businesses and groups around America, very similar to the Federal Employees Health Benefits Program. It would basically give these small businesses an opportunity to be part of a purchasing pool that is very large, to shop with individual private insurance companies, and to get the benefits of lower costs. We think this is a fair way to approach it. Senator LINCOLN will give more detail on that as she addresses the Senate this morning.

I yield the floor.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. REID. On my time, I ask a question of the Senator. I ask the Senator to comment through the Chair.

A lot of people think that doctors are getting fat in our modern society. The fact is, in Nevada—I am sure it is the same in Illinois and Arkansas—doctors are having a difficult time with the managed care programs and the mass numbers of uninsured.

So I ask, does my friend agree that we in this Congress are doing things not to help the physician himself? For example, we come to this floor often and talk about medical malpractice reform, setting caps. Half the doctors you talk to recognize that is not going to help them. But a program the Senator from Illinois has advocated, and I have joined with him, giving an incentive taxwise, a tax credit to a doctor for insurance premiums, they would love that because it would give them immediate help.

The point I am making is we have a health care crisis in this country and the physicians are part of it. They are not doing as well as I personally would like. Would the Senator agree with that?

Mr. DURBIN. I thank the Senator. In response to his question, let me tell you if I am sick or a member of my family is sick, and I look up from that gurney, I want to see the best and brightest physicians in America looking down at me, and I want them to feel they are being rewarded for many years of study and hard work. They are facing frustration today because HMOs are taking away their power to make medical decisions.

Second, I believe there are costs of practice, which include malpractice premiums. In my State, they are terrible. The increases in some areas are unbearable and physicians are retiring from practice. I do not believe putting a cap on the monetary recovery of innocent victims of malpractice is the answer.

As the Senator from Nevada has alluded, I think the way to approach this is to make sure we help these physicians pay for the malpractice premiums with a tax credit. Let us give them a helping hand. Let us recognize we need to do something about it. I think it is incumbent upon us in the Senate, with a leader who is a medical doctor, Senator FRIST, to come together on a bipartisan basis. We can do this. We can have good, affordable health care in America. We can start expanding insurance instead of reducing it. We are not going to have a jobless economic recovery and we are not going to have an economic recovery where people don't have health insurance, and have this country believe we are moving in the right direction.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Arkansas.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized for 10 minutes.

Mrs. LINCOLN. Mr. President, I thank my colleagues from Illinois and Nevada for being here to talk about an issue critical to our country. I rise to speak about the same issue, the growing crisis of the uninsured here in our great country. I have devoted a great deal of time and energy during my career in public service to develop solutions to our health care crisis. I believe it is critical, as Senator DURBIN has mentioned, that we begin by dealing with this problem of the uninsured and doing it now.

This is an issue on which we can come together and work through our differences and produce a product that actually is not only going to provide a better quality of life for all Americans, but it is also going to be an enormous step in dealing with the economics and the budgetary concerns that we have in our country today.

One of our No. 1 employers in most of our communities in rural America are our health care providers. It is not just that the health care providers provide us with the quality of life and the medical care we need, but they are also a huge part of the economy in this country, if we can begin to work toward balancing that out and making sure we can predict what people's needs are going to be and where that payment is going to exist.

The fact is, the number of uninsured in our country is alarming and it must become more of a national priority. One of the ways we have noticed it tremendously in our State of Arkansas is the number of uninsured who serve in our Guard and Reserves. We have found they are uncovered until they are activated. It creates a huge national crisis in many instances because we can't call these individuals up until they meet military health specifications. Most of them are employed by small businesses, so they are not getting the health care they need.

The consequences of not addressing this problem are enormous, in terms of our Nation's physical and economic well-being. Right now, as many as 44 million Americans are uninsured. The vast majority, over 80 percent of the uninsured persons under the age of 65, are part of families where at least one family member is working. Many times, these individuals' jobs do not provide insurance or the coverage offered is too costly, given their limited incomes. Buying insurance on the individual market is unthinkable for many because the costs can be even higher in that marketplace.

In my home State of Arkansas and in other rural States, the health care crisis has its own special character. In Arkansas, over 400,000 lack health insurance. Given the scope of this problem in Arkansas and nationwide, we need to develop innovative solutions to ensure people get the coverage they need.

Why is access to health insurance so critical? Many believe even if people don't have access to insurance, that they still have their health care needs taken care of. I have no earthly idea where they come up with this misconception.

The truth is, without health insurance many Americans find themselves faced with a barrier to health care. Uninsured families have less access to important screenings, the state-of-the-art technology that we have so meticulously developed, and prescription drugs. Uninsured adults have a 25-percent greater mortality risk than adults with health care coverage. An estimated 18,000 deaths among people younger than 65 are attributed to the lack of health insurance coverage every 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 local economies, too.

Senator REID from Nevada brought up the issue of our health care providers who are trying desperately to provide needed medical care. A community's high rate of uninsurance can adversely affect the overall health status of the community, the financial stability of its health care institutions and its providers, and access to emergency departments and trauma centers. I can assure you hospitals in Arkansas will tell you how much uncompensated care jeopardizes the access to health care for the communities they serve.

The facts make it clear. People without health insurance don't have their health care needs taken care of. Those who lack health insurance don't get access to timely and appropriate health care. For Americans without health insurance, children and adults suffer worse health and die sooner than those who have health insurance.

It is clear the uninsured who have inadequate health care options tend to fend for themselves in the marketplace and with health care providers. Working families need help with this problem and they need it today. The lack of insurance also creates tremendous financial obstacles for working families. If an uninsured family member has serious health problems such as cancer or a heart attack, the bills can destroy the financial foundation of that entire family. Uninsured families are more likely to pay a higher percentage of their income for medical care, and often will have to borrow money from family members to cover medical expenses. The reality is debt from medical expenses often drives the uninsured into bankruptcy. In my home State of Arkansas, the No. 1 cause of bankruptcy is high medical bills.

Recently, I, along with Senator DURBIN, Senator CARPER, and Senator REID, introduced legislation in the Senate to help more Americans get access to health insurance coverage through their employers. We know that is the most logical place for them to access it.

Small businesses are the No. 1 source for jobs in Arkansas. What better way to help our economy than to help these small businesses offer affordable health care options. More than half of workers in firms under 100 people make less than $25,000 a year—$25,000 a year, and they don't even get the child tax credit when we don't make it refundable. Can't we at least do something about providing them some health care? A

high proportion of businesses with low-wage workers are much less likely to offer insurance.

Our bill, The Small Employers Health Benefits Program Act, will provide the self-employed and the small businesses with a variety of private insurance plans. This approach would give these employers access to a larger purchasing pool and negotiated rates for health insurance. They would get more choice at lower costs—exactly what we as Federal employees get. The purchasing pool will be similar in the structure to the Federal Employees Health Benefit Program to which all Government employees across this great country have access.

This is a far cry from the associated health plans some folks here in Washington talk about. These other plans—AHPs—allow companies to cherry-pick only the healthiest workers, leaving a pool of the sickest and neediest without coverage. That is not a way to attack this problem. It is only going to drive up costs in the long run.

Our plan would provide more comprehensive coverage to a far greater number of workers. We have seen its success in what it provides to us and to our workers in the Federal Employees plan, not to mention all of the others who work in Federal Government across this land, from rural areas to urban areas.

We have seen the increase in our ability to offer them choice and better cost. If we can make health insurance more affordable for all of these workers through their employers—all of these small-business workers—we would not necessarily solve the problem of the uninsured, but we would certainly make an enormous dent in it.

Our plan would go a long way toward making health care more accessible for millions of workers and their families. After all, more than half of the private sector workers in the United States are employed by small businesses, and many of these businesses struggle with the cost of providing quality health coverage. That would go a long way toward helping to ease some of the anxiety and concerns people in this country are feeling. In my home State, 76 percent of businesses have fewer than 50 employees, so Arkansans would benefit greatly from this program.

I have heard from many of our small-business owners in Arkansas who have been forced to drop or reduce their employees' health coverage because of the high cost. But it is not just small businesses. Health care and health care costs in this country are the first item of business for anyone who comes into our offices to talk to us about their needs and concerns.

These small-business employers want to provide their employees with the best coverage possible because they recognize how valuable health insurance is as a tool for boosting recruitment, retention, and employee morale, not to mention their production. They are so much more productive when they have healthy people in their workforce.

Clearly, health insurance can play a vital role in the overall success of a small business. Our plan would help our small-business owners provide employees with health coverage at a much lower cost—a win-win situation for everyone.

With solutions such as this, health insurance plans for small businesses, we can ensure health coverage is a fundamental component of every American worker's economic security.

We must make the growing number of uninsured in our country a priority. It must be a priority we all embrace in the Senate. It is clear working families are not getting the health care they need. Let us come together and do something good for the hard-working folks in this country who can't afford health insurance today.

For those who can't 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.

For each car they build, DaimlerChrysler AG pays about $1,300 in employee health care costs. When they make a car in Canada, they pay hardly anything. That is why the Big Three automakers actually lobbied the Canadian Government to maintain their national health care system.

At a time when jobs are leaving our country, at a time when health care insurance premiums are rising by leaps and bounds and working families are feeling insecure about their jobs and health care coverage, Congress must do something, and we can do it now.

Mr. REID. Mr. President, when we finish with morning business, we will have about 15 minutes remaining to speak on the Cantwell amendment. All Senators who wish to speak on the Cantwell amendment should get over here at about 10 after 11. Time will be equally divided. That is the only opportunity to speak on the Cantwell amendment today prior to the vote.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Utah.

Mr. BENNETT. Mr. President, what is the time situation?

The PRESIDING OFFICER. The majority controls 30 minutes of morning business, and the time of the minority has expired.

Mr. BENNETT. Mr. President, I will claim such portion of that time as I may consume up to the 30 minutes.

The PRESIDING OFFICER. The Senator is recognized.

THE ECONOMY

Mr. BENNETT. Mr. President, a recent poll within the last couple of days had a fact I found truly extraordinary which I want to talk about. It says a very large percentage—maybe even a majority—of the people of America believe we are still in a recession. I find that extraordinary because the evidence in every area is highly to the contrary. The economy, if you will, is firing on all cylinders. Let me repeat some of the statistics I have given here before.

In the first quarter of this year, the economy grew at a 4.2 percent annual rate. Added to the growth in the 2 previous quarters, this means it has grown over 5 percent in the last 3 quarters, which is the best performance in 20 years.

Some say, Where are the jobs? We may have gross domestic product growth, but we don't have any jobs, so we are still in a recession.

How can we say that in view of the facts which are overwhelming? Within the last 8 months, we have increased 1.1 million jobs according to the payroll survey, and 1.3 million jobs according to the household survey. Every indication is the jobs are coming back, and they are coming back very strongly.

In a recession, you have layoffs. When you have layoffs, you have people who apply for unemployment compensation. Those are jobless claims. The level of jobless claims is at its lowest level in 20 years. How can we be in a recession when the jobless claim level is so up? How can people come to this conclusion?

We have a constant drumbeat in the media about how terrible things are.

I have inquired why certain media figures continue to ignore the actual figures, the facts. I am told with a shrug by some of the leaders in the media, it is all about ratings. They get better ratings on television programs if they rant about American jobs going overseas and about the economy being in terrible shape. If they scare people, for some reason, people seem to stay tuned in and they get higher ratings and a bigger audience.

We have a responsibility in this Chamber not to scare people. We have a responsibility to tell the truth. The truth about the economy is that it is doing well.

Let me review some charts I have presented before to reemphasize the facts, not to make any new argument. Apparently, the arguments made before are being ignored. So let's make it again until people understand the facts. Here is the historical perspective of economic growth. On the chart, the green line above the line represents quarters of activity. Naturally, there are four quarters for each year. The red lines below the line represent quarters when the economy shrank. By definition, a recession is when there are two successive quarters in red.

If we look back over history—and this goes back into the years of Jimmy Carter's Presidency—we see a lot of red in this period. There was a recession at the end of Jimmy Carter's Presidency and then another recession in the first years of Ronald Reagan's Presidency—the dreaded double dip that people talk about. We go into recession, we get

some recovery, and we are right back into recession. That was one of the most difficult economic periods of our history. We survived it, we came through it, and we had a period following it of tremendous economic growth.

During this period we added to the size of the U.S. economy the equivalent of Germany. If we were talking companies, it would be as if the United States, a corporation, acquired Germany; all of it, and all of its profit and economic activity. We grew enough to add the total of Germany to the American economy in this period.

We cannot repeal the business cycle. Inevitably, no matter how well managers try to manage their affairs, something will happen, things will taper off, and we will have a correction. That is what recessions are; recessions are corrections of the excesses that preceded them. Plus, there can always be a recession from an external problem such as the oil shock that hit in the early 1970s. September 11 is something that could cause a recession and other factors. One can never anticipate that the upward trend will continue without a correction somewhere along the way. That hit in the middle of the Presidency of the first President Bush. By comparison to the earlier recession, it was mild. But it was not mild for people who lost their jobs. It was not mild for people who lost their homes or who had difficulties. But otherwise, by comparison, the amount of red below the line was nowhere near the amount of red that preceded it in a decade.

When we recovered from that recession—and the recovery began in the Presidency of the first President Bush—we began another period of prosperity. Overall, it was probably not as big as the prosperity that preceded it, but why quibble about small amounts. It was a period of good prosperity. We heard in the 2000 election it was the greatest economy in history. In fact, the red had shown up in the third quarter of 2000. The signal that this period of prosperity was over, that another recession was on its way, was already given before the election took place. The signal was correct.

After the election, we slipped into a recession that occurred in the last three quarters of 2001. However, we came out of it in the fourth quarter of 2001, and we have been in recovery ever since.

It is amazing to me that polls show that Americans think we are in a recession, when we are in this green period. This green demonstrates that we are going to do at least as well, if not better, than we did in this period—maybe even as well as we did in this period following this recession. This recession, by historic comparison, has been the shortest and the mildest that we have ever had in America.

For political reasons, it is being talked up as a disaster. I have heard in the Senate statements that this is the worst economy in 50 years. I have heard in the Senate that unemployment is the worst it has been since the days of Herbert Hoover. That is almost laughable. Unemployment in the Great Depression went over 25 percent. Unemployment in this recession and recovery topped out at 6.3.

Let's put that in historic perspective for a minute. Let me show what the unemployment rate has been in previous recessions. Here is the dreaded double dip we were talking about. Unemployment hit 10.8 percent, still less than half of what it was in the Great Depression, but it was tremendously difficult. I remember how difficult that was. Then it came down. We got the next recession, and unemployment peaked at 7.8 percent. Now, the peak of unemployment occurred during the recovery, not during the recession. The shaded period on the chart is the period of recession. Here it peaks as the recession ended, and here it peaked during the recovery. Now we came down and we had this recession once again; unemployment peaked during the recovery, but it peaked at 6.3 percent. If you put 6.3 percent across the chart and compare it to where it was in the previous recession, you say: Not bad, not bad at all.

But we are being told, again, this is the worst economy in 50 years because, where are the jobs? Now it is coming down. It is down to 5.6 percent. As I say, the jobs are coming back at the rate of a million in the last 8 months. So project the next 8 months, there is another million jobs. If they come back faster, they come back at the same level as they have been coming, we will have another million jobs in less than 8 months. I don't know what will happen, but I am pretty confident this will continue to come down.

The question is, Why does it take so long for the unemployment rate to come down once the recession is over? The answer is very clear. The business man or woman wants to be absolutely sure his or her business is, in fact, in recovery before he or she goes out and starts to hire. They are delaying hiring permanent workers until they are sure the recovery is in place. They use temporary workers. They use overtime on their existing workers until they are absolutely sure the recovery is in place. Then they start a permanent hiring. That has happened and the statistics are there and the facts are overwhelming. We are in recovery; the recovery is strong. It is robust; it has traction.

I can only assume it is for political reasons that people stand in the Senate and say: No, no, no, we are in the worst economy in 50 years. That simply is not true. It cannot be sustained.

As I listened to the rest of the rhetoric—and I will not repeat all of the statistics I have used in previous speeches because I want to talk about the philosophical basis, but let me make this point. There are those who believe the economy is a sum-zero game. By that I mean they believe that in order for one person to win, the other person must lose an equal amount.

Now, marbles is a sum-zero game. If we play marbles, and you win three, that means I will lose three; and we add your plus three to my minus three and we get zero. But in the economy, just because Adam gets a job, does not mean Benjamin has to lose his. In the economy, just because Charles gets rich, does not mean that Daniel had to be made poor. In the economy, it is possible for both to grow simultaneously. In the economy, just because jobs are growing in India does not mean they are shrinking in America. They can be growing both places. Indeed, that is what is going on.

I see my colleague from Texas wants to speak, and I will be happy to yield the floor and give her such time as she needs. But I want to leave with this one point, once again: In economic analysis, understand that the economy is not static. It is not an either/or. It is not a sum-zero game, a plus and a minus. The economy is constantly fluid. People are moving up and down the income ladder all the time.

We hear statistics about all the people at the bottom and how rich the people are at the top. If I may, in my own case, in my lifetime, I have been at the bottom and I have been at the top and I have gone back to the bottom and struggled back to the top. Statistically, there is no way to reflect that fact. Statistically, they look how rich the people at the top are getting, and look how poor the people at the bottom are, as if they are going to stay there all their lives.

This economy is strong. This recovery is real. No amount of political rhetoric to the contrary can change those facts.

With that, Mr. President, I yield the floor, but I plan to address this overall question of the fact that the economy is not a sum-zero game at some length in the future.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 15 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I will yield 7½ minutes to the Senator from Mississippi. Before I do that, though, I do want to thank the Senator from Utah, the distinguished chairman of the Joint Economic Committee. He has been looking at the economy every month and really looking at that progress. I think you can see from his remarks that the trend is up on all fronts. All of us knew when the recovery was coming, it would not be a true recovery unless it had jobs with it. Now we are seeing the jobs coming online following the outstanding performance of the stock market, and now consumer confidence is up.

I think the distinguished Senator from Utah was on this trend for a long time before others were focusing on it. We certainly appreciate his leadership.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I join the Senator from Texas in thanking the Senator from Utah for the leadership and information he has been providing about what is happening with the economy, and helping us to understand all the data. As chairman of the Joint Economic Committee, he has been the most aggressive chairman I have seen in recent years. He is doing a fantastic job.

I would describe this economic recovery we are going through now as the ''just say it ain't so recovery.'' When I listen to many of the speeches around Washington—and even out across the country in some areas—I sometimes get the feeling some people think that if you just keep saying the economy is not good, maybe it won't be. Only in Washington do you have that sort of perverse thinking, that too much good news about the economy is either not true or it is unhelpful.

Many people try to look at the stock market to assess whether the economy is doing well. Well, in the long term this may be true, but at some points in time, I think it is a reverse indicator of what is going on in the economy. Sometimes, bad news in the stock market is really good news. We saw that just yesterday. Because the economy is growing, because jobs are being created, because orders are going up, because manufacturing is going up, the stock market said: Wait a minute now. Maybe the economy is beginning to get a little too hot, and maybe the Federal Reserve System is going to have to raise the historically low interest rates a little bit. Oh, this must be bad news, so let's sell now.

So when the stock market reacts like that, you can bet good things are happening in the economy. The list of good economic news is very long and is growing.

I think a lot of credit should go to the Federal Reserve Chairman, Alan Greenspan. He has been careful in his language. Low interest rates have been fantastic for automobile sales and housing starts. The American dream is now available to more Americans than at any time in the history of this country. Americans have access to a variety of choices in homes. More and more people are owning their own home. Of course, a lot of the credit for this should go to the availability of quality housing, a good area of the economy. Home building is done by a lot of really good people who are very capable. But you have to acknowledge that low interest rates have really helped the housing sector.

I think credit should also go to the President for his leadership, and to the Congress. The President knew when he was sworn in that January in 2001, that we were already in a recession. We were already in one, it did not start then. The President came to the Congress and said: We have to do some things to encourage the economy to grow. One of the best ways to do that is to carefully cut taxes. We needed tax cuts that put money in the pockets of working Americans, and incentives for business and industry to create jobs. The Congress heard the President and passed tax cut legislation. We did it in 2001, 2002, and 2003.

Now, Mr. President, we are getting the benefit—the tremendous benefit—of those tax cuts because they boosted the economy when we needed it most. Just look at the numbers. If you have doubts about what is happening in the economy, look at the numbers published by the experts, not as cited by a Member of Congress.

For instance, with respect to jobs, the administration announced on May 7 that 288,000 net new jobs were created in April; and 308,000 were created the month before—over a half million jobs in 2 months. Since last August, an estimated 1.1 million jobs have been created. I think it is probably more like 1.3 million jobs when you take into account the Household Survey. But either way, that is a significant increase.

The national unemployment rate has edged down to 5.6 percent. I remember years ago, when I first came to Washington—I admit that was a long time ago, 30 or so years ago—6-percent unemployment was considered ''full employment.'' Well, my attitude is, any unemployment is unacceptably high. But it is now down to 5.6 percent, falling .7 percentage points, from a peak of 6.3 percent in June of 2003. I believe it is going to continue to go in that direction, partly because manufacturing employment increased 21,000 jobs in April. The February and March job numbers were also corrected upward. So, manufacturing employment has risen for 3 consecutive months.

One of the most interesting statistics I have come across is that we have more Americans employed now than at any time in history. More Americans are working today than at any time in history. Is it enough? No. We want more, and we want better paying jobs with greater opportunities. But still, you have to say, the fact that more Americans are working than ever before is a very impressive statistic.

Weekly unemployment claims have fallen to their lowest level since the year 2000. The economy grew at a strong annual pace of 4.2 percent during the first quarter of 2004. I think, when the assessment is done, it will be adjusted upward to 4.5 percent. That is very strong growth. Most of the countries of the world would be delighted to have even half of that kind of growth.

Household spending continues to be strong. Retail sales are up. Consumer confidence is at the highest level in 3 months, and rising. In March, new housing construction surged to levels near those of December 2003, when we had the highest levels in almost 20 years. American companies are, across the board, reporting historic levels of growth. Productivity levels are up.

So the administration's policies have been working, and we are making great progress. Every economic statistic now is moving in a positive direction. Now, we also need to pay attention to making sure inflation does not creep in, while keeping interest rates as low as possible.

The downturn in the economy, our response to 9/11, the war in Afghanistan and Iraq, and additional expenditures for homeland security have contributed to deficits, but even that projection has fallen. Last year, we were told that the current fiscal year deficit would be more than $500 billion. Now it looks like it will be down to $417 billion. I think it may end up below that because the economy is growing. This is good news, but we have to continue to address the budget deficit problem. I think we are going to have to make some tough choices in the next couple of years to get the deficit back down to where it can be eliminated. I think deficits do matter. They will affect interest rates over a period of years if we ignore them.

One other thing. You might say, well, all right, that is good, but what have you done for me lately? What are you going to do to add to the growth we are trying to achieve? The Senate is doing it today. After fits and starts, four different attempts, we are going to get an international tax bill today. Hallelujah, a bill; an important bill, finally, after 3 years of ignoring the problem of increasing European tariffs on American exports.

Mr. President, this bill will create jobs and address the problem of the WTO ruling. It includes incentives for manufacturing jobs and manufacturing tax credits, and incentives to grow the energy sector of the economy. This is a jobs growth bill. I am glad we are going to get it done. I commend all of those Senators who were involved, including Finance Committee Chairman GRASSLEY and his ranking member, Senator BAUCUS from Montana.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me pick up where the Senator from Mississippi left off. What he has been saying about the economy and the figures out there is certainly accurate. The gloom and doom story we have heard over the last 6 months has all of a sudden gone quiet. The reason for that is the very reason the Senator from Mississippi spoke of: the tax incentives we put into place, the investments that are beginning to work, and unprecedented levels of hiring and job creation are underway.

There is something I come to speak about that is of growing concern to me, and I think to thousands of American consumers, if not millions, and the impact it could have on a growing economy, and that is energy and the cost of energy.

Yesterday, I came to the floor to speak on that issue. The senior Senator from Nevada, Mr. REID, came later to say I was unnecessarily, righteously indignant about the Energy bill. You are darn right I am righteous and sometimes indignant when the American consumer is paying $2 per gallon at the pump—and some more than that—and they should not have to be. But they are, and the reason is because the Senate has not acted. No, passing the Energy bill tomorrow is not going to bring the price of gas down at the pump. But if you are in a hole and it is getting deeper and you are still digging, you ought to stop digging. But we have not stopped digging. We have not put policy in place that would begin to fill in the hole that will get us into production and that won't be a major risk to this economy in pulling this growth down because the American consumer is going to have to rejuxtapose some of their budgets. If they are paying $400 or $500 a year more for gas at the pump, let alone the cost of electricity and home heating fuel, they are going to be spending less in the market, and that is just the consumer.

I get righteously indignant when the farmer in Idaho—or in Nevada for that matter—goes to the bank and gives his budget or her budget for the year, and they have not factored in a 30- or 40-percent cost of energy because diesel fuel went through the roof. The bill—if we pass it tomorrow—won't make a difference. The bill will encourage production of domestic oil. It will encourage the development of more natural gas. It will encourage and incentivize the building of necessary infrastructure, such as the Alaskan natural gas pipeline. It will encourage the use of renewable fuels such as ethanol. It will encourage more renewable energy. It will strengthen the future of the nuclear energy option. It will promote clean coal technology. It will promote hydrogen as a new technology for surface transportation. It will promote energy efficiency. It will increase the R&D on a variety of technologies. It will establish mandatory reliable rules for our electricity grid. It will promote investment and expansion of electricity.

No, it is going to take a while for this country to get back into production. But we have not placed the tools in the tool box to allow us to get back into production. So we have become increasingly reliant on foreign sources for our energy. On March 22 of this year, you were paying $1.74 at the pump. On April 4, you were paying $1.78. In May, you paid $1.84, and now you are paying $1.94—in some instances nearly $2, and in other States more than $2.

Some are suggesting that we ought to quit filling the Strategic Petroleum Reserve, that we ought to cut that off. That would not make a difference in the price of oil at this moment because we have lost the capacity to produce. We have to reinvest if we are going to gain that capacity.

Yes, the Saudis are being a bit duplicitous. They said here is our baseline and what we want, and we only need to make $28 on our barrel to fund our country's needs. They are making well over $30 today. Finally, just yesterday, the Saudi oil minister said the OPEC producers ought to increase the official output ceiling. Well, that statement alone knocked the price of crude oil off $1 and, slowly but surely, that will be felt back at the pumps again. What that echoes is that we are not seeing the price of energy improve in our country or determining the future of energy. The Saudi oil minister, by his statement alone, is making that decision and fixing the price, or impacting the price at the pump.

Why do we need a national energy policy? Here is another reason. From 1981 to 2003, we lost a huge chunk of our oil refining capacity. In 1981, we had 324 refineries. Today we have 149 refineries, and they are operating at between 92 percent to 94 percent capacity. The Clean Air Act, the cost of retrofitting, the regulations, and the ability to finance simply took us out of the market and brought down those refineries.

My time is up. The reality is this Senate ought to vote on a national energy bill, and it ought to vote now so we quit digging the hole deeper. Put the tools in the tool box and get this country back into production. And you are darn right I am righteous about it because I don't think our consumers ought to have to pay the bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1637, which the clerk will report.

The journal clerk read as follows:

A bill (S. 1657) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization findings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

Cantwell/Voinovich Amendment No. 3114, to extend the Temporary Extended Unemployment Compensation Act of 2002.

The PRESIDING OFFICER. Under the previous order, the time until 12 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Nevada is recognized.

Mr. REID. Mr. President, I assume each side would approximately have 25 minutes.

The PRESIDING OFFICER. Yes, 26.

Mr. REID. Mr. President, we will allocate that time with 10 minutes to the manager of the bill. There will be 5 minutes for Senator CANTWELL, 5 minutes for Senator VOINOVICH, and 5 minutes to Senator SARBANES.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN, is recognized.

Mr. ENSIGN. Mr. President, I rise to briefly talk about the underlying bill and the vote we are going to have on cloture, but mostly to discuss the Cantwell amendment related to the temporary extension of unemployment benefits.

Mr. President, we had a vote on a similar amendment earlier this year, but the amendment before us today was redrafted to reflect changes in high unemployment states. First I want to talk about whether we should extend unemployment benefits—a temporary extension of the Federal program—based on the current unemployment situation. Then I want to talk about some of the details of Senator CANTWELL's amendment and the changes that are in her amendment.

The employment picture in this country is looking up by all measures. In the past, employment was looking up according to the household survey, which is the survey that measures employment, including those who are self-employed, people who contract with the Government, and those on payrolls.

But, there are two surveys of employment. The payroll survey does not include people who are self-employed. It does not include small contractors who contract with the Government, and there are a lot of those people today. So the household survey is a more accurate survey of overall employment in this country.

In the past, the household survey and the payroll survey have paralleled each other. There really has not been a difference, so people mainly paid attention to one survey, the payroll survey.

In the past couple of years, we had a recession that was followed by a recovery. It has been called a jobless recovery. But, recessions always have a peak of jobless claims during periods of higher unemployment after recessions.

This is a chart of the last several recessions, and we can see the gray areas are the recessions. These dark lines are a measure of the unemployment rate. We can see after the recessions, either right at the end of the recessions or just after the recessions, we can see the peak in unemployment. This indicates there is always a lag in people being hired after recessions have ended. As the economy starts growing, people are still a bit unsettled in their businesses—Should we rehire people?—and so that peak of unemployment lags after recessions.

We have passed that peak. We had the recession. The recession occurred at the end of the year 2000 and going into the year 2001. We had this recession followed by a slow recovery. And then we had September 11 hit, which just decimated the economy in many areas, especially the tourist economy,

as in my home State of Nevada. It was almost a double dip of a recession. The first dip starting at the end of 2000 and the second dip after September 11, 2001. So we did some things in the Senate to try to overcome that situation. Working with the President, we passed two different tax bills. Those tax bills have had a positive effect on the economy. The economy is recovering. It is still in a growth phase, and it is now moving into the hiring phase of the recovery. As you can tell from recent job numbers people are starting to say: You know what, we really do feel good about what is going on. And they are hiring additional employees.

One of the criticisms has been in the decline of manufacturing jobs. In the past these jobs were declining, and we were losing manufacturing jobs in the United States.

This chart shows manufacturing activity. We can see it down in 1991, it is coming up in 2000, and then, going into 2001, it takes a nosedive. Then in 2001, it came back up a little bit and took another nosedive. We can see in the year 2003 manufacturing jobs have increased by a very nice rate. So the manufacturing activity in the United States is coming back. That is a good sign, and we all welcome that.

The Cantwell amendment would extend temporary unemployment benefits through November, but this is not just a clean extension. The amendment also changes the ''high unemployment'' definition to make more States qualify for additional unemployment benefits. In other words, if her original amendment that we voted on a couple of months ago was enacted today, the only State that would qualify as a high unemployment State would be Alaska.

She redrafted her amendment to where it eliminates what is called a look-back provision, and that look-back provision is what helps determine whether States are high unemployment States. It compares their current unemployment rate to the rates in the previous 2 years.

The amazing thing about that look-back provision is that states with relatively low unemployment could qualify as a high unemployment state under this amendment. According to preliminary analyses of the Cantwell amendment the State of Idaho qualified as a high unemployment state with about a 4.5-percent unemployment rate. That is very low. My State is 4.4 percent, and it is hard to find employees. When the unemployment rate gets that low, it is hard to find employees. Under the Cantwell amendment, the State of Idaho could potentially qualify as a high unemployment State.

Last Friday, the statistics were revealed for last month, the month of April. The unemployment rate dropped to 5.6 percent, and 288,000 jobs, according to the payroll survey, were created. In March, 335,000 jobs were created. Just since the beginning of 2004, almost 900,000 jobs, according to the payroll survey—the one the other side has been talking about—almost 900,000 jobs have been added to the payrolls in the United States. It is the eighth consecutive month of job gains, according to the payroll survey. In that 8-month period, we have had 1.1 million jobs created.

The other thing we have to look at are jobless claims, in other words how many people actually applying for unemployment compensation. The initial jobless claims declined by 25,000 last week, and that was the lowest level since before the 2000 Presidential election.

Also, something that has been talked about on this floor is the number of long-term unemployed, people who have been on the unemployment rolls for a long time or have exhausted their benefits. That number dropped by 200,000. Not only are the unemployment numbers improving, but so is productivity.

I talked before about payroll versus household. I want to emphasize that because the payroll survey is now showing jobs being created.

By the way, this chart shows the 1.1 million jobs by month, and this is the payroll survey. Comparing the payroll with the household survey, in the past we can see how these two surveys parallel each other. But in the years 2000, 2001 and beyond—this is the period we were in the last couple of years—these actually diverge because there were more jobs added to the household survey than the payroll survey. The payroll survey is now starting to catch up.

Why would this occur? Why would the household survey, which measures self-employed people, be different than the payroll survey? The difference comes about because our economy is changing. During times of recession—and this is not unusual for people who cannot find jobs—they start their own companies. They become entrepreneurs, and sometimes it ends up being the best thing that ever happened to them because they start their own company and end up being more successful than they could ever have been working for somebody else. Senator BENNETT referred to his successes in starting businesses earlier today on the Senate floor.

In the last few years, more people than ever have started their own companies. As a matter of fact, 430,000 people now make their full-time living on e-Bay. That is just within the last couple of years. Those people are not measured in the payroll survey; they are only measured in the household survey.

The other side says those who are self-employed do not have jobs. As a matter of fact, the other side says there have been 3 million jobs lost since President Bush took office. That number is according to the payroll survey. The household survey shows 2 million jobs have been added because a lot of those people are now self-employed.

Before my tenure in the U.S. Senate, I was a veterinarian. I was self-employed. My job did not count, according to the other side of the aisle. They say that the household survey does not count. If you are self-employed, you know you are working; you think you have a job; you think that should count. It is an insult to those self-employed people not to count them in a survey of jobs. If we are really talking about jobs, we should have the most accurate reflection of jobs.

Even giving the other side of the aisle just the payroll survey, the payroll survey is improving. It is improving dramatically. Almost 900,000 jobs since the beginning of the year have been added to the payrolls of the United States, which begs the question: why should we extend the temporary extension of unemployment benefits program again?

When the Democrats controlled the White House, the House and the Senate, after the early 1990s recession, the unemployment rate was at 6.6 percent. At that time they said unemployment was low enough to end the program. We have not heard the other side address that issue. I have made this argument on the Senate floor many times this year, and we have not heard the other side address that. They controlled all three of those bodies and yet they saw the fact that 6.6 percent was low enough to end the program.

Fast-forward to today, the Republicans control the White House, the Senate, and the House, and now the Democrats say that, even though the unemployment rate is almost a full percentage point lower than when the Democrats ended the program, now the unemployment is too high and we need to keep the temporary unemployment program going today.

I think that is disingenuous. It is saying while we were in control, 6.6 percent was low enough to end the program, but now the Republicans are in control, 5.6 percent is too high and we ought to keep the program going. They put out the statement from Alan Greenspan, who said we should keep the program going. Well, Alan Greenspan has also said that the biggest threat to our economic long-term growth is the deficit. The amendment that was offered by Senator CANTWELL costs almost a billion dollars a month. It is a 9-month extension, and it is an $9.5 billion price tag. That adds $9.5 billion to the deficit. We have already spent $32 billion on this program the last couple of years, which added $32 billion to the deficit. It comes right out of deficit spending.

I believe it is time to end the program. The States have money we gave them. We gave them $8 billion to address the problem of high unemployment in their States. Many States, including the State of Washington, have not used this money. Out of the $144 million the State of Washington received out of the $8 billion, they have only used about $1 million. So if the State of Washington cared about their unemployed, one would think they

would use that money, but they have chosen not to use it. So I think we have fulfilled our obligation during the recession and post-recession when unemployment was high, but it is time to start worrying about the deficit. For those who talk about being deficit hawks, it is time to vote against this program.

Now I do not know whether this was done purposely or not, but in drafting this bill, the author of the amendment drafted it in such a way that it is retroactive to the first of the year. So that means if one is working today, but they were unemployed at the beginning of the year and would have qualified for TEUC at the beginning of the year, they actually would get a check from the Federal Government. I do not think that is the purpose of this program. The purpose of this program was to help those who really could not get a job.

The other reason I do not believe this program should be extended is, during times of economic growth, if one is having trouble getting a job it may mean that they have to move. Well, we are in times of economic growth, but the more comfortable we make it for people on unemployment insurance—in other words, when they are getting these unemployment benefits—the more comfortable we make it to stay on unemployment, the less incentive there is to go out and do what it takes to get a job. It is called personal responsibility.

I believe we are during that time of economic growth—I think all of the statistics show that—and it is time that we end this program and we vote down the Cantwell amendment. The Cantwell amendment violates the budget. We know that. That is why there is a budget point of order that is going to be raised against the Cantwell amendment. The vote we will have will be to waive the Budget Act so that we will deficit spend.

If we want to make sure those jobs are out there for the people who are unemployed today, we have to have a strong economy. Alan Greenspan says the biggest threat to our economy is the size of the deficit. Let us do something about the size of the deficit by voting down this $8 billion program.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask to be recognized for the time I have under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. BAUCUS. The ancient Theban poet Pindar wrote: ''The test of any man lies in action.''

That was a very provocative, very prescient, and very wise statement. The test of any man, or woman, lies in action.

Today that test will be for the Senate. Today we will test whether the Senate can act to create and keep good manufacturing jobs in America. Today we will test whether the Senate can act to end European tariffs that hobble American businesses, and today we will test whether the Senate can act to extend vital benefits to the nearly 1.5 million jobless Americans who have exhausted their unemployment benefits.

The coming cloture vote is the defining test for the JOBS bill. If the Senate cannot vote today to complete action on this bill, then the majority leader will move on to other business. Yes, in a perfect world every Senator would have the opportunity to offer and debate every amendment. In a perfect world, every amendment would get a vote. In a perfect world, every Senator would get home for family dinner at 6. But by the standards of the modern Senate, I believe the Senate has given this bill fair consideration.

Over the course of 5 separate weeks, we have considered 28 amendments and adopted 17 of them. I think that is a respectable record. The coming cloture vote is now the test of whether we can pass the JOBS bill. The coming cloture vote is also a test of whether Senators on this side of the aisle can take yes for an answer. We on this side demanded a vote on Senator HARKIN's overtime amendment, and the Senate did consider that amendment. The Senate adopted that amendment. We demanded a vote on Senator DODD's offshoring amendment, and the Senate did consider that amendment and the Senate adopted that amendment as well. We demanded a vote on Senator WYDEN's trade adjustment assistance amendment, and the Senate did consider that amendment but regrettably did not adopt it. However, Senators WYDEN, COLEMAN, and I intend to bring that effort back to the Senate on another day. And we demanded a vote on Senator CANTWELL's unemployment insurance amendment. Under the unanimous consent agreement governing this bill, in order to get a vote on the unemployment insurance amendment the Senate needs to invoke cloture.

If we invoke cloture, the Senate will consider that amendment, and I hope the Senate will also adopt it.

I believe that invoking cloture to get a vote on the Cantwell amendment is now a fair deal for Democrats, and I think we should take it. We should say, yes, for an answer. We should vote to invoke cloture so that we may vote on unemployment benefits.

After the cloture vote, the vote to waive the budget for Senator CANTWELL's amendment will be a test for the entire Senate. Our vote on the Cantwell amendment is a test as to whether we can respond to the record number of jobless workers who have exhausted their benefits. America's free and open market economy has yielded unparalleled growth and vitality. Part of the genius of our economy is that we allow the private sector the freedom to adjust rapidly to changing circumstances. It helps our country grow. That freedom and vitality comes also with disruption and pain for workers who lose their jobs in hard economic times like those we have had in the last 4 years.

When, nearly 70 years ago, Congress created the unemployment insurance program, our society struck a deal. American workers agreed to participate in open and volatile markets, and the Government agreed to cushion the blow when markets turned rough. Unemployment insurance is the result of a vital social compact.

In past recessions, Congress has acted to extend those benefits, and the evidence is that in this recession more workers are remaining unemployed much longer than in previous recessions.

The share of the unemployed who have been unemployed for more than 6 months has hit its highest level in more than 20 years. Federal Chairman Alan Greenspan said recently ''an exceptionally high number'' of unemployed are losing their unemployment benefits, and he supported resuming temporary Federal benefits, saying:

> I think it's a good idea largely because of the size of the degree of exhaustions.

Thus, the coming vote on the Cantwell amendment will test whether the Senate can respond to this human need, keep our social compact, and extend these needed unemployment benefits. Finally, this coming cloture vote will be a test of whether the Senate can work.

This bill began as a venture of Democrats and Republicans working together in the Finance Committee. Its major provision, the heart of the provision—tax cuts for American manufacturing—is really a Democratic priority. Democrats sought all along to create and keep good manufacturing jobs here in America. This bill advanced in the Finance Committee as a cooperative venture. The chairman of the Finance Committee and I, working together, included many of the provisions of the bill in response to the request of Senators on this side of the aisle—on both sides of the aisle, but especially on this side of the aisle. This bill reflects an open, democratic process.

Once we came to the Senate floor, we tried to ensure the Senate consider the maximum number of amendments. Now the Senate has considered 28 amendments and adopted 17 amendments. Even after the Senate invokes cloture, the Senate may still consider germane amendments and there are going to be several of them, and I believe the Senate will be able to take them up and deal with them postcloture.

The time for talk is coming to a close. Soon will be a time for action. The coming vote will be a test of whether the Senate can act. Let us act to advance this bill to create good manufacturing jobs here in America. Let us act to extend unemployment benefits to jobless workers who need them. Let us act to show we can at least work together in the spirit of that great poet Pindar, again, who said, ''The test of any man lies in action.''

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation right now?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. SARBANES. Mr. President, I rise in very strong support of the pending amendment offered by my very able colleague from Washington, Senator CANTWELL, and by my able colleague from Ohio, Senator VOINOVICH. I commend both of them for their work on this issue. I particularly want to underscore the determination and the perseverance Senator CANTWELL of Washington has shown in pressing this issue forward.

This amendment, simply put, seeks to reinstate the Temporary Extended Unemployment Insurance Benefits Program which lapsed at the end of 2003. Long-term unemployment, the very problem this program of temporarily extending unemployment insurance benefits is intended to deal with, is at near record levels. There are 1.8 million long-term unemployed workers in America today. That is, they have been unemployed for more than 26 weeks, the period that is traditionally covered by unemployment insurance benefits.

Some of my colleagues have argued we do not need to pass this amendment because jobs are beginning to pick up. They assert we have an unemployment rate lag, after the end of a recession.

We have not even recovered the jobs we have lost, as we now move out of this recession. This administration is the first administration since the Hoover administration not to produce a net gain of jobs in the course of its tenure. Long-term unemployed workers today constitute 22 percent of all unemployed workers. That level is near a 20-year high. It has been above 20 percent for the last 19 months—in other words, of the unemployed, this large a portion have been long-term unemployed. That is the longest such stretch since the Department of Labor began keeping such statistics in 1948.

It has been 37 months since the recession began. The economy has 1.6 million fewer jobs today than it did 37 months ago. In no other recession since the Great Depression has the economy failed to recreate all the jobs it lost after 37 months. We are still down 1.6 million fewer jobs than when the recession began 37 months ago. In every other recession other than the Great Depression, the economy had recreated all the jobs that had been lost within 31 months. I stress this to make the point that the job market has not strengthened adequately in order to take care of these people. Job growth is far too slow.

It is not as though the level of benefits that is being sought is historically excessive. In previous recessions we have passed extensions beyond what is contained in this amendment. When we had a recession from July of 1990 to March of 1991, we extended unemployment benefits until April of 1994. At the program's peak, benefits were available for 26 to 33 extra weeks. It was in the previous Bush administration that this took place.

It is not as though providing these benefits is not supported by prominent economists. Federal Reserve Chairman Greenspan testified before the Joint Economic Committee on April 21, only a few weeks ago, that re-instating the extended unemployment insurance program is ''a good idea. I think it is a good idea, largely because of the size of the degree of exhaustions.''

We built up this unemployment insurance trust fund to fund these benefits. The money is in there, paid for, for this very purpose. I urge my colleagues to support this amendment from my able colleagues from Washington and Ohio.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, it will be charged equally to both sides.

The Senator from Montana.

Mr. BAUCUS. I ask the Senator from Oklahoma if he wishes to speak. There are several speakers on this side. As I understand it, on the other side of the aisle, the time is divided between 10 and 15. If the Senator from Oklahoma has 15 minutes, now will be an appropriate time for him to speak.

Mr. NICKLES. We have 10.

Mr. BAUCUS. You have 9 minutes left. Now would be an appropriate time. We have a lot of speakers here—not a lot, three more.

Mr. NICKLES. Mr. President, I am happy to speak, but I don't believe the Senator from Washington has made her speech. Usually I would respond to her.

Mr. BAUCUS. Maybe you can set a precedent here.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I rise in opposition to the amendment of my friend Senator CANTWELL for a lot of reasons. This is not a simple extension, as Senator ENSIGN earlier said. This is an expansion. Yet despite the fact we have good economic news, despite the fact we had a report last month, 288,000 new jobs, before that, 300,000—700,000 jobs in the last 2 months—we want to not only extend temporary Federal unemployment compensation, we want an expansion.

Change the definition. I started looking at the amendment. I thought it was not very well drafted. It does a number of things. It is retroactive back to January. It expands benefits, and then it goes retroactive.

Let us say somebody is unemployed in January and February, but they get a good job in March. They would qualify for 8 weeks or maybe 10 weeks of benefits. Are we going to write them a check even though they have had a job for the last month or so? We have never done that.

What would that be if you were in the State of Massachusetts? It would be as much as $760 a week. For 10 weeks, that is $7,600—a lump sum, even though you may have a job that is paying over $80,000 a year.

That doesn't make sense. But it would be legal. It would actually happen, and it would cost Federal taxpayers probably in excess of $1 billion if that happened. That makes no sense whatsoever. But that is in the amendment.

The amendment also, as Senator ENSIGN explained, basically says for the high unemployment States we are going to change things so more States will qualify for high unemployment benefits. In other words, we are going to expand this program. Why? Because most of the States don't qualify for it because States that do qualify for the high unemployment Federal benefit have to have increasing unemployment. And, frankly, we don't have that. We have decreasing unemployment, including the State of Washington, in which I believe the unemployment rate is 6.1 percent. You have declining unemployment in almost every State. The trend is down. The trend is for more employment. We should be grateful for that.

Some people evidently want this program to be a permanent Federal program. But it is a Federal temporary program that has expired.

I am looking at the statistics we have used in the past. We discontinued this program for a couple of years when we had it in the early 1990s. We discontinued that program when the unemployment rate was 6.6 percent. Now the rate is down to 5.6 percent. We were well below the rates when we discontinued this program in 1994.

When we had a Federal temporary program in the early 1980s, we discontinued the program when the rate was 7.4 percent. In the mid-1970s—1975–1977—we discontinued the program when it was 6.8 percent. Now the rate is 5.6 percent, and we are saying let's discontinue it. Some people say let's continue it for everybody. It makes no sense let's not only extend it, but let's expand it. That is in this amendment.

Finally, this amendment is not paid for. I am amused by the number of people who say, Yes, we want deficit reduction. We want pay-go, and 51 Senators voted for pay-go. Senator FEINGOLD had an amendment to the Budget Resolution. I didn't support it. This is going to make it tough on taxes and people do not pay enough attention to it on spending. I hear all these people: No, we want pay-go.

We had an amendment last week on trade adjustment assistance. Of the 51 Members who supported the pay-go amendment to the Budget Resolution on the floor, only 3 voted to sustain the pay-go point of order I made on the floor—only 3—and 48 Members reversed themselves. In other words, they said we don't want pay-go when it comes to creating or expanding a new program like trade adjustment assistance.

Senator GRASSLEY had a bill last week, the Family Opportunity Act. It

passed. A pay-go point of order could have been applied to this. A pay-go point of order will be applied, and I am going to make that pay-go point of order on this amendment.

I have tried to get cost estimates on this amendment. OMB estimates Senator CANTWELL's amendment costs $9.5 billion, and CBO estimates $9 billion. I don't have a letter from them because it is hard to compute how much this retroactive provision is going to cost. But I think it is fair to say it is a $9 billion program that is not paid for.

At the appropriate point, I will be making a budget pay-go point of order that this amendment, if it became law, would increase the deficit over the next 10 years by $9 billion. I urge my colleagues to vote against it.

The economic news is good news. There are almost 1 million new jobs this year. I think there are almost 900,000 new jobs in 2004 alone. There has been some positive, good news on the employment front. The unemployment rate is down.

When I was in the manufacturing business, if the unemployment rate was around 5 percent, it was almost full employment. I could hardly find people to work. Now the unemployment rate is 5.6 percent. It is going down. That is good news.

We don't need to reach back and extend the program that has already been going, I believe, for about 36 months at a cost of $32 billion. I think it would be a mistake.

At the appropriate point, I will be making a budget point of order and urge my colleagues to vote to sustain that point of order.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Ms. CANTWELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Ms. CANTWELL. Thank you, Mr. President.

Let me start off by correcting a few things my colleagues have said on the floor. This is a debate about 1.5 million people who have lost their jobs and have not been able to find work and have been without benefits.

To be clear, the unemployment program at the Federal level does not exist today. It was terminated as of the 31st of December. This isn't a continuation of a program that has been in place for the last several months. It has not been in place.

As it relates to the Clinton administration and the economic numbers, say we cut the program off in better economic times and worse economic times, the whole point of this debate is the fact the economy and job creation has not taken place at the level that would have employed the number of people who have lost their jobs starting with over 2.6 million people. While we have had some job growth, we have not totally recovered. While the Clinton administration cut off the program at a time of higher unemployment, they actually had net job growth. That is why they terminated the program. We are not in that same situation.

In fact, it is no wonder Alan Greenspan basically, before a House committee, came to the same conclusion and said if you have a large number of exhaustees it makes sense to go ahead and use the program to take care of those exhaustees.

So here is one of our chief economists saying, Yes, the Clinton administration did something different, and they did it differently because they had job creation and net job growth going on. We do not have net job growth going on.

My colleague mentioned Alan Greenspan and the deficit and what we need to do to take care of the deficit moving forward. Alan Greenspan, who is also very concerned about the deficit, said exactly this. The number of exhaustees alone will tell you it is time for us to go ahead and take this program and take care of those 1.5 million exhaustees because of their large number.

Let us talk about where we are going to spend money. I think that is the reason we are in this debate. Some of my colleagues said it is about the deficit. Let us take this bill, for example. Let's take the underlying bill and talk about what we are spending money on. The Congressional Budget Office estimates the cost of my amendment at $5.8 billion. If the Senator from Oklahoma can get a larger number——

Mr. NICKLES. Mr. President, will the Senator yield?

Ms. CANTWELL. I only have 5 minutes. I will be happy to yield after I finish speaking, if I have time.

Mr. NICKLES. I don't think the Senator is correct.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. The issue is this underlying bill has a lot of tax credits and programs to help corporate America. Many of them I support. But I think it is important for my colleagues to realize what is in this bill.

As opposed to the cost of taking care of the unemployment in America, there is $9 billion in here for the oil and gas industry; $2.2 billion for the clean coal industry; $2.8 billion for synthetic fuel. Actually, this particular program is under investigation by two different agencies. There are $2 billion for green bonds, which I say and Taxpayers for Common Sense say could still inadvertently go to a Hooters Restaurant. These two programs alone would pay for the unemployment benefit program.

We basically went ahead and authorized these in this legislation. I don't know where we found the money for those programs. Yet, we are taking money out of the unemployment insurance trust fund, a fund that is supposed to be paid into by employees, and somehow saying, out of the $13 billion that is there, we do not have enough money for working families who have lost their jobs through no fault of their own, but, yes, we have money—$2.8 billion—for synthetic fuels, even though we are investigating whether the money should be spent there, and we have $2 billion for green bonds that could end up going to a Hooters Restaurant. Where are the priorities of my colleagues? Where are the priorities in passing this kind of legislation when we know that American men and women need our help and support?

Like my colleagues, I know this economy will get better. I have actually helped create jobs in the private sector. It will recover. But that is not the debate. The debate is, we have terminated a program in December and we now have data and information that shows the economy has not picked up to the degree in the last several months to take care of that huge number of unemployed who have exhausted their benefits. While everyone is talking about whether the economy is better, executive salaries are up, corporate profits are up, but total jobs lost is the issue. We are in a better economic situation, but we are leaving the American worker behind.

I ask unanimous consent for an additional 30 seconds.

Mr. BAUCUS. I yield 1 of my minutes to the Senator from Washington.

Ms. CANTWELL. Mr. President, take last month's number. Say we had an average of 300,000 jobs created each month for the next 6 months. At the end of this program in October we would still be at a deficit. Even with 300,000 jobs created, we would still have over 112,000 people who had not gotten a job.

So the question is, What are we going to do for a stimulus in the meantime as we are going through this job creation exercise in America? Are we going to say these are the only programs we support, programs for the oil and gas industry, for synthetic fuels, for green bonds, for bourbon distributors, for horse racing, for archery manufacturers? Those are the things we will support and we will not support the American workers?

I ask my colleagues to think about our priorities and support the Cantwell-Voinovich amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I clarify something for my colleague's amendment on cost. Her proposal in February was estimated by CBO to be $5.4 billion, but that proposal expired in June. This one expires in November. This one is retroactive. The one in February was not. So we have many more months, and we also have the retroactive provision. We have estimates that this proposal will cost $9 billion. It is not paid for. I will make a budget point of order.

I reserve the remainder of my time.

Mr. REID. How much time do we have remaining?

The PRESIDING OFFICER. There is 5 minutes 45 seconds.

Mr. REID. Senator VOINOVICH is not here, so if the Senator from Washington wants to use the time, she may.

Ms. CANTWELL. I am happy to respond to the issues raised.

One point is important to make. I am happy to modify my amendment if this would help clarify. This is not retroactive for someone who has gotten a job. If you got a job in March and you would have qualified for January and February unemployment, you do not get unemployment benefits. This only takes care of individuals who have lost their job and have not found a job.

I am happy to modify the amendment. That is not the intent of the amendment. The intent is only to take care of people who are still unemployed.

Mr. NICKLES. The intention of the Senator from Washington may be that it is not retroactive, but your amendment is retroactive. With the amendment before the Senate, an individual could be out of work in January and February, get a job in March, and receive payments. Read the amendment. It is there. It is retroactive. It may not have been the Senator's intention, but it is the fact.

The amendment is unnecessary even if it is prospective, but it is not. As written, it is retroactive. This is the middle of May. By the time this would get through conference, it would be in June, July, or later. Yet this amendment says, let's go back to January. So if someone gets a job in between then, they would be entitled to receive payments. It is grossly irresponsible and all the more reason our colleagues should not support the amendment.

Ms. CANTWELL. As I said, that is not the intent of the legislation. To make the Senator from Oklahoma comfortable, I am happy to consider whatever language he wants to clarify that point. This is not about someone who has gotten a job in the last 7 months; it is about the fact that we terminated this program in December and the fact that there are 1.5 million Americans who are without benefits. They are, basically, defaulting on mortgages, going into bankruptcy, not being able to take care of their own health insurance or the health care insurance of their family.

It is about giving them access to a fund that was created for these very economic times and giving them support during these economic times. It is stimulus that, as I said, is just as worthy as the other programs—I would say more worthy than a lot of the programs in the underlying bill.

I am happy to correct this perception by the Senator from Oklahoma and clarify it in any way so we can get this particular issue off the table.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 3 minutes 40 seconds remaining.

Mr. BAUCUS. I will not use all that time.

I compliment Senator CANTWELL. She has been dogged in her effort to bring up this amendment. I remember it was not too long ago when we were working, the chairman of the committee, Senator GRASSLEY, and others in the leadership, to try to sequence amendments, to figure out how we would process this bill.

The Senator from Washington said she wanted to offer her amendment and we told her, absolutely she could. We were trying to work out some other amendments and asked if she could delay in pressing her amendment even though she had the right to offer it, and she said she would. She has been very good in, first, pushing to get her amendment passed and, second, working with Senators to try to figure out the very best circumstances under which her amendment could be brought up and passed.

It has been somewhat difficult because Senators on this side of the aisle have been standing up for her rights. This Senator, certainly, and the minority leader, Senator DASCHLE, are standing up very strongly for her rights. Senator KENNEDY from Massachusetts also assisted her and worked with her to help get this amendment up.

There have been some Senators on the other side of the aisle who did not want to vote at all on Senator CANTWELL's amendment, but she has persevered. She has done a great job representing people who are out of work and unemployed, especially for her State of Washington. That is why we are here today. Were it not for the perseverance of the Senator from Washington, it is problematic whether we would be at this point. We will have a vote first on cloture and then a vote on her amendment. I thank the Senator for that.

I reserve the remainder of my time.

Mr. REID. Is all time used on the side of the majority?

The PRESIDING OFFICER. The majority has 48 seconds.

Mr. REID. If the majority yields back their time, we will yield back ours.

Mr. GREGG. I yield back.

Mr. REID. We yield back.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 381, S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Bill Frist, Charles E. Grassley, Jon Kyl, Jim Bunning, Lindsey Graham, Mike Enzi, Trent Lott, Mitch McConnell, Craig Thomas, Orrin G. Hatch, Gordon Smith, Rick Santorum, Robert F. Bennett, John Ensign, Olympia J. Snowe, Kay Bailey Hutchison, Don Nickles.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1637, the Jumpstart Our Business Strength (JOBS) Act, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 8, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—90

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bennett	Durbin	Murkowski
Biden	Edwards	Murray
Bingaman	Ensign	Nelson (FL)
Bond	Enzi	Nelson (NE)
Boxer	Feinstein	Nickles
Breaux	Fitzgerald	Pryor
Brownback	Frist	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Jeffords	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Talent
Craig	Leahy	Thomas
Crapo	Levin	Voinovich
Daschle	Lieberman	Warner
Dayton	Lincoln	Wyden

NAYS—8

Corzine	Gregg	McCain
Feingold	Hollings	Sununu
Graham (FL)	Lautenberg	

NOT VOTING—2

Bayh	Kerry

The PRESIDING OFFICER. On this vote, the yeas are 90, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3114

Mr. REID. I ask unanimous consent that prior to the next vote there be 2 minutes equally divided between proponents and opponents of the Cantwell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. 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 yeas and nays were ordered.

Mrs. CLINTON. Mr. President, I rise today in strong support of the Cantwell-Voinovich amendment because it is the right thing to do for America's workers and the right thing to do for our economy. Although I am pleased that we are finally voting on this critical amendment, it saddens me that we are still talking about this issue. As many in this Chamber may remember, I worked with my colleagues, Senator FITZGERALD and Senator NICKLES, to craft an unemployment insurance extension as the first legislation passed by the 108th Congress. That was back in January of 2003. Now, I find myself feeling like its Groundhog Day.

A year and 5 months have gone by and times are still tough for the 8.2 million Americans who are out of work. Little over a month ago, on March 30, tens of thousands of Americans lost their unemployment benefits because the Government's temporary extension of unemployment insurance expired. Every week, 85,000 workers have been running out of benefits and 1.5 million have lost their benefits since January. Since President Bush took office, our country has lost over 2 million jobs.

I represent a State with one of the highest unemployment rates in the country. In March, New York State's unemployment rate was 6.5 percent. In New York City alone, unemployment has hovered around 8 percent since September 11, 2001. And, according to the Department of Labor, if New York City were a State, it would have the highest unemployment rate in the entire country. Almost 130,000 New Yorkers exhausted their unemployment insurance benefits between December of last year and today, none of whom qualified for Federal benefits.

Action to help New Yorkers—and all Americans—who are out of work is long overdue. That is why I am proud to cosponsor the Cantwell-Voinovich amendment. This amendment is virtually identical to a bill that I introduced with Senator GORDON SMITH in November of last year. The Cantwell-Voinovich legislation will do what my bill with Senator SMITH would have done: it will reinstate the Federal unemployment insurance program and probably every unemployed worker with an additional 13 weeks of benefits.

Ignoring the unemployed will not make them go away. In fact, today, despite Congress's inaction on this issue, long-term unemployment is at the highest level in recorded history. More than 2 million Americans have been our of work for 6 months or more, a higher percentage than ever before. According to the Children's Defense Fund, this represents an increase of 245 percent in the past 2 years alone. And if the past is any indication of the future, many of these jobs will never return. In past recessions, 50 percent of job loss is temporary, the other half is permanent. Economists estimate that today nearly 80 percent of job loss is permanent.

Permanent job loss isn't just a theoretical term. It is a father with a mortgage, a mother with car payments, and a young person with a college loan. We must never lose sight of that simple fact. While everyone wants to collect a paycheck, unemployment checks provide certainty in an economy that is anything but certain.

For months, administration officials have claimed that their tax package will grow the economy and create jobs. But the only thing it is certain to grow is our Nation's mounting debt. The last time their economic policies were enacted, Americans lost 2 million jobs. We cannot wait to see how this debate plays out while 10 million unemployed Americans struggle. They paid into this system—some for decades—and now, when they need those benefits the most, we should provide them.

It is long past time that we take care of unemployed workers in this country. We simply cannot keep repeating the past and let down American workers in these vulnerable and uncertain times. After all, Groundhog Day was officially February 2. And like more than 600,000 unemployed New Yorkers, I am ready to put it behind me.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, this next amendment is the Cantwell-Voinovich amendment which will say when it comes to our economy and producing jobs, the priority of the Senate ought to be taking care of those individuals who lost their jobs and lost their benefits.

This amendment is crystal clear. It only applies to people who have lost their benefits and are unemployed as of the enactment of this legislation, which means it only covers people who have lost their jobs and are unemployed. It is about whether we are going to say 1.5 million Americans are more a priority than simply passing this legislation with all the tax credits, all the incentives for various corporations in America, but leaving American workers out in the cold.

Thirteen billion dollars of the unemployment insurance trust fund should be enough security to give back to workers who have paid into this account and through no fault of their own are unemployed. So while this institution today is going to make decisions——

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I ask unanimous consent that both sides have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. So the question is whether we are going to continue to make a priority these kinds of tax credits in this legislation and leave the American workers out in the cold. I urge my colleagues, let us do both. Let us help those who have been left behind and continue to try to create a more positive economy.

I urge people to support the Cantwell-Voinovich amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. How much time is remaining?

The PRESIDING OFFICER. There is 2 minutes.

Mr. ENSIGN. Mr. President, I will take 1 minute and then the Senator from Oklahoma will take 1 minute.

Mr. President, a couple of quick facts. First, when the Democrats were in control in the early 1990s, following the recession, we had this same program. They were in control of the White House, the House and the Senate. The unemployment rate was at 6.6 percent and they voted to stop the program, again, when the unemployment rate was at 6.6 percent. Today the unemployment rate is one point lower at 5.6 percent and, yet, now they want to extend the program. This, at the cost of $9 billion. If one is a deficit hawk and they are worried about the deficit, they should vote against the Cantwell amendment.

This amendment is also retroactive. In other words, if a person has a job now, qualified for TEUC after it expired, then this would apply to them. They would get a check from the Government for the time after January they were unemployed.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote for this budget point of order that I am going to raise because this amendment is retroactive. This amendment costs 67 percent more than the last time. It costs $9 billion and it is not paid for. I am going to make a pay-go point of order. We did this last week and most of the people who say they support pay-go voted to waive pay-go. We are going to give them another opportunity to sustain pay-go and make sure this amendment does not pass because it would increase the deficit by $9 billion.

The pending amendment offered by the Senator from Washington, Ms. CANTWELL, increases mandatory spending and if adopted would cause an increase in the deficit in excess of levels permitted in the most recently adopted budget resolution. Therefore, I raise a point of order against the amendment pursuant to section 505 of the H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I move to waive the relevant section of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—59

Akaka	Dole	McCain
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Graham (FL)	Pryor
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Clinton	Kennedy	Smith
Collins	Kohl	Snowe
Conrad	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Talent
Dayton	Levin	Voinovich
DeWine	Lieberman	Wyden
Dodd	Lincoln	

NAYS—40

Alexander	Domenici	Lugar
Allard	Ensign	McConnell
Allen	Enzi	Miller
Bennett	Fitzgerald	Nickles
Brownback	Frist	Roberts
Bunning	Graham (SC)	Santorum
Burns	Grassley	Sessions
Campbell	Gregg	Shelby
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thomas
Cornyn	Inhofe	Warner
Craig	Kyl	
Crapo	Lott	

NOT VOTING—1

Kerry

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

On this vote, the yeas are 59, the nays are 40. 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.

Mr. REID. I move to reconsider the vote.

Mr. President, I ask unanimous consent that the following two amendments be in order subject to the following time limit beginning at 2:15; that the time be equally divided and controlled in the usual form: Senator MCCAIN for 60 minutes, and Senator HOLLINGS for 80 minutes. This has been cleared by both managers. I also ask unanimous consent that no other amendments be in order prior to the vote.

I don't have the number of the amendments, but they have been filed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Continued

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3129

Mr. MCCAIN. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GREGG, Mr. SUNUNU, and Mr. GRAHAM of Florida, proposes an amendment numbered 3129.

The amendment is as follows:

(Purpose: To strike provisions relating to energy tax incentives)

Strike title VIII.

Mr. MCCAIN. Mr. President, the amendment is rather straightforward. It strikes the energy tax provisions in this bill which are estimated to cost nearly $18 billion. I read from an April 19 article from the Washington Post:

Congress's task seemed simple enough: Repeal an illegal $5 billion-a-year export subsidy and replace it with some modest tax breaks to ease the pain on United States exporters.

This article is entitled ''Special-Interest Add-Ons Weigh Down Tax-Cut Bill.''

But out of that imperative has emerged one of the most complex, special-interest-riddled corporate tax bills in years, lawmakers, Senate aides and lobbyists say. The 930-page epic is packed with $170 billion in tax cuts aimed at cruise-ship operators, NASCAR track owners, bow-and-arrow makers, and Oldsmobile dealers, to name a few. There is even a $94 million break for a single hotel in Sioux City, Iowa. Even one of the tax lobbyists involved in drafting it conceded the bill ''has risen to a new level of sleaze.''

I agree with that lobbyist. This has risen to a new level of sleaze.

The lobbyist goes on to say:

''I said a few months ago, any lobbyist worth his salt has something in this bill,'' said the lobbyist, who would only speak on condition of anonymity. ''Now you see what I'm talking about.''

The Wall Street Journal, Wednesday, May 5, in an article entitled ''Export Tax Follies:''

But instead of solving the problem, congressmen are engaging in one of their epic tax-bidding wars . . . including a $482 million sop to the insurance company, $189 million in ''transitional assistance'' for Oldsmobile dealers, and an $8 million tax break for makers of children's bow and arrows.

Not only that . . . $15 billion in energy tax breaks were thrown in as an added sweetener. The Senate couldn't pass the energy bill as a stand alone measure, so he's looking for any shipwrecks that will sail this year. The measure includes an overhaul of tax treatment for ethanol and subsidies for ''clean'' fuels. . . .

Mr. President, there is an abundance of media coverage of this legislation. It reaches, as the lobbyist said, in my view, a new level of sleaze.

We have to consider what we are doing. We had a $170 billion tax break, which really is $170 billion that will not go into the U.S. Treasury. So Alan Greenspan, last week, says the greatest threat to our Nation's economy is the deficit, and that a free lunch you don't have to pay for hasn't been invented yet. Yet here we are with $170 billion worth of tax breaks, tacking on to it $18 billion in tax breaks on an energy bill that this body could not pass.

It is remarkable, with a half trillion deficit, and we are enacting new tax credits, for—guess who—the oil and gas industry in America which, the last time I checked, is doing pretty well.

The majority of my colleagues on this side of the aisle just voted against an extension of the unemployment benefits for Americans who remain unemployed and haven't profited by this reemerging and strengthening economy. My God, we won't give them an extension of their unemployment benefits. But if the ethanol people of Archer Daniels Midland need it, by God, we will give it to them. Mr. President, $170 billion in tax credits but no extension of unemployment benefits for people who have been out of work, it is a remarkable commentary.

Out of all the provisions that have been added to this bill since it was first brought to the floor of the Senate on March 3, I find the energy tax title the most egregious. That is why I am offering this amendment to strike it. What do these provisions have to do with the underlying bill? Nothing. What do they have to do with ensuring that tariffs that have been placed on our Nation's manufacturers since March 1 are lifted? The answer is nothing.

I understand how sweet this is—how sweet this is—for these lobbyists who are doing so well here in Washington. But if the Senate is to consider an energy tax incentive bill or an energy authorizing bill, we should be following regular order, bringing legislation to the Senate floor, and debating it in its own right. Instead, a 319-page energy tax title was incorporated without a vote.

The proponents of this bill contend it is ''revenue neutral'' and that all the tax cuts in the bill are paid for with offsets. How many times have we played that game? How many times have we used the same old offsets on the same old bills, and somehow, with all these offsets, we now have a half-trillion-dollar deficit? It is hard to imagine. For example, 66 provisions of offsets are identical to provisions that were included in the highway bill. So we are using the same offsets for the highway bill, the same offsets for the energy bill. And as some more pork

comes rolling in here—squealing in here—we will probably use those same offsets again. I understand the duplicative offsets total about $5 billion. Of course, if these bills ever get to conference and conference agreements are reached, only one measure could include these offsets.

Again, the amendment I am offering would strike title VIII of the pending bill.

By the way, I have no illusion as to how this vote is going to turn out. The Senator from Michigan just came up to me and said: Well, don't take away my tax break. I want to take away every tax break, I say to the Senator from Michigan.

The oil and gas subsidies are estimated to cost about $5 billion and are illustrative of what TIME magazine referred to as the great energy scam on the American taxpayers. This graphic is from an investigative report on synthetic fuel credits which appeared in the October 2003 issue of TIME magazine. While synthetic fuel credits are only one indefensible part of this energy tax title, the entire oil and gas subtitle is a shameless scam that benefits the already enormously profitable oil and gas industries with little or no benefit to the American public.

I would like to highlight a few provisions that defy both fiscal and common sense. First, there is about $835 million provided to wealthy oil and gas corporations to write off the cost of looking for domestic oil and gas reserves. As if the oil and gas companies do not have sufficient incentives or resources of their own, we are going to make the taxpayers pay for the basic cost of doing business. This provision sweetens the already generous tax treatment and would allow businesses to recoup their costs for both successful and unsuccessful projects. So failure will be as financially sweet as success.

I suppose some of my colleagues may maintain that providing this opportunity for greater riches to oil and gas corporations could result in more supply for the American public. Well, the Energy Information Administration reports that such claims are not backed by the facts. According to a February 2004 EIA report, these subsidies do not impact supply. The EIA report states:

> The tax provision is expected to have a negligible impact on oil and gas production because . . . year-to-year cash flow can be at least 35 times larger than the tax value and consequently the provision is unlikely to appreciably sway drilling decisions.

In other words, these companies are too rich to pay attention to a paltry $835 million.

Another provision of this bill, which is perhaps even more egregious than picking up the tab for oil and gas exploration, would provide nearly $2 billion for the extension and modification of tax credits for producing fuel from a nonconventional source. ''Nonconventional'' is the operative word when we talk about synthetic fuels. There is nothing conventional about this so-called fuel, a creation of Congress in 1980. Now that this tax credit scam has been exposed by not only TIME but by our own IRS, Congress has no excuse to perpetuate this expensive hoax, which has cost the taxpayers $4 billion since 1999.

If there is anyone who does not know how synthetic fuel is made, the process conjures up images of Rumplestiltskin turning straw into gold, except in this case it is not turning something into anything different. But this is not a fairytale.

Here is how the process goes. First, you start with coal, and then, since IRS rules require a chemical change to occur, you must spray the coal with something other than water—usually it is diesel fuel or pine tar—and, magically, you now have a ''synthetic fuel,'' which sounds better than ''sprinkled'' coal, I guess. The company then sells the coal to a user, such as a powerplant, for a slightly lower cost than untreated—or unsprinkled—coal and claims a huge tax credit for ''manufacturing a synthetic fuel.'' If anyone missed a step of this miraculous process, it is coal, to sprayed coal, to gold.

I would like to show you how golden this tax credit can be. This graphic shows the reduced tax rate of one multinational hotel corporation that also produces synthetic fuel. This corporation is not the biggest beneficiary of the synthetic shelter, but it is illustrative of the point that one does not need to be in the oil or gas business to strike it rich with synthetic fuels.

The IRS has struggled mightily with this tax shelter that grows ever more expansive and expensive. It has undertaken two formal reviews of synthetic fuel production and testing facilities and concluded that there is not any synthetic fuel being produced. This remarkable finding is presented in a November 2003 IRS bulletin, and I quote:

> The Service believes that the processes approved under its long-standing ruling (that a synthetic fuel must differ significantly in chemical composition from the substance used to produce it) do not produce the level of chemical change required.

Incredibly it goes on to say:

> Nevertheless, the Service continues to recognize that many taxpayers and their investors have relied on its long-standing ruling to make investments.

So basically the IRS is going to give this lucrative hoax a ''wink and a nod'' while it waits for Congress to end this sham, which is very unlikely.

Another objectional provision would provide subsidies for the highly profitable gas production method called coalbed methane. According to the Department of Energy, coalbed methane accounted for 57 percent of the growth in U.S. natural gas production between 1990 and 1999. Coalbed methane wells are proliferating in western coalfields and wherever else coalbeds exist, without a tax incentive.

As you can see from these tables, the number of wells drilled in the Powder River Basin in Wyoming has skyrocketed. The tremendous growth in production from 1993 to 2002, with 10,718 wells in this Wyoming field, occurred without a tax credit, and the BLM expects that another 40,000 new wells will be drilled in this area over the next decade. So I think it is clear that this industry has not been waiting around for taxpayer dollars.

If any of my colleagues believe that by making a very profitable industry even more profitable, these tax breaks will help increase gas supply and bring down prices, they are wrong. According to the Congressional Research Service:

> [V]irtually all of the added gas output (from coalbed methane) has substituted for domestic conventional gas rather than imported petroleum, meaning that the credit has basically not achieved its underlying policy objective of enhancing energy security.

In other words, the gas industry has turned from conventional production to coalbed methane with its higher margin of profitability without an increase in total supply.

Additionally, the Congressional Research Service found:

> that from an economic perspective, the Sec. 29 credits compound distortions in the energy markets rather than correcting for preexisting distortions due to pollution, oil import dependence, ''excessive'' market risk, and other factors.

Therefore, one must ask, what is the American public actually receiving from these tax incentives? Economic distortions which translate into higher gas prices. I am certain my colleagues do not want to perpetuate the perverse price effect of this tax credit.

In the Western U.S., most lands operate on the doctrine of ''split estates'' with different owners of the surface property rights and underlying mineral rights. As the number of coalbed methane wells has skyrocketed, the conflicts with thousands of property owners has intensified. That is due to the extensive environmental damage caused by coalbed methane production, which involves pumping massive volumes of groundwater to release the methane held by hydraulic pressure.

Clean coal. The energy tax title would provide an estimated $1.6 billion for the so-called clean coal program. Since 1984, the Department of Energy has already invested $1.8 billion in the clean coal program to ''explore technologies,'' making it the largest environmental technology development effort the Federal Government has ever conducted. But we cannot stop there. This bill would provide an additional $1.6 billion toward the development of still more clean coal technologies. Before we require the taxpayers to pay even more for this program, should we not first consider what we have received in return for the first $1.8 billion?

According to the Department of Energy, the $1.8 billion worth of investments went to Bechtel, Westinghouse, General Electric, Texaco, and other companies that produced technology patents and products that have been

sold around the world, generating billions of dollars for these companies. Besides the enormous profits these companies made by using taxpayer dollars for their research and development, serious deficiencies in the program explain why a new project has not been added in the last 5 years, and why this program should not be funded again.

One of the primary goals of the clean coal program was to produce technologies that scrub emissions from powerplants that result in cleaner air. However, according to a 2001 GAO report, new technologies produced from the $1.8 billion allocated for new clean air technologies have ''limited potential for achieving nationwide emission reductions when used at existing coal-burning facilities.''

The clean coal program management shows more deficiencies. The GAO reports many of the clean coal technology demonstration programs have shown severe problems in meeting costs, schedule, and performance goals.

Biomass. Nestled within the provisions of this bill is one of the more ironic and bizarre U.S. policies to be considered. Under the false guise of exploring environmentally friendly alternative energy sources, this bill extends and expands a subsidy offered to facilities that burn animal droppings. I realize a handful of States are facing legitimate environmental challenges stemming from massive amounts of poultry manure and need to find a way to manage the toxic substances that are a byproduct of these droppings. I favor determining the most effective method of addressing this environmental concern within the proper land management context. However, it would be ironic indeed if, in ordinary to satisfy the need for a clean, renewable energy source, the Senate passes legislation subsidizing the burning of animal droppings, a process which has been found to emit toxic heavy metals such as lead, mercury, and arsenic.

No less green an organization than Friends of the Earth opposes burning these droppings as an energy source because the process ''cause[s] serious environment and community health problems.'' Moreover, EPA studies have suggested these facilities have the potential to cause more air pollution than a coal plant. On top of all this, these facilities drive up prices on natural fertilizers used on American farms, actually detracting from an environmentally friendly farming process that requires no Government subsidy.

Why on earth are we wasting valuable money on such a ridiculous, irrational program, especially when such dire financial and energy needs are facing this country today?

Another interesting provision concerns the proposed Alaska natural gas pipeline. There is a good deal of support for this new pipeline from Alaska to the lower 48 States, but to what extent are we willing to mortgage the Federal budget to help ensure its reality? The energy tax title would provide a huge subsidy to the natural gas companies proposing the construction of the Alaska natural gas pipeline. In the case of a drop in the price of natural gas, the energy title establishes a price floor—how many manufacturers in America would like to have a price floor for their product?—of $1.35 per thousand cubic feet. If the market price falls below that amount, the Federal Government would have to pay the difference to the private companies for a maximum benefit of 52 cents per thousand cubic feet. The credit would be in effect for the next 25 years. Even the conferees on the energy conference committee refused to include this provision in its final agreement on H.R. 6, which, considering the wasteful special interest giveaways included, should make one wonder about the merits of this provision.

I could go on and on about this bill. I could cite many examples, such as dog-track owners and all the other provisions. But this is probably the most egregious we have and it is quite remarkable. It is a very unfortunate way of doing business, because if we establish this precedent of tacking on anything we want to legislation that is totally irrelevant, then I fear the process has broken down even more badly than I first suspected.

Let me again put this in the context of the environment in which we exist today. This bill, which was designed to provide $5 billion in order to satisfy our European friends' concerns, has now grown into a $170 billion ''Christmas tree'' of goodies for every conceivable special interest. When we are running multitrillion-dollar surpluses, I guess you could argue it wasn't such a bad idea.

Last week Alan Greenspan said the greatest danger to America's economy is these burgeoning multitrillion-dollar deficits. We have never enacted tax cuts while we are in a war. If one thing has been made abundantly clear, it is the cost of the Iraq war is going to be incredibly high—far higher than we ever anticipated. Around here, it is business as usual—well, it is not business as usual; this is probably about the worst I have seen.

I won't say the worst because I probably could think of something. It is as bad as anything I have ever seen. We have no fiscal discipline in this body, and our kids are going to pay a very high price for it. When the bow-and-arrow manufacturers and all of the other things that are stuffed into this, such as horse and dog-track owners, and all of the others—cars, automobiles, Oldsmobiles, all of these things are now amassing. I urge my colleagues to vote for the amendment.

I yield the floor.

Mr. GRASSLEY. Mr. President, Senator MCCAIN has filed a motion to strike all of the Energy tax provisions from the JOBS bill. Senator MCCAIN has a right to his opinion, but I overwhelmingly disagree with his opinion and I urge all of my fellow Senators to vote ''No'' on this amendment.

In order to secure our country's economic and national security, we need to have a balanced energy plan that protects the environment, supports the needs of our growing economy, and reduces our dependence on foreign sources of energy.

Every man, woman and child in the United States is a stakeholder when it comes to developing a responsible, balanced, stable, long-term energy policy.

The events of September 11 have made very clear to Americans how important it is to enhance our energy independence. We can no longer afford to allow our dangerous reliance on foreign sources of oil to continue.

But ''wait'' we do, and we do it well. It has been over 10 years since we have passed energy legislation.

And if we wait until we get that ''perfect'' bill, the wait will be forever.

Today, we have the opportunity to correct that because we have added all of the Energy Tax provisions to this JOBS bill. Our energy tax provisions obviously are not perfect. And to those who complain about various provisions, I say, so what do we do? Do nothing? Wait for the ''perfect'' bill?

These provisions may not be perfect but let me tell you what we do have. We have energy tax provisions that were crafted from inception in a bipartisan manner. From the beginning, both Democrat and Republican staffs from both Finance and Energy Committees worked side by side to craft a fair and balanced energy tax package.

I may not personally believe in every one of these provisions, but the process has worked to craft an energy tax package that is good for all 50 States and all forms of energy production, both renewables and traditional oil and gas and conservation and energy efficiency.

Some of the amendments pending on this bill suggest the energy tax provisions will pick winners and losers. Is that true? Am I OK with that?

The answer is a definite ''yes.'' Remember, the winners we pick in this bill are all Americans, all of whom have a stake in reducing our dependence upon foreign energy. We do this by favoring domestic producers over foreign producers.

It is well past time to get serious about implementing energy efficiency and conservation efforts, investing in alternative, renewable fuels and improving domestic production of traditional resources.

As you know, Mr. President, I support a comprehensive energy policy consisting of conservation efforts, development of renewable and alternative energy resources, and domestic production of traditional sources of energy.

And we will have an opportunity under Senator DOMENICI's leadership to address the energy policy issues at a later date, but for now we will only be considering the energy tax provisions.

As my colleagues well know, I have long been a supporter of alternative and renewable sources of energy as a way of protecting our environment and increasing our energy independence.

I strongly support the production of renewable domestic fuels, particularly ethanol and biodiesel. As domestic, renewable sources of energy, ethanol and biodiesel can increase fuel supplies, reduce our dependence on foreign oil, and increase our national and economic security.

As Chairman of the Senate Finance Committee, I continue to work closely with the ranking member, Senator BAUCUS, to defend an energy tax title that strikes a good balance between conventional energy sources, alternative and renewable energy, and conservation.

Among others, it includes provisions for the development of renewable sources of energy such as wind and biomass, incentives for energy efficient appliances and homes, and incentives for the production of non-conventional sources of traditional oil and gas.

I believe the energy tax provisions included in the JOBS bill does a good job to address our Nation's energy security in a balanced and comprehensive way.

I am also pleased that with the JOBS bill we have finally gotten to a point to address this important issue that has such a direct impact on our national and economic security.

For the sake of our children and our grandchildren, we must implement conservation efforts, invest in alternative and renewable energy, and improve development and production of domestic oil and natural gas resources. And we need all of the energy tax provisions to be included in the JOBS bill. I urge you to vote ''no'' on Senator MCCAIN's effort.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we have so many Members on this side who want to speak in opposition to the amendment, as well as Senators on the other side, but we are quite restricted as to the time to allocate. First, I will begin with Senator BUNNING, 4 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise in strong opposition to the McCain amendment. We need these energy tax provisions now more than ever. The price of energy has risen sharply and is only expected to keep going up and up.

The average price of a gallon of unleaded gasoline now is $1.84 a gallon. Natural gas prices are 70 percent higher than they were a year ago. Coal prices are up 30 percent since last year. These high prices are affecting Americans' pocketbooks at a time when our economy is on the rise.

If Congress does nothing to encourage more production, Americans will continue to struggle financially and our economic recovery will evaporate.

The energy tax package in the JOBS bill will help our country meet its future energy needs and will help kick our economy into gear.

Whether you are a Republican or a Democrat, we all know we need more production. Having a cheap, ready supply of energy is now more critical than ever to our economy. These tax incentives in this bill are crafted to help this production supply. Striking them from the bill will only lead to higher prices and more energy inflation.

The energy tax incentives will also mean more jobs and more money in Americans' wallets. I am certain every single Senator has talked to his or her constituents recently about the need for the economy to create more jobs. It is a staple of the Presidential race. It is what the American people are talking about. We know the energy incentives in this bill will induce and boost industries like the coal community in my State and put people to work.

There is nothing wrong with that. Passing this bill and these energy amendments will give us all a chance to put our money where our mouth is.

Congress has been playing political football with an energy bill for years now. I think it is time to end the game. Many of us would prefer to pass a stand-alone energy bill. We have been trying and trying, with no effect. But for one reason or another, this bill has not passed, and this is probably our last and best shot to pass changes that will make a difference right away to our Nation and to our economy.

Finally, and most importantly, this is a national security issue. We all talk the talk when it comes to promoting America's energy independence and reducing our reliance on foreign oil and sources of energy. Here is a chance to actually do something about that. By beating this amendment and passing the base bill, we will provide a significant boost to domestic energy production.

We have a lot of problems in Iraq, but we cannot bury our head in the sand. We have to recognize that continuing to rely on energy supplies from that part of the world is a threat to our national security. We cannot change that overnight. We can start taking the first steps now by passing the energy tax provisions and stepping up domestic production.

I urge a ''no'' vote on the McCain amendment. As a member of both the Energy Committee and the Finance Committee, I helped write the energy incentives in this bill. The incentives are good legislation and will help our economy. Our workers and our country need this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Michigan, Ms. STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I also rise to oppose this amendment. I first wish to thank those involved in the underlying bill and the tax bill for focusing on major provisions for manufacturing. I thank both the Senator from Iowa, the chairman, and the Senator from Montana, for their leadership on this bill.

These tax credits in this bill relate directly to support for manufacturing. It is very important that the energy tax credits for consumers that are in this bill be passed so that we can lower purchase prices for vehicles and energy-efficient appliances and be able to help build market demand for more efficient, environmentally beneficial cars, appliances, and other products.

Many of these credits are for consumers to help lower the prices because we know until there is a large demand and large production, the prices initially will be high. That is the reason for the hybrid vehicle tax credit for consumers, alternative fuel vehicle credits for consumers, and fuel cell credits.

The Federal Government must partner with American businesses and consumers to encourage the development, purchase, and use of energy-efficient technologies, and that is what is done through these energy tax credits.

All of us want our automobiles to be more fuel efficient—and certainly, as we look at the skyrocketing gas prices, this has never been more clear—so we can be less reliant on foreign sources of energy as well, but we need to be doing those things that will encourage the production of alternative fuel vehicles to move us away from that dependency on foreign sources of energy.

U.S. automakers have already invested hundreds of millions of dollars in developing better, cleaner technologies. For example, a hybrid version of the Ford Escape SUV, which has a fuel economy of 40 miles per gallon, will be available to consumers the end of this summer. It is very important that we put this in place as part of supporting that new effort. A hybrid electric version of the GM Sierra full-size pickup truck will also be available to consumers this year. And DaimlerChrysler will be producing a hybrid version of the Dodge Ram pickup truck starting this year as well.

These moves into alternative fuel vehicles are part of the way we move away from foreign oil dependence. We need to partner to help create that market and help give consumers the ability to purchase these vehicles in order to make them available. Developing fuel cells and other more fuel-efficient technologies really does require a partnership with the Federal Government and with industry. In order to achieve maximum fuel efficiency, the Federal Government must take the role as partner, along with our companies, engineers, and workers, to make this happen. That is what the energy tax credits for fuel-efficient vehicles in this bill do.

I should also indicate that it is necessary to invest in infrastructure, such

as hydrogen refueling stations, to support the development of fuel cell technology. Again, there are tax credits in this bill that allow that to happen.

There are other important provisions, of course, for ethanol, of which I am very supportive, as well as the efforts to address energy-efficient appliances. Again, we have consumer tax credits in this bill to help encourage the purchase and the development of energy-efficient appliances as well as items related to the home.

Mr. President, I will strongly oppose this amendment, and I hope my colleagues will join in a bipartisan way to defeat it.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from Montana. As always, he is generous in yielding to other Members on these issues. I also join the previous two speakers in opposing the amendment of the Senator from Arizona.

The energy tax incentives that are part of this bill is a package of incentives that we reported out of the Finance Committee and added to the Energy bill essentially in the same form we have in the 107th Congress, and we have done it again in the 108th Congress. It is my strong belief that there is broad bipartisan support in the Senate for this set of energy tax provisions.

I cannot tell you that every single one of them is exactly as I would want it to be, but there are incentives to encourage more use of renewable energy, to encourage continued production of oil and gas and increase production in some cases, to provide incentives for a shift toward more use of hybrid cars and advance vehicles. All of those items are positive.

As far as renewable energy is concerned, one very important provision contained in this bill that relates to my State and many States is the extension of the tax credit—1.8 cents per kilowatt hour tax credit—for wind energy and other types of renewable energy. There are many wind energy projects that are ready to go around this country; people are waiting to see whether Congress will go ahead and extend this production tax credit for renewable energy that covers them. I think this is a good policy. We need to do that as part of this bill.

There are other provisions that provide incentives for energy-efficient homes, energy-efficient commercial buildings. They provide incentives for efficient appliances, smart meters which consumers can use to reduce their use of energy. There are a great many provisions in this bill that I believe would be useful and would move us in the right direction.

This is not a silver bullet. This does not solve our energy problems. I do not want to represent that to anyone. These are, on balance, very positive actions that we can take, and this clearly, in my mind, is some of the most useful language that we are proposing to enact as part of this overall bill.

Mr. President, I appreciate the chance to speak. I appreciate my colleagues allowing me to go ahead of them, particularly the Senator from Idaho, who yielded time to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the Senator from Montana.

Mr. President, the Senator from Arizona, in his amendment, suggests to those of us listening and to those who might be observing us on C–SPAN that the oil industry is the most profitable industry in the country and somehow we are subsidizing them beyond reality or respect.

Let me tell you what the oil industry did this last quarter.

Their net earnings went up .6 percent to 6.9 percent. That was their net earnings. It is much more profitable owning a Starbucks on the street corner than it is to own a major oil company in America today. He did not say that the profit margins of the banking industry are 19.6 percent return on investment. So let us get real and, most importantly, let us be honest.

Let's talk about section 29, the synthetic fuels. What was just represented by the Senator from Arizona is not in this bill. What is in this bill, if one deals with synthetics, is there has to be a reduction in the stocks and the NO_X by 20 percent or there has to be a reduction in mercury by 20 percent to qualify for the tax credits in this provision. That is the reality of what we are talking about.

If we want to get America producing again, if we want to satisfy the consumer who in anger paid over $2 at the pump today, then we have to incentivize an investment community to get back into the business of producing.

Fifteen years ago, there were 325 refineries in America. Today, there are less than 125. Why? Too much regulation, too much cost, going offshore. How do we get them back? Incentivize them to come home; incentivize them to begin to produce in this country. Because of Government regulations and costs, they either go offshore to produce or they quit producing.

America's refineries today are at 94-percent capacity. What this tax incentive does is incentivizes our country to get back into the business of producing.

Want to incentivize offshore deep oil drilling? When we did that for the gulf a decade ago, production went up 500 percent. Why? Because it was terribly expensive to drill out there, and so we said if they drill out there and if they find oil, they can write this off.

Our country relies on almost 30 percent of our capacity now in the gulf and in the deep waters. It worked for America and it worked for America's consumers.

So to suggest we are doing something wrong is not representing the reality of the energy sector of this country today as a piece of our economy and our willingness to incentivize it. That is why we are here. That is why this provision is in the FSC bill and that is why the McCain amendment ought to be rejected.

I yield the floor.

VISIT TO THE SENATE BY MEMBERS OF SUMMIT OF NATIONAL CONGRESSES OF THE AMERICAS ON FREEDOM OF THE PRESS

Mr. STEVENS. Mr. President, I ask the Senate to permit me the honor of introducing to the Senate Members of National Congresses of the Americas who are here in Washington for a conference on the freedom of the press. I have representatives of the National Congresses of the Americas from Argentina, Senator Guillermo Jenefes, Senate, and Representative Carlos Federico Ruckauf, Congressman, House of Representatives; Bolivia, Senator Alfonso Cabrera, Senate, and Representative Oscar Sandoval Moron, House of Representatives; Brazil, Senator Helio Costa, Senate, and Representative Celso Russomanno, House of Representatives; Chile, Senator Andres Zaldivar Larrain, Ex-President of the Senate, Senator Alberto Espina Otero, Senate, and Representative Pablo Lorenzini, President of the House of Representatives; Colombia, Representative Alonso Rafael Acosta Osio, President of the House of Representatives; Costa Rica, Representative Mario Redondo Poveda, Ex-President of the National Congress; the Dominican Republic, George Andres Lopez Hilario, Senate Meetings Coordinator; Ecuador, Representative Jaime Estrada Bonilla, National Congress, and Representative Pedro J. Valverde Rubira, National Congress; El Salvador, Representative Ciro Cruz Zepeda Pena, President, National Congress, Representative Ileana Rogel, National Congress, and Representative Francisco Merino Lopez, National Congress; Guatemala, Representative Ruben Dario Morales, First Vice President, National Congress; Honduras, Representative Samuel Bogran Prieto, Vice President, National Congress, and Representative Gilberto Goldstein, National Congress; Jamaica, Deika Morrison, Senator and Minister of State, and Michael Anthony Peart, Speaker of the House of Representatives; Mexico, Representative Francisco Arroyo Vierya, Vice Presidente, House of Representatives; Nicaragua, Representative Carlos Noguera Pastora, President, National Congress; Paraguay, Senator Modesto

Luis Guggiari, Senate, and Representative Rafael Filizzola, House of Representatives; Peru, Representative Carlos Almeri Veramendi, National Congress, and Representative Enith Chuquival Saavedra, National Congress; United States, Senator TED STEVENS, Senate Pro-Tempore, U.S. Senate; Uruguay, Senator Luis Hierro Lopez, Senate President and Vice President of Uruguay, and Representative Jose Amorin Batlle, President, House of Representatives; and Venezuela, Ricardo Antonio Gutierrez Briceno, First Vice President, National Congress.

RECESS

Mr. STEVENS. I ask unanimous consent that the Senate stand in recess for not to exceed 5 minutes so Members might greet my friends from the Congresses of the Americas.

There being no objection, the Senate, at 2:53 p.m., recessed until 2:57 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Continued

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 5 minutes to the senior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I thank the chairman and the ranking member for their kindness and generosity as we work on this bill. I am speaking now of the energy tax parts of this bill. The rest of it is the jurisdiction of the Finance Committee, and they essentially have done that. We have helped with the energy provisions because we were trying to put together a comprehensive energy package.

It is good that in the Senate, after one Senator talks and states his position, there is an opportunity for somebody else to state their position, and I want to do that because actually earlier today the distinguished Senator from Arizona talked about a bill that I do not even recognize, talked about things wrong with this bill that I am not even sure are in this bill, but certainly failed to mention anything that is good about it. So I would like to talk about some of the good parts.

It is estimated that this part of the bill will create 650,000 jobs. Those jobs will be in construction and the operation of infrastructure vital to the energy security of this country. Tax provisions will allow us to build an Alaska pipeline, which is supported by the Senate and will bring us American-owned gas all the way from Alaska. It will not do any environmental damage, and in the next 5 years we will add substantially to our inventory of natural gas.

The package provides incentives for electricity produced from clean coal. If there is anything that we need in America, it is a vital, growing, prospering energy grid in the United States. We have to have a stronger energy grid if we are going to have a stronger America. Everybody says that. This bill provides for incentives so that will happen.

Third, this package puts incentives in for biomass, geothermal, and solar.

Last, but not least, we have the renewables. We have wind energy that is to break and come through in large quantity. It is all stopped now until this bill passes and the incentives in this bill are adopted.

If you have a major solar energy facility, construction is stopped until this bill is produced. Then that will grow faster than any renewable we have ever had. In addition, clean coal technology is applied so that we can have other alternatives for the production of electricity. If there is anything we need, it is alternatives. Clean coal will be an alternative.

If we tell the world we are producing alternatives, they will believe we are worried and they will believe we can do something for ourselves, instead of continuing to put our hands out and rely upon foreign sources of energy.

There are tax provisions related to the restructuring of the electricity industry that are being imposed by the Federal Energy Regulatory Commission. It is absolutely imperative that if the Government forces utilities to sell assets as part of deregulation, it will not also turn around and punish utilities for those sales through the Tax Code.

Some of the critical incentives in this package that will encourage domestic oil and gas production are in this bill. We know it. Everybody who has studied it knows it. There may be some provisions that Senators do not like because when you put a package together you just cannot have everybody liking everything. But I submit, to come here with a Time magazine that was talking about a different bill and a different time—there are things that are alluded to that are not in this bill—is truly not something the Senate should bank on with reference to whether they vote for this. They ought to vote for this. It is half an energy package and it is better than none.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. THOMAS. Mr. President, we are dealing with an issue that is probably the most important that we have before us, in terms of jobs, in terms of meeting the needs in this country. We are dealing with an issue we have talked about for 2 years or more. We have finally come up with some solutions. This is an issue that has already been on the floor that passed with 58 positive votes. The Senator from Arizona indicated it hasn't been discussed or talked about or voted on. That is absolutely not the case. It has been, and that is where we are.

There are two major issues involved. I am not going to get into the details. We are creating a policy for our future energy needs. As we look around at our families and our businesses and everything we do, there is nothing that affects our lives all day long more than energy. Whether it is lights, whether it is air-conditioning, whether it is heat, whether it is cars, whether it is receiving goods in your community, that all takes energy. So we are developing a policy, not necessarily for what is going to happen next week or next year, but down the road, where are we going to be?

The second portion deals with some of the issues that are troublesome now: The price of fuel, and the idea we are going to run short on some of the kinds of fuel we are using. All those things are there. This was part of an energy bill. It is not all of it, but it is a good part of it that we have worked on for a very long time. It is backed up by the facts. Unfortunately, to say we talked about no facts, here that is not true. This is a broad policy, for one thing, that deals with alternative sources of energy. It deals with renewables, the cleanliness of coal, with pipelines. It deals with all those things that are so important to do this job.

One thing that always strikes me, probably because we in Wyoming are the largest coal producer in the country, is that coal is the largest fossil fuel resource that we have available to us. At the same time, some other things have been easier. All the electric-generating plants over the last 15 years use natural gas. Natural gas can be used for many things where coal really is only available for this purpose, coal and nuclear. But we want to make coal energy clean so the air will be clean. This is what this bill does. It allows us to use that fuel most available to us and have it for the future.

We have been taking a look at energy usage, and what strikes us is that consumption continues to go up at a rather fast rate. We are using more in our cars; we have bigger homes; we are doing things so that consumption of energy goes up. But the production level is going down. If that doesn't create some kind of crisis in the future, I don't know what possibly could.

It was mentioned, and it should be mentioned again, that this is a jobs bill. That is really what we are trying to do. We can create more jobs in this particular provision, not only immediate jobs for the development of nuclear powerplants or power lines or coal mines or whatever, but the jobs created for other industries, of course, have to have energy available for them.

The amendment proposed here certainly would do away with one of the most important things we have done for a good long time, something we have worked on for a good long time,

something that not only deals immediately with problems but addresses the future of our families, yours and ours, and jobs. So we ought not pass this amendment. I urge my colleagues to vote against it.

I yield the floor.

Mr. GRASSLEY. Mr. President, the press and some in this body have unfairly defined this legislation as a ''porky'' tax bill. There have been articles in all the major papers following that line of attack.

One Member of the leadership on the other side said on April 20 he is worried that the sheer amount of tax breaks in the bill could end up impeding its progress. ''They've loaded this truck up and the tires are about to explode,'' he said, calling the efforts to pile sweeteners onto the bill ''haphazard.''

That Member went on and cautioned, ''any time you load it up as vigorously as they have, you create as many problems as you solve.''

Well, let's talk about the so-called ''porky'' provisions in this bill. It is a bit irritating that the complaints come from folks who say they support the bill. Every provision in the bill is the result of a joint recommendation of myself and Senator BAUCUS. We responded to requests from every Senator, including those who are critical of the bill.

I guess I would ask anyone, including the critics a question. That question would be, ''Are you willing to throw aside the provision you asked us to put in the bill?'' Are you willing to go back to your constituents and tell them you don't think their interest has merit?

I don't think I will hear any of the critics respond yes. I haven't had any takers yet and don't think I will by the time the bill's done.

Let's look at the bigger picture.

This bill has about $60 billion dedicated to the replacement of the FSC/ETI benefit. This bill has another $40 billion dedicated to international tax reforms to make our domestic manufacturers more competitive overseas.

There is another roughly $20 billion in domestic manufacturing incentives, including the research and development tax credit.

Some of that package deals with issues such as the unfair tax on bows and arrows which has a domestic job impact. There's another $8 billion dealing with the extenders, including a permanent tax credit directed at hiring hard-to-place workers. There's another $10 billion dealing with housing, rural areas, hard hit urban areas, Indian tribes, and other sectors of our economy. We're directing resources at economic development, plain and simple.

Finally, there's another almost $20 billion for the bipartisan Finance Committee energy incentives package which has passed the Senate twice.

All of this is offset with corporate loophole closers and measures aimed at curtailing tax shelters. The dollars involved in the much-criticized provisions are very small—perhaps less than 3 percent of the total cost of the bill. Members and the ''big city'' press need to keep their eyes on the ball: ending the euro tax and helping domestic manufacturers.

Senator Daniel Patrick Moynihan responded to the New York Times regarding the 1997 bipartisan tax relief bill. The press had made much of a few narrow provisions, such as a provision to provide tax relief for parachuter trainees. There is an excise tax on air travel. The tax is meant to apply to commercial travel. Read literally, the tax applied to parachute training flights even though those flights are not commercial transportation.

Senator Moynihan described the Finance Committee provisions that were designed to deal with these inequities this way: ''You will never see representative government more specific than in the Senate Finance Committee . . . It's a form of accommodation, and in between you think about the national interest, because there are things we all share.''

Like the 1997 tax relief bill, the bill before us includes a number of provisions that, at face value, may seem to be trivial. It is important to keep in mind, however, that each of these provisions was added in response to specific requests from fellow Senators who are looking out for the vital interests of their constituents. That is what representative government is all about.

The Federal tax system is vast. It touches virtually every aspect of life. From birth to grave. There are excise taxes to fund our airports and highways. There is a corporate and individual income tax to fund defense and general welfare. There are payroll taxes to fund Social Security and Medicare benefits. There is an unemployment payroll tax to fund unemployment benefits.

Now, when you go through this bill, you can find some provisions that involve animal manure or windmills. If you don't look beyond the superficial humor of the subject matter, you can have a lot of fun. Of course, big city papers like to make fun of these rural provisions. I always have to remind these folks that food doesn't grow in supermarkets. It grows on farms. The byproducts of those farms can give us clean energy. What's so bad about that?

Part of what we hear out in the heartland is get us some insurance that jobs are coming back. Especially, they say, in the area of manufacturing. The economy is coming back. The U.S. economy, the mightiest in the history of the planet, is adding jobs at a healthy rate. The people want an insurance policy.

Growing jobs in our diverse economy is not a cookie cutter exercise. This bill has general policies for the most part. Some are proactive, like the manufacturing deduction. Others are reactive, like responding to the Euro tax. Still others are particular. They may relate to small isolated communities or a single industry. When you take a look you'll find a common thread through nearly all of them: job creation.

That is what this bill is all about. Creating jobs, plain and simple.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. How much time remains on our side?

The PRESIDING OFFICER. The opposition has 6 minutes 44 seconds, and the proponents have 8 minutes 30 seconds.

Mr. BAUCUS. I yield 3 minutes 22 seconds to the Senator from Delaware, and 3 minutes 22 seconds to the Senator from Alaska following the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 3 minutes 22 seconds.

Mr. CARPER. I thank the Senator for yielding me 3 minutes 22 seconds.

Mr. President, as we gather for this debate, about 60 percent of the oil we use in this country comes from other places. We are importing all that oil. It adds to a huge trade deficit, about $500 billion and growing. About a third of that trade deficit is related to the importation of oil.

We have the opportunity with the energy provisions that are part of this bill to do some good things with respect to energy independence in this country. We have the opportunity to urge people to buy more energy-efficient cars, trucks, and vans. We have the opportunity to nurture an automotive industry which will provide fuel-cell-powered vehicles that will provide for vehicles that are powered by a combination of electric and internal combustion—maybe a combination of diesel and electric. We have the opportunity to provide incentives for people to use solar energy more frequently and more effectively, to use geothermal energy more effectively, more broadly. We have the opportunity to encourage people to use wind power as a source of electricity, and other forms of energy, through this bill.

Some would say we ought to have a comprehensive energy bill, and these elements ought to be part of the comprehensive energy bill. I will tell you I don't know if we are going to have a chance to debate a comprehensive energy bill. We do have the opportunity today to encourage solar energy, wind power, fuel cells, hybrid vehicles, and we have a chance to do this today.

About 100 miles from here there are fields on the Delmarva Peninsula—in Delaware, Maryland, and Virginia—where we are growing soybeans. We use soybeans in my part of America to feed the chickens. We take the hull and we feed the chickens and raise more chickens in Delaware, I think, than anyplace in the country. We use the corn we raise to feed the chickens. We have a lot of soybean oil we don't know what to do with, and one of the things we figured out to do is take soybean oil and mix it with diesel fuel—80-percent

diesel, 20-percent soybean oil—and we use it to power our DelDOT vehicles in the State of Delaware. We use it to power more farm equipment in the State of Delaware that is diesel power.

It works, it is energy efficient, and it is environmentally friendly. People tell me it smells like french fries.

That is one of the things we are more likely do with this bill. The intent and encouragement of this bill is to reduce our dependence on foreign oil and move to biofuels, including soy diesel. Good results come out of using soybeans for this purpose. It reduces our reliance on foreign oil, it is environmentally friendly, and it gives the folks who are raising soybeans—whether it is Delaware, Idaho, or any other place—the opportunity to have another market for their commodity. That is good for farmers, actually paying them to grow a commodity rather than paying them not to do that. This makes a whole lot of sense.

I wish the Senator from Arizona in offering his amendment had focused on section 29. That is a more narrowly crafted amendment. My hope is this will be defeated and we may reconsider it and come back to address that.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we talk about energy all the time. There is a certain, not confusion but a real consternation about what is going on in the Senate right now and why we can't get specific provisions of the Energy bill through the Senate.

We understand energy in Alaska, whether it is gas or whether it is oil, whether it is renewable energy or thermal. What we have before us is an opportunity to make some of the energy policy a reality in the country.

Last week I had the opportunity to testify before the House Subcommittee on Energy and Air Quality about the proposed Alaskan natural gas pipeline. I talked about the role which this pipeline can play in meeting the needs of some very critical areas in the country—specifically, our national security, the health of our economy, job creation, and achieving and maintaining a healthy environment for ourselves and our families.

Whether we are talking about the creation of hundreds of thousands of jobs across the Nation from this project or providing a secure and stable domestic supply of energy, whether it is providing the critical feedstock we have heard about on the floor here today at a reasonable price for the chemical, agricultural, and other important sectors of the economy or providing an abundance of clean-burning, environmentally friendly fuel, there is no doubt about it, this project is not only in the best interests of Alaska, my State, but across the entire country.

As we talk about the project in Alaska, it has been suggested with the price of natural gas as it is, we don't need to have the incentives that are included in this legislation before us right now. With the specific proposals which are pending, why do we need the incentive? Yes, in fact, the proposals are out there, but they will tell you we need the assistance. They have stressed the necessity of Congress enacting the fiscal incentives contained in this bill in order for construction of the pipeline to go forward.

We need these provisions to achieve all of the positives a gas pipeline has to offer. It is essentially a futures contract with the American people. We provide the incentive to build the pipeline and you will receive all the benefits the gas pipeline has to offer. The Alaska natural gas pipeline is one of those rare examples of a project that is a win from every perspective. It helps us achieve our environmental goals, it helps the economy by creating a great number of good-paying jobs, and it enhances our national security. But if the McCain amendment is adopted and the energy tax provisions are stripped from this bill, the relief Alaska's natural gas can provide remains stuck in the ground.

I urge my colleagues to oppose the McCain amendment and retain the financial incentives needed to construct the Alaska natural gas pipeline.

I thank the Chair. I yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that all time be yielded.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded.

Mr. GRASSLEY. 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 amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The results was announced—yeas 13, nays 85, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—13

Biden	Graham (FL)	Lautenberg
Boxer	Gregg	McCain
Corzine	Hollings	Sununu
Dodd	Kennedy	
Feingold	Kyl	

NAYS—85

Akaka	Byrd	Crapo
Alexander	Campbell	Daschle
Allard	Cantwell	Dayton
Allen	Carper	DeWine
Baucus	Chafee	Dole
Bayh	Chambliss	Domenici
Bennett	Clinton	Dorgan
Bingaman	Cochran	Durbin
Bond	Coleman	Ensign
Breaux	Collins	Enzi
Brownback	Conrad	Feinstein
Bunning	Cornyn	Fitzgerald
Burns	Craig	Frist
Graham (SC)	Lott	Sarbanes
Grassley	Lugar	Schumer
Hagel	McConnell	Sessions
Harkin	Mikulski	Shelby
Hatch	Miller	Smith
Hutchison	Murkowski	Snowe
Inhofe	Murray	Specter
Inouye	Nelson (FL)	Stabenow
Jeffords	Nelson (NE)	Stevens
Johnson	Nickles	Talent
Kohl	Pryor	Thomas
Landrieu	Reed	Voinovich
Leahy	Reid	Warner
Levin	Roberts	Wyden
Lieberman	Rockefeller	
Lincoln	Santorum	

NOT VOTING—2

Edwards	Kerry

The amendment (No. 3129) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that following the disposition of the Hollings amendment, the next amendments to be offered are the following in the order provided: Senator KYL, No. 3127, 60 minutes equally divided; Senator LANDRIEU, 60 minutes equally divided; Senator LEVIN, 20 minutes equally divided; further, that there be no second-degree amendments in order to the amendments prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, as has been ordered, after the Hollings amendment, there are three more. I am not sure any votes are needed on the three amendments the chairman just mentioned, by Senators KYL, LANDRIEU, and LEVIN. We have times, but we are trying to work with the Senators. For example, it is my understanding that the Kyl amendment will be offered and withdrawn. We may be able to work out the others as well. Nevertheless, that is the order.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senators from Pennsylvania, the senior and the junior Senators, have 5 minutes apiece to discuss something very personal to their State.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania, Mr. SANTORUM, is recognized.

MURDER IN IRAQ

Mr. SANTORUM. Mr. President, I rise today to talk about a death in Iraq. There has been a lot of death in Iraq. We can all come to the floor and give a story about a brave man or woman who sacrificed their life for freedom in that country. Today I rise to talk about not a soldier who has bravely fought in battle over there but a civilian who was brutally murdered by a group of al-Qaida terrorists. We are now seeing this displayed on our television screens across America.

This civilian's name is Berg, Nicholas Berg. He is 26 years old, from West

Chester, PA, outside of Philadelphia. As described by an AP article that came across my desk, a group of five al-Qaida terrorists, one of them purporting to be Abu Musab al-Zarqawi, the No. 2 man of the Islamic terrorist group, wearing ski masks and scarfs, standing over Mr. Berg, who had just given a statement as to who he was and where he was from. They read a statement and then proceeded to push this man on his side and to cut off his head with a large knife, and then they held the head out before the camera.

If anybody wants to know what we are fighting and why we are fighting this war on terror, this is a very good example of it. Those who have seen the tape on television have described it as revolting and sickening, and I will describe it as an outrage to the civilized world, and one to which we must strongly condemn and respond. We must continue to respond as aggressively as possible in rooting out these terrorist cells and going after them where they are. Where they are, in this case, is in Iraq. This occurred in Iraq. He was a civilian contractor working in Iraq. His body was found a couple of days ago on a bridge in Iraq.

First and foremost, I express my sympathy to his parents, Michael and Suzanne, who I know have gone through a very harrowing experience over the past couple of months when they didn't know where their son was on more than one occasion. They did not know his whereabouts for the past month. And to find out about this tragedy, the loss of their son, in such a violent and horrific way and to not know until, I am sure, seeing it on television and hearing it described, is a nightmare for any parent.

The Bergs certainly have my prayers and I know all in this Chamber share the sorrow.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. SPECTER, is recognized.

Mr. SPECTER. Mr. President, I join my colleague, Senator SANTORUM, in expressing sympathy for the parents and family of Mr. Nick Berg, who was the victim of a brutal assassination. Actually, it was a decapitation.

It is hard to express the shock of this kind of barbaric conduct. It is subhuman what they did—taking a video of this man, who identifies himself, identifies his mother, his father, his siblings, and then, in view of the video, they decapitate him, with the anguish of a man being brutally murdered. It is just subhuman conduct.

We ought to put on notice these murderers, assassins, that whatever it takes, the civilized world will bring them to justice. The news reports are that they were wearing masks and hoods to conceal their identities. I have seen investigations succeed even where people were wearing masks and hoods. They will talk about it, or someone will talk about it. In a cruel, barbaric world, this conduct descends to new levels.

This incident will unleash as intensive a manhunt as has ever been witnessed, with the United States leading the way—obviously, because it is an American citizen from a Philadelphia suburban town. We will be joined by all of the civilized world in bringing these malefactors, these perpetrators to justice. Just because they are wearing hoods, because their identities are disguised, doesn't mean they cannot be identified and apprehended. I know every last thing will be done to bring them to justice.

And then, beyond the identification of these specific assassins, these specific terrorists will renew our determination, which is already at the 100-percent level, to bring the terrorists to justice. They already murdered thousands of Americans on September 11, 2001, and Iraq is a magnet for terrorists from all over the area.

This underscores the necessity to confront the terrorists in Iraq. If we don't confront them there, we will be doing it again in the United States.

This is an incident which will receive enormous attention to try to determine the perpetrators and to bring them to justice.

There are some other matters which have been suggested as to Mr. Nick Berg's being in custody, one report taken into custody by the Iraqis and held by U.S. military personnel. I am advised a lawsuit was started, and then Mr. Berg was released. We are now making an effort to identify the attorneys in the matter to try to get some background before we talk to the parents and the relatives of the victim of this atrocious conduct.

There is also a question of bringing back the remains of Mr. Berg. We shall do our best to facilitate that and to help the family.

This atrocity is obviously going to receive widespread attention. In a cruel, brutal world, this descends to new depths.

Again, our sympathy to the parents. We will pursue the matter to bring these specific perpetrators to justice and to bring the terrorists to justice, generally.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 3134

(Purpose: To strike the international tax provisions that are unrelated to the FSC/ETI repeal and eliminate the phase-in of the deduction for qualified production activities income)

Mr. HOLLINGS. Mr. President, I call up my amendment No. 3134 and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 3134.

Mr. HOLLINGS. 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 printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. There are 40 minutes to each side.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, the underlying bill gives a 5-percent domestic manufacturing deduction to the manufacturing industry. Of course, that is woefully insufficient. My amendment would provide a full 9-percent domestic manufacturing deduction.

The underlying bill slowly phases in the domestic manufacturing provision over a 5-year period, but instantly it gets the full effect of the overseas industry, the outsourcing. They immediately get some tax breaks over the period of the bill covering some 39, almost 40 billion bucks.

Can you imagine that? Here is a bill entitled—this is the committee report—the Jump-Start Our Business Strength, JOBS, Act. It jump-starts the jobs in Shanghai and Guadalajara and not in Philadelphia, PA, I can tell you that right now.

What my amendment does is provide the right incentives. It eliminates the tax breaks for corporations that have moved American jobs offshore and gives those tax breaks to the employers of jobs in America today.

I wish to thank, first, the distinguished ranking member, Senator BAUCUS, of our Finance Committee and his outstanding staff. They have been very helpful in trying to make this amendment not only relevant but budget neutral. I am not sure about its budget neutrality, but I am told now we do have a relevant amendment. If we have to get into the arcane discussion with respect to budget neutrality, I will be glad to join it.

I want to get to the point. We are still in a post-World War II culture, what they call up here an environment or pedigree. What happened was, after World War II, we had our finest hour with the Marshall plan. We sent money overseas. We sent expertise overseas. We sent equipment overseas. In the cold war, capitalism defeated communism. It worked. All during that almost 50-year period since World War II, we all enjoyed it because we fudged when it came to trade. We treated fair trade more or less as foreign aid, but we knew what we were doing. We had to sacrifice a certain amount of our industry, our jobs, our economic strength to prevail in this cold war.

Now what has occurred is the competition has regeared, they have rebuilt, they have industrialized, and they have become outlandishly competitive. And here amidst a trade war, we hear those in the national Congress running around and saying: Woo, we might start a trade war; free trade, free trade, I am for free trade, when they know free trade is like dry water. There is no such thing. If you trade, you are trading something, you are

swapping an article with various countries, free trade, but we know that is not going to come to pass.

The example we set of a capitalistic free market and our endeavor in the last 50 years, the Japanese did not follow suit. They have the financing, they have the subsidies, they have the nontariff barriers, and we have yet to get into downtown Tokyo with American sales. Come on, quit kidding each other. It worked that way for Japan. Korea followed. And now China is following the same Japanese pattern of restricted and competitive trade, not free trade.

Today we are in real trouble. We are losing jobs like gangbusters overseas. We have lost 68,000 jobs in the little State of South Carolina in the last 3 years, over 3 million jobs nationally. I can tell you, 58,000 of those jobs are our textile jobs, and they are not going to be replaced. You can put all this statistical information from the Federal Reserve and Greenspan about how we are creating jobs, but they are not coming to South Carolina.

As Abraham Lincoln said some years ago: The dogmas of the quiet path are inadequate to the stormy present. As our case is new, we must think anew, we must act anew, we must disenthrall ourselves, and then working together we can save our Nation. That is the reason for this amendment.

One does not put up an amendment to this finance bill with hope. The chairman of the Finance Committee knows there are not going to be any amendments. But we might be able to disenthrall our colleagues because the country has to develop a competitive trade policy in order to subsist and survive.

I can point out survival in the very beginning of this Nation started with Alexander Hamilton. Of course, I will not read the book—Ron Chernow's ''Alexander Hamilton.'' They will not give me that much time, but I recommend to everyone this particular edition. You will find the mother country, England, prevented manufacture in the Colonies, later the United States of America. In fact, they arrested and jailed anyone with any manufacturing talent who would move from England to the Colonies.

We had a veritable struggle in the earliest days, and we had just barely 1 hour of freedom when the mother country said: Under this David Ricardo doctrine of comparative advantage, we will trade with you what you produce best and you trade back with us what we produce best.

As a result, Alexander Hamilton wrote his famous treatise, ''Report on Manufacturers.'' I will not read that and put it in the RECORD, but I will say in a phrase exactly what Hamilton told the Brits: Bug off. He told the Brits, we are not going to remain your colony, shipping you our timber, iron ore, rice, cotton, indigo, and natural resources, and importing the manufactured articles and remaining a banana republic; we are going to build up our own manufacturing.

It caused me to listen to our friend Akio Morita, the former head of Sony. Some 20 years ago in Chicago, while lecturing third world countries, he said you have to develop a strong manufacturing sector in order to become a nation state. Then he pointed to me and said: Senator, that world power that loses its manufacturing capacity will cease to be a world power.

It is economic strength that counts in this terrorism war. It is diplomacy. It is negotiation. It is not military strength. We have to disenthrall ourselves and realize when we are going around talking about we might start a trade war, it was Hamilton himself and the United States of America some 228 years ago that started the trade war.

The very first bill—well, Pat Moynihan used to correct me on that. He said the first was a resolution for the United States Seal. So let's say the second bill that passed this Congress in its history on July 4, 1789, was a tariff bill, protectionism, a 50-percent tariff on 60 different articles. We started a trade war.

When Abraham Lincoln was President, they were going to build a transcontinental railroad. They said, we are going to get the steel from England. President Lincoln said, we are going to build our own steel plants, and he put import restrictions on that British steel and we built the steel plants.

When Franklin Roosevelt was President in the darkest days of the Depression, we did not practice any comparative advantage. He put on the most successful initiative ever with import quotas and subsidies for America's agriculture. That farm crowd that is now heading up our Finance Committee gets $180 billion worth of all kinds of subsidies. Then they run around here and tell this poor little textile Senator, protectionism, protectionism, you are going to start a trade war.

We do not get a subsidy. We do not have those things the farmers have. I favor what the farmers have, I say in the same breath. I vote for it because I think it is a very successful program.

President Eisenhower, in the mid-1950s, put on oil import quotas. Yes, John F. Kennedy—I sat there with Andy Hatcher and we would grind out the mimeograph machine—and we got the seven-point Kennedy textile program of restrictions on textile imports in 1961.

Who else other than Ronald Reagan, the best of the best, he put import quotas on steel, machine tools, semiconductors, motorcycles. Last night, I was near Myrtle Beach and they told me there were 100,000 motorcyclists—I think I ran into 99,000 of them out on the highway—but do my colleagues remember what old Ronnie Reagan did? He started a trade war of motorcycles. He put a 50-percent import tariff on motorcycles. Harley Davidson now has recovered its health and we have them all running up and down the beach at Myrtle Beach, SC. So do not come now and tell me about starting a trade war.

We have had that trade war and we know simply and clearly what happens. I want to read starting on page 20 of ''Theodore Rex'' by Edmund Morris, because this is so interesting. I will read what protectionism did at the turn of the century, this is under Teddy Roosevelt, when we did not have an income tax. For the first 100 and some years, we financed this great United States of America with protectionism. I am trying to get that through so this crowd will wake up and quit pulling off this charade of the multinationals, because that is who we are facing. We are facing the U.S. Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, the Conference Board, the United Federation of Independent Businesses. The newspapers make a majority of their money on retail advertising and grind out this free trade, free trade, do not let us start a trade war.

Well, here is what the trade war gave us:

> This first year of the new century found her worth twenty-five billion dollars more than her nearest rival, Great Britain, with a gross national product more than twice that of Germany and Russia. The United States was already so rich in goods and services that she was more self-sustaining than any industrial power in history. . . .
>
> More than half of the world's cotton, corn, copper, and oil flowed from the American cornucopia, and at least one-third of all steel, iron, silver, and gold.

Here we are having trouble manufacturing steel. We were exporting one-third of the world's steel.

> Even if the United States were not so blessed with raw materials, the excellence of her manufactured products guaranteed her dominance of world markets. Current advertisements in British magazines gave the impression that the typical Englishman woke to the ring of an Ingersoll alarm, shaved with a Gillette razor, combed his hair with Vaseline tonic, buttoned his Arrow shirt, hurried downstairs for Quaker Oats, California Figs and Maxwell House coffee, commuted in a Westinghouse tram (body by Fisher), rose to his office in an Otis elevator, and worked all day with his Waterman pen under the efficient glare of Edison light bulbs. ''It only remains,'' one Fleet Street wag suggested, ''for [us] to take American coal to Newcastle.'' Behind the joke lay real concern: the United States was already supplying beer to Germany, pottery to Bohemia, and oranges to Valencia.
>
> As a result of this billowing surge in productivity, Wall Street was awash with foreign capital. Carnegie calculated that America could afford to buy the entire United Kingdom, and settle Britain's national debt in the bargain. For the first time in history, transatlantic money currents were thrusting more powerfully westward than east. Even the Bank of England had begun to borrow money on Wall Street. New York City seemed destined to replace London as the world's financial center.

Well, in the year 2004, we are broke. We have come from the greatest creditor nation to the greatest debtor nation. The Japanese are financing over $460 billion of my deficit. The Chinese are financing my debt—not me financing any other country like we started

with protectionism. The Chinese have over $200 billion of my deficit. We will end up this year in September, in a few short months, with a deficit that will approximate $700 billion.

We are spending around $2 billion a day more than we are taking in. Can you imagine that? In the early 1980s when I talked about budget matters, I spoke about how it took us 200 years of our history to get to $1 trillion in debt. The cost of the Revolution, the Civil War, Spanish-American War, World War I, World War II, Korea War, Vietnam War—it took us 200 years and the cost of all the wars to reach a $1 trillion debt.

In the last 3½ years—because we don't want to pay for our war and want to give tax breaks instead—we have already piled up $2 trillion in debt; $2 trillion in the last 3½ years.

This crowd has to sober up. We have to get hold of ourselves. We have to disenthrall ourselves and we have to start competing. Remember, it is our standard of living. That is the most frustrating thing around here. Here we add on these requirements: the minimum wage, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe working place, safe machinery, the old age act, the discrimination act, and this act and that act—all of that goes into the cost of production. It is not just the minimum wage; it is our high standard of living. Every Republican and every Democrat favors clean air and clean water. So we are not going back on our standard of living. So fundamentally we have to protect, and that is the fundamental role of Government.

I will never forget when we swore in President Ronald Reagan for his second term. It was inclement weather and we did it in the Rotunda. He raised his hand to preserve, protect, and defend. We came back and we were debating trade, and we said: Oh, we don't want to protect, we don't want to protect. The fundamental oath that we take as public servants is to protect. We have the Army to protect us from enemies without, the FBI to protect us from enemies within. We have Social Security to protect us from old age, Medicare to protect us from ill-health; clean air, clean water—antitrust laws to protect the freedom of the market. We can go right on down the list. Are we going to pass a wonderful high standard of living and then run around like ninnies hollering: Wait a minute, wait a minute, free trade, free trade. We don't want to start protectionism—they get that garbage from the Business Roundtable and the U.S. Chamber of Commerce.

I talk as one having received all of their awards. In 1992, I was man of the year of the National Chamber of Commerce. By 1998 they were sending out leaflets against me. So I speak advisedly. That crowd is not any longer interested in Main Street America. They are interested in Main Street Beijing. That is where you make the money, and the country can go to hell as far as they are concerned. So it is our duty to protect the economy and open up the markets and everything else like that.

Don't tell us more about retrain, retrain, retrain. I continually hear that. Oh, we have to retrain. I went through another little town yesterday, Andrews, SC. It brings to mind Oneida. I brought that plant in. They make little T-shirts. They closed to go to Mexico. At the time of closure they had 487 employees. The average age was 47 years.

We have done it, Senator, your way. We have retrained them and we have 487 highly skilled computer operators. Are you going to hire the 47-year-old highly skilled computer operator or the 21-year-old highly skilled computer operator? You are not going to take on the retirement, the pension cost of the 47-year-old. You are not going to take on the health cost of the 47-year-old. You are going to get the 21-year-old. So don't tell me about retraining.

We have the most productive economy—that is what Alan Greenspan says. He is sobering up himself. He came down here with this administration saying we were paying down too much debt. ''We are paying down too much debt.'' He sanctioned all these tax cuts. Now he says debt and deficits matter, and he is worried about interest rates now and everything else of that kind, and paying bills.

It is time we speak out as much as we can, early on, so we will know exactly where we stand. Where we stand is that we have to reorganize—begin to organize, I should say—our trade effort, not just the Department of Commerce, but a Department of Trade and Commerce. I have been serving for almost 38 years on what was originally the Committee of Foreign and Interstate Commerce because article I section 8 says that Congress—not the President, not the Supreme Court—but the Congress of the United States shall regulate foreign commerce.

But, instead, it is over in the hands of a deep six group known as the Finance Committee. What they do is they work out their little deals. You might get a stadium, you might get a courthouse, you might get any kind of visions of sugarplums dancing in their head.

Forget about trade. They put on fast track. After they make their deal, the vote is fixed. Then it comes to the floor of the most deliberative body that cannot, under fast track, deliberate. And we enjoy it. We have tied our hands with fast track because we don't want to take the responsibility. That is what the polls will tell you: Don't say you are for or against, just say you are concerned.

So we say we are concerned and we keep getting reelected and the country goes to hell in an economic hand pot. I can tell you right now we are in real trouble, and we have to disenthrall.

What happens is that we need to organize a Department of Trade and Commerce, take that special Trade Representative, put it under that Secretary, do away with the International Trade Commission, which is a fix. You can find the damage done by the International Trade Administration over in Commerce. Then you go over to the Commission and they find out—oh, there is never any injury because you have growth. The GNP now is 3 or 4 percent, so there is no injury. So we keep sending the jobs out of the country like gangbusters, and we ought to do away with that particular fix of the Finance Committee. Then come in and get an Attorney General—an assistant, let's say, to enforce the trade laws.

Many a trade lawyer in this city has gone all the way to the Supreme Court and found out that, well, politically it is set aside. It was that way in the Zenith case, when they were gathered around the Cabinet table and President Reagan walked in and he said: I have to take care of Nakasone. We are going to have to reverse that decision, after 3 years and millions of dollars of legal costs.

So we ought to put in, like we have for antitrust, like we have for equal employment—we have to put in an Assistant Attorney General to enforce those laws, get the Customs agents, and finally when we get right down to it, do like the others do, play their game. If you are going to sell it here, you have to make it here. Isn't that wonderful? That is exactly what China really controls.

They said, if you want to sell it here you have to make it here. I haven't gotten them that far along, I am just trying to flex their minds so we will get away from this trade war and protectionism nonsense, so we can put in a competitive trade policy and save our industrial backbone.

Mr. President, how much time do I have remaining? My distinguished colleague from Florida, Mr. BOB GRAHAM, wants to be heard.

The PRESIDING OFFICER (Mr. CHAFEE). There is 12 minutes.

Mr. HOLLINGS. Let me yield at this time to the proponents and the distinguished leadership of our Finance Committee. I retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

Senator HOLLINGS asks us to take $39 billion of international reforms and put it towards more domestic manufacturing relief.

I have told my colleagues so many times I shouldn't have to repeat it. But this bill is all about encouraging domestic manufacturing.

The level of spending in this bill is already over three to one in favor of domestic issues. We dedicate over $75 billion to domestic manufacturing relief.

FSC/ETI currently benefits manufacturing by $50 billion. Obviously, you can see this bill is a much stronger

commitment to manufacturing than the old FSC/ETI bill we are replacing. We have already accelerated the phase-in of the manufacturing tax rate. That is thanks to a bipartisan amendment by Senator BUNNING and Senator STABENOW. We have modified the transition rules to provide stronger relief in transition for manufacturing companies which presently get the old FSC/ETI benefits this bill replaces.

I hope it is easy for my colleagues to conclude that there is very little to be gained by the amendment proposed by the Senator from South Carolina.

It is time we had our rational discussion of the international reforms in this JOBS bill because we have been spending so much time on nongermane amendments. The amendment before us is not one of those nongermane amendments but it has kept us from discussing so much which is very basic with this legislation. Maybe people think there is no reason to discuss it because this bill was built from the ground up in a bipartisan way, coming out of our committee on a very overwhelming vote of 9 to 2.

I think Members will be surprised to learn that some of our international tax rules actually harm the domestic operations of U.S. companies. When foreign income is brought home, the United States allows an offset against U.S. tax for any foreign taxes paid on that income. That is why it is called the foreign tax credit. Foreign tax credits ensure that we do not double tax foreign earnings. Accordingly, the foreign tax credit plays a vital role in preserving the international competitiveness of our companies.

In the Tax Reform Act of 1986, Congress enacted a provision that causes foreign tax credits to expire every 5 years. That was done for a reason that is not very well justified because it is often used around here—to make that 1986 tax bill revenue neutral.

Some claim this is a good rule because it forces foreign earnings to be repatriated within 5 years. But that conclusion does not comport with reality. The reason companies don't bring back foreign earnings is because of double taxation. That is what occurs with foreign tax credits expiring.

I will give you an example. A U.S. company sets up new operations in Poland to serve Eastern Europe at this time when Eastern Europe is being integrated with the European Union. That happened last week. For the next 8 years in this hypothetical—quite reasonably—it takes all of the capital generated by the Polish subsidiary to expand the company's presence in Eastern Europe. At the end of 8 years, it finally has some extra cash which it can send home.

What happens? It discovers the taxes it paid to Poland from years 1 through 3 are no longer eligible for the foreign tax credit because they are more than 5 years old. The Polish tax rate is 28 percent. This means if a company repatriates those early earnings, it will pay combined Polish and U.S. taxes of 63 percent. It is really almost confiscatory. That means, of course, the money is not coming home for reinvestment in the United States. We lose the benefit.

If those early tax credits had not expired, the United States would actually pick up some tax revenues. The subsidiary would owe the difference between the 28-percent Polish rate and the 35-percent U.S. rate. That happens to be a gain of 7 percentage points of taxation into our U.S. Treasury from that company.

To ensure that double taxation no longer occurs, our JOBS bill extends the carry-forward period for foreign tax credits from 5 years to 20 years. Twenty years is the amount of time companies have to utilize net operating losses. It is only appropriate, then, that the key mechanism for avoiding double taxation should have the same shelf life.

Our JOBS bill mostly fixes problems in the foreign tax credit area. The only time a company benefits from a foreign tax credit is when it brings that money home.

To repeat a very elementary point, foreign tax credits are a benefit to that company only when that company brings foreign earnings home for reinvestment. When the credit expires, this impedes capital mobility because of double taxation, and it blocks reinvestment of foreign earnings in the United States.

Another example of guaranteed double taxation is our rule that only allows 90 percent of a company's AMT to be offset with foreign tax credits. This rule guarantees that the company will be double taxed on 10 percent of the alternative minimum tax. The JOBS bill allows what is common sense—a 100-percent offset.

To give you a real-life example of how these two changes will help U.S. operations make investments in America and create jobs in America, the largest American manufacturer in this example of a particular automobile part is bringing dividends back from its profitable foreign operations to cover losses in its U.S. operations. Their U.S. losses, when combined with the foreign dividends to fund the U.S. operations, has created huge unused foreign tax credits with a 5-year expiration period. Because of their ongoing U.S. losses, it is unlikely these credits will be used within those 5 years.

This company also has a growing alternative minimum tax because their foreign tax credits can only be offset by 95 percent of their AMT liability.

The limit is creating an annual alternative minimum tax liability because the additional 10 percent of the AMT cannot be offset with the foreign taxes that have already been paid on that income. The company is guaranteed to incur double tax on foreign earnings brought back to support the U.S. operation. This may be unbelievable to anyone listening, but this is actually happening under U.S. tax laws.

The company's foreign competitors in the United States are not equally hindered in the same way by the 90-percent alternative minimum tax, foreign tax credit limit. If a foreign competitor loses money, they get a 20-year U.S. net operating loss compared to the 5-year foreign tax credit carryforward. Our Tax Code, then, is harming a company that has operations in all 50 States and employs 38,000 people in 16 different manufacturing facilities.

This example shows why the 20-year foreign tax credit carryforward and the repeal of the 90-percent AMT foreign tax credit limits are in this very important jobs in manufacturing bill. The current rules harm U.S. operations and we need to fix it.

I also have some comments on another provision, the interest allocation provisions, to give another example of how our international rules harm U.S. operations. As I said earlier, foreign tax credits can only offset foreign income; they cannot offset income from U.S. activities. In determining the amount of foreign income, certain U.S. expenses, such as interest expense, are partially allocated to foreign income. This is used in calculating the amount of foreign tax credit a U.S. company is allowed to claim on its return. The United States arbitrarily allocates U.S. interest expense to foreign earnings, but the foreign government does not recognize that interest expense for its tax purposes. It is as if the interest expense somehow disappears into the clear air.

The interest allocation rules artificially reduce the foreign tax credits that can be used, and when the credits cannot be used the credits expire. It may surprise many Senators to hear that our interest allocation rules create a competitive disadvantage for U.S. multinationals that try to expand their operations into the United States and maybe do not get expanded here.

A portion of the interest expense on debt incurred to invest in the United States is allocated to foreign source income. A foreign corporation making the same U.S. investment is not impacted by these interest allocation rules. It gets to fully deduct the interest costs within the United States and thereby has a lower cost of capital than a U.S. company making that same investment. Therefore, the interest allocation rules actually work against U.S. multinational companies that invest in the United States. It has put some at a competitive disadvantage with foreign companies operating in the United States. I hope this is very clear, that this is not the right thing for the U.S. Tax Code to do to foreign manufacturers. Why should we encourage international competition in the United States against our own domestic manufacturer?

We have Senators demonizing the JOBS bill international provisions. This gives me an opportunity to emphasize once again how anything gets done in the Senate—only in a bipartisan way. This is a bipartisan bill.

Democrats and Republicans agree to everything in this bill, and the international provisions we agreed to were provisions that actually help U.S. job creation and help our own economic growth.

I ask the Senate to support Senator BAUCUS and this Senator in this bipartisan bill. I hope Members will not buy the distortion. None of the international changes caused jobs to go offshore. Just the opposite. These were selected to bring the foreign money back for real investment in the United States, creating jobs in the United States, creating manufacturing jobs in the United States because this is a manufacturing bill. These changes level the playing field between the United States and foreign companies operating inside the United States. They were specifically selected because they tend to help U.S.-based manufacturers more than other sectors of our economy.

The entire JOBS bill is geared towards creating jobs in manufacturing—jobs in the United States, not overseas—because American manufacturing overseas does not benefit from this bill.

It is quite simple. These are the only kinds of international provisions we could ever get bipartisan agreement on because it is so obvious. It is so obvious, it came 19–2 out of our committee. We should not allow international rules to remain in place if they harm U.S. operation. Once again, we are talking about commonsense international tax reform. In fact, if anyone wants to condemn this bill, it is that maybe we do not do anything radical in this bill. We just fix problems. We fix problems with current law. We fix problems with current law that happens to be harming U.S. domestic interests.

So I ask Members to vote against the amendment of the distinguished Senator from South Carolina.

I yield the floor.

Mr. HOLLINGS. Mr. President, I yield 8 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, we are here for two fundamental reasons. One, we are here to remove from our Tax Code a provision that has been declared illegal by the World Trade Organization, and certain industries in America are now being sanctioned for that illegal provision.

We would not be here debating an international tax law change but for the fact that the WTO declared illegal our system of encouraging U.S. manufacturers to export. I don't think any Member would challenge that statement. These international tax changes are totally being carried by the need to eliminate this WTO-offending sanctions-creating provision.

There is a second step we ought to be taking. We ought to remove the incentive for U.S. firms to take jobs from the United States overseas. There are a lot of incentives that are already out there. There are incentives of lower labor costs, lower environmental standards, lower standards in terms of human rights. All of those are already in place. However, we do not need to be giving a further economic incentive to move jobs out of the United States.

Let me state briefly what I believe we ought to be thinking about as we consider this matter. Just a couple of hours ago, as I was walking to the Capitol, I ran into a large group of folks. I stopped and asked them who they were. They were machinists from Wichita, KS. Do you know what they told me? In Wichita, KS, machinists used to be 27,000 strong. Do you know how many they have in Wichita today? Only 16,000. Eleven thousand jobs have left Wichita from that one union. I asked, where did the jobs go? Did they disappear? No longer producing airplanes? No, the 11,000 jobs are still in place, but they just happen to be in places such as China, India, Brazil, and other countries which are now building the airplanes that used to be built in Wichita.

When I told that group of Wichita machinists why, in part, those jobs had left Wichita to go offshore, they were stunned. So let me tell the Senate what I told the Wichita machinists. We have a fancy provision in the international tax law called ''deferral.'' In fact, this Senate voted about 20 years ago to repeal this deferral. But that effort failed.

''Deferral'' basically means the income earned by the foreign subsidiary of a U.S. multinational is not subject to tax. They do have to pay whatever their local taxes are to China or India, but they do not pay any tax to the U.S. Government.

Do you know what that costs us every year in lost revenue for our Government? According to the Treasury Department, it costs us $11 billion a year. That is the incentive we are giving. That $11 billion, incidentally, is about what it would take to do two things we debate a lot around here: fully fund the No Child Left Behind law and fully fund our veterans program.

Over the years, this benefit has produced substantial savings to American corporations. Let me give you a few examples. Citigroup has saved, on an accumulated basis, $6 billion as a result of this provision; ExxonMobil, $22 billion; Hewlett-Packard, $14 billion; IBM, $18 billion.

Aside from taking advantage of this extremely generous tax break, which creates a positive incentive to move jobs from the United States overseas, every one of those firms appears on Lou Dobbs' ''Exporting America'' list. Every one of the firms that is getting this tremendous benefit is doing what the benefit is designed to do, which is to encourage the relocation of jobs outside the United States of America.

So in light of that, what are we doing in this bill to reduce or eliminate the incentive for jobs to leave America? Do you know what we are doing? We are increasing it by $3.7 billion per year.

I respect greatly and consider Senator GRASSLEY to be one of my friends who I most respect and admire in the Senate, but I wish he were here to answer this question. If this bill does not give greater incentives to American firms to leave America and move jobs offshore, why does it cost us $3.7 billion? Why are we going to have an additional revenue loss of that magnitude other than the fact that we are encouraging jobs that would not otherwise have left America to do so and, therefore, create more of this deferral tax benefit?

But it does not end there, as with my friends from Wichita. There is a second provision. It has the fancy name ''repatriation.'' What does that mean? That means after a company has deferred paying U.S. taxes on the $18 or $14 or $22 billion they have accumulated, and they finally decide, ''Well, I want to move some of it back to the United States,'' for whatever purpose, we are now going to say for 1 year they can do that, not at the same tax rate they would have paid had they kept those jobs in the United States—which is approximately 35 percent—they are going to be able to move that money back to the United States at 5.25 percent, which is approximately an 85-percent benefit, tax gift over what they would have paid had they kept those same jobs at home.

What is this going to cost us? What is the difference between a 35-percent and a 5.25-percent tax rate? Well, the cost to the Federal Treasury is going to be approximately $16 billion in the year this window is opened.

Now the proponents of this window are going to say: Oh, this is a temporary window. We are going to shut that thing tight after 1 year. Friends, I would be willing to make a substantial wager of Florida oranges that once this window gets in the tax law, it is going to be like all those other tax practices that were supposed to be temporary.

I say to the Senator, do you remember when the President came down here in 2001 and said: ''I want you to pass all these tax benefits, but they are only going to be temporary so we can stimulate the economy''? Now what is the President's tax plan? To make all those temporary taxes permanent.

What do you think is going to be his tax plan when it gets to be 2005, if he is still the occupant of 1600 Pennsylvania Avenue? He will be down here wanting to make this window a permanently open window.

I could not imagine, at a time when we are so concerned with the loss of jobs, we would pass legislation that would create even additional incentives for American jobs to pick up—maybe on aircraft made by Americans in Wichita, KS—and fly away to other lands.

We should support Senator HOLLINGS' amendment. And then we should vote no on final passage of this bill.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There is 3½ minutes.

Mr. HOLLINGS. Mr. President, I yield whatever time I have to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to support the amendment to strike this section. I do that because the Senator from South Carolina is absolutely right. So is the Senator from Florida. The fact is, there are several provisions that incentivize the movement of U.S. jobs overseas. At a time when we are trying to create new jobs in this country, to say to companies—which, by the way, have moved their jobs overseas already—''Repatriate your income to this country now, and we will give you a 5.25-percent tax rate,'' how about a 5.25-percent tax rate for every American? How about a 5.25-percent tax rate for those who live in North Dakota or South Carolina or Florida?

Why should we provide incentives for companies that want to move their jobs overseas? I have talked at length about Huffy bicycles. They are gone. They are now made in China. They used to be made in the United States. Radio Flyer, the little red wagons, they are gone. They used to be made in the United States. Those little red wagons are now made in China. The U.S. taxpayers provide an incentive for those companies to close their U.S. plants, fire their workers, and move their jobs overseas.

Now this bill comes to the floor of the Senate and says to those companies that moved their jobs overseas: We will give you a good deal. Repatriate some of that money, and we will lower your tax rate to 5.25 percent. Well, that sends a signal to everybody that when you decide next to move your jobs overseas to access lower labor costs, at some point in the future somebody will get behind a closed door and come up with this goofy idea that they will reduce your tax rate again—maybe to 5.25 percent, maybe to 1.25 percent. How about zero?

My question is this: If it is good enough for these companies, why is a 5.25-percent tax rate not good enough for every American? Why is it not good enough for working families?

But the Senator from South Carolina has it right. We ought not, in any circumstance, provide any additional incentive to move more American jobs overseas. They are moving overseas to access lower labor costs and less restrictions with respect to safe plants and environmental restrictions. Why on Earth would we want to give them a tax benefit as they leave this country? This makes no sense to me.

There are some provisions in the international tax section which I think are all right. But there are some that are, in my judgment, a colossal waste of money and fundamentally the wrong incentive with respect to American jobs. Because of that, because of this pernicious provision that reduces the tax rate to 5.25 percent for the repatriation of earnings for those that have already moved their jobs overseas, I am going to support the amendment that is offered by the Senator from South Carolina. He is right on track.

As you know, we had a vote a few days ago on my amendment that would have done more than this amendment, essentially. My amendment was taking out of existing law the provision that encourages companies to move overseas. The Senator from South Carolina supported that. The Senator from South Carolina now says they are creating a new piece of legislation that, in the long run, will have even more incentive to move American jobs overseas. He says: Let's stop that. Let's not do that. I agree with him completely. I think the Senator from South Carolina does a service to this Chamber by offering this amendment. I intend to support his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. 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 yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I say to the Senator, if you do not have any more time, then I will yield back my time and we can then vote.

Mr. HOLLINGS. Good.

Mr. GRASSLEY. Is that OK?

Mr. HOLLINGS. Yes.

Mr. GRASSLEY. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 3134. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 74, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—23

Akaka	Dorgan	Inouye
Byrd	Durbin	Jeffords
Clinton	Feingold	Kennedy
Conrad	Graham (FL)	Kohl
Dayton	Harkin	Leahy
Dodd	Hollings	
Levin	Reed	Rockefeller
Mikulski	Reid	Sarbanes

NAYS—74

Alexander	Crapo	McConnell
Allard	Daschle	Miller
Allen	DeWine	Murkowski
Baucus	Dole	Murray
Bayh	Domenici	Nelson (FL)
Bennett	Ensign	Nelson (NE)
Biden	Enzi	Nickles
Bingaman	Feinstein	Pryor
Bond	Fitzgerald	Roberts
Boxer	Frist	Santorum
Breaux	Graham (SC)	Schumer
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith
Campbell	Hatch	Snowe
Cantwell	Hutchison	Specter
Carper	Inhofe	Stabenow
Chafee	Johnson	Stevens
Chambliss	Kyl	Sununu
Cochran	Landrieu	Talent
Coleman	Lautenberg	Thomas
Collins	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Corzine	Lott	Wyden
Craig	Lugar	

NOT VOTING—3

Edwards	Kerry	McCain

The amendment (No. 3134) was rejected.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. 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 Montana.

Mr. BAUCUS. Mr. President, I have a unanimous consent request that has been cleared on both sides. I ask unanimous consent the pending Kyl amendment be recalled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senator from Texas, Mrs. HUTCHISON, have 2 minutes for an amendment that she wants to offer.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3138

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3138 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] for herself, Mr. SMITH, and Ms. LANDRIEU, proposes an amendment numbered 3138.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make certain engineering and architectural services eligible for the deduction relating to income attributable to United States production activities and to limit an employer's deduction for entertainment expenses of covered employees to the amount which the employee includes in income)

On page 35, between lines 11 and 12, insert the following:

SEC. 103. DEDUCTION FOR UNITED STATES PRODUCTION ACTIVITIES INCLUDES INCOME RELATED TO CERTAIN ARCHITECTURAL AND ENGINEERING SERVICES.

(a) IN GENERAL.—Paragraph (1) of section 199(e) (relating to domestic production gross receipts), as added by section 102, is amended to read as follows:

''(1) IN GENERAL.—

''(A) RECEIPTS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

''(i) any sale, exchange, or other disposition of, or

''(ii) any lease, rental, or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

''(B) RECEIPTS FROM CERTAIN SERVICES.—

''(i) IN GENERAL.—Such term also includes the applicable percentage of gross receipts of the taxpayer which are derived from any engineering or architectural services performed in the United States for construction projects in the United States.

''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be determined under the following table:

''In the case of any taxable year beginning in—	**The applicable percentage is—**
2004, 2005, 2006, 2007, or 2008	25
2009, 2010, 2011, or 2012	50
2013 or thereafter	100.

(b) LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES WITH RESPECT TO COVERED EMPLOYEES.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

''(2) EXPENSES TREATED AS COMPENSATION.—Expenses for goods, services, and facilities—

''(A) in the case of a covered employee (within the meaning of section 162(m)(3)), to the extent that the expenses do not exceed the amount of the expenses treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to such covered employee on the taxpayer's return of tax under this chapter and as wages to such covered employee for purposes of chapter 24 (relating to withholding of income tax at source on wages), and

''(B) in the case of any other employee, to the extent that the expenses are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to such employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act, and section 15 of the Internal Revenue Code of 1986 shall apply to the amendment made by this subsection as if it were a change in the rate of tax.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to expenses incurred after the date of the enactment of this Act and before January 1, 2006.

Mrs. HUTCHISON. Mr. President, this is an amendment that is a matter of fairness and equity. It is cosponsored by Senator LANDRIEU, Senator SMITH, and myself. It is to put one sector that was in the original FSC/ETI coverage back into the bill. It is architects and engineers. We know there has been a huge outsourcing of professional jobs overseas. This is becoming more common. Our architectural and engineering firms are particularly vulnerable to foreign competition. This amendment is a pared-down amendment that would give them some of the tax deduction back. It is the only sector that was originally covered that is not covered in the bill before us.

My amendment would phase in the coverage over a 10-year period. It is offset, so there will be no cost. It is a matter of fairness. We should not lose our engineering and architectural jobs in this country. They have lost 31 percent of their margins in the last year.

I hope we will be able to agree to this amendment. It is a matter of simple equity. I believe with this phased-in tax deduction we will have an incentive to do our designing and engineering in our country, for buildings that are in our country. This is not applied to buildings built overseas, only buildings built in our country.

I urge the adoption of the amendment, but if it needs to be set aside for further consideration——

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent the amendment by the Senator from Texas be temporarily set aside so the Senator from Louisiana may offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3123

(Purpose: To improve the credit for Ready Reserve-National Guard employees, to provide a credit for replacement employees of Ready Reserve-National Guard employees called to active military duty, and for other purposes)

Ms. LANDRIEU. Mr. President, I appreciate the opportunity to speak for just a few minutes on a very important amendment to this underlying bill, an amendment I offer on behalf of Senator MURRAY, Senator JOHNSON, Senator CANTWELL, Senator CORZINE, Senator KERRY, Senator DURBIN, and Senator DODD. They offer this amendment with me. It is an amendment I understand the chairman and ranking member have looked at and both support. In just a moment, I want to ask each of them, if they would, to make some comments about this amendment. We have to dispose of it one way or the other in the next few minutes. We may not need a rollcall vote. I understand their wishes to move through this bill, but I am anxious to hear from the chairman and the ranking member about the importance of making sure this amendment is carried through the process.

This amendment has to do with the Guard and Reserve and the people who employ them stateside. It has to do with our responsibility as a government—or our obligation, if you will, our commitment to the concept of a total force that relies, now, heavily on our Guard and Reserve. This amendment provides some much-needed tax relief to patriotic employers who try to help fill the pay gap between what a man or a woman might earn when they are stateside at their regular job—and then they put on the uniform to defend us and to fight this war that we are engaged with today.

There are maybe 1,000, maybe 2,000, good, compelling stories I could share with you about our current situation. But let me begin by saying the underlying bill moves around about $120 billion. The underlying bill doesn't cost the Treasury because we are raising some fees and taxes and modifying others.

AMENDMENT NO. 3123

(Purpose: To improve the credit for Ready Reserve-National Guard employees, to provide a credit for replacement employees of Ready Reserve-National Guard employees called to active military duty, and for other purposes)

Ms. LANDRIEU. Mr. President, I call up amendment No. 3123.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mrs. MURRAY, Mr. JOHNSON, Ms. CANTWELL, Mr. CORZINE, Mr. KERRY, Mr. DURBIN, and Mr. DODD, proposes an amendment numbered 3123.

Ms. LANDRIEU. 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 printed in today's RECORD under ''Text of Amendments.'')

Ms. LANDRIEU. Mr. President, the underlying bill moves around about $120 billion in tax relief, tax increases, changes in our Tax Code to hopefully increase employment opportunities, increase and strengthen employment across the board, and strengthen our economy here and abroad. That is the intention of the underlying bill.

This amendment moves around only $2 billion of that $120 billion. Every Senator could come here and argue that section A is more important than section C or section D. But I can tell you that, to my knowledge, this is the only section of $120 billion that deals specifically with tax credits for guys and gals who are putting on the uniforms, who are not working for the pay but are working because of their patriotism, and working in some of the most horrific and very difficult situations. The least we can do while we are debating a tax bill is to provide some much needed relief.

I could give you 2,000 stories. Because time is short, let me give you 2.

This is a family from Louisiana. It is the subject of an article. There were hundreds of articles written. This one happens to be from the Washington Post. Kathy Kiely did a beautiful job of writing this article. She starts off:

> Drastic pay cuts. Bankruptcy. Foreclosed homes. They aren't exactly the kind of challenges that members of America's military reserves sign up for when they volunteered to serve their country.
>
> But for many, the biggest threat to the home front isn't Saddam Hussein or Osama bin Laden. It's the bill collector.

Janet Wright is from Louisiana.

Kathy Kiely writes:

> Janet Wright says she ''sat down and cried'' when she realized how little money she and her children, Adelia, 5, and Carolyn, 2, would have to live on when her husband was sent to the Mideast. In his civilian job with an environmental cleanup company, Russell Wright makes $60,000 a year—twice what he'll be paid as a sergeant in the Marine Forces Reserve. Back in Hammond, LA, his wife, who doesn't have a paying job, is pouring the kids more water and less milk. She is trying to accelerate Carolyn's potty training schedule to save on diapers.

Let me ask: Could we do a little better for our Guard and Reserve members who have to take a cut in pay to serve in the military for us? They knew the responsibilities when they signed on to the Guard and Reserve. They understood their commitment to training. They understood their commitment to their monthly responsibilities. And, yes, they understood it wasn't going to be a ''paid vacation,'' but because our policy in Congress is relying on their work and relying on them for longer periods of time than either they or, I might add, at least according to the generals who have testified before the Armed Services Committee, we anticipated, the least we could do in a tax bill is to give them some minimal relief.

This amendment helps families just like the Wright family in Hammond, LA, by allowing the employer to pay the difference between the $30,000 that this Marine Reserve officer will earn when he is serving our country and putting himself in harm's way, and if they pay that gap up to $30,000—it is not mandatory; it is voluntary. Many of our companies, but not all, are doing it for obvious reasons. There is a strain particularly on small businesses. But for those employers that—and I note Boeing is a good example of a very large employer with a wonderful policy, and much better, I might add, than our own Government which today has refused to adopt this policy. But at least there are some employers out there that are doing more than hanging the flag and saying the Pledge of Allegiance. They are actually taking out their checkbook in a very patriotic manner and keeping their Guard and Reserve families whole. The least we could do is give them a 50-percent tax credit, which is what our amendment does.

Let me read another example. I have 2,000; I am only going to read 2.

This is a firefighter from the Pacific coast. He earned a decent living before being called up in 2002, but active duty meant a $700 or a $1,000 a month pay cut and some very painful choices. He said:

> My wife said ''We cannot live here anymore. It is too expensive.''

He said he rented a 12,100 square foot home. He moved the whole family into a two-bedroom apartment where his wife has to sleep on a couch.

I understand we all have to make sacrifices. Most certainly the men and women who sign up for our All-Volunteer Force don't sign up because they think they are going on vacation or for the pay or the benefits. They sign up because they are patriotic. They believe in the ideals of this country.

When we are passing a $120 billion bill, if we can't take $2 billion or $3 billion or $4 billion and support the hundreds of thousands of men and women who are away from their jobs stateside and away from their businesses—not 3 months, not 12 months but 18 months under very tough conditions—so their children don't have to drink more water in their cereal in the morning and the wives have to sleep on couches, I think we can do better.

That is why I have waited for several months actually to offer this amendment and to have support from both sides of the aisle.

There is a cap on the credit. So the cost is very reasonable. We have taken the necessary precautions to make sure this amendment is affordable.

According to DOD, 98 percent of the reservists have a pay gap. Sometimes it is only $1,000 a month. Sometimes it could be $500 a month. But in some cases it is more than that. But 98 percent have pay gaps under $30,000.

This amendment will cover almost the entire Guard and Reserve population. Our Guard and Reserve on deployment would not have to worry about their bills being paid and could focus on the job before them, and do it well, as the vast majority of them do day in and day out, night in and night out.

That basically is what amendment does.

There is also a replacement worker tax credit for small businesses, many of which would be affected in the State of the Presiding Officer, with 50 employees or less. It is not just helping to fill the pay gap for employers that continue to pay the salaries, but it also gives some help to small business owners that in many instances take the brunt from their service, particularly when it is extended.

I will end my remarks. I see some of my colleagues on the floor who may want to add some comments.

This affects thousands of people in all of our States. I am proud our Guard and Reserve are right there stepping up on the front lines.

We have an outstanding Guard and Reserve unit. In about a month, we will have over 5,000, almost 6,000, men and women serving in Iraq; again, some of them for much longer periods of time than they were initially told.

I understand the chairman is prepared to accept the amendment. But before I waive my right to a recorded vote, I would like to have some comments from the chairman, who has negotiated this bill beautifully through this process. If he could, I would like for him to comment about the importance of this amendment and the outlook for keeping this amendment in the conference report as we move this bill to the President's desk for his signature.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I can comment very positively about the motivation behind the amendment, and the good policy of giving equity to people who are called away from jobs and away from family to go to a far-off land to defend America in a war against terrorism and doing it in a way that has never been done for guardsmen and reservists to this extent, I think going back to the Korean war. What we are doing now has not been done for a long period of time.

The Senator from Louisiana needs to be complimented on her efforts to recognize that and, particularly, to recognize that through employers who show very patriotic fervor in cooperating in this whole program.

I can say that very positively about the amendment of the Senator from Louisiana. She is asking me to predict what might happen in conference. It is very difficult to do that. I have a reputation for defending the position of the Senate and working as best I can to work through this. Obviously, I cannot make any promises to the Senator from Louisiana.

Ms. LANDRIEU. I can appreciate that. I appreciate the comments of the chairman. He has shown himself to be a great leader, a man of his word. I know he will uphold and fight for our position.

I think it would be a real shame to move a $120 billion tax bill through this Congress at this time and have not a part of it specifically directed to some of the men and women who are carrying the greatest burden right now.

I know our businesspeople of all sizes and shapes are contributing to the overall economy and creating jobs, but there would not be any country to create jobs for if it were not for the men and women in uniform who protect us here and abroad.

I appreciate the remarks of the chairman.

I ask unanimous consent to have printed in the RECORD three articles involving enlisted reservists of the National Guard, and a letter from the National Guard Association that represents thousands of current and retired guardsmen and reservists.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 10, 2004.

Hon. MARY LANDRIEU,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: On behalf of the membership of the National Guard Association of the United States (NGAUS), thank you for your unwavering support of the men and women of the National Guard. Today, there are more than 94,000 National Guard personnel serving on active duty in support of the global war on terrorism. These men and women, who are serving in harm's way, contribute over 40% of our fighting force in the Global War on Terrorism. This number also reflects those personnel serving abroad and away from their families, communities, and employers.

Members of the National Guard must take time off from their civilian employment to perform military duties. Increased operational tempo dictates that National Guard and Reserve Component members must be placed on active duty ever more frequently. This increased operational tempo places additional financial burdens on employers, to a much greater extent than in past years. We at NGAUS believe employers should not be expected to bear the increased financial burdens that increased Guard deployments place on them.

Assisting employers with a tax credit provides them the ability to inject those funds back into their businesses in order to offset the effects of the temporary loss of their National Guard employees.

The National Guard Association of the United States urges the Members of the United States Senate to support your efforts to recognize the civic duty of those employers who, in the face of financial constraint, continue to support their National Guard employees.

Sincerely,

RICHARD C. ALEXANDER,
Major General (Ret.), AUS,
President.

[From the San Mateo County Times, Dec. 18, 2003]

WAR CARRIES A HIDDEN COST; RESERVISTS' ''PAY GAP'' OFTEN FORCES DIFFICULT CHOICES ON FAMILIES

(By Justin Jouvenal)

PACIFICA.—Scott Hellesto endured snipers and artillery fire, but one of the most difficult battles during the Navy reservist's service in Iraq came on the homefront—losing his three-bedroom home.

The Pacifica firefighter had earned a decent living before being called up in January 2002, but active duty meant a $700– to $1,000-a-month pay cut—and some painful choices. ''My wife said, 'We can't live here anymore, it's too expensive,'" Hellesto said of his rented 2,100-square-foot home in Antioch. ''So we moved the whole family into a two-bedroom apartment, where my wife had to sleep on the couch.''

This ''pay gap'' is a hidden cost of war that likely affects thousands of the state's reservists and National Guard troops as they transition from more lucrative civilian jobs to active duty. It is an extra burden for families already dealing with the pain of separation and the stress of having a loved one in a combat zone.

''There's fewer Christmas gifts and other cuts,'' said Lt. Col. Terry Knight, a California National Guard spokesman. ''Often you have a spouse left behind that ends up getting a second job.''

The pay gap has become especially difficult for reservists and National Guard troops since the 2001 terrorist attacks, as more are serving and many are going for longer stints on active duty.

About 10,000 California National Guard troops have been deployed since 9/11—the largest mobilization since the Korean War. About 4,000 are currently on active duty, including 1,600 in Iraq. They earn between $1,700 and $2,800 a month.

Hellesto, who served with the 23rd Marines Echo Company, swept into Iraq with the first wave of troops last March. He made it to Nasariyah and helped secure a Baghdad neighborhood on April 9, the day the statue of Saddam Hussein fell in Iraq's capital.

''I saw the best and the worst of humanity,'' Hellesto said.

He ran missions as a decoy to draw out Saddam's Fedayeen soldiers and withstood SCUD missile alerts. Hellesto also recalls with warmth the Iraqi soccer star who gave him his gold medal from the Asian Games because Hellesto cared for the man's son.

Hellesto said he doesn't want people to think he is bitter about his service—he said he knew what he was getting into and would do it again. Still, the financial strain was difficult.

He said he could hear the edge in his wife Michelle's voice when he would secretly call home on a satellite phone supplied by a Fox News reporter.

''Sometimes, I wondered what I got my family into,'' Hellesto said.

Hellesto was able to get by with a little help from his friends and family. He turned to fellow firefighters for help when he was buying Christmas gifts for his three children last year.

The apartment—he dubbed it the ''shoebox''—was in a rough neighborhood, and someone slashed the tires and broke a window on his truck last spring. Fortunately, a friend of Hellesto's was able to pay to fix up the truck.

Scott Hellesto was called to active duty in January 2002. He served at Camp Pendleton outside San Diego for a year, before his tour of duty was extended and he was sent to Iraq.

Like many companies and local governments, the city of Pacifica kept up Hellesto's regular salary and health benefits for the first five months he was on active duty, but after that, he was on his own.

Michelle Hellesto had to go on the Navy's health plan, which meant giving up the family doctors. She also had to get government assistance to pay for formula for her children.

''It put a strain on us; it was like supporting two households when he was done at Camp Pendleton,'' she said. ''We couldn't have done it without the help of friends and family.''

Hellesto estimated that about 30 to 40 percent of the reserves he served with were in the same financial bind, but the pay gap does not affect every soldier. Many earn more on active duty than they do in their civilian jobs.

The National Guard Association estimates about a third of the Guard earn less on active duty than in their civilian jobs, while another third earn more.

Congressman Tom Lantos, D-San Mateo, introduced a bill in March that would close the gap for some troops. Specifically, the bill would entitle a reservist who is also a federal employee and on active duty for more than 30 days to receive the difference between his military and civilian pay.

The bill also would give state and local governments strong incentives to make up the pay and give private companies tax breaks if they continue to pay employees while they are on active duty.

The bill is currently before the House Subcommittee on Civil Service and Agency Organization. The U.S. Senate passed a pay-gap provision for federal employees, but it was cut out of the final version of a supplemental appropriations bill.

''It is a heavy enough sacrifice to pick up and go to Iraq,'' Lantos said. ''There is no reason to have a financial hardship as well.''

Fortunately for Hellesto, his financial burden has eased. After returning home in July, he was able to work overtime to get his family's finances back on track. He recently bought a home in Antioch and has a fourth child on the way.

But he knows things could change quickly again.

''If they asked me to go back today, I would do it,'' Hellesto said. ''But if I didn't get my per diem allowance, I would have to sell my house.''

[From the Silicon Valley/San Jose Business Journal, Apr. 26, 2004]

HE HELPED REBUILD IRAQ, NOW HE MUST REBUILD HIS BUSINESS

(By Timothy Roberts)

When Army Reservist Michael Malone left his new bride and his home in San Jose for Iraq 16 months ago, his computer business had seven employees and an office on Taylor Street. Today the employees of Star Technologies are gone, and his business partner and he have the furniture from their vacated office stacked in their garages.

He's still in business, but struggling.

''The world came crashing down,'' says Mr. Malone, ''and he (partner Erik Johnson) had to try to hold it up like Atlas.''

Says Mr. Johnson: ''First we had the tech bust, then the impact from 9/11 and then Mike got call up. That was a whole lot of blows one right after the other''.

Reservists know they may be called to action at any time, but with military resources stretched thin in Iraq and Afghanistan, the Pentagon is increasingly relying on the reserves to make up for shortages in the regular, volunteer forces. The 34-year-old Mr. Malone, who has served in the reserves for 16 years and holds the rank of captain, anticipated a short-term assignment.

''It's one of the challenges of being a small-business owner,'' he said of his Army Reserve commitment. ''You plan for it—just not for 16 months.''

Naval Reservist Frank Jewett, a small business consultant with Compass Consulting Group in San Jose, is expecting to head overseas for training soon, but wonders if he won't also be deployed for something more than training.

''You have to have a plan,'' says Mr. Jewett, who is also the vice president of the Board of Trustees of West Valley-Mission College. ''You need to talk with your employer and make sure they will support you.''

Some companies in the Valley have recently expanded their support of reservists. Up until the war on terrorism, Intel offered full salary to reservists for 30 days a year. Now it offers 180 days a year of full pay. It also has expanded child care benefits, says spokesman Mark Pettinger.

But the challenge to small businesses became apparent in the late 1990s, when the military began to tap the reserves for troop commitments in the Balkans. In 1999, Congress created the Military Reservists Economic Injury Disaster Loan to be offered by the U.S. Small Business Administration. Business owners with essential employees returning from active duty have 90 days from the reservist's discharge to apply for up to $1.5 million offered at what is now 2.7 percent interest.

The first loans were made in Aaugust 2001. When reserve units were called up for the war in Afghanistan, the loan program was expanded to include reservists from that and subsequent wars.

Since then the SBA has made $114.5 million in such loans, although according to the SBA's Western District office only $1.2 million in loans has been made to Californians. Only 11 loans have been issued to small businesses with California addresses. The only address close to Silicon Valley is in Watsonville.

''We've had this program since 2001, and frankly that's not a whole lot of loans for three years,'' says SBA spokesman Karl Whittington in the Sacramento office, which handles disaster loans for the Western states.

Mr. Malone went to the University of Washington to earn a degree in mathematics on a ROTC scholarship. He was committed to at least eight years of reserve service. Liking the camaraderie of what he describes as the ''entrepreneurs and go-getters'' among the troops, he stayed in for twice that long. He serves in the 1397 Terminal Transport Brigade, which is based in Mare Island, although he was assigned to the 368 Engineer Battalion, based in Londenderry, N.H., in Iraq.

Mr. Malone started Star Technologies in 1995 with Mr. Johnson. They began with tech support and later expanded to include Web hosting, a move that helped give them a steady source of revenue. In 2000, a client came to them and asked them to solve a problem: keeping track of real estate appraisals. With that inquiry, Star Technologies launched into software development and created eAppraisal Flow.

Today, however, Mr. Malone is focused on just getting word out that Star Technology is still around and looking for customers. He just joined the San Jose Silicon Valley Chamber of Commerce and has been making visits to small businesses to offer his Web hosting and tech support services.

''You have to talk to people,'' he says. ''That's how you get business.''

In his spare time he's giving thought to designing a battle-ready lap-top computer that would allow officers to connect to secure and standard networks at the same time and provide position data with map overlays.

He still likes the Army, although with a new wife and three children from a previous marriage and a business to rebuild, he's not eager for any more overseas assignments.

''If Uncle Sam calls again, I'll go,'' says Capt. Malone. ''But it would be the last time—if it's any time soon—because I have to rebuild my business.''

[From USA Today, Apr. 22, 2003]

RESERVISTS UNDER ECONOMIC FIRE

(By Kathy Kiely)

WASHINGTON.—Drastic pay cuts. Bankruptcy. Foreclosed homes. They aren't exactly the kind of challenges that members of America's military reserves signed up for when they volunteered to serve their country.

But for many, the biggest threat to the home front isn't Saddam Hussein or Osama bin Laden. It's the bill collector.

Four in 10 members of the National Guard or reserves lose money when they leave their civilian jobs for active duty, according to a Pentagon survey taken in 2000. Of 1.2 million members, 223,000 are on active duty around the world.

Concern is growing in Congress, and several lawmakers in both parties have introduced legislation to ease the families' burden.

Janet Wright says she ''sat down and cried'' when she realized how little money she and her children, Adelia, 5, and Carolyn, 2, would have to live on when her husband was sent to the Middle East. In his civilian job with an environmental cleanup company, Russell Wright makes $60,000 a year—twice what he'll be paid as a sergeant in the Marine Forces Reserve. Back in Hammond, LA, his wife, who doesn't have a paying job, is pouring the kids more water and less milk. She is trying to accelerate Carolyn's potty training schedule to save on diapers.

She doesn't know how long she'll have to pinch pennies. Like his fellow reservists, Russell Wright has been called up for one year. he could be sent home sooner, or the military could exercise its option to extend his tour of duty for a second year. Even so, Janet Wright considers her family lucky: She can still pay the mortgage, and the children's pediatrician accepts Tricare, the military health plan.

Ray Korizon, a 23-year veteran with the Air Force Reserve and an employee of the Federal Aviation Administration, says his income will also be cut in half if his unit ships out. Korizon, who lives in Schaumburg, IL, knows the financial costs of doing his patriotic duty from bitter experience. Before the Persian Gulf War in 1991, he owned a Chicago construction company with 26 employees. He was sent overseas for six months and lost the business.

Still, he never considered leaving the reserve. Korizon says he enjoys the work and the camaraderie. But he worries about whether his two kids can continue to see the same doctor when he shifts to military health coverage. ''It's hard to go out and do the job you want to do when you're worried about things back home,'' he says.

Once regarded as ''weekend warriors,'' they have become an integral part of U.S. battle plans. Call-ups have been longer and more frequent.

''The last time you'd see this type of mobilization activity was during World War II,'' says Maj. Charles Kohler of the Maryland National Guard. Of the Maryland Guard's 8,000 members, 3,500 are on active duty. Kohler knows several who are in serious financial trouble. One had to file for bankruptcy after a yearlong deployment, during which his take-home pay fell by two-thirds.

Stories like that are the result of a shift in military policy. Since the end of the Cold War, the ranks of the full-time military have been reduced by one-third. The Pentagon has increasingly relied on the nation's part-time soldiers. More than 525,000 members of the Guard and reserves have been mobilized in the 12 years since the Persian Gulf War. For the previous 36 years, the figure was 199,877.

The end of fighting in Iraq isn't likely to lessen the pressure on the Guard and reserves. They'll stay on with the regular military in a peacekeeping role. Nobody knows how long, but in Bosnia, Guard members and reservists are on duty seven years after the mission began.

Korizon, who maintains avionics systems on C–130 cargo planes, has been told his Milwaukee-based reserve unit may be called up for humanitarian missions.

Some of the specialists who are in the greatest demand—physicians and experts in biological and chemical agents—command six-figure salaries in civilian life. The average pay for a midlevel officer is $50,000 to $55,000.

''They were prepared to be called up. They were prepared to serve their country,'' Sen. Barbara Mikulski, D–Md., says. ''They were not prepared to be part of a regular force and be away from home 200 to 300 days a year.''

Concerns are growing on Capitol Hill. As the nation's reliance on the Guard and reserves has increased, ''funding for training and benefits simply have not kept up,'' says Republican Sen. Saxby Chambliss of Georgia, a member of the Armed Services Committee.

The General Accounting Office, Congress' auditing arm, is studying pay and benefits for Guard members and reservists. A report is due in September. Meanwhile, members of Congress are pushing several bills to ease the burden:

Closing the pay gap. Some employers make up the difference in salary for reservists on active duty. But many, including the federal government do not. A bill sponsored by Democratic Sens. Mikulski, Dick Durbin of Illinois and Mary Landrieu of Louisiana would require the federal government to make up lost pay. Landrieu is doing that for one legislative aide who has been called up for active duty.

She has also introduced a bill to give private employers a 50% tax credit if they subsidize reservists' salaries.

Closing the health gap. Once on active duty, reservists, Guard members and their families are covered by Tricare.

But for the 75% of reserve and guard families living more than 50 miles from military treatment facilities, finding physicians who participate in Tricare can be difficult.

A measure sponsored by Sen. Mike DeWine, a Republican from Ohio, would give reservists and Guard members the option of making Tricare their regular insurer or having the federal government pay premiums for their civilian health insurance while they are on active duty. Several senior Democrats, including Senate Minority Leader Tom Daschle of South Dakota and Sen. Edward Kennedy of Massachusetts, support the idea.

Keeping creditors at bay. The Soldiers and Sailors Relief Act caps interest rates on mortgages, car payments and other debts owed by military personnel at 6% while they are on active duty. But Sen. Lindsey Graham, a South Carolina Republican who is the Senate's only reservist, says the act doesn't apply to debts that are held in the name of a spouse who is not a member of the military. He plans to introduce legislation to cover spouses.

Despite a groundswell of support for troops, none of the bills is assured of passage. There's concern among some administration officials about the cost of some of the proposals. In addition, some at the Pentagon think morale would be hurt if some reservists end up with higher incomes than their counterparts in the regular ranks.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I compliment the Senator from Louisiana. This is a very important amendment. The reservists clearly, particularly under the current circumstances, deserve at least the provision suggested by the Senator from Louisiana. The Senator can be assured this Senator will fight vigorously for her amendment in conference. It is a very important amendment.

Madam President, I believe there is no more debate on this amendment.

The PRESIDING OFFICER. Do the parties yield back all time?

Mr. BAUCUS. All time is yielded back.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.

• Mr. KERRY. Mr. President, the continuing activation of military reservists to serve in Iraq and the war on

terror has imposed a tremendous burden on many of our country's businesses, especially our small businesses. Too many small businesses, when their employees are asked to leave their jobs and serve the Nation, are unable to continue operating successfully and face severe financial difficulties, even bankruptcy. That is why I am pleased to join Senator LANDRIEU to provide all American businesses with a tax credit to help them continue to pay their employees who are called to active duty and to help small businesses temporarily replace reservists who are called up.

This amendment expands upon the Small Business Military Reservist Tax Credit Act that I introduced last year which provides help to small businesses in paying the difference in salary for their reservist employees called up to active duty. My legislation, S. 1595, also provided a tax credit to help small businesses cover the cost of temporarily replacing that employee while he or she is serving our Nation.

I worked with Senator LANDRIEU to develop this amendment which honors all patriotic employers who continue to pay the salaries of their employees who are members of the National Guard and Reserve and are called up to active duty in the war on terror in Afghanistan, Iraq and elsewhere. I believe this amendment will encourage all employers, especially small businesses, to pay their reservist employees when they face a reduction in salary due to their activation. Employers who continue to pay their reservists will be eligible to receive a tax credit up to $15,000 of the wages they pay to members of the Guard and Reserve for as long as the reservist is on active duty status. The JOBS Act, which we seek to amend, only provides a tax credit for reservists on active duty status for 1 year and does not provide any assistance for small businesses to help temporarily replace their reservists. I believe this approach is insufficient and that our amendment is needed to help reservists for each day of their service to our Nation and to provide important assistance to small businesses.

I am very pleased that Senator LANDRIEU has included provision of my bill to help small businesses cover the cost of temporarily replacing the reservist employee while he or she is serving our Nation. Today, many small employers are currently having a difficult time hiring temporary workers to replace their employees who have been called up to active duty in the national Guard or Reserve. The United Sates Chamber of Commerce estimates that 70 percent of military reservists called to active duty work in small- or medium-size companies. The Landrieu-Kerry amendment will provide a tax credit of 50 percent up to $6,000 to help small employers defray the costs of hiring a worker to replace a guardsman or reservist who has been called up to active duty. Small manufacturers will be eligible for a tax credit of 50 percent up to $10,000 to assist in hiring a temporary worker.

To fight our wars and meet our military responsibilities, the United States supplements its regular, standing military with reservists, citizen soldiers who serve nobly. Not since World War II have so many National Guard members been called to serve abroad. President Bush authorized the activation of up to 1 million military reservists for up to 2 years of active duty. Today, there are about 170,000 reserves on active duty in the war against terrorism—nearly half of the more than 350,000 called to duty since the attacks of September 11, 2001. Many are serving admirably around the world, performing critical wartime functions in Iraq, Afghanistan, and elsewhere. Our Nation does not go into battle without members of the National Guard and Reserve, and we are all grateful for their service.

Just this week, the Bush administration authorized the activation of an additional 47,000 reservists. The extension will cause significant economic difficulties for the reservists, their families and their employers that are left behind. Beyond the hardship of leaving their families, their homes and their regular employment, more than 41 percent of military reservists and National Guard members face a pay cut when they are called for active duty in our Armed Forces. Many if these reservists have families who depend upon that paycheck to survive and can least afford a substantial reduction in pay.

The large number of reservists being called up to active duty has hurt many small businesses across the Nation and may impact the number who are willing to re-enlist in the National Guard and Reserve in the future. In January, the Commission of the Army Reserve, Lt. General James R. Helmly, warned of a recruiting-retention crisis in the future for the National Guard and Reserve. A recent U.S. military questionnaire of returning Army National Guard soldiers projected a resignation rate of double what it was back in November 2001. From October to December 2003, almost one-quarter of the Guard members who have had the opportunity to re-enlist have opted not to do so. Recently, the U.S. Army developed a plan to pay reservists up to $10,000 to re-enlist to stop a developing problem.

That is why the Federal Government must take action to help businesses weather the loss of an employee to active duty and protect employees and their families from suffering a pay cut to serve our Nation. It is imperative that we help families of reservists maintain their standard of living while their loved one serves our Nation. We must also ensure that the cost of that service does not force businesses into financial ruin. We must ensure that our great tradition of citizen soldiers does not fade or cease because of the effect that service has on work and family. The Landrieu-Kerry amendment will help achieve their important goals and I urge my colleagues to vote in favor of this amendment.●

Mr. MCCAIN. Mr. President, we continue to be increasingly reliant on the men and women of our Reserve forces and National Guard. In fact, 40 percent of all the ground troops in Iraq and Afghanistan are composed of National Guard and Reserve forces as well as nearly all of the ground forces in Kosovo, Bosnia, and the Sinai. Many of these soldiers, sailors, airmen, and marines leave behind friends, families, and careers to defend our Nation. Accordingly, it is the responsibility of policy makers to ensure we look after the needs of our patriots.

Many reservists that are called to active duty end up making less money with the military than they did in their civilian job. This drop in pay has placed a hardship on many of the men and women serving in the Reserve components who are called to active duty. When the military calls reservists and guardsmen to active duty, the last thing our Nation wants is to hurt the reservist's families as a result. This amendment is designed to address this problem by allowing private companies to pay the difference between the servicemember's Reserve pay and his civilian pay. If the employer chooses to pay this benefit, the Federal Government will give the company a tax credit of 50 percent of the difference in pay, up to $3,000.

Our Nation's reservists and guardsmen are an amazing resource of experience, knowledge and dedication. If we are going to continue to rely on our citizen soldiers, we must make sure that they receive their fair share of benefits and that their families are provided for in their absence. I will always support responsible legislation that accomplishes this important goal.

The PRESIDING OFFICER. The question is on agreeing to the Landrieu amendment.

The amendment (No. 3123) was agreed to.

AMENDMENT NO. 3138

Mr. BAUCUS. I call for regular order with regard to the Hutchison amendment.

The PRESIDING OFFICER. That is the regular order. Is there further debate on the amendment?

Mr. BAUCUS. I believe there is no further debate.

The PRESIDING OFFICER. The question is on agreeing to the Hutchison amendment.

The amendment (No. 3138) was agreed to.

Mr. GRASSLEY. I ask unanimous consent Senators HATCH and PRYOR be added as cosponsors to the Hutchison amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I move to reconsider the vote on the previous two amendments en bloc.

Mr. GRASSLEY. I move to lay the motions on the table en bloc.

The motions to lay on the table en bloc were agreed to.

Mr. GRASSLEY. I promised the Senator from South Carolina we would have a little colloquy on an issue he was concerned about. Could we do that right now?

Mr. NICKLES. Sure.

Mr. GRASSLEY. I ask the Senator from South Carolina be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of South Carolina. I thank Senator GRASSLEY.

CHINESE CURRENCY

I rise today to express my deep concern about the Chinese government's continued manipulation of its currency. In my mind, the Chinese government's adherence to a currency valuation system that does not rest on market-based principles is wrong and constitutes an unfair competitive advantage. It is time for the unfair valuation of the yuan to stop. I understand the administration has taken steps to address the problem and some progress has been made. But this is a serious problem. Clearly more needs to be done.

Mr. GRASSLEY. As Chairman of the Senate Finance Committee, I join my colleague from South Carolina in expressing concern about the way in which the Chinese currency is valued. I certainly agree that it is a serious problem that needs to be taken seriously. A fairly valued currency is in China's own long-term interests, and is key for moving to a market driven economy. I was pleased to hear that Secretary Snow was assured that interim steps are being taken and that progress in this area will continue.

Mr. GRAHAM. I appreciate the fact that the Chairman recognizes the serious nature of this problem. Unfair manipulation of currency cannot be tolerated. I would like to see additional progress on this issue in the next 60 to 90 days. If progress is not forthcoming, I hope the Chairman would join me in supporting Senate hearings. However, these hearings should only be the first step. Should China fail to make substantial progress and the Senate fail to address this issue substantively, appropriate and responsible legislation may then be necessary, and I reserve the right to attach our China currency amendment to any available legislation that comes before the Senate.

Mr. GRASSLEY. I do appreciate the importance of this issue. If we do not see substantial progress toward adoption of a market-based currency valuation system, I would support Senate hearings at the appropriate time.

Mr. GRAHAM. I thank the Senator from Iowa, and look forward to working with him to continue to pressure the Chinese government to adopt a market-based currency valuation system.

SECTION 29

Mr. SANTORUM. Mr. President, my amendment, cosponsored by Senators VOINOVICH and DEWINE, extends the Section 29 credit to new coke facilities to encourage the construction of new facilities. This provision is important because the U.S. currently produces below the domestic demand for coke, and the situation will likely worsen in the future. Much of the country's coke capacity is over 20 years old, and most existing ovens are near the end of their useful lives. I understand that the Finance Committee chairman, Senator GRASSLEY, prefers to address this issue during conference and not at this time. I thank the chairman for his commitment to this provision and urge his strong support for extending the Section 29 credit to new coke facilities in conference.

Mr. GRASSLEY. Mr. President, I would like to thank the Senator from Pennsylvania for his commitment to the Section 29 extension to new coke facilities. Although I am supportive of the provision, the most appropriate time to address it is during the conference. I look forward to working with Senator SANTORUM and the two Senators from Ohio to include this amendment in the conference report.

PRIVACY

Mr. BAUCUS. Mr. President, my colleague from New York and my colleague from Minnesota have filed a noteworthy amendment to the Jumpstart Our Business Strength Act, S. 1637. The amendment raises the very important issue of how in this global economy we can protect the privacy of personally identifiable information that is transmitted abroad. Senator CLINTON and her staff have worked diligently with me and my staff to find a way for the Senate to address these issues. The amendment raises significant issues that I believe will benefit from being made part of any appropriate hearing this session in the Finance Committee. They have graciously recognized the importance of moving forward on the JOBS bill. That is why I have agreed to invite Senators CLINTON and DAYTON to testify on this issue during the Senate Finance Committee's hearing on offshoring. My hope is that we will schedule that hearing soon.

Mrs. CLINTON. Mr. President, I compliment my colleague from Montana for his legislative skill and determination in managing the JOBS bill on this side of the aisle. I also thank him for the patience and consideration he and his staff have shown in working with me on the Clinton-Dayton privacy amendment. I and my colleague Senator DAYTON look forward to testifying on this issue in front of the Finance Committee because it is vitally important to maintain the privacy of our constituents and Americans throughout the Nation.

NEW MARKETS TAX CREDIT AND ECONOMIC SUBSTANCE DOCTRINE

Mr. ROCKEFELLER. Mr. President, I would like to enter into a colloquy with my good friend, Senator BAUCUS, regarding the economic substance provision of the Jumpstart Our Business Strength, JOBS Act, S. 1637.

I ask my colleague to explain what, if any, impact the codification of economic substance doctrine would have on the new markets tax credit.

As my colleague knows, the new markets tax credit, NMTC, was signed into law in 2000 and is the largest Federal economic development initiative to be authorized in 15 years. The credit promises to spur some $15 billion in new private sector investment in economic development activity in poor communities throughout the country.

The idea behind the credit is that there are good viable business and economic development opportunities in poor communities that lack access to capital. The NMTC is designed to address this capital gap by providing the incentive of a Federal tax credit to individuals or corporations that invest in Community Development Entities, CDEs, working in these communities.

While many of the businesses that receive financing through the credit will present good business opportunities, it is possible that some projects, because of their market, will present only limited economic return on top of the credit. In many cases, the investor's chief incentive will be the tax benefit available through the new markets tax credit.

There is some concern among investors and potential NMTC investors that legislation crafted to codify the economic substance doctrine and curtail transactions that are simply motivated by tax incentives would apply to and have negative impact on the NMTC.

With $2.5 billion in new markets tax credits having been allocated to CDEs around the country and another $3.5 billion expected to be awarded within the next several months, it is critical that the investor markets get some clarification on this issue.

The NMTC holds great promise for communities throughout West Virginia where economic revitalization and business development are sorely needed. It is my understanding that the economic substance doctrine contained in S. 1637 does not apply and I would appreciate my colleague's comments on this issue.

Mr. BAUCUS. I appreciate the comments of the Senator and share his commitment to the new markets tax credit.

The Senator is correct. The intent of the economic substance provision in the JOBS bill is clearly to uphold and protect congressionally mandated tax benefits while curtailing unintended abuses of the tax code. I assure the Senator that the new markets tax credit would not be adversely affected by this provision.

As the Senator knows, our intent in codifying the economic substance doctrine is to curtail the use of abusive tax shelters that have no economic substance or business purpose other than reducing the Federal tax liability of the taxpayer. This is clearly not the case of the new markets tax credit.

We attempted to clarify the intent of this provision in the Finance Committee report, 108–192, in a footnote that states:

If tax benefits are clearly contemplated and expected by the language and purpose of the relevant authority it is not intended that the tax benefit be disallowed if the only reason for the disallowance is that the transaction fails to meet the economic substance doctrine as defined in this provision.

The report also specifically identifies the low income housing tax credit and the historic rehabilitation credit as examples of tax benefits that would not be taken into account in measuring potential tax benefits. These credits were noted as examples of the types of tax benefits that would not be considered in applying the economic substance doctrine.

The new markets tax credit was authorized with the clear intent of using a tax subsidy to attract private investors to business and economic development opportunities in poor communities—investment opportunities that otherwise might not be able to secure such investment capital. It is our intent that the NMTC be treated like the LIHTC and the HRTC and protected as a congressionally mandated tax benefit.

CANADIAN SOFTWOOD LUMBER DISPUTE

Mr. SMITH. I came to the floor today to introduce an amendment to the FSC/ETI bill relating to the U.S. approval of NAFTA panel decisions. The handling of the current case before the NAFTA panel regarding Canadian softwood lumber imports gives me cause for concern. There are substantial allegations that one panelist judging the case is, at the same time, appearing as a private lawyer in two other antidumping cases before the International Trade Commission which involve similar issues as the Canadian lumber case. This creates at the very least the appearance of impropriety and a conflict of interest. Indeed, the USTR has taken the position that the panelist is in violation of the code established to prevent conflicts of interest involving panelists. However, it seems that Canada has been able to block any action to remove this panelist from the case.

This situation is unacceptable and indicates that fundamental reform of the NAFTA panel process is required. We cannot allow NAFTA panelists with a conflict of interest to rule in these cases, especially since their rulings are equivalent to a Federal Court order. At the very least, such panel decisions should be subject to Presidential review before being implemented. I have an amendment that would implement such a review procedure. However, while this is an urgent matter that affects the outcome of the largest trade case in U.S. history, I recognize that the Senate is close to completing the FSC/ETI bill. I do not want to beleaguer that eventuality, so I am willing to withdraw this amendment, and agree instead to work with my colleagues, particularly on the Senate Finance Committee, to have this issue firmly addressed by the Senate in the near future.

Mr. BAUCUS. I want to join my colleague from Oregon in support of this amendment, which cannot be considered for inclusion in the legislation at hand. I concur that action must be taken to ensure the integrity of the Chapter 19 Panel Process. There is a clear breakdown of due process with respect to Chapter 19. The decision by the NAFTA Panel to reject the UTC's injury analysis in the softwood lumber dispute between the U.S. and Canada proves to me that the credibility of the NAFTA Panel process is in serious jeopardy. By imposing an impossible standard for proving ''material injury'', this NAFTA Panel seems to be saying that it will reject any antidumping or counterveiling duty in any circumstance. If the ANFTA dispute panel process wants to maintain its credibility, the panelists themselves must respect the limits of their responsibility. No country will allow the dispute panel process to undermine the integrity of perfectly valid trade remedies. Action must be taken to address this situation, and I can give my colleague my assurance that I will work to find an opportunity for the Senate to consider his amendment in the near future.

Mr. CRAIG. I want to echo the concerns my colleagues from Oregon and Montana have on this issue. Resolution of the Canadian softwood lumber dispute has gone on far too long. Meanwhile our domestic industry continues to suffer from subsidized and dumped Canadian lumber.

Mr. CHAMBLISS. The forestry industry is important to the State of Georgia. Let's take a look at the facts: Georgia's total land area covers 36.8 million acres of which 66 percent of that is forested; my home State has the sixth largest percentage of forested lands in the country which is twice the national average; and, commercial forest land in Georgia covers approximately 23.8 million acres, more than any other state. Georgia's forest industry generates 177,000 jobs where employees directly or indirectly work in industries supporting forest products manufacturing.

This is why I sponsored a resolution in the House of Representatives in 2001 that highlighted the problems associated with the importation of unfairly subsidized Canadian lumber and urged the administration to vigorously enforce U.S. trade laws with regard to the importation of Canadian lumber. One of my highest priorities has been to see this trade issue resolved and limit the injuries caused to the U.S. timber and lumber industries by the importation of unfairly traded lumber.

Today, Georgia's forestry industry is in serious jeopardy. That is why I echo the comments of my colleagues regarding the conflict of interest involving a NAFTA Panelist who will be hearing the Canadian Softwood Lumber case. This case is very important to the future of Georgia's forestry industry. This issue and the need to reform the NAFTA panel process must be handled in an expedient manner. I urge my colleagues to address this issue as soon as possible.

Mr. SMITH. I thank my colleagues. This is a critical matter that the Senate needs to exercise its oversight responsibilities upon. If this issue cannot be addressed in the very near future, my colleagues and I will have no choice but to bring this amendment back to the floor on another bill to have an forthright discussion about ensuring the constitutionally afforded due process U.S. citizens and interests must have in NAFTA disputes. I also want to applaud the administration in particular the U.S. Trade Representative, as well as the International Trade Commission, for acting steadfastly to enforce U.S. trade law. But their efforts are being thwarted by the current NAFTA Panel rules. This must be changed.

Mr. SMITH. I would like to engage the Senator from Iowa in a colloquy regarding section 102 of the bill in order to clarify the Senator's intentions.

Mr. GRASSLEY. I would be pleased to engage in a colloquy with the Senator from Oregon.

Mr. SMITH. I want to thank you for your strong leadership on this very important piece of legislation and call your attention to one specific provision in S. 1637 known as the domestic production activities deduction. As you know, your bill includes a provision that allows for a deduction for income from manufacturing done in the United States. However, as I understand, the provisions phases in the deduction much more slowly for companies that also manufacture abroad. At a time when American manufacturing jobs are leaving our country in record numbers, we need to support all companies that employ Americans, not penalize them. I know that we agree that multinational companies should not be penalized merely because they also manufacture abroad. Thus, I would like to clarify that it is your intent to urge your colleagues during the Senate/House conference deliberations on this bill to eliminate this penalty in the final bill that is sent to the President for his signature.

Mr. GRASSLEY. The Senator is correct. It is my intent to urge my colleagues to minimize this penalty in the final bill that is sent to the President for his signature.

INCOME FORECAST METHOD PROVISION

Mr. BREAUX. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman and ranking member of the Finance Committee, Senator GRASSLEY and Senator BAUCUS, regarding a provision in the bill that provides needed clarification and helps to insure an accurate reflection of taxpayers' income.

The provision I refer to resolves certain uncertainties that have arisen recently regarding the proper application of the income forecast method, which is the predominant cost recovery method for films, videotapes, and sound recordings. The provision merely reinforces the continued efficacy of existing case law and longstanding industry practice. For example, the provision clarifies that, for purposes of the income forecast method, the anticipated costs of participations and residuals may be included in a property's cost basis at the beginning of the property's depreciable life. This was the holding of the Ninth Circuit in Transamerica Corporation v. U.S. (1993). The provision also clarifies that the Tax Court's holding in Associated Patentees v. Comm., 4 TC 979 (1945), remains valid law. Thus, taxpayers may elect to deduct participations and residuals as they are paid. Finally, the provision clarifies that the income forecast formula is calculated using gross income, without reduction for distribution costs.

I would like to confirm my understanding with Senator GRASSLEY and Senator BAUCUS that by providing these clarifications and eliminating uncertainty the provision was intended to put to reset needless and costly disputes.

Mr. GRASSLEY. I am happy to confirm the understanding of the distinguished Senator from Louisiana. The provision was adopted to provide needed clarifications in order to eliminate the uncertainties that have arisen regarding the proper application of the income forecast method. I believe the disputes that have arisen regarding the mechanics of the income forecast formula are extremely unproductive and an inefficient use of both taxpayer and limited tax administration resources. By adopting these clarifications, I believe the committee intended to end any disputes and prevent any further waste of both taxpayer and Government resources in resolving these disputes. Any existing disputes should be resolved expeditiously in a manner consistent with the clarifications included in the bill.

Mr. BAUCUS. I agree with the distinguished chairman of the Finance Committee, Senator GRASSLEY. The disputes resulting from any uncertainty regarding the proper application of the income forecast method are extremely unproductive and wasteful. To avoid further waste, resolution of any disputes must be resolved in a manner consistent with the clarifications contained in the bill.

Mr. BREAUX. I thank both of my distinguished colleagues for this important clarification. I hope this puts to rest any uncertainty and wasteful disputes regarding the proper application of the income forecast method.

KIDDIE TAX

Mr. FRIST. In February of this year, a constituent wrote me to express his concerns about the negative impact expansion of the ''kiddie tax'' would have upon his family, and more specifically his quadriplegic daughter. His daughter's assets are in a trust administered by an independent third party trust department of an investment firm. The assets were awarded to his daughter by a court by law pursuant to a settlement agreement after she suffered from injuries at birth. The assets in his daughter's trust are to be used to provide her income after she should have been able to move into the work force. The funds will help pay for medical care and personal caregiver services.

The situation is described in more detail in a letter to me from my constituent, Mr. Gary Domm. At this time, I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GARY W. DOMM, CFP,
Germantown, TN, February 10, 2004.

Subject: The planned continuation of the U.S. ''Kiddie Tax'' laws until age 18. How Tennessee Individual Income Tax is more fair. Enough is Enough!

Attention: Legislative Staff.

Dr. BILL FRIST, MD,
Memphis, TN

DEAR DR. FRIST: As you are surely aware, the Internal Revenue Code has a provision taxing unearned income of children under age 14 at their parents upper tax rates. This regulation is often referred to as the ''Kiddie Tax.'' Obviously, the whole theory behind this law is to stop investments from being transferred to the children at a lower tax rate by the parents or maybe grandparents. Fair enough. However, the law as interpreted in a court case in 1992, said that it did not matter what the source or the purpose of those assets were. This is a court ruling that needs to be overturned by legislation. If the ''Kiddie Tax'' is suppose to be a tax on assets transferred from relatives, then it should be administered in that way but not applied to all unearned income owned by children.

My quadriplegic daughter, who can not speak and will always be dependent on full time care, is subject to the ''Kiddie Tax'' law. My wife and I would be considered to have above average income, both earned and unearned. Therefore my daughter's unearned income is taxed at a much higher tax rate than if she was the child of lower income parents. My daughter's assets are in a trust administered by an independent third party trust department of an investment firm. These assets were awarded to my daughter by a court of law. My daughter's assets were never mine or under the control of relatives. I probably need not mention that the federal trust tax rates are even higher so there is no benefit to these assets being taxed instead in a trust tax return.

In my case, the assets in my daughter's trust are to provide her income after she should have been able to move into the work force under normal circumstances. They will pay for her medical care, personal caregiver services, and other expenses that most people do not have to endure until late in life but certainly not for their entire life. My wife and I rarely request reimbursement of expenses from these assets for the extra care that our daughter requires. Our plan is to financially provide for our daughter until she is at least 21 years old. Yet, my daughter's assets are not allowed to grow based on their own tax level. They are instead subjected to usurious tax rates rather than progressively higher tax rates as the income increases.

The State of Tennessee has had an exemption to state income tax since the mid 1990's on unearned income derived from assets for a quadriplegic person. Apparently, the state recognized that people that are disabled and incapable of ever working, need a tax break in order not to be more dependent on government and its agencies.

It is my understanding that Congress is now considering extending the age for the ''Kiddie Tax Law'' until age 18. Enough is enough. I have waited patiently for my daughter to reach the age of 14. She will be 14 this year and will no longer be subject to being taxed at a rate higher than her income level. That is, unless Congress changes the laws.

In my case, leaving the ''Kiddie Tax'' regulations alone would solve my problem, but that would avoid collecting the extra tax dollars for four more years on families that have transferred wealth to their children. My problem can also be solved by removing the ''Kiddie Tax'' in the case of quadriplegics and other people that will never be able to work and support themselves. The federal tax laws need to consider the Tennessee tax regulations and provide exemptions where needed. I have no doubt that if my daughter could, she would gladly give away her investments in exchange for a normal life. Instead the government is subjecting her investment income to highest taxes just because of her parents.

Correcting this injustice will not gain many votes politically, but I am sure you can see that it is the right thing to do. I am more than willing to discuss this by telephone with anyone who wishes more specific information. Being a Tennessee resident and senator, I am sure you can obtain copies of the exemption regulations for the state. It is item 3, under the exemption section in the rules mailed with the Tennessee tax forms. Also the exemption box is clearly shown on the first page of the Tennessee Tax Return.

Sincerely,

GARY DOMM.

Mr. FRIST. According to Mr. Domm, current tax law permits taxation of this unearned trust income in excess of $1,600 at the child's tax rate upon the child's 14th birthday. Up until the age of 14, the income was taxed at the parent's rate of taxation. This year, Mr. Domm's daughter will turn 14 and will no longer be subject to a tax rate higher than her income level.

Unfortunately, however, a proposed change in S. 1637 would call for taxing any unearned income in excess of $1,600 at the parent's income tax rate until the age of 18 instead of 14. I ask my colleague from Iowa, is that accurate?

Mr. GRASSLEY. Yes.

Mr. FRIST. Thank you for confirming that, Mr. Chairman. I believe that it would be good policy to provide some type of exemption to this so called ''kiddie tax'' for Mr. Domm's daughter and others like her. That way, we encourage independence and self-sufficiency and do not penalize individuals who have already had to overcome tremendous obstacles. Based on that assumption, Mr. Chairman, would you be willing to work with me and my staff to create an exemption from this tax for Mr. Domm's daughter and others similarly situated?

Mr. GRASSLEY. I agree with the Senator from Tennessee that such an exception to the ''kiddie tax'' would be

good public policy. I commit to you that my staff will work with the Treasury Department, the Social Security Administration and your staff during conference negotiations to craft language that addresses Mr. Domm's concerns but also contains solid anti-abuse language. My hope is that we could place such language in the final version of S. 1637 or another appropriate tax bill.

Mr. FRIST. I thank the Chairman for that commitment both personally and on behalf of my constituent.

BROWNFIELD REVITALIZATION

Mr. LAUTENBERG. Mr. President, I rise to engage several of my colleagues in a colloquy regarding an important provision in the manager's substitute amendment to S. 1637. Section 641 of the manager's amendment was filed by me as an amendment to S. 1637, and it was co-sponsored by Senators CHAFEE, DOLE and LIEBERMAN.

The language of my amendment is based on S. 1936, the Brownfield Revitalization Act of 2003, a bipartisan bill that was introduced last year by Senator BAUCUS and cosponsored by Senators INHOFE, DOLE and ROCKEFELLER. However, the version of my amendment that is included in the manager's substitute contains several modifications which improve it.

My amendment relieves tax-exempt entities that invest in, clean up, and then re-sell certain brownfield properties from an obscure but significant provision in the Internal Revenue Code.

First, what is a ''brownfield?'' There are various definitions of this term. In the Federal Superfund law, a ''brownfield'' is defined as ''real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.''

My own State of New Jersey uses a different definition. It defines a ''brownfield'' as ''any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.''

Brownfields are not necessarily highly contaminated sites. Often, they are moderately or lightly contaminated industrial and commercial sites that could be productively re-used if they were cleaned up. In fact, the perception of contamination might be the only thing holding back a brownfield site from redevelopment.

Reuse of a brownfield site is desirable because it preserves an open ''greenfield'' and can provide an economic stimulus to an inner city or close-in suburban area.

Our colleague, Senator DOLE, is fully aware of how serious the problem of brownfields is across the nation.

Mrs. DOLE. Mr. President, the North Carolina Department of Environment and Natural Resources estimates that there are tens of thousands of potential brownfield sites in North Carolina. To date 44 of these sites have $600 million in committed private investment which was raised with less than $500,000 in Federal funds. These 44 sites represent a good step forward to address this issue; however, there are many more steps necessary before we can declare victory. The critical component to this equation is the greater availability of private capital. Currently, the State of North Carolina has 55 more brownfield sites in the pipeline for remediation and the availability of private capital will be essential to this effort.

The Nation's mayors have estimated that there are half a million brownfield sites in the United States. Others have said that there may be as many as a million such sites. EPA, in an analysis conducted with George Washington University, has estimated that remediation costs for all brownfield sites in the country exceed $650 billion. The Chamber of Commerce estimates that, at the current rate of cleanup, it could take ten thousand years to clean up all these sites.

According to Environmental Defense, a leading environmental group, New York City alone has over 4000 acres of vacant industrial lands, the equivalent of almost four Central Parks' worth of land lying unused in the core of our largest metropolitan area.

That is why I am a strong supporter of legislation to make available greater sums of private capital to brownfield remediation efforts. This is why I am proud to join with my colleagues, especially Senators LAUTENBERG, CHAFEE, LIEBERMAN and JEFFORDS to support this proposal to allow non-profits to invest in brownfield remediation efforts. I yield back to Senator LAUTENBERG.

Mr. LAUTENBERG. In fact, in my own State of New Jersey, the Department of Environmental Protection oversees ten thousand potential brownfield sites, but admits that many more sites may exist in the State that have not yet been identified.

I ask Senator LIEBERMAN if he is aware of any barriers in our Tax Code that may be hindering the remediation of brownfields sites.

Mr. LIEBERMAN. As my colleagues know, much has been done at both the national and State levels, including our own States, to help clean up contaminated brownfield properties. However, the Federal Tax Code contains a potential roadblock.

Section 512 of the Internal Revenue Code establishes an unrelated business income tax, or UBIT, on the income that a tax-exempt entity derives from a trade or business that is not substantially related to its exempt purpose.

The UBIT applies to gains from the sale or exchange of property held primarily for sale to customers in the ordinary course of such a trade or business. The UBIT also applies to gains from the sale or exchange of any debt-financed property.

These UBIT provisions have reduced the economic attractiveness of investments in remediation and redevelopment of the nation's brownfield sites by tax-exempt entities like university endowments and private pension funds.

According to the Chamber of Commerce, tax-exempt entities hold about $7 trillion in financial assets. This is a very large pot of money that could be tapped for brownfield cleanups.

Mr. LAUTENBERG. This large potential funding source for brownfields remediation is what my amendment will address by removing one barrier to brownfields redevelopment.

My amendment allows tax-exempt entities to invest in brownfield sites without the risk of incurring UBIT liability, provided that certain conditions are met.

First, the appropriate State environmental agency must certify that the property is a brownfield site within the meaning of the Federal Superfund definition.

The amendment does not set up a new certification procedure for this purpose, but rather piggybacks on a process already in place under section 198 of the Tax Code to provide tax incentives for commercial brownfield developers. In fact, another provision of the manager's substitute amendment extends section 198 through the end of 2005.

Second, the remediation effort must be a significant one. It must cost more than $550,000, or 12 percent of the fair market value of the site, determined as if the site were not contaminated. By establishing relatively high thresholds for eligibility, the amendment excludes incidentally contaminated property and focuses new capital investment at sites that are most in need of assistance.

Third, the site must be cleaned up to comply with all environmental laws and regulations.

Finally, after the cleanup the state environmental agency or EPA must certify that the property is no longer a brownfield site. In requesting such a certification, the tax-exempt entity must attest that the anticipated future uses of the property are more economically productive or environmentally beneficial than the previous use of the property. The tax-exempt entity must also attest that it has given public notice of its request for certification.

Senator JEFFORDS, the ranking member on the Environment and Public Works Committee, has been very helpful in developing modifications to this amendment. Could the Senator from Vermont describe the modifications we have made that are designed to prevent abuse?

Mr. JEFFORDS. I am happy to fully support this amendment, as modified. There are three significant modifications:

First, a savings clause has been added to make clear that this amendment to the Tax Code has no impact on anyone's liability under the Superfund statute or any other Federal or State environmental law. Just because a tax-

entity receives a tax certification signifying that it is not subject to the UBIT tax does not mean that it can avoid environmental liability.

Second, the amendment has been modified to include a definition of ''substantially complete.'' An entity is eligible for a tax certification if its remedial actions at a brownfield site are complete or substantially complete. As originally drafted, the amendment did not include a definition of the key term ''substantially complete.'' This could have created a loophole that allowed entities to get a tax advantage without fully cleaning up a property. The modification we have made fixes this problem by borrowing EPA's definition of ''construction complete'' from the Superfund program to define this term.

The third modification expands the public notice provision that was already in the amendment. It makes clear that not only must there be public notice, there must also be a meaningful opportunity for public comment. In addition, it makes clear the agency that makes the tax certification, whether EPA or a State agency, must respond to any significant public comments.

In addition, the amendment has been carefully drafted to prevent abuse. For example, the taxpayer cannot be the party that caused the pollution and cannot be otherwise related to the polluter. In addition, all transactions, such as purchase and sale of the property, must be made at arms-length with parties unrelated to the taxpayer.

Mr. LAUTENBERG. I thank the Senator for that explanation and for his help in crafting the amendment. As I mentioned earlier, my amendment is based on S. 1936, a bipartisan bill introduced by Senator BAUCUS last year. That legislation was endorsed by groups as diverse as the Chamber of Commerce, Environmental Defense, the National Taxpayers Union, and the U.S. Conference of Mayors. I yield the floor.

ENERGY TAX INCENTIVES

Mrs. LINCOLN. Mr. President, I want to congratulate Chairman GRASSLEY and Senator BAUCUS on their decision to include a package of energy tax incentives in this bill. These tax incentives will promote the future development and production of renewable fuels, which we hope one day will lessen our dependency on foreign oil.

The package of energy tax incentives now before us was first reported by the Finance Committee last year as part of H.R. 6, the Energy Tax Policy Act of 2003, and the Senate considered H.R. 6 in July of 2003. During floor debate of that legislation, I raised two concerns that I hoped would be addressed in the House-Senate conference of the energy bill. Chairman GRASSLEY agreed with my points and assured me he would use his best efforts to resolve these matters. True to his word, as always, the chairman addressed my concerns in the conference version of H.R. 6. But as we all know, the conference version of H.R. 6 failed to gain enough votes to pass the Senate.

Now, the chairman has decided to move a text that is essentially the same finance Committee package of energy tax incentives, not the conference version of the bill, as part of the FSC/ETI bill. One of my concerns, relating to the definition of a landfill gas facility, has been resolved by virtue of the fact that the provision in the Finance Committee package has been dropped. But the other concern remains. So now again, I feel compelled to raise this concern, and once again, request the chairman's assistance to address it in a House-Senate conference. So please bear with me again while I explain my concerns for the record.

On February 11 of 2003, I introduced S. 358, the Capturing Landfill Gas for Energy Act of 2003. The bill is cosponsored by Senators SANTORUM and HATCH and would provide a credit under either Section 29 or 45 of the tax code for the production of energy from landfill gas, or LFG.

In the past, Congress recognized the importance of LFG for energy diversity and national security by providing a Section 29 credit in 1980 and extending it for nearly two decades. However, the Finance Committee bill before us fails to recognize the importance of LFG in its creation of a new Section 45 credit. In contrast, the President proposed a generous Section 29 credit for LFG, and the House has passed a Section 45 credit for LFG as part of its energy bill. Both of these proposals would provide meaningful tax incentives to encourage the collection and use of LFG. Thus, this version of energy tax incentives falls well short of recognizing the importance of dealing with LFG, and I urge the chairman to address this shortfall in the House-Senate conference by affording the same incentive for LFG that other renewable energy sources are given under the final legislation.

The potential energy and environmental benefits of future LFG projects are substantial, but they will be lost if we do not provide adequate provisions to support project development. I want to thank Chairman GRASSLEY and Senator BAUCUS for their past work and support in addressing these important concerns. Further, I hope and request that they once again work with me to make sure Americans garner all of these important benefits.

Mr. GRASSLEY. Mr. President, I want to assure Senator LINCOLN that I will continue to work with her to make sure adequate incentives for LFG are included in any final package from the upcoming House-Senate conference. Her concerns are my concerns as well. She has stated them well and I will devote my best efforts to resolving them as we move forward on discussions and deliberations with the House of Representatives.

CAR PROVISION

Mr. BAUCUS. Mr. President, I raise an issue with regard to the car donation provision included in the JOBS bill. Under the provision donors are limited to deducting the actual sale price of the vehicle that is donated to charity, unless the charity uses the car, in which case donors a get fair market value deduction. This is a good rule. It will cut out abuse of this charitable giving device, and make it easier for donors to comply with the tax law. However, I am also concerned about the potential for charities that intentionally sell/transfer donated vehicles at a low or no cost to low-income recipients as part of a charitable program to be unintentionally hampered from doing so. I believe the law is written in such a way that if the car is given by the charity to a low income family, or used for parts to repair a different car, there is no sale that triggers the sales proceeds limit, and the donor gets a fair market value deduction. I agree with some folks' suggestions that the sales to needy families case does not fit within the ''use by the charity'' rules as presently drafted. But trying to modify the proposal to move away from the sale bright line rule can be tricky, and I fear we would be opening up the proposal to abuse. I pledge to charities that do sell cars to low-income or needy individuals at reduced prices as part of a charitable program, that we will expand regulatory authority during conference or a preconference period with the House to permit Treasury to issue rules excepting certain sales from the sales proceeds limit and certain reporting rules if the sale furthers a charitable purpose.

Mr. GRASSLEY. I agree with your concerns, Senator BAUCUS, and I also am in favor of giving Treasury this expanded authority.

Mr. BURNS. Mr. President, I rise today to discuss one small piece of this legislation which will make a big difference in rural States such as Montana. I am talking about the broadband expensing provision, which would encourage broadband providers to extend their networks to underserved areas, and to upgrade their networks to ''next-generation'' speeds so that they can deliver a full complement of voice, video and data services. We have been working on this legislation since 2000—Senator ROCKEFELLER, Senator BAUCUS, Senator GRASSLEY, Senator CLINTON. There are a lot of us who feel strongly about this issue. It has passed the Senate twice now, but, unfortunately, we have been unable to persuade our friends on the other side of the Capitol to support it. So I want to thank the Finance Committee for including it again in this bill, and I am going to push my colleagues on the House side to get behind it this time because it is very important. It is important for rural areas, for underserved inner city areas, for education, for health care, for energy savings, for a

whole list of reasons. And I want to say this. It is fitting for this broadband incentive to be included in the FSC/ETI bill because this provision will have a big effect on international competitiveness. We are hearing a lot about ''offshore outsourcing'' these days, and broadband is a response to that. If we have a robust high-speed network all over this country, companies will not need to send jobs to India—we can do them in Montana, and in Iowa, and in West Virginia, and in communities all across the nation where costs are lower. So this is about providing an infrastructure that makes us more productive, just as the Interstate highway system, and rural electrification, and the transcontinental railroad all made the Nation more productive. Broadband is a key infrastructure of the 21st century, and we need to construct it as quickly as possible. I believe this provision will help do that, and I look forward to working with my colleagues to ensure its enactment this year.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased at the progress that the Senate has made this week on the legislation before us, known as the JOBS Act. Like most of my colleagues, I support this bill, because I believe that Congress must respond to the increasingly difficult competitive position of our manufacturing industry. I urge my colleagues to continue working on this bill, debate and vote on the relatively few remaining amendments, and then pass this bill.

For generations, American manufacturing has been a tremendous source of pride and a ladder to the middle class. Unfortunately, over the last 3 years, the manufacturing sector of our economy has suffered disproportionately and millions of good jobs have been lost. Tomorrow the Labor Department will announce new statistics on employment for the month of April. I understand that many experts expect tomorrow's news to be positive. And certainly, we were all very glad to hear that 308,000 jobs had been created in March.

A couple months of strong job growth should not lull this Congress into believing that the manufacturing sector is enjoying a healthy recovery. Indeed, in March no new manufacturing jobs were created at all. Nationwide almost 3 million manufacturing jobs have been lost since January 2001. In my home State of West Virginia, more than 10,000 manufacturing jobs have disappeared in that time.

Regardless of tomorrow's news, this Congress must stay focused on the task at hand. We must eliminate the European tariffs that are currently imposed on many of our goods, and we must enact a fair tax policy that will shore up our manufacturing base. The JOBS Act is accomplishes these goals.

The JOBS Act repeals the foreign sales corporation/extraterritorial income provisions in our current tax code in order to comply with the ruling of the World Trade Organization. Regardless of whether I agree with the obligations that the WTO has ascribed to the U.S., I believe that Congress must act quickly to resolve this impasse and restore good trade relations with Europe. Because repealing these provisions would impose a new tax burden on American manufacturers just at a time when they are already struggling to compete globally, the JOBS Act would create a new deduction for our manufacturers to reduce the cost of doing business in the U.S. In that regard, this legislation is very similar to a bill I introduced last year, the Security America's Factory Employment Act. I know that many of the CEOs in my home state find it difficult to offer good wages, provide health insurance and retirement benefits, pay taxes, and still make a reasonable profit. Passing the JOBS Act will dramatically reduce the tax burden these businesses face, helping them succeed and grow.

Indeed, while the name of this legislation is certainly awkward, the Jumpstart Our Business Strengths Act, the acronym JOBS is fitting. There are a number of very promising provisions in this bill that can offer hope to struggling businesses and the millions of Americans looking for work. In addition to lowering the tax rate on domestic manufacturing operations, this bill extends valuable tax provisions on which American companies depend.

For example, this legislation would improve and extend the research and development tax credit. By spurring investment in innovation this tax credit helps our companies stay competitive and helps keep exciting, well paid jobs in the U.S. The bill also extends tax incentives for the hiring of those who might otherwise depend on public assistance. The work opportunities tax credit and the welfare to work tax credit have been extraordinarily successful, and Congress should ensure that businesses can continue to use them.

I am also very pleased to have worked with my colleagues to provide assistance to companies that are subject to alternative minimum tax obligations by enabling them to take advantage of the legitimate tax benefits of bonus depreciation and general business credits even if their AMT liability would otherwise prevent such benefits. While I wish we could have made this provision even more substantial, this assistance creates incentives for companies to invest in new projects and purchase new equipment in—other words, it helps those companies contribute to our economic recovery.

Another key to our Nation's economic vitality is technological development and deployment. When the Senate Finance Committee considered the JOBS Act last fall, I was very pleased that the committee accepted my amendment to provide tax incentives for the deployment of cutting edge broadband technology. The United States currently ranks eleventh in the world in broadband availability. Millions of Americans, especially in rural areas, do not have access to broadband. We must remedy this situation so that everyone can benefit from activities such as telemedicine, telecommuting, and distance learning. Widespread broadband technology is critical to increasing our productivity and keeping America competitive with nations that offer technology-savvy workforces. I thank my colleagues who have worked with me to include the broadband tax incentives in this legislation, and I look forward to getting these provisions enacted this year.

I am gratified also that the managers of this bill and the leaders on both sides of the aisle have seen their way to including the energy tax provisions that many of us in the Senate have been working to enact for many years. In particular, I am happy to see the Senate working to pass, once again, meaningful incentives to promote the development of clean coal technologies and the expanded development of oil and gas from nonconventional sources. These particular incentives are crucial to meeting our Nation's future energy needs, and I cannot emphasize adequately how important they are to my state of West Virginia.

As the high price of gasoline at the pump continues to set new records, the inclusion of new incentives for the use of alternative fuels and the vehicles that use them are especially timely. I am proud to have worked for many years with a bipartisan group of Senators on these provisions, and I join them in hoping our action on the JOBS Act will lead, finally, to their enactment.

I have been a long-time advocate for a responsible energy policy for this nation. I am frustrated that the current political mindset of some in the House leadership prevents us from getting a final comprehensive bill that can pass the Senate. Still, I am pleased that the Senate has again demonstrated with these tax provisions, including important incentives for energy efficiency and conservation, the genuine bipartisan consensus the country needs to secure our energy supply and lessen our dependence on foreign sources of energy.

Because of the many important provisions I have described, I am looking forward to supporting this bill. As can be said about almost all legislation, this bill is not perfect. Rather it is the result of compromises. I was very disappointed that my colleagues did not agree to add Trade Adjustment Assistance for service workers or to improve the health care tax credit available to workers who lose their job as a result of our trade policies. In addition, I do not believe it is good policy to allow companies who have deliberately avoided U.S. taxes by keeping their profits overseas to now enjoy a tax break on repatriated income. Yet, on balance, this legislation will be beneficial for our manufacturing companies and our economy as a whole.

We have made substantial progress this week. I look forward to voting on the few remaining amendments, including a very worthy proposal to extend unemployment benefits for those workers who have been hardest hit in this economy. I urge my colleagues to continue to make progress on this legislation and work with our counterparts in the House of Representatives so that we can send this to the President.

Mr. FEINGOLD. Mr. President, while I strongly supported a timely finish to debate on this measure, I voted against the motion to invoke cloture on S. 1637. The debate over the past few days leading up to this vote has made it clear that the total time needed to consider the amendments remaining on this measure totaled less than 2 hours. So there was no need to invoke cloture on this legislation. Unfortunately, cloture does mean that critical amendments, including my own amendment to strengthen our Buy American law, would no longer be in order.

To be clear, I do not support delaying consideration of the underlying bill. As I indicated to both leaders, I was willing to enter into a short time agreement for consideration of my amendment, and I understand that others who were offering amendments were also willing to limit the time on their amendments. But cloture not only limits the time available to debate this bill, it also means that the Senate will not be able to consider my amendment, as well as other worthy proposals that relate directly to the loss of manufacturing jobs that has wracked so many communities in Wisconsin and across the country.

Mr. KENNEDY. Mr. President, all of us are pleased by Department of Labor reports showing that the economy has finally had two months of good job growth. It is welcome news. However, that news must be viewed as part of the overall economic picture. Job growth is still far behind what President Bush predicted when his tax cuts were enacted last summer—two million jobs behind. Employment in the manufacturing sector is still anemic. The pace at which American jobs are being shifted overseas is still accelerating.

Working men and women in America are facing an economic crisis which threatens their job security and their families' well-being. Since the beginning of 2001, there has been a net loss of nearly two and a half million private sector jobs. In prior economic downturns, most of the job loss was the result of temporary layoffs. As the economy picked up, workers returned to their old jobs. Unfortunately, that is no longer the case. Economists tell us that most of the millions of jobs lost in the last three years are gone for good. With each job lost, a family is placed in jeopardy. We must look behind the statistics to the people who, through no fault of their own, are now facing hardship and uncertainty.

Unfortunately, the Bush administration's response to these people has been weak and ineffective. Huge tax cuts heavily skewed to the wealthy, and rosy predictions that have consistently proven false. Long term unemployment has nearly tripled under President Bush. Unemployed workers remain without jobs longer than at any time in the last 20 years. Nor is there any basis to conclude that the hemorrhaging of jobs in the manufacturing sector is at an end. And the relatively small number of new jobs that are being created pay, on average, 21 percent less than the jobs that have been lost. The Republican strategy of tax breaks for the rich and platitudes for the public will not solve the ongoing economic crisis. We need new leaders who will give us a new economic plan.

The so-called JOBS bill which the Senate is finally considering does not provide that new economic plan. Rather, it is a hodge-podge of unrelated and sometimes inconsistent provisions. Some of them—principally the new deduction for domestic manufacturing and the extension of the research and development tax credit—will help to create jobs. However, there are many other provisions in the bill which could actually make the job loss worse.

This legislation is really schizophrenic. On the one hand, it creates over $65 billion in new tax benefits for domestic manufacturers to help them maintain, and hopefully add, jobs here at home. On the other hand, it provides nearly $40 billion in new and expanded tax breaks for companies doing business abroad. Many of these international provisions will actually make the exporting of American jobs more financially attractive to multinational corporations.

Providing assistance to domestic manufacturers is the right thing to do. We have lost more manufacturing jobs in the last three years than in the preceding twenty years—a net loss of nearly 3 million jobs since 2000. This is a genuine crisis for working families across America. They are looking to us for help, and we owe them a strong, unambiguous response.

Unfortunately, the legislation as reported from the Finance Committee does not provide that strong, unambiguous response that American workers are looking for. It contains deep internal contradictions which will seriously hamper its effectiveness in preserving domestic manufacturing jobs.

Providing more tax breaks for multinational corporations is the wrong thing to do. It's more than the loss of $40 billion in tax revenue that could be used for many better purposes that is troubling. What is most disturbing is the fact that many of these international provisions will actually encourage companies to shift even more American jobs to low wage countries.

The international provisions should be removed from the bill, and the tax dollars saved should be used to increase the tax benefits for domestic manufacturing.

It is outrageous that this bill proposes to expand the value of the foreign tax credits which multinational corporations receive. Under the legislation, these companies would pay even less in U.S. taxes on the profits they earn from their business abroad than they do today—$40 billion less. This will create further incentives for them to move jobs abroad, undermining the intent of the legislation.

From the perspective of preserving American jobs, one of the worst features of corporate tax law is a special tax subsidy for multinationals known as ''deferral.'' If a U.S. company moves its operations abroad, it can defer paying U.S. taxes on the profits it makes overseas until the company chooses to send those profits back to America.

In essence, it allows the corporation to decide when it will pay the taxes it owes to the U.S. Government. That is a luxury that companies making products and providing services here at home do not have. This is an enormous competitive advantage which the tax code gives to companies doing the wrong thing—eliminating American jobs—over companies doing the right thing—preserving jobs in the United States.

We should be eliminating this special tax break for multinationals. Instead, this bill proposes to expand it. It makes changes in the deferral rules which will actually encourage companies to keep profits earned on foreign transactions abroad longer. As a result, the return of working capital to the U.S. will be delayed even further, and the payment of corporate taxes owed to the public Treasury will be postponed even longer.

This legislation would extend from 5 years to 20 years the amount of time which a foreign tax credit can be carried forward. Often it is concern about losing foreign tax credits which leads a corporation to return foreign earned profits to the United States. By extending the carry forward period to 20 years, corporations will lose one of the strongest incentives to bring the money home. The bill also narrows what is known as Subpart F, which currently prevents the deferral of American taxation on the profits from certain types of passive investment income. It would change Subpart F to allow deferral of income from investment activities, such as commodity hedging transactions and aircraft and vessel leasing. The location of these activities can be easily manipulated for tax avoidance purposes. The bill also removes limitations on the use of foreign tax credits against the corporate alternative minimum tax, and allows companies to take advantage of foreign interest payments to make their foreign tax credits even larger. All of these provisions move the tax code further in the wrong direction, increasing the profitability of shifting jobs abroad.

If enacted, these provisions greatly enhancing the value of foreign tax credits will inevitably lead to the export of more American jobs. That is

not just my opinion. Let me cite a statement from the Finance Committee Democratic staff's analysis of the bill:

[A] dollar of taxes paid today is more costly than a dollar paid next year. Thus, on a present value basis, deferral represents significant tax savings—and the savings are greater the longer taxes are deferred. Accordingly, as a general matter, the tax burden on investment abroad is lower than on identical investment in the United States in any case where the tax rate imposed by the foreign host government is lower than the U.S. tax rate on identical investment. As a consequence, deferral poses an incentive for U.S. firms to invest abroad in low-tax countries.

Creating ''an incentive for U.S. firms to invest abroad in low-tax countries''—worth billions of dollars—just what we should not be doing, making an already bad situation for American workers worse!

Not surprisingly, the proponents of this legislation all want to talk about the tax benefits it will provide for domestic manufacturers, helping them pressure American jobs. However, the multi-national tax breaks in Title II will seriously undercut that goal. They will cost jobs, reducing the net benefit that American workers receive from this bill. Our corporate tax laws should be rewritten to increase the cost of exporting jobs and decrease the cost of maintaining jobs in America. Title II does the opposite. These international provisions should be removed from the bill, and the tax dollars saved should be used to make the tax benefits for domestic manufacturing more robust. That would truly make this legislation a JOBS bill we could all be proud of.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to make a few comments regarding the bill.

First, I compliment my colleagues, Senator GRASSLEY and Senator BAUCUS. We will be successful in passing a bill today. I compliment them for it. I believe we have been on this bill for about 14 days, maybe 15 days. They have considered hundreds of amendments. In my opinion, this bill has gotten pretty expensive and I want to talk about it a little bit.

Senator KYL and I voted against the bill reported out of the Finance Committee primarily because the committee-reported bill had a differential rate for manufacturers than other corporations. It said manufacturers should have a rate of 32 percent and other corporations have a rate of 35 percent.

Prior to my coming to the Senate, I ran a manufacturing company. I should be saying, Thank you very much. I may be going back to a manufacturing company. So maybe I should say, Thank you very much. But this is terrible tax policy. The Senate and the Congress, if it becomes law, will regret it.

Members might say, Why is that? First, who is a manufacturer? You would think it would be very obvious who is a manufacturer but, frankly, it is not. The only thing that is certain out of this bill, there will be lots and lots of lobbyists lining up to be defined as manufacturers because if you are defined as a manufacturer, you get a 10-percent lower rate than all the other corporations. As a matter of fact, the bill defines manufacturers as, obviously, manufacturers, but also agriculture. So I have a lot of wheat farmers in Oklahoma who will now be manufacturers—software producers, movie producers. Now architects and engineers are going to have a lot of people asking they be defined as manufacturers.

Maybe manufacturing employment will rise as a result of people redefining themselves as manufacturing, but other than that, I am not sure it makes sense.

We also have a lot of large corporations that do a lot of things. They may have a manufacturing division but they also have services or they also have financials. Probably one of the biggest beneficiaries dollarwise in this bill, it is my guess, would be a company such as General Electric or maybe it would be a company such as Boeing or a big manufacturer. But General Electric, I would guess their financial services are bigger than their manufacturing.

We will say for part of your corporation you get a corporate rate of 32 percent, but the rest of your corporation gets 35 percent. Guess what. Where you allocate those expenses will make a difference in your bottom line. You could have an enormous amount of internal complexity trying to decide, Should this be allocated to manufacturing? Should it be allocated to our financial services? Should it be allocated to our maintenance services? And if you make a mistake, you cannot only be audited, but you can be fined. But there is a great incentive to crowd as much income, as much profit into the manufacturing sector, and as much expenses into the nonmanufacturing sector.

With the complexity of it—albeit we are all trying to help manufacturers, and I think maybe this is very well intended—I think it is faulty economic policy.

Canada tried a differential rate, a lower rate, for manufacturers than other corporations, and they did it in 1982. They repealed it in 2001. I will make a statement on the floor: If this becomes law, we will repeal it. Congress will repeal it at some point, because our colleagues are going to hear from people in the field that it does not work, or that they have been audited and the complexity is too much.

The Treasury Department made these comments:

Taxpayers will be required to devote substantial additional resources to meeting their tax responsibilities. . . .The resulting costs will reduce significantly the benefits of the proposal. . . .

It will be difficult, if not impossible, for the IRS to craft simplified provisions tailored to small businesses. . . .

Significant additional IRS resources will be needed to administer the [manufacturing deduction] provision. . . .

By distinguishing ''production'' from other activities, the provision places considerable tension on defining terms and designing anti-abuse rules.

In other words, I have heard lots and lots of people say they are for tax simplicity. This is just the opposite, and we are going to regret it. I want people to know that. I would like for them to know it before it becomes law so we do not make a mistake, because I believe it will be a mistake.

I asked the Congressional Budget Office for the economic analysis of this. I would love for the sponsors of the amendment to know this. CBO estimates the efficiency gains to the economy are $4 to $7 billion per year from an across-the-board rate cut. In other words, if we are going to cut corporate taxes, let's cut all corporate taxes the same. You could probably do that to a rate of about 33 percent or maybe 33.5 percent or something. But all corporations would be taxed the same.

We have always taxed all corporations the same. To have a differential rate for manufacturing is a mistake. CBO says the cost—well, I will finish that. They say: The gains to the economy are $4 to $7 billion per year from an across-the-board rate cut. That is $40 to $70 billion over the next 10 years. That is a significant amount, given the fact the entire bill was $110 billion. Now that was $110 billion when we reported it out of committee. The bill now moves around not $110 billion, not $120 billion, but $170 billion. It is a big bill. It adds a lot of miscellaneous provisions. A lot of them, in this Senator's opinion, should not be in the bill.

I hope and expect to be a conferee, and I will tell our conferees, I will always work with my colleague from Iowa because I have great respect for him. I think the differential rate is a mistake. I also think there are a lot of extraneous provisions that were put into the bill that should not be that are bad tax policy, and maybe they need to be reviewed very closely before they become law.

I plan on being pretty active in the conference, to try to accept amendments that make sense, to try to make us more competitive, to try to avoid the fines and the penalties and the tariffs that are being imposed by the EU. I very much agree with the objective of the bill. Let's avoid those penalties. Let's not get in a trade war. Let's not have countervailing tariffs. But let's not add a bunch of junk to the tax policy.

The table of contents, when the bill passed the Finance Committee, was about 5½ pages. The table of contents usually has about 15 or maybe 20 amendments on a page. There are now about 11 or 12 pages on the table of contents. In other words, this bill has hundreds of provisions and a lot of them have nothing to do with manufacturing. A lot of them have nothing to do with being compliant with WTO,

being compliant with trying to eliminate trade tariffs that are imposed on the United States.

So again, I regret I could not support the bill when it came out of the Finance Committee. I know it is going to pass by a big margin today. I compliment the sponsors of the amendment, Senator GRASSLEY and Senator BAUCUS. I compliment them for their work and patience and tenacity in getting us here. I look forward to working with them in conference to hopefully make a better bill, compliant with WTO, something we can afford, and something that will not add 1,000 pages to the IRS Code.

I yield the floor.

Mr. GRASSLEY. Madam President, Senators KYL and NICKLES say that a lower rate just for manufacturing is ''bad tax policy and is virtually without precedent in our history.''

Well, this is just wrong and the evidence is staring them in the face. FSC/ETI itself is a tax cut for manufacturing. FSC/ETI keeps U.S. manufacturing competitive by lowering tax rates on exports. Manufacturers could lower their rates by 3 to 8 points.

The Joint Committee on Taxation says that 89 percent of all FSC/ETI benefits go to manufacturing companies. The Kyl-Nickles Treasury proposal would take money from FSC/ETI and spread it to other industry sectors.

Kyl-Nickles will be a $50 billion tax increase on manufacturing. It will not send the FSC/ETI repeal money back to manufacturing. It is mathematically impossible for their proposal to work any other way.

We know that tax increases do not create jobs. So why would Senator KYL and NICKLES increase manufacturing taxes by $50 billion?

There are other reasons why we did not go the route of the Kyl-Nickles approach. First, their top-level rate cut would only go to the biggest corporations in America. It would not go to family-held S corporations, partnerships, or smaller corporations.

Under the Finance Committee bill, all manufacturers in America, regardless of size, get a 3-point rate cut, including S corporations and partnerships.

S corporations and partnerships benefit under current FSC/ETI law, so the Kyl-Nickles bill takes a benefit away from them and gives it to large corporations.

Kyl-Nickles claim that a manufacturing tax cut ''penalizes all other U.S. businesses.'' I think just the opposite is true. The manufacturing sector should not be a revenue offset to give investment bankers a tax cut. Kyl-Nickles claim that our definition of manufacturing is too difficult to understand. But the definition we use in the JOBS Act is the same definition used for both FSC and ETI. It covers property that is manufactured, produced, grown or extracted within the United States.

This definition is 20 years old, but suddenly no one understands what it means. We did confirm that manufacturing includes computer software, films, and processed agricultural goods. Kyl-Nickles claim that these are special interest definitions of manufacturing. However, all of these activities qualified as manufacturing under the FSC/ETI rules, which have been in place for 20 years.

We also ensured that farm co-ops get the same benefit that they do under current law.

In response to our energy crisis, we provided that refining oil pulled from American wells would qualify as manufacturing.

They claim it is too difficult to allocate income and expenses in determining the amount of manufacturing income. But for 20 years, Treasury has had administrative pricing rules on its books that tell taxpayers how to allocate expenses in figuring FSCETI benefits. Our JOBS bill grants Treasury broad latitude to revise the cost allocation rules, based on existing tax principles.

Kyl-Nickles also claims that Canada recently gave up a similar manufacturing rate cut because it did not work. This is not correct. For many years, Canada had a special lower rate for their manufacturing sector. Canada created their manufacturing rate cut in reaction to the U.S. creating FSC back in 1982. They reduced their rate on manufacturing so they could stay competitive with the U.S. Canada recently repealed that provision because they reduced all their corporate rates to the lower manufacturing rate.

Canada did not repeal their manufacturing rate cut because of its complications. Canada ended their manufacturing regime because it worked so well, that they extended it to all sectors. But when Canada reduced their overall tax rates, they did not do so at the expense of their manufacturing sector.

We put together a strong bipartisan bill, with a 19-to-2 vote out of committee, that will cut our manufacturing tax rate this very year. There is no purpose in blocking such a strong bipartisan bill. These days, is it rare that we can reach such strong agreement on anything.

Mr. President, the CBO report says the flat corporate rate cut would yield slightly more long-term growth than the JOBS bill. But the reason has nothing to do with our manufacturing tax cut.

CBO says the antitax shelter provisions and Senator SMITH'S and Senator ENSIGN's homeland reinvestment provisions are the cause.

CBO says that because we shut down shelters, corporations' taxes won't be as low and, therefore, their long-term growth is not as high.

CBO also concludes that Senators SMITH'S and ENSIGN's temporary 1-year rate cut won't help in the long-term.

The CBO concludes that a flat rate cut could be more ''efficient'' than a manufacturing rate cut. So what do they mean by ''efficient''? They said it means that a manufacturing rate cut would cause more capital to flow into the manufacturing sector.

So I have to ask, what is the problem?

I thought tax cuts were designed to increase capital investment. Isn't that what we want for manufacturing?

If we increase taxes on manufacturing, then capital should flow out of the manufacturing sector. Is that what we want?

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3120, AS MODIFIED

Mr. LEVIN. Madam President, I ask unanimous consent that our amendment No. 3120 at the desk be modified and called up.

The PRESIDING OFFICER. Is there objection to the amendment being modified?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. COLEMAN, and Mr. HARKIN, proposes an amendment numbered 3120, as modified.

Mr. LEVIN. Madam President, I ask unanimous consent that further reading of the amendment, as modified, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To restrict the use of abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes)

On page 204, strike lines 3 through 15, and insert the following:

SEC. 415. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking ''a penalty'' and all that follows through the period in the first sentence of subsection (a) and inserting ''a penalty determined under subsection (b)'', and

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

''(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

''(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty.

''(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

''(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

''(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall

not be deductible by the person who is subject to such penalty or who makes such payment.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

On page 207, strike lines 1 through 18, and insert the following:

SEC. 419. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting ''the tax liability or'' after ''respect to,'' in paragraph (1),

(2) by inserting ''aid, assistance, procurement, or advice with respect to such'' before ''portion'' both places it appears in paragraphs (2) and (3), and

(3) by inserting ''instance of aid, assistance, procurement, or advice or each such'' before ''document'' in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

''(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

''(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

''(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

''(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.''.

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

''(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

Mr. LEVIN. Madam President, I am offering this amendment along with our colleague, Senator COLEMAN. I understand the amendment has been cleared now on both sides of the aisle. I very much appreciate the effort that has been put into this matter by Senator GRASSLEY and Senator BAUCUS. They have been battling abusive tax shelters for years now, and it is a privilege to join them in this fight by providing the IRS with stronger enforcement tools.

Abusive tax shelters are undermining the integrity of our tax system, robbing the Treasury of tens of billions of dollars each year, and shifting the tax burden from high income corporations and individuals onto the backs of the middle class.

The bill before us contains a host of important reforms to combat abusive tax shelters, including codifying and strengthening the definition of when a shelter has ''economic substance.'' But there is an area where the underlying bill falls short and unnecessarily so. That's on the penalties for the people who design and sell the abusive shelters. The bill sets the penalty at 50 percent of the fees earned by these promoters, meaning they get to keep half of their ill-gotten gains.

That is the provision that our amendment addresses, but we significantly toughen this provision in a way which I think this body will totally approve.

The amendment I originally filed proposed raising the penalty on abusive tax shelter promoters and those who aid or abet tax evasion to 150 percent. Today we have reached a compromise, agreeing to set the penalty at 100 percent, which will ensure that those who peddle abusive tax shelters will not get to keep a single penny of their ill-gotten gains.

The issue is whether when you have an abusive tax shelter, one which robs the Treasury of millions of dollars, the people who cook up those tax shelters are going to be penalized in any significant way. Will the accountants or the lawyers or the investment bankers—the people who design these deceptive and sham tax shelters, which are abusive and have no economic purpose, except to avoid taxes—will they be deterred from doing this? And if they do it, will they be penalized, at least to the extent of having their ill-gotten gains being taken back from them? That is the issue.

The current law is like a slap on the wrist. It is like a parking ticket. These abusive tax shelters, which have been designed by the banks and the accounting firms, and which have made them millions of dollars, result in a maximum fine of $1,000 under current law.

What our amendment does is say, if you design and promote an abusive tax shelter which has no economic substance and you are found responsible for doing that, the IRS can get all of your fee that is ill-gotten and wrongfully obtained for cooking up that tax shelter—not $1,000 of the fee, not half of the fee, as was originally proposed in the bill, but the entire fee is going to be recoverable by the IRS.

We can take a quick look at one of these tax shelters. This is called Flagstaff. I am not going to try to explain what that tax shelter you are looking at does. It is obviously inexplicable. It has all of this mumbo jumbo, all of these boxes and arrows that were intended by JP Morgan Chase to create an impression of economic activity when there was none. That is what this bowl of spaghetti is all about: to create a sham impression that there was some economic substance to these transactions when, in fact, there was no economic substance. They were cooked up in order to create the appearance of economic substance and, thereby, obtain a tax deduction for them.

The question is, when that happens, whether we are going to say to these firms that design these tax shelters for Enron, or for whoever: We are not going to let you, the designers, the perpetrators—who are called aiders and abettors in the law, but are really the promoters of the tax shelters—we are not going to let you keep those ill-gotten fees. We are going to recover those for the Treasury of the United States.

That is the only real deterrent we have.

I want to quickly show how some of these firms analyze these fees they get. Again, we are talking about millions of dollars in fees. These are cookie-cutter tax shelters that are designed and sold by the hundreds to people who can use a tax deduction for, usually, their capital gains, but are not engaged in economic activity which would justify the non-payment of tax on these capital gains.

This is what KPMG did when analyzing one of their phony tax shelters: First, they look at the financial exposure to the firm. It is minimal. So what they are saying is: Hey, we can engage in this. We can get away with it because there is no financial exposure.

> . . . we conclude that the penalties would be no greater than $14,000 per $100,000 in KPMG fees. . . . For example, our average deal would result in KPMG fees of $360,000 with a maximum penalty exposure of only $31,000.

They do a cost-benefit analysis.

They cook up and design an abusive tax shelter and then say: Now should we really go with this? Shall we peddle this, promote it, look for people who can benefit from it, sell it for hundreds of thousands of dollars and take the risk that we will be caught? Because what happens if we are caught? We are going to be paying a few thousand dollars in penalties and making $100,000. Our maximum exposure, our financial exposure, is minimal.

That is what this amendment changes.

Last November, the Permanent Subcommittee on Investigations, on which Senator COLEMAN is the chairman and I am the ranking member, held hearings that provided an inside look at how respected accounting firms, banks, investment advisors, and lawyers have become high-powered engines behind the design and sale of abusive tax shelters.

These hearings were the culmination of a year-long investigation into abusive tax shelters, which first began by pulling the curtain away from one of Enron's sham tax transactions. At the November hearings, we released a report by my subcommittee staff on four case histories of abusive tax shelters developed and marketed by KPMG. At the hearings themselves, we heard from a number of accounting firms, banks, investment firms, and others.

One of the key findings of the subcommittee investigation was that it was not taxpayers visiting their tax advisors that provided the engine for the

creation of abusive tax shelters, but rather hordes of tax advisors cooking up one complex scheme after another, and then peddling them to potential customers. There are legitimate tax shelters and abusive ones. The abusive shelters are marked by one characteristic: there is no real economic or business rationale other than a tax reduction. We found the abusive shelters being packaged up as generic ''tax products'' with boiler-plate legal and tax opinions, followed by elaborate marketing schemes to peddle these products to literally thousands of taxpayers across the country.

It is the insight gained during our close look at these shelters that led me and Senator COLEMAN to introduce the Tax Shelter and Tax Haven Reform Act, S. 2210. While the Levin-Coleman bill addresses a wide range of tax shelter issues, our amendment focuses on one key issue: the woefully inadequate penalties that are now on the books for the tax shelter promoters who concoct and peddle abusive shelters.

Existing tax shelter penalties are a joke. They provide no deterrent at all. The story begins with Enron, and I think the Enron scandal has shown us one reason this amendment is so important. The Flagstaff example I talked about earlier was designed to save Enron more than $60 million in taxes. The whole scam was built around a sham $1 billion loan that was issued to Enron but was repaid in nanoseconds, and then used to claim various tax benefits as well as creating a false impression of profits on the balance sheet. JP Morgan Chase designed and sold this concoction to Enron for more than $5 million. After Enron collapsed and this scam came to light, we learned that JP Morgan had sold the same abusive tax shelter to at least one other company as well.

Under Section 6700 of the tax code prohibiting the promotion of abusive tax shelters, JP Morgan was subject to a whopping $1,000 penalty. Let me repeat: For one tax shelter which was abusive because it was a sham and a deception, JP Morgan Chase's ill-gotten gain from one company, Enron, was $5 million. Its penalty exposure to the IRS under current law was $1,000.

As IRS Commissioner Mark Everson said when he testified at our tax shelter hearings, the current tax shelter promoter penalty is ''chump change.'' To continue quoting Commissioner Everson: ''We need significantly increased penalties to hit the promoters who don't get the message where it counts, in their wallets.''

Our tax shelter investigation found some fascinating documents as well, including one I have shown here today in the KPMG memo that shows a particular tax shelter promoter performing a specific cost-benefit analysis when deciding whether or not to take the risk of peddling an abusive shelter. The third paragraph of this KPMG memo says:

First, the financial exposure to the Firm is minimal. Based upon our analysis of the applicable penalty sections, we conclude that the penalties would be no greater than $14,000 per $100,000 in KPMG fees. . . . For example, our average deal would result in KPMG fees of $360,000 with a maximum penalty exposure of only $31,000.

The fact that all KPMG could lose if caught was a small part of its fee was a driving consideration in KPMG's decision to take the risk. This memo is proof that weak penalties encourage tax shelters and that tough penalties would deter them. Congress needs to enact meaningful, tough penalties to deter promoters from pocketing any gains from designing and peddling abusive tax shelters. We need to deter folks from making a cost-benefit analysis that encourages the promotion of a tax shelter they know is not likely to withstand scrutiny.

Our amendment would do just that by strengthening penalties for promoting abusive tax shelters.

Our amendment focuses on two key penalties. The first is the penalty for promoting an abusive tax shelter under Tax Code section 6700. The second is the penalty for aiding and abetting tax evasion under Tax Code section 6701. It would increase the penalty for both types of misconduct.

Currently, the penalty under section 6700 of the Tax Code is the lesser of $1,000 or 100 percent of the promoter's gross income derived from the prohibited tax shelter. That means in most cases, the maximum fine is $1,000. That figure is laughable, when many abusive tax shelters are selling for $100,000 or $250,000 apiece. Our investigation uncovered tax shelters that were sold for millions each. The Enron tax avoidance scam sold for more than $5 million. We also saw instances in which the same so-called tax product was sold to more than 100 clients. A $1,000 fine is like a parking ticket for raking in millions illegally.

The bill before us is an improvement over the status quo, but an unnecessarily modest one. It would increase the penalty for promoting an abusive tax shelter to 50 percent of the promoters' gross income from the prohibited tax shelter. Why should anyone who pushes an abusive tax shelter—an illegal tax shelter that robs our Treasury of much needed revenues—get to keep half of his ill-gotten gains? And what deterrent effect is created by a penalty that allows promoters to keep half of their fees if caught, and all of them if they are not? That half-hearted penalty is not tough enough to do the job that needs to be done.

At the very least, a meaningful penalty for those who peddle abusive tax shelters must ensure that the tax shelter promoter does not profit from its wrongdoing. It must require the wrongdoer to disgorge every penny of the income obtained from selling the shelter. Our amendment would do just that.

My original amendment would have gone further. It would have created a maximum penalty equal to 150 percent of the promoter's gross income from the prohibited tax shelter. Under that penalty, the first 100 percent would have forced the disgorgement of the ill-begotten gains, and the remaining 50 percent would have imposed what I consider to be an actual penalty on top of that. But today, our amendment does not go that far. It stops at 100 percent. While that is not as tough as called for in the Levin-Coleman bill, it is a reasonable compromise and will ensure that those who promote abusive tax shelters will lose 100 percent of their ill-gotten gains.

The underlying bill has the same problem in the way it addresses many professional firms the accountants, law firms, banks, and investment advisors that aid and abet the use of abusive tax shelters and enable taxpayers to carry out abusive tax schemes. The underlying bill takes the same half-hearted approach of denying only 50 percent of the gross income obtained by the aider and abettor, and allowing the wrongdoer to keep half of its ill-gotten gains. Just as we do with tax shelter promoters, our amendment would raise the penalty under tax code section 6701 to 100 percent of the aider or abettor's gross income, thereby denying them 100 percent of their ill-gotten gains. In addition, our amendment would make an important change to section 6701 itself by eliminating a provision which limits the penalty to persons who prepare tax returns. Instead, our amendment would apply the penalty to all wrongdoers who knowingly aid and abet the understatement of tax liability, not just tax return preparers.

Finally, while I am pleased that today we have reached agreement to accept a 100 percent penalty, I would like to take this opportunity to observe that penalties that cause wrongdoers to not only disgorge their ill-gotten gains, but also pay a monetary fine on top of that are fair and provide a meaningful deterrent.

There is no reason why those who concoct and peddle these shenanigans should get off any easier than the taxpayers who use them. Just last week the IRS came out with an initiative to allow taxpayers who used a tax shelter known as ''Son of Boss'' to come clean. This tax shelter was marketed beginning in the late 1990s and was one of the tax shelters we looked at during our investigation. Under the terms of the IRS initiative, taxpayers are required to come forward and pay 100 percent of the tax they tried to escape. On top of that, the IRS can impose a penalty that ranges up to an additional 40 percent. That means the taxpayer faces up to a 140 percent penalty.

Son of Boss is a hellaciously complicated tax shelter that was dreamed up and carried out by tax shelter promoters and other professionals. The taxpayers who bought this shelter have to cough up 100 percent plus. It is only fair that the tax shelter promoters who made so many millions of dollars in profit on these schemes should do no less.

It is also important to realize that Congress has frequently set penalties for corporate misconduct and financial crimes that require wrongdoers to disgorge 100 percent of their ill-gotten gains plus pay a penalty on top of that, and courts have upheld those penalties as both constitutional and enforceable. For example, under current law, violation of the federal securities laws results in 100% disgorgement plus a civil fine of up to 100 percent, for a total civil penalty equal to 200 percent. In the special case of insider trading, violations result in 100 percent disgorgement plus a civil fine of up to 300 percent, for a total civil penalty equal to 400 percent. Manipulation of commodity markets results in a civil fine of up to 300 percent. False claims submitted to the Federal Government result in a civil fine of up to 300 percent. Even the tax code has penalties of this magnitude; for example, personally profiting from a charity results in a civil fine of up to 200 percent.

Men and women in our military are putting their lives on the line every day for our nation. To make sure we can provide them with the resources they need, all Americans need to contribute their fair share in taxes. While the bill before us improves the tax shelter penalties over current law, we can and should do much better. We need penalties that truly deter those who make a profit from peddling abusive tax shelters and aiding and abetting tax evasion, not penalties that would allow the promoters to keep half of their ill-gotten gains.

It is long past time to stop in their tracks the shelter abusers and the promoters who push them. This amendment would send the message to promoters that their tax schemes are unfair and unpatriotic. Again, I appreciate the bill managers accepting it into the bill.

I also thank Senator COLEMAN for being such a strong advocate of this approach, putting in the law a real deterrent to end these abusive tax shelters which have cost the Treasury and the average taxpayers of this country, who have to share the burden, so many tens of billions of dollars. That is now hopefully going to end.

Again, I thank the chairman and ranking member of the Finance Committee for the way they have worked with us to adopt this amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mr. LEVIN. I yield the balance of my time to my friend from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I commend my friend, the Senator from Michigan, for his leadership in protecting the interests of all taxpayers by originally bringing to light the nature of these abusive tax shelters. I had the opportunity to work with him to make a difference, to help shape this amendment.

I also thank Chairman GRASSLEY and Senator BAUCUS for accepting this amendment and for their leadership on this issue. I am glad the Senator from Michigan didn't try to explain and walk through all the details of his chart of these sham tax shelters. The bottom line is very clear: The Government gets ripped off. The taxpayers get ripped off. These abusive tax shelters were established for the purpose of avoiding tax liability. Those who suffer are all the taxpayers. By this amendment, by substantially increasing the penalties, by putting some real deterrent in place, I believe public trust in our laws will be restored.

In November, as chairman of Permanent Subcommittee on Investigations, I held two hearings on abusive tax shelters. The permanent subcommittee spent one year investigating the tax shelter industry. It became clear to the subcommittee that some tax avoidance schemes are clearly abusive. These abusive shelters relied on sham transactions with no financial or economic utility other than to manufacture tax benefits.

According to GAO, abusive tax shelters robbed the Treasury of $85 billion over 6 years. The use of these tax shelters exploded during the high flying 1990s, when many firms were awash in cash and more concerned with generating fees than being compliant with the Code. The lure of millions of dollars in fees clearly played a role in the decision on the part of tax professionals to drive a Brinks truck through any purported tax loophole.

Abusive tax shelters require accountants and financial advisors who develop and structure transactions to take advantage of loopholes in the tax law. Lawyers provide the cookie-cutter tax opinions deeming the transactions to be legal. Bankers provide loans with little or no risk. Yet the amount of the loan creates a multimillion-dollar tax loss.

This became a game. Otherwise reputable professionals were able to earn huge profits by providing services that offered a veneer of legitimacy to the transactions. The parties were careful to hide the transaction from IRS detection by failing to register and failing to provide lists of clients who used the transactions to the IRS.

It was clear to the subcommittee that the promoters of these tax shelters failed to register with the IRS partly because the penalties for failing to register were so low compared to expected profits. As my colleague from Michigan noted, with the risk-benefit ratio, it was worth avoiding the law because if you got caught it didn't matter; you made so much money. The penalties were so little that you took the risk of avoiding the law. In fact, the benefits were great.

This amendment changes that. Current provisions of the JOBS bill provide for increased penalties to address abusive tax shelters. However, I agree with Senator LEVIN that even stronger penalties are needed. The provision to substantially increase penalties to promoters who manufacture these sham transactions so they must give back all of their ill-gotten gains is vital to restoring the integrity of our tax laws and deterring future avoidance.

This amendment also increases the amount of penalties for persons who knowingly aid and abet a taxpayer in understating their tax liability. Current law and the JOBS bill only apply this penalty to tax return preparers. We now get the aiders and abettors. However, the close collaboration between the lawyers, accountants, financial advisors, and banks requires us to apply penalties to all material aiders and abettors, not just those who prepare the tax returns.

This is not a victimless crime. It is not the Government that loses the money. It is the people of America, average working families who will bear the brunt of lost revenue so that a handful of lawyers and accountants and their clients can manipulate legitimate business practices to make a profit. Abusive transactions are used to avoid detection by the IRS. This amendment sends a clear message that this Congress intends to put an end to abusive sham transactions.

With the passage of this amendment, the price to be paid for participating and for promoting abuse will be very steep indeed—all of your profits.

I am appreciative that the managers have joined me in supporting this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I urge adoption of the Levin-Coleman modified amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 3120, as modified.

The amendment (No. 3120) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMBASSADORIAL APPOINTMENTS

Mr. REID. Mr. President, I was in the Chamber this morning when the distinguished Senator from Tennessee, the majority leader, complained about our holding up—the Democrats, the minority—appointments to our ambassadorial corps. I thought that doesn't sound right, but I wanted to make sure I had my facts right, even though I had a tremendous impulse to say: Mr. Leader, you are just wrong.

After having looked at the facts, I can say now: Mr. Leader, you were wrong this morning.

This is an important issue. I have been fortunate to have started off in the House of Representatives, and being on the Foreign Affairs Committee, one of my assignments was to travel. I have had the good fortune of being able to travel, in the more than two decades I have been in Congress, all over the world. I am tremendously impressed with the places I go, where we have young men and women who serve, as Senator DODD did. I think he went to the Dominican Republic. We have had other examples, but that is the only one I know of people who served in the Peace Corps. This is a wonderful organization. They do wonderful things for the country. I admire so much what they do.

But there is no one I admire as much as our career Foreign Service officers, our diplomatic corps. They do such wonderful work, without any notoriety at all. So any time we talk about our State Department, our diplomatic corps, I want to defend them. So I know this is an important issue raised by the majority leader this morning. But I thought it would be important for me to respond to some of the current concerns I have heard expressed this morning.

I was on the Senate floor last Thursday, and I was pleased that the Senate confirmed 20 Ambassadors that day, including the Ambassador to Iraq, Ambassador Negroponte, whose assignment will begin after June 30 of this year. His nomination was completed with near record speed, given that he was confirmed 1 week after he was nominated by the President of the United States. The other 19 Ambassadors confirmed that day were confirmed less than a week after they were reported out of the Foreign Relations Committee. That is remarkably good work.

By confirming these 19, the Senate filled 3 vacant U.S. Embassies. We had hoped to confirm other career Foreign Service officers that day. For example, Nepal—I have been there. There are very important events going on in that country now that we have an Ambassador there. As we know, this has been a site of considerable violence.

Unfortunately, I have been advised that the objection to the confirmation of James Frances Moriarity, of Virginia, a career Foreign Service officer, doesn't come from us; it comes from the majority, meaning this Embassy will continue to be vacant for the foreseeable future.

At the moment, I am told by the State Department that out of the nearly 170 Embassies we have around the world, 8 are vacant. So that means 162 of the 170 are filled. Eight are vacant, meaning they have no confirmed Ambassador. The President has chosen not to fill two of them. So now we are down to six. We have two that are too dangerous to fill, for reasons that are apparent—what is going on in the world. That knocks us down to four. One is awaiting action in the Foreign Relations Committee. The Republicans objected to filling another. The last two, Sweden and Finland, are vacant because President Bush's political appointees—not career Foreign Service officers, which I have no objection to because we need a mix—his political appointees decided they could not stand being there much longer and they left.

So my dear friend, for whom I have so much respect, the majority leader, better have his staff give him better facts because he is absolutely, totally wrong, for the reasons I have just indicated.

Last week, some of our friends on the majority side noted that the vacancies send a negative signal to these countries. Let the President move with dispatch to fill them then.

I also hope the President will work out another problem. We have Ambassadors who have been confirmed by the Senate to posts around the world, but they are not doing their work in the countries to which they were sent. They have been sent to Iraq. Ambassadors assigned to the Philippines, Kuwait, and Bahrain are in Iraq, not in the countries to which they were assigned. I know it is important that they help out in Iraq, but that is not the way it should be. At least, it should not be that people are complaining about these Ambassadors not having jobs and the ambassadorial corps being empty and that we are holding it up.

I recognize the jobs these men are doing in Iraq are important. The things they are performing in Iraq are obviously important or they would not have been sent there. But don't complain about the minority holding up Ambassadors because we are not, for the simple math I have given you. So I hope we can consider the whole picture and not come to the floor and complain and cry and whine about the Ambassadors not being confirmed because of us. It is simply not true.

If there is other business to come before the Senate, I will withhold suggesting the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 3133

Mr. GRASSLEY. Mr. President, I ask unanimous consent to call up amendment No. 3133 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3133.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3133) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I think this is going pretty well now. We expect a vote around 6:30.

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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3040, AS MODIFIED

Mr. GRASSLEY. Mr. President, on behalf of Senator NICKLES, I call up amendment No. 3040 and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. NICKLES, proposes an amendment numbered 3040, as modified.

Mr. GRASSLEY. 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 treat electric transmission property as 15-year property)

At the end of title VIII, add the following:

SEC. ___. ELECTRIC TRANSMISSION PROPERTY TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (E) of section 168(e)(3) (relating to classification of certain property), as amended by this Act, is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and by inserting ", and", and by adding at the end the following new clause:

"(v) any section 1245 property (as defined in section 1245(a)(3)) used in the transmission at 69 or more kilovolts of electricity for sale the original use of which commences with the taxpayer after the date of the enactment of this clause.".

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(iv) the following:

"(E)(v) ..... 30".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act and prior to July 1, 2006.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we have looked at this amendment on this side, and we are agreeable that this amendment should be adopted.

Mr. GRASSLEY. On this side, too.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3040), as modified, was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3143

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3143.

Mr. GRASSLEY. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. GRASSLEY. I ask for consideration of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3143) was agreed to.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—92

Akaka	Brownback	Collins
Alexander	Bunning	Conrad
Allard	Burns	Cornyn
Allen	Byrd	Corzine
Baucus	Campbell	Craig
Bayh	Cantwell	Crapo
Bennett	Carper	Daschle
Biden	Chafee	Dayton
Bingaman	Chambliss	DeWine
Bond	Clinton	Dodd
Boxer	Cochran	Dole
Breaux	Coleman	Domenici
Dorgan	Kohl	Reid (NV)
Durbin	Landrieu	Roberts
Ensign	Lautenberg	Rockefeller
Enzi	Leahy	Santorum
Feingold	Levin	Sarbanes
Feinstein	Lieberman	Schumer
Fitzgerald	Lincoln	Sessions
Frist	Lott	Shelby
Graham (SC)	Lugar	Smith
Grassley	McConnell	Snowe
Hagel	Mikulski	Specter
Harkin	Miller	Stabenow
Hatch	Murkowski	Stevens
Hutchison	Murray	Talent
Inhofe	Nelson (FL)	Thomas
Inouye	Nelson (NE)	Voinovich
Jeffords	Nickles	Warner
Johnson	Pryor	Wyden
Kennedy	Reed (RI)	

NAYS—5

Graham (FL)	Hollings	Sununu
Gregg	Kyl	

NOT VOTING—3

Edwards	Kerry	McCain

The bill (S. 1637), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. GRASSLEY. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, now that this bill has finally passed the Senate, I take the opportunity to thank several people.

First and foremost, I thank Senator BAUCUS. I am very certain we would not be here without his good work and his cooperation. In fact, as I have said so many times in speeches, this whole effort started when Senator BAUCUS was chairman of the committee in the last Congress. He held hearings and started this process going. He has not only cooperated and put in good work during this Congress, but it all started under his leadership.

I also need to thank all the other members of the Finance Committee for their time and energy in making this bill a reality. I thank my staff on the Finance Committee: Mark Prater, chief tax counsel, and the other tax counsels, Ed McClellan, Elizabeth Paris, Dean Zerbe, Christy Mistr, and John O'Neill as well as John's predecessor, Diann Howland. These individuals, along with Adam Freed, the staff assistant for the tax team, have been real workhorses for the committee, keeping the lights burning long into the night to make this bill possible.

For the record, as evidence of the work effort, this bill was introduced on the day Hurricane Isabel blew into town. Because of hard work, the markup of the bill occurred in a calm environment.

I also thank the trade staff, particularly Everett Eissenstat, chief Trade Counsel, and his team of David Johanson, Stephen Schaefer, Daniel Shepherdson, and Zach Paulsen. I also thank Carrie Clark who recently left our trade staff. Thanks also needs to be paid to our administrative staff, including Carla Martin, Amber Williams, Geoff Burrell, and Mark Blair. From my personal staff, I thank Sherry Kuntz and Leah Shimp. Also helpful were our Finance Committee press team of Jill Kozeny and Jill Gerber, known around the committee as the ''Jills.'' Lastly, on my side, I thank Kolan Davis and Ted Totman, the Committee's staff director and deputy staff director for riding herd on all this work.

In addition, this bipartisan bill would not have been possible without close work and cooperation at the staff level. I appreciate and thank the minority staff for their good work. I particularly note Russ Sullivan, Democratic Staff Director, as well as Pat Heck, Democratic Chief Tax Counsel, Matt Stokes, Matt Jones, Matt Genasci, Judy Miller, Jon Selib, Liz Leibschutz, Matt Stanton, Dawn Levy, and Anita Horn Rizek. In addition, I thank Tim Punke and his trade team, along with John Angell, Bill Dauster, and Mike Evans, former Deputy Staff Director, for their time and energy.

I extend my thanks also to George Yin and his staff at the Joint Committee on Taxation for providing their extensive knowledge and guidance to this effort. I particularly point out the good work of Ray Beeman, David Noren, and Brian Meighan. Brian recently left Joint Tax for the private sector.

I also thank Acting Assistant Secretary for Tax Policy, Gregory Jenner, and his staff for their assistance on the so-called SILOs tax shelter provision of this bill.

I thank the majority leader, Senator BILL FRIST, and his leadership staff for all their assistance. The majority leader backed me and Senator BAUCUS all the way on this bill. We would not have the result today but for the majority leader's patience, determination, and dedication. It was tough going at times, but he and I knew we would get the right result. From Senator FRIST's staff, I thank Lee Rawls, Eric Ueland, Rohit Kumar, and Libby Jarvis.

I also thank our Senate leadership team and their staffs, especially our able whip, Senator MCCONNELL.

Finally, my thanks go to Jim Fransen, Mark Mathiesen, Mark McGunagle, and their capable staff at Legislative Counsel for taking our ideas and drafting them into statutory language.

I would like to tell them all to go home and get a good night's rest because the bill has been a very long time working its way through the Senate.

Now, I urge our friends in the other body to pass a companion bill. Hopefully, when that bill passes the House, our friends in the Senate Democratic leadership will not resist our efforts to go to conference. Every month of delay is another month where the Euro tax ratchets up another percentage point on our products going to Europe.

I thank everyone for their cooperation in allowing us to get to this point this evening. This, of course, is not the final step in the process. The House has

not passed their version of the FSC legislation. I anticipate the House will send a bill to the Senate at some point. When that happens, I hope we will be able to proceed to conference so that we are able to get a final product.

I appreciate the assistance of Senator BAUCUS throughout this process and hope we will be able to send a bill to committee.

ORDER OF PROCEDURE

Mr. President, following Senator BAUCUS's remarks, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very proud of the Senate. The Senate worked its will through a very involved and complex tax bill. I might add—I don't have the final figures here, but in the case of first impression, this probably is one of the largest tax bills the Senate has taken up and passed, outside of reconciliation—we don't know yet—in maybe a decade, or maybe close to two decades.

I say that because of the importance of protecting Senators' rights. I know this sounds like a little inside baseball, but when I say ''outside reconciliation,'' all of us in the Senate know this means the bill was taken up under the usual Senate process, which means Senators have the right to offer amendments, have the right to speak as long as they can stand on their own two feet, and have the rights Senators usually have in taking up bills. Whereas, if this were to be taken up under the process we call ''reconciliation,'' then amendments would have to be passed very easily; that is, there is no right for extended debate. Germaneness rules do not apply; that is, unless cloture is invoked.

So the main point I want to make is that the Senate has done a good job. The Senate has taken up a very complicated, very large tax bill, and done it the way the Senate should ordinarily do business; that is, outside of reconciliation. We are responsible. We can do it. We did it.

I very much thank my good friend and colleague, the chairman of the Finance Committee, who led us in a way to help make that happen. He basically did it by being so gracious, by being so fair. He has a reputation, we all know, of being one of the most honest and fair persons you would ever have the privilege to meet, not only in the Senate but in life. His credibility is unquestioned. That is a substantial reason why we were able to pass such a messy bill outside reconciliation. I thank my friend for his leadership, for his friendship, and for all he has done.

I also especially thank Senator REID of Nevada. We all know Senator REID is probably one of the masters of the floor. He knows procedure, and his main goal is to get things done. He, too, is a man whose word is his bond. He is invaluable here. If not for the efforts of not only the chairman but Senator REID, I am not so sure we would be here today. He has done a super job.

It is also very appropriate to thank a lot of my staff, and Senator GRASSLEY's staff, and many others, which I will do. But before I do that, I would like to do something a little bit differently and thank some people who helped me with this bill; that is, the people I talked with back home who provided ideas on how to structure the FSC/ETI replacement bill in a way that made the most sense for our manufacturers, not only throughout the country but in my home State of Montana.

This was a great chance for me to learn even more about manufacturing in my State, by going to manufacturers in my State and saying: What do we need? What can we do to help make this happen?

Let me give you a few examples.

The timber industry, for example, has faced very tough economic times during the last several years. In the years 2000 and before, many of these businesses paid very high taxes on solid profits.

So a provision in this bill will permit businesses in industries with cyclical profits to smooth out their tax rates. This is accomplished by permitting a loss to be carried back for up to 5 years. That will help a lot.

I thank Jim Hurst at Owens & Hurst, a small timber company located in Eureka, MT, for helping us better understand the economics of the timber business. The JOBS bill will help this company and many other companies that have very cyclical incomes.

I might add, too, that the people at Mountain Harvest Pizza Crust Company, from Billings—that does not sound like a huge American manufacturing company but they are extremely important to Montana, to Billings, and to me—helped educate me about the challenges of rising costs facing small businesses, and about how the cost of health care was getting to be too much to handle.

I might say, too, not all exporters are large corporations. We learned this from Sun Mountain Sports in Missoula. They are an S corporation. They export golf bags and other sports equipment. They are just the kind of company we want to stay strong so they can keep those manufacturing jobs here in the U.S. and so they can continue to export overseas.

Because of discussions with many small businesses such as Mountain Harvest Pizza Crust and Sun Mountain Sports, I made sure that every manufacturer would get this deduction. So we in the Finance Committee produced a bill that gives a deduction not only to C corporations but to S corporations, to partnerships, and to sole proprietorships so they all could have help and not be left behind by this legislation. The tax relief they are getting in this bill will help defray those and other rising costs.

Again, by consulting with the people at home, we were able to realize what the FSC/ETI replacement bill should be. It should not be just for big C corporations—those are large, publicly held corporations—but, rather, for any organization that manufactures, including proprietorships, small businesses, et cetera.

I also thank the people at CHS—that is Central Harvest—who showed us the role that cooperatives play in rural America and helped us better understand the importance of making this tax deduction pass through to the members of cooperatives. Agricultural cooperatives are a crucial part of the economy of my State and a lot of the West, and, I might add, a lot of other rural parts of America.

CHS helped to make sure their important contributions were not overlooked in this bill. I wanted, as I said, the bill to include all American manufacturers, and I have made sure the bill includes the agricultural cooperatives that are so important to so many States.

Also, I thank Elvie Miller at Mountain Meadow Log Homes, who talked to us about how integral good research and design is to their business. Frankly, with the addition of the amendment by the Senator from Texas, we were able to add that provision.

I also want to thank Leland Griffin and the good folks at Montana Refining Company in Great Falls. They pointed out that under the export credit this bill will repeal, oil refining operations are not eligible for tax benefits. But Montana Refining pointed out that if we are converting the laws to a manufacturing deduction, then it should cover oil and gas refining operations. Those operations are manufacturing. They take raw material, crude oil, and convert it to a usable product—gasoline and other petroleum products. I offered an amendment in committee to include refining operations in the definition of manufacturing.

All of these companies, and many more, were invaluable in passing such a strong bill in the Senate. I thank them. I thank them very much for adding their part to this bill. Were it not for their very valuable contributions, this legislation would not be as good.

I also thank a lot of people from my office. I don't have the whole list. There are so many of them. If we turned the camera over, we could see them lined up against the wall over there. Starting with Brian Pomper on the far right, he does a very good job, handles a lot of trade work. We have Pat Heck over there; Russ Sullivan; Matt Genasci; Liz Liebschutz, Matt Stokes, Jon Selib. We have Scott Landes there in the corner, Simon Chabel, many others. Wendy Carrey is there; Mac Campbell. They are our folks. They do the work. My guess is

that if I talk much longer, they are going to fall asleep, they are so tired. We all very much appreciate, deeply appreciate what they do.

I have often said that the most noble human endeavor is service—service to church, to community, to mankind, service to whatever makes the most sense to us as human beings. A lot of us who run for public office get some of the psychic rewards of service. We see our names in newspapers and on TV. Usually that is good, not always but usually.

However, the folks who work in the Senate, on Joint Tax and elsewhere, work harder. And they don't get public recognition for what they do. They are the real servants. They are the ones who really provide the most noble kind of service. I know I speak for everyone listening, for everyone else who stops and thinks about these things if only for a nanosecond, when I say how true that last statement is. They are the most wonderful folks. I take my hat off to all of them.

I yield the floor.

Mr. GRASSLEY. 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. MCCONNELL. 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. MCCONNELL. Mr. President, I, too, congratulate Chairman GRASSLEY and Senator BAUCUS for their great work in moving this JOBS bill to completion. I certainly express the hope that once the House acts, we will be able to go to conference in the normal way that legislation is handled and get this important piece of legislation on the President's desk at the earliest possible time to prevent further penalties from being levied against our companies here in the United States.

AMENDMENT NO. 3143, AS MODIFIED

Mr. GRASSLEY. Mr. President, I ask unanimous consent, notwithstanding the adoption of amendment No. 3143, that the modification which is at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3143), as modified, was agreed to, as follows:

''(ii) there shall be disregarded any item of income or gain from a transaction or series of transactions a principal purpose of which is the qualification of a person as a person described in this paragraph.

''(C) RELATED PERSON.—For purposes of this paragraph, the term 'related person' has the meaning given such term by section 954(d)(3).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

On page 335, strike lines 4 through 10, and insert the following:

(2) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this section shall apply to taxable years beginning after January 31, 2004, with respect to leases entered into on or before November 18, 2003.

Mr. SMITH. Mr. President, I rise today to praise the Senate for its passage of S. 1637, the Jumpstart Our Business Strength Act, which includes my provision lowering the corporate tax rate on repatriated profits. In one short year, this provision will bring $400 billion into our economy. This money is going to create over 650,000 new jobs and get our economy moving again. At the same time, it's going to help reduce the federal deficit.

I believe this is one of the most important provisions of the JOBS Act regarding job growth and strengthening our economy. This provision would require that repatriated funds be reinvested in the United States for hiring workers and worker training, infrastructure, R&D, capital investment, or financial stabilization for the purposes of job retention or creation. It is my understanding that the concept of financial stabilization, for this purpose, encompasses use of the repatriated funds to repay debt of the U.S. parent corporation. Use of these funds to pay down debt is a qualified use for purposes of the provision. In fact, debt repayment will strengthen U.S. corporate balance sheets, which will improve a company's ability to employ and hire workers.

I thank the chairman for his strong support of this repatriation provision and look forward to swift action by the House.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Virginia is recognized.

IRAQI PRISONERS

Mr. WARNER. Mr. President, the distinguished majority leader, Senator DASCHLE, Senator LEVIN, and I have been working with the Department of Defense regarding additional photos relative to the tragic case of the treatment of Iraqi prisoners by U.S. personnel, military and otherwise. We have reached a decision with the total cooperation of the Department of Defense whereby those pictures will be brought to Senate S–407 tomorrow. There will be a representative from the Department there to help Members work their way through such pictures as they wish to examine from 2 to 5, at which time the pictures and everything will be returned to the Department since the Department will maintain constant custody of those, that evidentiary material throughout the time.

I ask unanimous consent the letter Senator LEVIN and I have sent to the Department regarding viewing and inspection of this material—all Senators are eligible, no staff—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 11, 2004.

Hon. DONALD H. RUMSFELD,
Secretary of Defense, Washington, DC.

DEAR MR. SECRETARY: We request the Department of Defense provide the Committee on Armed Services an opportunity to review the photos and videos regarding the abuse of prisoners at Abu Ghraib prison in Iraq. Further, it is our intent to extend this opportunity to all Members of the United States Senate.

These materials should be brought to the Senate for review, but will remain under the control of the Defense Department. At no time will the Committee, the Senate, or any Member or employee thereof, take custody of, or assume responsibility for, these materials. A Defense Department official will return these materials to the Pentagon after the materials have been reviewed by Members, subject to our subsequent recall if necessary.

Committee staff will coordinate the details of this request directly with your office.

Sincerely,

CARL LEVIN,
Ranking Member

JOHN W. WARNER,
Chairman.

TRIBUTE TO RICHARD C. CRAWFORD

Mr. FRIST. Mr. President, I rise today to pay tribute to Richard C. Crawford who retires June 1 following a career devoted to public power, in the Tennessee Valley, that spans four decades. Mr. Crawford's retirement as president and chief executive officer of the Tennessee Valley Public Power Association, and before that as a vice president for the Tennessee Valley Authority, brings to a close a distinguished career of advocacy for public power.

Dick Crawford's contributions to public power are recognized not only in Tennessee and in the Tennessee Valley region, but across the entire country. While at TVA he was responsible for technological improvements to the utility's transmission system that resulted in enhanced electric reliability. He was also a leader in the development TVA's highly acclaimed energy conservation and efficiency programs, which were modeled by other electric utilities around the Nation. He worked with distributors of TVA power to overhaul the power contracts and helped introduce innovative pricing and economic development products, including one of the first and largest real-time pricing programs, and incentive rates to help attract industry to the Tennessee Valley.

Mr. Crawford's contributions to public power continued when he joined the staff of TVPPA in 1994. Initially, he served as director of power supply services before becoming acting executive director, and later president and chief executive officer. The knowledge he gained at TVA about the Valley's unique power supply needs and the distributors who deliver the power to the Valley's 8.3 million consumers made him a perfect choice to head TVPPA during a critical time in its history.

With a strong belief in public power, Mr. Crawford worked tirelessly to re-establish critical relationships and re-open communication doors. Under his leadership, TVPPA embarked on aggressive programs in governmental relations, communication, and education and training. In addition, he has spearheaded efforts to secure additional power supply options for distributors. Working with his board of directors, he successfully revamped TVPPA's dues structure and established additional levels of membership that expand the reach of public power.

Throughout his career, he has received the support of his family, including wife, Lane, daughter, Angela, and grandson, Blake.

Honoring Dick Crawford in this way serves as a lasting tribute, just as his engineering and technical skills are a lasting gift to power consumers in the Tennessee Valley. I thank him for his service, and I wish him all the best in his retirement.

60TH ANNIVERSARY OF THE USS ''YF–415'' TRAGEDY

Mr. KENNEDY. Mr. President, as the official dedication of the world War II Memorial approaches, I welcome this opportunity to honor the sacrifice of the courageous men who lost their lives close to home in a tragic accident in 1944, fourteen miles off the coast of Massachusetts during the war.

Sixty years ago today, the 9–member crew of the Navy ship USS *YF–415* and 21 men from the Hingham Ammunition Depot were disposing of condemned ammunition and explosives off the coast. Tragically, while performing their mission, the ordnance on the ship caught fire, setting off the ammunition for nearly 40 minutes. The ship and 17 lives were lost.

The vessel lay on the ocean floor until the summer of 2003, when amateur divers discovered its remnants. They informed the Navy of the location, but too many years has passed, and the Navy salvage team was unable to find any trace of the missing men.

Now as the Nation prepares to honor all who served our country so bravely during World War II, it is fitting on this day to remember the men who lost their lives in that tragedy 60 years ago. I express my deepest condolences to the family members who have suffered so long because of that tragedy so close to home and to all of us in Massachusetts.

I would like to add the names of these men to the RECORD so that all may recognize their sacrifice: William J. Bradley, Adell Braxton, Joseph F. Burke, Raymond N. Carr, Truman S. Chittick, George M. Cook, James Cox, Jr., Freddie Edwards, Jr., F. E. Federle, James S. Griffin, Charles R. Harris, Raymond L. Henry, Julian Jackson, Yee M. Jin, Mike Peschunka, Vernon Smith, and James B. Turner.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Montgomery County, MD, in 2001, Robert Lucas alleged that he killed Monsignor Thomas Wells, a local priest, after the victim was sexually aggressive toward him. Lucas contends that his ''killing rage'' resulted from feelings of ''anger, shame and humiliation.'' The victim bled to death as a result of stab wounds.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

EXPLANATION OF ABSENCE

Mr. BAYH. Mr. President, I was not present for the rollcall vote No. 87 on the motion to invoke cloture on S. 1637 today because of my participation in the Senate Armed Services Committee hearing on the mistreatment of Iraqi detainees. However, I wish to state for the record that I would have voted in favor of the motion to invoke cloture had I been present.

DEDICATION OF THE PYRAMID OF REMEMBRANCE

Mr. VOINOVICH. Mr. President, this morning, at Arlington National Cemetery, I was honored to join Congressman STEVE LATOURETTE, LTG Richard A. Cody, Superintendent of Arlington Cemetery John Metzler and students and faculty from Painesville High School for the dedication of the Pyramid of Remembrance, a living memorial paying tribute to American soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

The unveiling of this historic memorial today came as a result of the dedication and hard work of motivated young people at Riverside High School in Painesville, OH and their teacher, Dr. Mary Porter. More than one decade ago, in October 1993, these high school students watched in horror as a U.S. soldier in Somalia was dragged through the streets of Mogadishu. The students—concerned that there was not a memorial in our Nation's Capital to honor members of the Armed Forces who lost their lives during peacekeeping missions such as the one in Somalia—felt compelled to take action.

These students spearheaded a campaign to establish a Pyramid of Remembrance in Washington, DC. The students not only proposed the memorial, they also created a private nonprofit foundation to raise the money to construct the memorial. The community in Painesville pulled together, providing legal counsel for the students and private donations to help fund the project. Due in part to the strong support of this Ohio community, the proposed national Pyramid of Remembrance has been erected at no cost to U.S. taxpayers.

There has been considerable discussion regarding the Pyramid of Remembrance since it was first proposed by the students of Riverside High School and introduced in the House of Representatives in 1996.

On October 17, 2002, Senator MIKE DEWINE jonied me in introducing legislation in the Senate for the first time to authorize the creation of the Pyramid of Remembrance. We re-introduced this legislation on January 30, 2003, taking into account recommendations made by the National Park Service, and the Senate Subcommittee on National Parks conducted a hearing to examine the legislation on June 3, 2003.

In addition to consideration in the United States Congress, the National Capital Memorial Commission which is charged with overseeing monument construction in Washington, DC, conducted hearings about the proposed Pyramid of Remembrance in April 2001. The Commission recommended that the memorial be constructed on Defense Department land, possibly at Fort McNair. The commissioners also noted that such a memorial would indeed fill a void in our Nation's military monuments.

I agree with the commissioners' findings. I, too, believe that this memorial is a fitting addition to our Nation's Capital to honor those who have lost their lives while serving in the United States military, and I am proud that it has now come to fruition.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers—CWO Kevin L. Reichert and CWO David A. Gibbs—who lost their lives when their Apache helicopter crashed into the Albanian mountains during a training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at the time, the United States owes Kevin, David and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John, chapter 15:13:

> Greater love has no man than this, that a man lay down his own life for his friends.

The Pyramid of Remembrance honors individuals such as David Gibbs and Kevin Reichert. It also honors the memory of the 17 service members who lost their lives when the USS *Cole* was attacked on October 12, 2000, and the American soldiers who lost their lives during the terrorist attacks against the Pentagon and the World Trade Center on September 11, 2001.

This memorial is dedicated to the brave men and women who have given their lives so that we may know freedom. I was deeply moved by words spoken this morning by Dr. Mary Porter, the teacher at Painesville High School who inspired these students to take action. She said:

And so this memorial is for you, SSG William Cleveland. They dragged your body through the streets of Mogadishu, but they could not destroy your spirit . . . for you and for all those who have lost their lives in places like Somalia, Bosnia and Iraq and in training accidents and acts of terrorism: we celebrate your spirit. We recognize your sacrifice. We honor your effort to establish peace. This monument represents our eternal gratitude for your sacrifice, but it also represents hope for a future where human beings on this planet can live in peace and without fear.

The patriotism, dedication, and vision of the students at Riverside High School are commendable. Their action shows maturity, leadership and passion for their country that Americans of all ages should emulate. I support and applaud the work these students have done to establish the Pyramid of Remembrance, as well as the efforts of community members who have provided ongoing guidance and support to help the students turn their vision into reality.

I believe it is our duty to honor American men and women in uniform who have lost their lives while serving their country, whether in peacetime or during war, and this memorial, which will remain and grow at Arlington National Cemetery, will ensure that the sacrifice made by so many is always remembered by our grateful Nation.

THREATS TO AFFORDABLE HOUSING AND THE SECTION 8 VOUCHER PROGRAM

Mr. LEAHY. Mr. President, today I express my extreme disappointment with the administration's recent announcement on Fiscal Year 2004 Section 8 voucher renewals that threatens to end a long standing commitment to fully fund all Section 8 vouchers in use. Coupled with its budget proposal for Fiscal Year 2005 that would slash funding for Section 8, the Bush administration has given the Nation's communities ample reason to be concerned about the future of the Housing Choice Voucher Program.

The Section 8 voucher program has been the cornerstone of Federal housing policy for nearly 30 years. The program provides the Nation's most vulnerable families with vouchers to help them cover the cost of modest apartments and homes in the private market. It serves more than 2 million families nationwide who are trying to make ends meet. In my home State of Vermont it helps nearly 6,000 households—more than 60 percent of them are elderly or disabled members and 24 percent of them are working families.

Unfortunately the administration has chosen to shortchange the program in a way that will almost guarantee that the poorest of families lose their support. They recently announced the intention to move from a funding formula based on the actual cost of vouchers to a model that calculates voucher costs based on last year's costs, pegged to a regional rent inflation index—which may or may not reflect local market conditions—and despite the fact that they may have access to more recent and accurate data on voucher costs.

The new formula does not take into consideration potential changes in personal incomes, and it does not provide definitive safeguards for public housing authorities—PHAs—that have seen rising voucher costs over the last year or that will be unable to meet their obligations to voucher holders once this policy is enacted. What I find even more troubling is that HUD will apply this formula retroactively, leaving many public housing authorities shortchanged by millions of anticipated dollars.

Without the necessary funds to support all vouchers they have issued, many PHAs are either going to have to scale back subsidies or revoke vouchers completely. Already we are seeing the effects. PHAs are starting to realize massive gaps in their budgets. They are considering course corrections to plug these holes and in some cases have stopped accepting additional applicants for the Section 8 waiting list. If the administration's policy is carried out, it will be the first time since 1974 that the Federal Government walks away from our commitment to honor all authorized voucher contracts.

This new policy goes against the intent and will of Congress. We made it clear in the Fiscal Year 2004 Omnibus Appropriations Bill that the Department of Housing and Urban Development—HUD—should do everything in their power to ensure that all vouchers were fully funded, and we gave HUD the resources and tools they needed to do so. The Appropriations Committee added more than $1 billion dollars to the administration's request for Section 8 vouchers, we gave HUD access to a central reserve fund to supplement voucher payments in the event that costs exceeded expectations, and the Senate passed sense of the Senate language reaffirming our commitment to the voucher program and to those that it serves. The intention of Congress could not have been clearer.

As a member of the VA–HUD appropriations subcommittee, I am not without concern for the rising cost of the Section 8 program, and I understand the need to look for creative solutions to contain those costs. But this new funding formula is irresponsible and shortsighted. Simply serving fewer people, or people with higher incomes—the almost certain outcome of this approach—is the wrong response to the rising cost of Section 8. Instead, we should be looking at measures to reduce the cost of housing and to raise the average wage. We should look at policies which will enable families to afford a place to live without Federal assistance.

This new ruling is contrary to the administration's own goal to eliminate chronic homelessness in 10 years and will put a strain on other support services such as homeless care providers who are already stretched beyond their means. If it is not reevaluated, it will leave thousands of families nationwide at risk of losing their housing. It lacks specificity needed for PHAs to accurately predict how they are going to be affected and leaves considerable discretion to the department of how to interpret renewals.

This announcement fell on a housing community already reeling from the news that the administration wants to cut $1.6 billion dollars from the program in the next Fiscal Year and convert Section 8 into a block grant program. If this proposal goes through, an additional 250,000 people could be faced with the loss of their housing assistance. My home State of Vermont would lose more than $4 million in anticipated funds and could be forced to cut nearly 740 low-income, elderly and disabled families out of the program.

This is the wrong time to walk away from some of our Nation's most vulnerable populations. I find it outrageous that the President can stand behind policies that threaten the safety and wellbeing of thousands of American families while continuing to advocate for corporate tax cuts and tax cuts for the wealthiest Americans. There is a fiscal crisis in this county, of that I am sure. Our Federal debt continues to rise and the Federal treasury continues to shrink, but it is not caused by the modest assistance we give families on Section 8.

This program has proven itself to be one of the most cost-effective housing programs. This was confirmed by two separate reports in 2002—one by the General Accounting Office, and reinforced by the Millennial Housing Commission. It has been shown to have positive effects on families and children, many of whom are able to move out of high poverty areas to areas of lower poverty and lower crime rats and better schools. Studies have shown that it helps promote success in the workplace performance—by providing reliable housing while families are trying to get established, many of whom have moved off welfare.

We cannot expect low-income families to improve their situations, hold steady jobs and move out of poverty if they do not have access to reliable, safe and affordable housing. We cannot expect the elderly and the disabled who are on meager fixed incomes to fend for themselves in rental markets that have spiraled out of the reach of even moderate-income families. Section 8 provides temporary assistance to those who need it. It helps families avoid the choice between a roof over their heads or food on the table.

Congress gave the HUD the resources they needed to fully fund all vouchers under contract, and I would expect them to use those resources. This is not the place to try and reap meager savings to make up for a Federal deficit caused by questionable tax cuts and irresponsible fiscal policies.

I urge the administration to reevaluate this policy and to restore our commitment to the Section 8 program.

MEDICAL RESIDENCY PROGRAM

Mr. BINGAMAN. Mr. President, I once again raise my concerns with Section 207 of the Pension Funding Equity Act that passed the Senate on April 8 and was signed into law on April 10. This provision grants a retroactive antitrust exemption to the graduate medical education residency matching program, a subject that is entirely unrelated to the pension bill and never received a full consideration by the normal processes of this body.

My concerns about that provision are simple. First, I do not think that exemptions from this nation's antitrust laws should be lightly given. Second, I think the process by which this exemption was given—without any opportunity for hearing before the appropriate committees or full and real consideration by this body—was improper. Finally, I am concerned about the correct interpretation of the language as to the scope of the immunity.

As I stated in the floor debate on the pension bill, I believe that the language of subsection 207(b)(3) makes clear that the exemption from the antitrust laws granted by this legislation is limited; and that if there is a claim of price-fixing—which is prohibited by section one of the Sherman Act—then the provisions of subsection 207(b)(2) do not apply.

Even though my right to file an amendment was reserved on this bill, I have now lost that right as my amendment is no longer in order now that cloture has been invoked. Having lost this right, I will seek a future opportunity to raise this issue before this body.

PRIMARY IMMUNE DEFICIENCY DISEASES

Ms. LANDRIEU. Mr. President, I take this opportunity to focus attention on primary immune deficiency diseases, PIDD, a problem that affects thousands of people across our Nation. Primary immune deficiency diseases are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases that affect as many as 50,000 people in the United States. Fortunately, 70 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product know as intravenuous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

I am familiar with primary immune deficiencies because one of my constituents and long-time Shreveport, LA, residents, Gail Nelson, is a PIDD patient. Gail and her husband Syd Nelson have become tireless advocates for the primary immune deficiency community as volunteers for the Immune Deficiency Foundation. IDF is the Nation's leading organization dedicated to improving the quality of life for PIDD patients.

Recently, the foundation entered into a historic research partnership with the National Institute of Allergy and Infectious Diseases at the National Institutes of Health. The establishment of the US Immunodeficiency Network represents the most significant advancement in primary immune deficiency research in our Nation's history. I was pleased to work with the Nelsons, the foundation, and my colleagues in the Senate to make this research consortium a reality.

Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is 9.2 years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. Thus, it is critical that we raise awareness about these illnesses within the general public and the health care community.

I commend the Immune Deficiency Foundation and Gail and Syd Nelson for their leadership in this area, and I am proud to join them in raising awareness of these diseases. I encourage my colleagues to work with us to help improve the quality of life for PIDD patients and their families.

ADDITIONAL STATEMENTS

IOWA WOMEN AGAINST HEART DISEASE AND STROKE

• Mr. GRASSLEY. Mr. President, today I rise to acknowledge women in Iowa who are taking a stand against heart disease and stroke. Many people assume that cardiovascular disease is a man's disease. The truth is, it has claimed more lives of women since 1984.

Nationwide, 8 million women are living with heart disease. Thirteen percent of women age 45 and over have had a heart attack.

As a survivor of breast cancer, my wife Barbara knows the fears of many women. Heart disease, just like cancer, is scary and real. It is up to women around the world to educate their friends, mothers, and sisters about the disease. Women in Iowa are doing it this week.

I commend every woman in Iowa for being an advocate for a very good cause. The campaign to educate all women about the major risk factors of heart disease and about heart-healthy behavior will positively impact the lives of many families. Women in Iowa should not underestimate their personal risk, and they should know what they can do to beat the disease.

In Congress, I have worked to increase funding for the National Institutes of Health. The NIH is one of the world's foremost medical research centers, and the Federal focal point for medical research in the United States.

I am keenly aware of the overall benefits of biomedical research to the health care system, and to those with heart disease.

In fact, the NIH has set out to develop a national public awareness and outreach campaign to convey the message that heart disease is the number one killer of American women and that it can be successfully prevented and treated.

Six years ago, we set out to double the funding for the NIH. We followed through with our promise. As a result, the NIH now funds nearly 10,000 more research grants and can support the training of over 1,500 more scientists each year.

This is good news for women everywhere. The increase in funding is a step in the right direction, but we can't give up. It will take all of us to stop the leading cause of death in our state.•

OREGON HEALTH CARE HERO

• Mr. SMITH. Mr. President, I rise today to recognize an outstanding Oregon leader who has been a health care hero for Oregon's seniors. Barbara Arazio has served on the Oregon Board of Nursing Home Examiners for 18 years, mentoring nursing home administrators and ensuring quality care for vulnerable Oregon seniors.

When Oregonians find that one of their loved-ones is in need of skilled nursing care, they want assurances that the highest quality care will be provided in a safe environment. Because of Barbara's diligence and hard work, our families have that peace of mind. Barbara has played a central role in helping nursing homes not only comply with, but exceed the State standards for nursing facilities.

The level of service at each Oregon nursing facility is driven by its leadership. Barbara has trained nursing home administrators and continually worked with them to make sure that residents have access to the best health care and facilities. In fact, the quality of life at Oregon care centers, from the activities, to the meals, to the well-trained staff, can be traced back to Barbara's caring hand.

As Barbara embarks on her well earned retirement, she will be greatly missed by the administrators, staff and residents of Oregon's long term care system. She has touched many lives and is truly a Health Care Hero for Oregon.•

MR. BASEBALL, RICHARD A. SAUGET, TURNS 60

• Mr. DURBIN. Mr. President, I rise today to honor Richard A. Sauget, an outstanding citizen, community leader, business entrepreneur, husband, father, and grandfather. His distinguished contributions and accomplishments have improved the economic prosperity, social welfare, and individual lives of so many people in Southwestern Illinois and the St. Louis region.

Richard A. Sauget was born on April 21, 1944. He was raised by his parents, Vincent and Estelle Sauget, in the Village of Sauget, which was founded by Rich's grandfather, Leo. Rich continues to reside in Sauget with his wife, Judee. The Sauget family was one of the first to settle in the area. Rich and Judee have five children, three grandchildren, and one grandchild on the way. His Catholic faith and family have always been his priorities.

After graduating with a B.A. from the University of Notre Dame and a M.A. from St. Mary's University, Rich began a successful professional baseball career. He played baseball with the Atlanta Braves and San Francisco Giants. During his career, he served as a backup for Joe Torre and a catcher for the great Satchel Paige.

Rich Sauget continues to be involved in baseball. Starting with the Sauget Wizards, a semi-professional team in the Mon-Clair Baseball League, Rich brought professional-level baseball to Southwestern Illinois. Today, his passion is the Gateway Grizzlies Baseball Team, a team he founded. Rich, a managing partner of the Grizzlies, was the driving force in designing and building the new Grizzlies GMC stadium in 2002. By the way, the Gateway Grizzlies won the Frontier League Championship in 2003.

Rich serves on several prominent sports association boards, including the St. Louis Sports Commission, Southwestern Illinois Officials Organization, the St. Louis Professional Baseball Scouts Association, and is the current president of the Frontier Professional Baseball League.

In addition to his sports accomplishments, Rich has been a highly-successful business entrepreneur. He is the founder and president of East County Enterprises, Inc., a real estate management company that has been in business for more than 35 years. East County Enterprises manages various properties in several Southwestern Illinois communities. The company has provided job opportunities and generated business growth in the region.

Rich Sauget is a dedicated community leader with a strong commitment to service. He has volunteered a great deal of time to the economic development of the St. Louis Metropolitan area by serving on many prominent boards, including the St. Louis Regional Chamber and Growth Association, the Leadership Council of Southwestern Illinois, the St. Louis Regional Business Council, the St. Louis Lambert Airport Commission, and the Missouri Historical Society Board. He is the Chairman of the St. Clair County Building Commission which oversees the development of MidAmerica St. Louis Airport.

For years, Rich has emphasized the importance of bringing together and developing the entire St. Louis region as one united community, including a highly-integrated airport transportation system. His vision includes the eventual formation of a Regional Airport Authority to provide the St. Louis region with more efficient passenger, cargo, and maintenance services.

As chairman of the board of Touchette Regional Hospital and a member of the board of Kenneth Hall Hospital, Rich has been instrumental in the development and expansion of healthcare services to low income families, specifically underprivileged women and children, in the Southwestern Illinois region.

To further serve the Southwestern Illinois/St. Louis region, Rich has been working to develop a strong business leadership group, Archview Communities Economic Development Corporation. Archview is designed to enhance economic, social, and business development opportunities by facilitating partnerships between government programs, local municipalities, the area's healthcare network, the local education system, and many regional business owners.

It should also be noted that both Rich and Judee Sauget are involved in many charitable organizations in Illinois and Missouri.

Richard A. Sauget leads by example and sets a very high standard for all of us to follow. I congratulate him for his impressive accomplishments and heartfelt service to his community and look forward to many more years of working with him.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTIFICATION OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE EXPORT OF CERTAIN GOODS TO SYRIA—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have issued an Executive Order (order) in which I declared a national emergency with respect to the threat constituted by certain actions of the Government of Syria. Further, in accordance with subsection 5(b) of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (SAA), Public Law 108–175, this message also constitutes the report of my exercise of the waiver authority pursuant to that statute.

On December 12, 2003, I signed into law the SAA in order to strengthen the ability of the United States to effectively confront the threat to U.S. national security posed by Syria's support for terrorism, its military presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq. These policies by the Government of Syria directly threaten regional stability and undermine the U.S. goal of a comprehensive Middle East peace. Despite many months of diplomatic efforts to convince the Government of Syria to change its behavior, Syria has not taken significant, concrete steps to address the full range of U.S. concerns, which were clearly conveyed by Secretary of State Powell to Syrian President Asad in May 2003. I find the actions, policies, and circumstances described above sufficiently grave to constitute a threat to the national security, foreign policy, and economy of the United States, and thus have declared a national emergency to address that threat.

In implementation of subsection 5(a) of the SAA, in the order I directed that action be taken to prohibit the export to Syria of products of the United States other than food and medicine, including but not limited to items on the United States Munitions List or Commerce Control List, and I prohibited commercial air services between Syria and the United States by aircraft of any air carrier owned or controlled by Syria, as well as certain non-traffic stops by such aircraft.

It is important to the national security interests of the United States, however, that certain discrete categories of exports continue in order to support activities of the United States Government and United Nations agencies, to facilitate travel by United States persons, for certain humanitarian purposes, to help maintain aviation safety, and to promote the exchange of information. Also, it is important to U.S. national security interests that aviation-related sanctions

take into account humanitarian and diplomatic concerns as well as the international obligations of the United States.

Accordingly, I have waived the application of subsections 5(a)(1) and 5(a)(2)(A) of the SAA to permit the export and reexport of: products in support of activities of the United States Government to the extent that such exports would not otherwise fall within my constitutional authority to conduct the Nation's foreign affairs and protect national security; medicines on the Commerce Control List and medical devices; aircraft parts and components for purposes of flight safety; exports and reports consistent with the 5(a)(2)(D) waiver outlined below; information and informational materials, as well as telecommunications equipment and associated items to promote the free flow of information; certain software and technology; products in support of United States operations; and, certain exports and reexports of a temporary nature. These items are further identified in the Department of Commerce's General Order No. 2, as issued consistent with my order. I have also waived the application of subsection 5(a)(2)(D) to permit the following with respect to aircraft of any air carrier owned or controlled by Syria: takeoffs or landings of such aircraft when chartered by the Government of Syria to transport Syrian government officials to the United States on official Syrian government business; takeoffs or landings for non-traffic stops of such aircraft that are not engaged in scheduled international air services; takeoffs and landings associated with an emergency; and overflights of U.S. territory.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 11, 2004*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7451. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fees for Official Inspection and Official Weighing Services'' (RIN0580–AA80) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7452. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Additions to Quarantined Areas'' (Doc. No. 03–102–2) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7453. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Veterinary Diagnostic Services User Fees'' (Doc. No. 00–024–2) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7454. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Orchids of the Genus Phalaenopsis from Taiwan in Growing Media'' (Doc. No. 98–035–3) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7455. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Compensation for Custom Harvesters in Northern Texas'' (Doc. No. 03–052–1) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7456. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Highly Pathogenic Avian Influenza; Additional Restrictions'' (Doc. No. 04–011–1) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7457. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Reestablishing a Region as Free of a Disease'' (Doc. No. 02–001–2) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7458. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Extra Long Staple Cotton Outside Storage and Strength Adjustment for Loan'' (RIN0560–AH03) received on May 10, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7459. A communication from the Assistant to the Board of Governors of the Federal Reserve System, Division of Banking Supervision and Regulation, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets; Extension'' (Doc. No. 1156) received on May 10, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7460. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency declared in Executive Order 12978 of October 21, 1995 with respect to significant narcotics traffickers centered in Columbia; to the Committee on Banking, Housing, and Urban Affairs .

EC–7461. A communication from the Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the State of Connecticut as a result of the record/near record snowfall on December 5–7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7462. A communication from the Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the Commonwealth of Massachusetts as a result of the record/near record snowfall on December 5–7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7463. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 69 FR 10927'' (44 CFR Part 67) received on May 10, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7464. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 69 FR 10924'' (44 CFR Part 67) received on May 10, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7465. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 69 FR 10923'' (Doc. # FEMA–D–7553) received on May 10, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7466. A communication from the Under Secretary for Industry and Security, transmitting, pursuant to law, a report relative to foreign policy-based export controls on exports of protective and detection equipment and components not specifically designed for military use; to the Committee on Banking, Housing, and Urban Affairs.

EC–7467. A communication from the Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Alternative to 96-hour Rule for Critical Access Hospitals''; to the Committee on Health, Education, Labor, and Pensions.

EC–7468. A communication from the Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Hospitals Overhead and Supervisory Physician Components of Direct Medical Education Costs''; to the Committee on Health, Education, Labor, and Pensions.

EC–7469. A communication from the Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report relative to rule 67 FR 13416 that described the payment system that CMS was proposing for LTCHs; to the Committee on Health, Education, Labor, and Pensions.

EC–7470. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Medical Nutrition Therapy''; to the Committee on Health, Education, Labor, and Pensions.

EC–7471. A communication from the Secretary of Labor, transmitting, pursuant to law, the first report of the President's National Hire Veterans Committee; to the Committee on Health, Education, Labor, and Pensions.

EC–7472. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date; Correction'' (RIN0905–AC81) received on May 10, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7473. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on May 10, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7474. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on May 10, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7475. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on May 10, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7476. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Human Cells, Tissues, and Cellular and Tissue-Based Products; Establishment Registration and Listing'' (Doc. No. 97N–484R) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7477. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Human Cells, Tissues, and Cellular and Tissue-Based Products; Establishment Registration and Listing; Correction'' (Doc. No. 97N–484R) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7478. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Change of Name; Technical Amendment'' received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7479. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Drug Labeling; Sodium Labeling for Over-the-Counter Drugs; Technical Amendment; Termination of Delay of Effective Date; Compliance Dates'' (Doc. No. 90N–0309) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7480. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Drug Labeling: Orally Ingested Over-the-Counter Drug Products Containing Calcium, Magnesium, and Potassium'' (Doc. No. 1995N–0254) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7481. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Change of Address; Technical Amendment'' received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7482. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Hematology and Pathology Devices; Classification of the Factor V Leiden DNA Mutation Detection Systems Devices'' (Doc. No. 2004P–0044) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7483. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act reauthorization; to the Committee on Health, Education, Labor, and Pensions.

EC–7484. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling and Indirect Food Additives; Technical Amendment'' received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7485. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Application of 30-month Stays on Approval of Abbreviated New Drug Applications and Certain New Drug Applications Containing a Certification That a Patent Claiming the Drug Is Invalid or Will Not Be Infringed; Technical Amendment'' (Doc. No. 2003N–0417) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7486. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Medical Device Reports; Reports of Corrections and Removals; Establishment Registration and Device Listing: Premarket Approval Supplements; Quality System Regulation; Importation of Electronic Products; Technical Amendment'' received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7487. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Direct Loan Program'' (RIN1840–AC84) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7488. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Impact Aid Discretionary Construction Program'' (RIN1810–AA96) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7489. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Institutional Elig. Under the HEA of 1965; Patricia Roberts Harris Fellowship Prog.; Student Assistance Gen. Prov.; Fed. Perkins Loan Prog.; FWS Prog.; FSEOG; FFELP; Wm. D. Ford FDL Prog.; Fed. Pell Grant Prog.; and National Early Intervention Scholarship and Partnership Program'' (RIN1840–AC47) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7490. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Smaller Learning Communities Program'' (RIN1830–ZA04) received on May 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7491. A communication from the Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Proposed Prospective Payment System Methodology for Psychiatric Hospitals and Units; to the Committee on Health, Education, Labor, and Pensions.

EC–7492. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the Department's Commercial Activities Inventory for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–7493. A communication from the Senior Regulatory Officer, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 29 CFR Part 541'' (RIN1215–AA14) received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7494. A communication from the Assistant General Counsel for Regulatory Services, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Community Technology Centers Program'' (RIN1830–ZA05) received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7495. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Kentucky Regulatory Program'' (KY–244–FOR) received on May 10, 2004; to the Committee on Energy and Natural Resources.

EC–7496. A communication from the Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Federal Oil Valuation'' (RIN1010–AD04) received on May 10, 2004; to the Committee on Energy and Natural Resources.

EC–7497. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Availability of 'Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2004 Appropriations Act' '' received on May 10, 2004; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 2400. An original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes (Rept. No. 108–260).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 994. A bill to protect human health and the environment from the release of hazardous substances by acts of terrorism (Rept. No. 108–261).

By Mr. WARNER, from the Committee on Armed Services, without amendment:

H.R. 3104. To provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 441. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouses in that county.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2286. A bill to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 2401. An original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

From the Committee on Armed Services, without amendment:

S. 2402. An original bill to authorize appropriations for fiscal year 2005 for military construction, and for other purposes.

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 2403. An original bill to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 2400. An original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 2401. An original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. WARNER:

S. 2402. An original bill to authorize appropriations for fiscal year 2005 for military construction, and for other purposes; placed on the calendar.

By Mr. WARNER:

S. 2403. An original bill to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. MILLER:

S. 2404. A bill entitled the ''Fairness in School Discipline Act of 2004''; to the Committee on the Judiciary.

By Mr. MILLER:

S. 2405. A bill entitled the ''Restoring Authority to Schools Act of 2004''; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 2406. A bill to promote the reliability of the electric transmission grid through the Cross-Sound Cable; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 2407. A bill to clarify the intellectual property rights of the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. BURNS:

S. 2408. A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Ms. COLLINS, Mr. LIEBERMAN, and Mr. DURBIN):

S. 2409. A bill to provide for continued health benefits coverage for certain Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2410. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. MCCAIN, Mr. HOLLINGS, Mr. WARNER, Mr. LEVIN, Ms. COLLINS, Mr. SARBANES, Mr. SPECTER, Mr. BIDEN, Ms. SNOWE, Mr. KENNEDY, Mr. GRAHAM of South Carolina, Mr. ROCKEFELLER, Mr. SMITH, Mr. HARKIN, Mr. GREGG, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. DURBIN, Ms. MIKULSKI, Mr. BAUCUS, Mr. SCHUMER, Mr. REID, Mrs. CLINTON, Mr. INOUYE, Mr. LEAHY, Mr. JOHNSON, Mr. KERRY, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. REED, Mr. CARPER, and Mr. DAYTON):

S. 2411. A bill to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. DODD, and Mr. BIDEN):

S. Con. Res. 106. A concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 202

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 875

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1544

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1544, a bill to provide for datamining reports to Congress.

S. 1566

At the request of Mr. CORZINE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1566, a bill to improve fire safety by creating incentives for the installation of automatic fire sprinkler systems.

S. 1666

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1737

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1737, a bill to amend the Clayton Act to enhance the authority of the Federal Trade Commission or the Attorney General to prevent anticompetitive practices in tightly concentrated gasoline markets.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr.

INOUYE) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2088

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2088, a bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes.

S. 2249

At the request of Mr. LIEBERMAN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2249, a bill to amend the Stewart. B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. 2351

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2351, supra.

S. 2352

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2363

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2370

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2370, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 2372

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2372, a bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities.

S. 2383

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 2383, a bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

S. RES. 324

At the request of Mr. SARBANES, his name was added as a cosponsor of S. Res. 324, a resolution expressing the sense of the Senate relating to the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education, and to the need to reconsider future service missions to the Hubble Space Telescope.

AMENDMENT NO. 3120

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3120 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3123

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Ms. CANTWELL), the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 3123 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3129

At the request of Mr. GREGG, his name was added as a cosponsor of amendment No. 3129 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

At the request of Mr. SUNUNU, his name was added as a cosponsor of amendment No. 3129 proposed to S. 1637, supra.

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of amendment No. 3129 proposed to S. 1637, supra.

AMENDMENT NO. 3138

At the request of Mr. SMITH, his name was added as a cosponsor of amendment No. 3138 proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3138 proposed to S. 1637, supra.

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 3138 proposed to S. 1637, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 2406. A bill to promote the reliability of the electric transmission grid through the Cross-Sound Cable; to the Committee on Energy and Natural Resources.

Mrs. CLINTON. Mr. President, I rise to introduce a legislation to restore operation of the Cross Sound Cable.

I was dismayed to learn last Friday that the Secretary of Energy had issued an order that effectively shut down the Cross Sound Cable. The cable had been operating since Secretary Abraham issued an order directing that the cable be turned on almost immediately after the August 14, 2003 blackout.

I believe that last Friday's decision is shortsighted, and I am extremely concerned that it will put Long Island at immediate risk of power failures as we enter the summer peak demand months.

The Cross Sound Cable has provided proven reliability benefits at a time when a shortage of generation and transmission facilities continues to exist on Long Island and in Southern New England. The Cross Sound Cable transmitted 300 MW of power over the Blackout weekend, enough to turn on the power in about 300,000 homes on Long Island. Since beginning full-time operation on September 1, 2003, the Cross Sound Cable has transmitted nearly one-half million megawatt-hours of electricity to help provide sufficient power to prevent more blackouts or brownouts on the island.

Additionally, the extra power from the Cable makes more power available on Long Island to export over another submarine cable into Southwestern Connecticut when needed, thereby making the regional power grid more resilient. The independent grid operators have successfully tested sending power over the Cross Sound Cable to Long Island and then simultaneously sending power from Western Long Island over another submarine cable to Southwest Connecticut. During a severe cold spell in January, Long Island

Power Authority was prepared to send 200 mw of power over Cross Sound Cable to help Connecticut if needed. Over the short- to long-term, the Cable thus allows excess New York-generated power to be transmitted to Connecticut to help prevent blackouts and brownouts.

In addition, the vital role of the Cross Sound Cable was confirmed in the final report of the U.S.-Canada Task Force on the Blackout. The blackout report concludes that ''[r]eactive power problems were a significant factor in the August 14 outage, and they were also important elements in several of the earlier outages . . .'' During the August 14 blackout, the Cross Sound Cable provided critical reactive power to Long Island and Connecticut to help stabilize the system. Cross Sound has responded to and corrected 17 unanticipated reactive power problems such as lightning strikes and equipment failures. CONVEX, the Connecticut arm of the independent transmission system operator, ISO–New England, has relied on Cross Sound to provide reactive power for voltage support on a preventive basis 84 times. Cross Sound Cable is currently the only operating cable system in Connecticut and Long Island capable of providing dynamic reactive power support during sensitive energy demand periods.

Nearly every day now, the Cable operates under the direction of CONVEX to provide voltage support to Connecticut.

In summary, the Cross Sound Cable has provided reliability benefits at a time when a transmission and generation shortage persists in the region. I strongly believe that this critical energy link between New England and New York should remain operational until all reliability studies required by the Blackout Task Force are completed and all of the resulting recommendations are implemented to prevent further large-scale blackouts in this region. Until all of these steps occur, I believe that an emergency situation clearly continues to exist.

That is why I am introducing this legislation today. In essence, the legislation overrides the order issue by Secretary Abraham on May 7, 2004, reinstates his order of August 28, 2003, and provides that that later order shall remain in effect unless rescinded by an Act of Congress. This would turn the cable back on and leave it on until Congress determines it is appropriate to shut it down. That day may indeed come, but for now, we are facing the prospect of power outages on Long Island as we head into the peak-demand months of the summer.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill ordered to be printed in the RECORD, as follows:

S. 2406

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

SECTION 1. CROSS-SOUND CABLE ORDER.

Notwithstanding Department of Energy Order No. 202–03–4, issued by the Secretary of Energy on May 7, 2004, or any other provision of law, Department of Energy Order No. 202–03–2, issued by the Secretary of Energy on August 28, 2003, is reinstated effective on the date of enactment of this Act and shall remain in effect unless rescinded by Act of Congress.

By Mr. CAMPBELL:

S. 2407. A bill to clarify the intellectual property rights of the United States Olympic Committee; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, I am introducing an amendment to the Ted Stevens Olympic and Amateur Sports Act that will serve to protect the limited resources available to the United States Olympic Committee (''USOC'') to support America's Olympic athletes. This amendment would not expand the protections afforded to the USOC under existing law, but would clarify the broad scope of the existing statutory language that guarantees the USOC's exclusive right to commercial use of Olympic marks and terminology in the United States. Congress originally granted these rights to the USOC so that the USOC, through its licensing and sponsorship program, would have the ability to raise funds privately to support United States athletes and programs. Unauthorized use of Olympic marks and terminology by third parties dilutes the value of these marks and terminology and diminishes the USOC's ability to fulfill the mission mandated by Congress. This amendment will help ensure that the USOC can devote more of its resources to assisting athletes as opposed to funding legal actions necessary to prevent foreign or domestic entities from circumventing the broad statutory rights granted to the USOC.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2407

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 ''Support Our Olympic Athletes Act of 2004''.

SEC. 2. CLARIFICATION OF INTELLECTUAL PROPERTY RIGHTS OF UNITED STATES OLYMPIC COMMITTEE.

Chapter 2205 of title 36, United States Code (commonly referred to as the ''Ted Stevens Olympic and Amateur Sports Act''), is amended in section 220506(c)(3) by inserting ''the words 'Olympik', 'Olympick', 'Olympika', 'Olympicka', 'Olympica', or 'Olympikus','' after ''the words described in subsection (a)(4) of this section,''.

By Mr. BURNS:

S. 2408. A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, this bill adjusts the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in Montana.

For the Helena and Lolo National Forests, these adjustments are necessary to continue the community-based Blackfoot Community Project. This community-driven project is a collaborative effort supported by local residents, elected officials, State and Federal agencies, and others who care about the future of the Blackfoot River Valley.

The project will eventually result in the future ownership and management of nearly 88,000 acres of land in the Blackfoot River watershed. The project will protect the rural lifestyle of a large, intact landscape that supports agriculture, timber harvesting, recreation, and natural resources that are important both locally and nationally.

The project will provide a model for forest management in the west, by creating a private-public partnership to manage a portion of the Blackfoot watershed as a community forest for sustainable timber products and other natural resources benefits. The local community has requested Forest Service acquisition of certain parcels outside the existing National Forest Boundary to ensure continued public uses of these lands including public access for recreation, hunting, livestock grazing, and watershed protection. The end result of this boundary adjustment Forest service will be consolidated ownership and improved forest management.

The boundary adjustment on the Beaverhead-Deerlodge National Forest reflects changes in the Forest as a result of the Watershed conservation project completed in 2003. About 11,000 acres of the Watershed Property that is currently adjacent to the proclaimed Forest will be more accurately classified as existing within the Forest boundary. The Forest Service purchased the property in partnership with the Rocky Mountain Elk Foundation. The County Commissioners, local public, and conservation and sportsman's groups supported the project.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2410. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I rise today to introduce the Wildland Firefighter Safety Act of 2004, along with my colleague Senator MURRAY, the senior Senator from Washington State. Earlier today, the Senate Energy and Natural Resources Committee on which I serve held a hearing regarding the outlook for the 2004 fire season. I join many of my colleagues, who are very concerned about what appears to be yet another year of devastating drought throughout the West, and the

hazards this could pose in terms of increased fire risk and threats to public safety.

However, we in Washington State recognize the importance of an issue that is often overlooked in discussions of fire preparedness. This is the topic of wildland firefighter safety, and it's an issue that we care deeply about because a horrible tragedy occurred in our state in July 2001, when four young Washington firefighters lost their lives at the Thirtymile Fire. I come to the floor to introduce this legislation today, because we cannot forget the lives that were lost—and the families that are still grieving—as a result of the Thirtymile tragedy. What's more, we cannot allow the Forest Service and our Federal firefighting agencies to repeat the mistakes that the agencies themselves admit resulted in these avoidable deaths. Unfortunately, the recently-issued findings of the Occupational Safety and Health Administration (OSHA)—stemming from the Cramer Fire that killed two Idaho firefighters just last summer—indicate to me that the lessons of Thirtymile are not being completely heeded. This is simply unacceptable.

Many of my colleagues, particularly those from the West, are probably aware of the fact that every summer, we send thousands of our constituents—many of them brave young men and women, college students on summer break—into harm's way to protect our Nation's rural communities and public lands. These men and women serve our nation bravely. Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. According to the U.S. Forest Service, a total of 30 firefighters across this Nation perished in the line of duty just last year, during the 2003 fire season.

These firefighters represented a mix of Federal and State employees, volunteers and independent contractors. And they lost their lives for an array of reasons. We all realize that fighting fires on our nation's public lands is an inherently dangerous business. But what we cannot and must not abide are the preventable deaths—losing firefighters because rules were broken, policies ignored and no one was held accountable.

I have already mentioned the Thirtymile tragedy that pushed this issue to the fore in the State of Washington. On July 10, 2001, near Winthrop in Okanogan County, in the midst of the second worst drought in the history of our State, the Thirtymile fire burned out of control.

Four courageous young firefighters were killed. Their names: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

Sadly, as subsequent investigations revealed, these young men and women did not have to die. In the words of the Forest Service's own report on the Thirtymile fire, the tragedy ''could have been prevented.'' At that time, I said that I believe we in Congress and management within the firefighting agencies have a responsibility to ensure that no preventable tragedy like Thirtymile fire ever happened again.

I'd like to thank my colleague Senator BINGAMAN, the distinguished Ranking Member of the Senate Energy Committee, as well as Senator WYDEN, who was then chair of the Subcommittee on Public Lands and Forests. In the wake of the Thirtymile Fire, they agreed to convene hearings on precisely what went wrong that tragic day. We heard from the grief-stricken families.

In particular, the powerful testimony of Ken Weaver—the father of one of the lost firefighters—put into focus precisely what's at stake when we send these men and women into harm's way.

I can think of no worse tragedy that a parent to confronting the loss of a child, especially when that loss could have been prevented by better practices on the part of federal agencies.

At that Senate Energy Committee hearing, we also discussed with experts and the Forest Service itself ways in which we could improve the agency's safety performance. And almost a year to the day after those young people lost their lives, we passed a bill—ensuring an independent review of tragic incidents such as Thirtymile that led to unnecessary fatalities.

Based on subsequent briefings by the Forest Service, revisions to the agency's training and safety protocols, and what I've heard when I have visited with firefighters over the past two years, I do believe the courage of the Thirtymile families to stand up and demand change has had a positive impact on the safety of the young men and women who are preparing to battle blazes as wildland firefighters.

Yet, I'm deeply saddened by the fact that it's clear we haven't done nearly enough.

In July 2003—two years after Thirtymile—two more firefighters perished, this time at the Cramer Fire within Idaho's Salmon-Challis National Forest. Jeff Allen and Shane Heath were killed when the fire burned over an area where they were attempting to construct a landing spot for firefighting helicopters. Certainly some 28 others lost their lives fighting wildfires last year, and we must recognize the sacrifice and grief befalling their families.

After the Thirtymile Fire, however, I told the Weavers and the Cravens, the families of Karen FitzPatrick and Jessica Johnson that I believed we owed it to their children to identify the causes and learn from the mistakes that were made in the Okanogan, to make wildland firefighting safer for those who would follow. That is why the findings associated with the Cramer Fire simply boggle my mind.

We learned at Thirtymile that all ten of the agencies' Standing Fire Orders and many of the 18 Watch Out Situations—the most basic safety rules—were violated or disregarded. The same thing happened at Cramer, where Heath and Allen lost their lives two years later.

After the Thirtymile Fire, OSHA conducted an investigation and levied against the Forest Service fire citations for Serious and Willful violations of safety rules. It was eerie, then, when just this March OSHA concluded its investigation of Cramer. The result: another five OSHA citations, for Serious, Willful and Repeat violations. Reading through the list of causal and contributing factors for Cramer and putting them next to those associated with the Thirtymile fire, my colleagues would be struck by the many disturbing similarities. Even more haunting are the parallels between these lists and the factors cited in the investigation of 1994's South Canyon Fire on Storm King Mountain in Colorado. It's been 10 years since those 14 firefighters lost their lives on Storm King Mountain—and yet, the same mistakes are being made over and over again.

Let me repeat: This is not acceptable. The firefighters we send into harm's way this year—and the ones we've already lost—deserve better.

Training, leadership and management problems have been cited in all of the incidents I've discussed. Frankly, I have believed since the Thirtymile tragedy that the Forest Service has on its hands a cultural problem. What can we do, from the legislative branch, to provide this agency with enough motivation to change? I believe the first step we can take is to equip ourselves with improved oversight tools, so these agencies know that Congress is paying attention. Today I'm introducing legislation—the Wildland Firefighter Safety Act of 2004—that would do just that.

I believe this is a modest yet important proposal. It was already passed once by the Senate, as an amendment to last year's Healthy Forests legislation. However, I was disappointed that it was not included in the conference version of the bill. But it is absolutely clear to me—particularly in light of OSHA's review of the Cramer Fire—that these provisions are needed now more than ever.

First, the Wildland Firefighter Safety Act of 2004 will require the Secretaries of Agriculture and Interior to track the funds the agencies expend for firefighter safety and training.

Today, these sums are lumped into the agencies' ''wildfire preparedness'' account. But as I have discussed with various officials in hearings before the Senate Energy and Natural Resources Committee, it is difficult for Congress to play its rightful oversight role—ensuring that these programs are funded in times of wildfire emergency, and measuring the agencies' commitment to these programs over time—without a separate break-down of these funds.

Second, this legislation will require the Secretaries to report to Congress annually on the implementation and effectiveness of its safety and training programs.

I assure my colleagues who have not spent time dwelling on this issue that the maze of policy statements, management directives and curricula changes associated with federal firefighter training is dizzying and complicated. The agencies have a responsibility to continually revise their policies in the face of new science and lessons learned on the fire line. Meanwhile, Congress has the responsibility to ensure needed reforms are implemented. As such, I believe that Congress and the agencies alike would benefit from an annual check-in on these programs. I would also hope that this would serve as a vehicle for an ongoing and healthy dialogue between the Senate and agencies on these issues.

Third, my bill would stipulate that Federal contracts with private firefighting crews require training consistent with the training of Federal wildland firefighters. It would also direct those agencies to monitor compliance with this requirement. This is important not just for the private contractor employees' themselves—but for the Federal, State and tribal employees who stand shoulder-to-shoulder with them on the fire line.

This is actually quite a complex issue about which many of us are just beginning to learn. With the severity of fire seasons throughout the country over the past two years—and notwithstanding the Clinton Administration's efforts to hire a significant number of new firefighters as part of the National Fire Plan—the number of private contract crews hired by the agencies to help with fire suppression has tripled since 1998. According to Oregon Department of Forestry estimates, the number of contract crews at work has grown from 88 in 1998 to 300 this year—with 95 percent based in the Pacific Northwest.

In general, these contract crews have grown up in former timber communities and provide important jobs—especially given the fact the agencies themselves do not at this juncture have the resources to fight the fires entirely on their own. And many of these contractors have been in operation for a decade or more and boast stellar safety records.

Nevertheless, as the number of—and need for—contractors has grown, there are more and more tales of unscrupulous employers that take advantage of workers and skirt training and safety requirements. This is a growing concern for U.S. Forest Service employees and State officials. Last summer, the Seattle Times wrote a detailed feature on the issue, quoting internal Forest Service memos as well as evidence from the field.

I ask unanimous consent that this article be printed in the RECORD.

Among the contractor practices cited in the Seattle Times article: breaking safety rules and failing to warn other crews on the fire line; falsifying or forging firefighting credentials and ignoring training requirements; hiring illegal immigrants that cannot understand fire line commands—and committing various labor abuses; and rotating a single crew from fire to fire for 50 straight days—while Federal firefighters are not allowed to work more than 14 or 21 days in a row.

The article quoted from a November 2002 memo written by Joseph Ferguson, a deputy incident commander for the Forest Service: ''If we don't improve the quality and accountability of this program, we are going to kill a bunch of firefighters . . . Although there were two or three good to excellent crews on each fire, that was offset by 20 to 30 that were hardly worth having,'' Ferguson added. ''It was apparent that training for most of these crews had been done poorly or not at all.''

Paul Broyles, who heads a safety committee for the National Interagency Fire Center added that private crews he has seen have varied from ''fantastic to a he[ck] of a lot less than good and some were real safety concerns.'' He noted that while State government and feds were trying to crack down on violations associated with documentation, ''the assumption is, where there's one problem, there's probably more.''

The Wildland Firefighter Safety Act of 2004 is a modest beginning in addressing the challenges posed by integrating private and Federal contract crews—and doing it in a manner that maximizes everyone's safety on the fire line.

I understand that the Federal and State agencies are already attempting to push contractors in this direction—and this provision will bolster that momentum.

And so, I hope my colleagues will support this simple legislation. Ultimately, the safety of our Federal firefighters is a critical component of how well prepared our agencies are to deal with the threat of catastrophic wildfire.

Congress owes it to the families of those brave firefighters we send into harm's way to provide oversight of these safety and training programs.

We owe it to our Federal wildland firefighters, their families and their State partners—and to future wildland firefighters.

The Wildland Firefighter Safety Act of 2004 will provide this body with the additional tools it needs to do the job. Thank you.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Times, July 20, 1003]

RISKY BUSINESS; GROWTH OF PRIVATE FIRE CREWS WORRIES FOREST OFFICIALS. SOME FEAR TRAINING AND SAFETY ARE COMPROMISED BY BURGEONING USE OF CONTRACT FIREFIGHTERS

(By Craig Welch)

CREWUCH VALLEY, OKANOGAN COUNTY.—While the Forest Service was retooling safety training after the deaths of four firefighters in this rugged valley two years ago, a new danger was quietly mushrooming in the woods.

Private businesses eager to get into the increasingly lucrative wildfire-fighting industry were breaking rules, skirting training and falsifying records to send inexperienced men and women to battle blazes, according to government records. Some churned out crews that fell asleep on the fire line or couldn't understand commands in English. Others arrived hours late to fires that then ballooned out of control.

Private crews are now essential in the West's battle against flames a war once fought primarily by government employees. The number of private 20-person firefighting crews sent by companies that contract with the government to fight fires around the nation more than tripled since 1998, from 88 to 301 this year. About 95 percent of those crews are based in the Northwest.

But some federal officials worry the quality varies dramatically from experienced, well-respected contractors to crews that present significant safety concerns.

And government oversight has struggled to keep pace.

The problem grew so acute last year that Joseph Ferguson, a deputy incident commander for the Forest Service, wrote in an internal memo in November: ''If we don't improve the quality and accountability of this program, we are going to kill a bunch of firefighters.''

Last year's fire season was a record breaker, scorching 6.9 million acres and costing $1.6 billion to fight.

With a new fire season under way, officials are still working to week out contractors and private trainers who cut corners and put employees or other firefighters in harm's way. Several private crew operators are also urging the government to crack down on problem contractors.

In May, in a first-of-a-kind action, a regional firefighting group composed of federal and state agencies suspended a Twisp-based contractor from training any more pacific Northwest firefighters. Employees of Charles ''Bill'' Hoskin, who has trained hundreds of private firefighters, told investigators that Hoskin put firefighters through a required 32-hour training course in 12 hours.

He was accused of teaching Spanish-speaking firefighters with instructors who spoke only English, of selling red cards the photo ID that shows carriers have met requirements to be a firefighter to people he had not trained, and of giving firefighters bogus fitness tests.

Hoskin, former chief of the Twisp rural volunteer fire department, has denied all charges of improper action and says he will be vindicated.

Last month, Rue Forest Contracting, of Mill City, Ore., agreed to $25,000 in fines after 23 of its firefighters were found with forged or phony training credentials. Investigators believe some were sent to fires with no training at all. Owner Larry Rue's attorney declined comment.

Last year, the Oregon Department of Forestry, which oversees fire contractors for Oregon and Washington under an interagency agreement, cited 45 private crews for various violations and banned 13 from firefighting for up to a month.

The reason: Firefighters showed up late to fires, skipped safety briefings, drank or used drugs at fire camp, engaged in sexual harassment, had falsified training records or were part of a crew with no English-speaking leaders, according to the department.

Oregon labor officials, meanwhile, said they were investigating 30 private firefighter-training or pay violations at any one time last year.

Ferguson, the Forest Service incident commander who fought fires in Oregon, Utah and Colorado, complained in his November memo

that Northwest private crews in 2002 were ''the worst we've ever seen.''

''Although there were two or three good to excellent crews on each fire, that was offset by 20 to 30 that were hardly worth having,'' Ferguson wrote. ''It was apparent that training for most of these crews had been done poorly or not at all.

Bill Lafferty, head of Oregon's fire program, oversees most of the country's private 20-person ''hand crews.'' He's beefing up enforcement but admitted that ''we really don't know the magnitude of the cheaters in the system.''

''We're struggling as best we can,'' he said. ''But we're barely scratching the surface.''

On a recent 90-degree day, firefighter Dustin Washburn, 21, rolled a boulder from the charred dirt and saw smoke rise from smoldering embers. He attacked it with a pulaski, an axlike firefighting tool, smothering the fire.

This 20-person private hand crew was trying to douse hotspots on portions of a 34,000-acre blaze that still burns in the Chewuch River high country in Okanogan County.

''Who was working this area?'' asked Myron Old Elk, the crew leader for a private unit of Oregon-based Ferguson Management. ''Get over here. It's still hot.''

Private crews typically dig lines, knock down spot fires or burn areas to reduce fuels. They're supposed to get the same training as government crews.

Many, such as this Ferguson unit, are run by respected, experienced hands. Old Elk has fought fires for a dozen years. Private Ferguson Management crews have battled blazes since 1981.

''Myron's great,'' said Lonnie Click, a supervisor on this roiling blaze. ''If he doesn't understand directions, he'll ask, then double-ask, until he gets it exactly right.''

But the industry has grown so quickly that some new companies supply firefighters however they can.

Contractors have hired illegal immigrants and paid them under the table, or deducted so much for food and incidentals that some earned only 50 cents in a two-week pay period, according to Oregon's Bureau of Labor and Industries. Underage firefighters ''borrowed'' Social Security numbers to fake certification.

FEAST OR FAMINE

Firefighters aren't allowed to work more than 14 or 21 days in a row without a rest day, but some private firefighters have rotated from fire to fire for 50 days straight, according to Forest Service memos. A crew removed from one Oregon fire for poor safety ratings last year showed up two weeks later on a nearby fire.

''There's a lot of money to be made here, and when there's a lot of money at stake, people figure out angles,'' said Scott Coleman, owner of Oregon's Skookum Reforestation, which for decades has provided contract crews.

The nation's private wildfire firms have grown out of Oregon's logging, tree-planting and forestry labor pool. As a result, Oregon now manages the bulk of them.

For years, it was feast or famine. New contractors started after busy fire years, then disbanded during slow ones.

But wildfires had grown increasingly unruly in the 1990s, just as federal agencies had downsized their own crews. So the government increasingly has turned to contractors.

After 2000, when firefighting help was enlisted from as far away as New Zealand, more contractors, including several from Washington, saw opportunity. Contractors typically charge the government $22 to $36 an hour per worker. The contractor buys vehicles, equipment and clothing, provides training and pays firefighters from $9 to $18 per hour.

NEW EMPHASIS ON TRAINING

Last year, 270 20-person private crews in the Northwest were paid $91 million. Several companies grossed $1 million apiece.

''Overhead can be enormous, but if you have a good fire season and get sent out a lot, you bet there's profit in it,'' said Coleman, vice president of the National Wildfire Association, which has pushed to weed out unscrupulous contractors. ''But if you don't train someone well, you're basically endangering his life.''

Five federal agencies the Forest Service, National Parks, Bureau of Land Management, Fish and Wildlife Service and Bureau of Indian Affairs fight fires.

The agencies renewed efforts to make safety the top priority after 14 Forest Service firefighters were trapped by flames during the July 2001 Thirty Mile fire in the Chewuch Valley. Jessica Johnson, Karen FitzPatrick, Devin Weaver and Tom Craven were asphyxiated by superheated gases after deploying their shelters.

Investigators determined crew leaders violated all 10 standard safety rules. The agency put new emphasis on training, communication, spotting hazardous situations and handling emergencies.

But among new private crews, training issues can be even more basic. Firefighters have bought fire IDs from former firefighters and spliced in their own photographs.

''Just yesterday, I got a call from a woman who wanted to verify that I'd trained these two guys who had '03 dates on heir certification,'' said Harry Winston, who trains contract firefighters through First Strike Environmental in Oregon. ''I hadn't. They'd scratched out '02 on their red cards and put in this year's date.''

Don Land, who worked for Hoskin, the suspended contract trainer, was made an ''engine boss'' a person who operates a wildland firetruck without any training, according to the state Bureau of Labor and Industries.

Land was released from prison after a three-year sentence in 2001. He said that Hoskin hired him for the fire season. Land said he had not completed the required training and lacked even a driver's license, but was given the job of an engine boss.

The state accused Hoskin of giving his students answers to written tests and allowing them to use a 5-pound weight in a fitness test that requires hiking with a 45-pound pack.

Hispanic crews now make up half of the Northwest's private firefighters, and contractors have been disciplined for sending crews with no English speakers to fires a potential hazard when communicating risk.

New rules require crew and squad leaders to speak both English and the language of the crew. But an internal Forest Service memo suggested that bilingual leaders on Oregon's Tiller Complex fires last year appeared to be there mainly for their language skills. Five crew bosses confessed to not understanding their leadership responsibilities.

Paul Broyles, who heads a safety committee for the National Interagency Fire Center, said the private crews he's seen varied from ''fantastic to a hell of a lot less than good and some were real safety concerns.''

A contract crew on an Oregon fire Broyles worked last year was stationed to make sure a rolling inferno stayed behind a fire line. Instead, the crew watched as flames crossed the line, never informing a nearby elite ''hotshot'' crew of the danger headed its way, he said.

The state and the federal government are strengthening oversight and tightening controls on documentation, said Broyles. Still, he said, ''the assumption is, where there's one problem, there're probably more.''

This year, Oregon plans to investigate private crews more heavily. The state now inspects training classes and expects to hire new compliance officers.

But much of the training is designed to be self-policing.

Wildfire contractors form associations, which sign agreements with federal and state agencies. The association then guarantees that contractors meet regulations.

Of eight such associations, some are vastly more qualified than others, said Ed Daniels, who oversees Oregon's certification and training.

Qualifications to form an association: ''Thirty-five dollars and a pen to sign a memorandum of understanding,'' he said.

Hoskin was president of his association.

By Mr. DODD (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. MCCAIN, Mr. HOLLINGS, Mr. WARNER, Mr. LEVIN, Ms. COLLINS, Mr. SARBANES, Mr. SPECTER, Mr. BIDEN, Ms. SNOWE, Mr. KENNEDY, Mr. GRAHAM of South Carolina, Mr. ROCKFELLER, Mr. SMITH, Mr. HARKIN, Mr. GREGG, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. DURBIN, Ms. MIKULSKI, Mr. BAUCUS, Mr. SCHUMER, Mr. REID, Mrs. CLINTON, Mr. INOUYE, Mr. LEAHY, Mr. JOHNSON, Mr. KERRY, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. REED, Mr. CARPER, and Mr. DAYTON):

S. 2411. A bill to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies achieve greater equity for departments serving large jurisdictions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise today with Senator DEWINE and 34 cosponsors to introduce the Assistance to Firefighters Act of 2004, which will revitalize the FIRE Act grant program for an additional six years.

Senator DEWINE and I authored the original FIRE Act four years ago. It has been a tremendous success, helping fire departments throughout our Nation purchase firefighting equipment as well as train firefighters. Nationwide, nearly $2 billion has been appropriated for FIRE Act grants throughout the country.

A report last year by the Federal Government found that 99 percent of grant recipients were satisfied with the FIRE Act's ability to meet the needs of their department. In addition, 97 percent of the participants reported that it 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 initiative is truly a success story.

It is important to remember that the defenders of our Nation are not dressed only in combat fatigues. They wear firefighter uniforms. They risk their lives to keep us safe just like our troops overseas, and we all appreciate their efforts greatly.

The fire service has men and women who are willing to do whatever it takes to get their jobs done. As a country, we are fortunate to have first-rate firefighters throughout the Nation, but they are underfunded, understaffed, undertrained, and underequipped to deal with many emergencies that may arise. 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. A June 2003 Council of Foreign Relations report authored by former Senator Warren Rudman further underscored this issue when it concluded that ''if the Nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could have an even more devastating impact than the September 11 attacks.''

The responsibilities of America's firefighters have also changed. They have certainly come a long way from the ''bucket brigades'' in colonial America, where two rows of people would stretch form 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 obeyed. Now the fire service has new homeland security responsibilities, such as responding to biological and chemical threats.

The reality, however, is that cash-strapped States and cities simply do not have the resources 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 the aforementioned U.S. Fire Service's 2002 national Needs Assessment study, 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 at a 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 threats to which firefighters are expected to respond have far outgrown the ability of local governments to equip firefighters to do what these dangerous times require them to do. This situation demands continued action by the Senate to address these concerns, which is why Senator DEWINE and I are introducing this legislation to further strengthen the FIRE Act grant initiative for the future.

Our bill builds on the recommendations given to us last February by the paid and volunteer fire services. First, we are authorizing $5.85 billion over the next six years for FIRE Act grant assistance. This amount represents a substantial increase over current law.

Second, we are both increasing the size of the awards and making the grants more equitable. Presently, the maximum amount of an award is $750,000, regardless of the size and type of department. For a large department, this cap has caused some difficulties because departments in smaller communities get a substantially larger share of the funds per capita. Our legislation will increase the size of the awards for large jurisdictions to $2.25 million, a threefold increase. For jurisdictions between 500,000 and one million people, the cap will be $1.5 million. For jurisdictions less than 500,000, the maximum award will be $1 million. The bill also empowers the Secretary of Homeland Security to waive these caps in instances of extraordinary need.

Third, we have restructured the matching requirements of current law. We have heard from the fire services that the current matching requirement imposed on local jurisdictions in many instances exceeds the funds available in their budgets. Our bill will reduce the non-Federal matching requirement from 30 percent to 20 percent for departments serving populations of more than 50,000 people. It will also cut the match by one-third for departments serving communities between 20,000 and 50,000 people, and by one-half for departments serving 20,000 or fewer residents.

Finally, we have enhanced the fire safety and fire prevention programs under the FIRE Act, and we have made volunteer, non-profit emergency medical service (EMS) providers that serve municipalities with separate fire and EMS departments eligible for FIRE Act grants. In addition, we tackle the leading cause of firefighter death in the line of duty—heart attacks—by creating an incentive for fire departments to acquire life-saving automated external defibrillator equipment for every first-due emergency vehicle.

These are some of the provisions in the legislation that Senator DEWINE and I are introducing. We look forward to working constructively with the other body in the coming months to fashion legislation that the entire fire service can support.

I am concerned, however, about a provision in the House bill that would seem to disadvantage paid fire departments over volunteer fire departments. This provision would prohibit a paid fire department from receiving FIRE Act assistance if it includes in its collective bargaining agreement a clause prohibiting its firefighters from serving as volunteer firefighters in another jurisdiction.

This provision would needlessly put Congress in the awkward position of dictating to local fire departments not only how to manage themselves, but what issues they can and cannot bargain over in their contract. The consequences of such a provision would be far-reaching. In fact, I am unaware of any other Federal grant initiative that imposes a limitation of such as this on collective agreements.

Of course, there are larger issues also at stake—namely, the fact that the Federal government does not provide for firefighters to bargain collectively. Where bargaining does occur, it exists because firefighters have won the right at the state or local level. In fact, I have strongly supported separate legislation currently pending before Congress that would grant each and every firefighter the right to discuss workplace issues with their employer. It would therefore be inconsistent if firefighters are told what issues over which they can or cannot bargain at the same time that it is the current policy of the Federal Government that it is up to the states whether they can bargain in the first place. How can collective bargaining rights be restricted when they are not even granted?

The legislation that Senator DEWINE and I are introducing does not include the House provision, because we are committed to ensuring that all firefighters are treated fairly, and have an equal opportunity to obtain the assistance they need to do their jobs safely.

In closing, it is important to recall the vital 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

died in the line of duty on that tragic day made our Nation proud. We will never allow their noble sacrifice to be forgotten.

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 they have a duty to fulfill.

The Congress has a duty to the fire service as well, and to the citizens of our Nation who need the protection of the fire service. I look forward to working with my colleagues in the coming months to ensure that this important bipartisan homeland security legislation is enacted into law.

Mr. DEWINE. Mr. President, each day, we entrust our lives and the safety of our families, friends, and neighbors to the capable hands of the brave men and women in our local police departments. These individuals are willing to risk their lives and safety out of a dedication to their citizens and their commitment to public service.

We ask local firefighters to risk no less than their lives, as well, every time they respond to an emergency fire alarm, a chemical spill, or as we saw on September 11, terrorist attacks. We ask them to risk their lives responding to the nearly 2 million reports of fire that they receive on an annual basis. Every 18 seconds while responding to fires, we expect them to be willing to give their lives in exchange for the lives of our families, neighbors and friends. One hundred firefighters lost their lives in 2002 in the line of duty, and nearly 450 lost their lives in 2001. The unyielding commitment these individuals have made to public safety surely deserves an equally strong commitment from the Federal Government.

In 2000, Congress affirmed the value of having a properly trained, equipped and staffed fire service by passing the Firefighter Investment and Response Enhancement (FIRE) Act—legislation that Senator DODD and I introduced, along with Congressmen PASCRELL, WELDON, and many others, on the House side. In the 4 years since the FIRE Act become law, fire departments have made significant progress in terms of filling the substantial needs outlined in the National Fire Protection Association's ''needs assessment.'' To date, Congress has appropriated nearly $2 billion for the FIRE Act program. Virtually every penny of that amount has gone directly to local fire departments through FIRE grants to provide firefighter personal protective equipment, training to ensure more effective firefighting practices, breathing apparatus, new firefighting vehicles, emergency medical services supplies, fire prevention programs, and other important uses. The direct nature of the FIRE Act grant program—funds literally go straight from the Federal Government to local fire departments—is an extremely important aspect of the law, particularly in light of the difficulties we are seeing with other homeland security grant programs getting money to flow directly to the intended recipients.

FIRE Act grants are awarded based on a competitive, peer-review process that helps ensure that the most important needs are filled first and that funding will be used in an effective manner. I am proud to note that 86 of Ohio's 88 counties have received FIRE Act funding up to this point and that the fire service in my home State is much better prepared to respond to emergencies as a result. The bottom line is this: The FIRE Act program has proven to be an extremely valuable tool for fire-based first responders.

The time has come to reauthorize this important legislation—to build upon the successes of the original FIRE Act and to refine the program where improvements can be made. Just as we did in 2000, Senator DODD and I have come together, along with the support of several national fire service organizations, to introduce a bill to reauthorize the FIRE Act. Our bill focuses on four central themes. First, we take steps to make the grant program more accessible for fire departments serving small, rural communities and to eliminate barriers to participation faced by departments serving heavily populated jurisdictions. Second, we codify changes made in program administration since its transfer to the recently created Department of Homeland Security. Third, the bill increases the emphasis within the program on life-saving Emergency Medical Services and technologies. And fourth, we evaluate the program through a series of reports to help ensure that resources are targeted to the areas of greatest need. These priorities have been developed jointly with the fire service, and represent a means to strengthen the FIRE Act program for years to come.

First, our new legislation would help the FIRE act program be more accessible for fire departments serving the very largest and smallest jurisdictions in America. Our experience over the past 4 years has been that a number of features in the program make participation difficult for departments serving these populations. Career fire departments, most of which serve populations well in excess of 50,000, have been receiving only a small percentage of the total grants thus far. After consulting with the fire service organizations, fire chiefs in my home State of Ohio, and officials administering the program at the Department of Homeland Security, we've found that there are two main reasons why this has been the case.

First, matching requirements for large departments, currently fixed at 30 percent, have been particularly difficult to meet. Second, current law dictates that departments—whether they serve a large city, such as Cleveland and have numerous fire stations, or a small town, such as Cedarville, OH and have only one station—are eligible for the exact same level of funding each year: $750,000. These two elements of the current program have caused a number of large fire departments to forego applying for FIRE grants. With respect to smaller, often volunteer-based departments serving populations of 20,000 or less, budgets are often so limited that meeting the current match is simply not possible. Many of these departments struggle with even the most basic needs, such as having an adequate number of staff available to respond to a structure fire.

Our bill addresses each of these problems in a simple and straightforward fashion. Specifically, the bill would reduce matching requirements by one third for departments serving communities of 50,000, and by the one half for departments serving 20,000 or fewer residents in order to encourage increased participation by these departments. The bill also would restructure caps on grant amounts to reflect population served, with up to $2,250,000 for departments serving one million or more, $1,500,000 for departments serving between 500,000 and one million, and $1,000,000 for departments serving fewer than 500,000 residents. Together, these two changes would go a long way toward increasing the accessibility of the program for the very largest and smallest departments in the United States.

The second major component of our bill has to do with the transfer of the FIRE Act administration from the Federal Emergency Management Administration (FEMA) to the Department of Homeland Security (DHS). When FEMA's functions were transferred into the DHS, the FIRE grant program, along with the U.S. Fire Administration, also were transferred to DHS. As part of that transfer, formal administration of the FIRE grant program has been delegated to the Department to the Office of Domestic Preparedness (ODP), which oversees all DHS grant programs. While the U.S. Fire Administration—the real fire experts within the Federal Govenment—remains involved, we need to take steps to formalize the management of the program following the transfer to DHS.

There are a number of reasons for solidifying program administration in law, chief among them being the ability of fire departments across our Nation to plan for the future, and the ability to ensure an ongoing role for fire experts in the process. First, our bill gives the Secretary of Homeland Security overall authority for the program. This just makes sense given the Secretary's current home within ODP. Additionally, the bill would codify in law practices currently in use by ODP—peer review by experts from national fire service organizations, a formal role for the U.S. Fire Administration, and collaborative meetings to recommend grant criteria.

These steps would benefit the program for years to come and would help bring stability to the increasingly mature FIRE grant program. Perhaps

more importantly, formalizing the role of the U.S. Fire Administrator and national fire service organizations would help resolve a fundamental tension between the mission of the FIRE Act program (to improve firefighting and EMS resources nationwide for all hazards) and the mission of its caretaker, ODP (to focus on terrorism prevention and response).

It makes sense for ODP, as the central clearinghouse for grant program within DHS, to manage the FIRE grant program. Equally so, it makes sense to build features into the program which would help ensure that the FIRE grant program will remain dedicated solely to the fire and emergency medical services (EMS) communities and will not be diluted over time into a generic terrorism-prevention program. Our bill carefully strikes this balance.

The third major focus of this reauthorization bill is on finding ways to improve safety and to save lives. We do this in a number of ways. First, we've teamed up with national fire service organizations to incorporate firefighter safety research into the fire prevention and safety set-aside program. This new research, supported by a 20 percent increase in funds for the prevention and safety set-aside, would help reduce the number of firefighter fatalities each year and would dramatically improve the health and welfare of firefighters nationwide.

Second, we place an increased emphasis on Emergency Medical Services. In most communities, the fire department is the chief provider for all emergency services, including EMS. To illustrate this point, a 2002 National Fire Protection Association study indicates that fire departments received more than seven times as many calls for EMS assistance as they did for fires. When our family members, neighbors, and friends need immediate medical help, we turn to EMS providers, and we rely on this help to be as effective and timely as possible. It is our duty in structuring the FIRE grant program, then, to do everything we can to give EMS squads the assistance they need to carry out this important mission.

Despite the overwhelming ratio of EMS calls to fire calls, the FIRE grant program has not adequately reflected the importance of EMS over the past few years, with about 1 percent of all grants going specifically for EMS purposes. While there is no question that a number of other grants have indirectly benefited EMS and that departments do invest their own money into this service, more can and should be done through the FIRE Act to boost our EMS capabilities nationwide. To accomplish this goal, we do a number of things in the reauthorization bill, including specifically including fire-based EMS professionals in the peer review process and allowing EMS grant requests to be combined with those for equipment and training.

Additionally, we include language to incorporate independent, non-profit EMS squads into the FIRE grant program for the first time. While our work with national fire service organizations on this particular provision has been productive and is ongoing, its intent is clear—and that is to try to bring the emphasis within the FIRE grant program on EMS closer to the level of demand in the field for this life-saving service. I am pleased that we have this language in the bill and believe that through debate here in committee, and perhaps on the Senate floor, we can find an even better solution for increasing support for EMS.

Third, we create a new incentive program within the FIRE Act that encourages departments to invest in life-saving automated external defibrillator (AED) devices. These devices are capable of dramatically reducing the number one cause of firefighter death in the line of duty—heart attacks. Our incentive program essentially says to fire departments that if you equip each of your firefighting vehicles with a defibrillator unit, we'll give you a one-time discount on your matching requirement. Congress has expressed, time and again, strong support for getting these devices out to communities through various grant programs. It is our hope that we can maintain that commitment by extending support for life-saving defibrillator technologies to fire departments across the country.

Fourth, we eliminate a burdensome and unintended matching requirement for fire prevention grants. These grants generally go to non-profit organizations, such as National SAFE KIDS, to provide for fire safety awareness campaigns, smoke detector installations in low-income housing, and other important prevention efforts. Though no match was required in the first few years of the program, a recent legal opinion from the Office of Domestic Preparedness has reversed course and instituted a 10 percent match for grantees. This unanticipated requirement, which is extremely difficult for non-profits with limited capital, has had a debilitating effect on the prevention program and needs to be eliminated. Our bill does just that.

Together, these common-sense features of our reauthorization bill would dramatically improve the safety of our communities, as well as the firefighters who bravely serve them.

The fourth section of this reauthorization bill centers on a comprehensive review of the FIRE grant program. This review, to be conducted in part by the National Fire Protection Association, and in part by the General Accounting Office (GAO), seeks to evaluate the program with an eye toward ensuring that resources are targeted to the areas of greatest need. A similar study by the National Fire Protection association conducted shortly after passage of the initial FIRE Act was extremely helpful as far as identifying the nature of the fire service needs. Ultimately, this part of the bill is about making sure that the billions of taxpayer dollars authorized by this legislation are used in the most responsible and effective manner possible.

Our bill is a good bill. It is comprehensive and collaboratively drafted with input from fire and emergency services experts from across the country. The National Safe Kids Campaign, the International Association of Fire Fighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, the International Association of Arson Investigators, the International Society of Fire Service Instructors, and the National Fire Protection Association, among others, all support our legislation. I am proud to introduce this bill with my friend and colleague from Connecticut and look forward to working to ensure that the Federal Government increases its commitment to the men and women who make up our local fire departments. We owe them and their service and dedication nothing less than our full support.

Mr. MCCAIN. Mr. President, I am pleased to join Senators DODD and DEWINE and my other colleagues in introducing the Assistance to Firefighters Act of 2004, which will reauthorize the Assistance to Firefighters Grant Program. This program, which is also know as the FIRE Grant program, addresses a critical need by ensuring that our Nation's firefighters have adequate funding for training and equipment to deal with the many hazards that they face.

As Chairman of the authorizing committee of jurisdiction, I am familiar with the success of the Assistance to Firefighters Grant Program. Funding under the FIRE grant program is provided directly to local jurisdictions. Applications undergo a competitive, merit-based process, which helps to ensure that funding is spent responsibily and productively. The grant program includes a matching requirement to ensure that the local community is committed to spending the grant. It also includes a ''maintenance of expenditures'' provision to ensure that the grant will supplement, not replace, local firefighting funds. In addition, the program ensures that new technology that is bought with FIRE Grant funds meet standards set by voluntary consensus organizations, so that local fire departments will buy effective equipment.

For Fiscal Year 2004, the program received over 20,000 applications from local fire departments across the country. These requests totaled approximately $2.3 billion. The program also received around 20,000 applications in 2001, 2002, and 2003, which clearly demonstrates the need and importance of this program to the firefighting community.

The Assistance to Firefighters Grant program recipients use such funds to help meet their basic needs. The uses for these grants include: personal protection and firefighting equipment;

training; firefighting vehicles; fire prevention campaigns; fire code enforcement; and arson detection and prevention. I would like to emphasize that these grants are dedicated to improving the local response to ''all-hazards,'' including natural disasters, structural fires, and acts of terrorism.

I thank my colleagues for their leadership on this issue, and urge the Senate to support passage of this legislation this year. As we have witnessed recently, our Nation's fire services face a myriad of threats, and we should work to ensure that they are adequately trained and equipped to meet them.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 106—URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRESIDENTIAL ELECTION ON OCTOBER 31, 2004

Mr. CAMPBELL (for himself, Mr. DODD, and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 106

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Ukrainian Government;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch; and

Whereas the intimidation and violence during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2004 presidential elections;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating States of the OSCE, Ukrainian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints; and

(8) pledges its enduring support and assistance to the Ukrainian people's establishment of a fully free and open democratic system, their creation of a prosperous free market economy, their establishment of a secure independence and freedom from coercion, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3142. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3140 submitted by Mr. FEINGOLD and intended to be proposed to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

SA 3143. Mr. GRASSLEY proposed an amendment to the bill S. 1637, supra.

TEXT OF AMENDMENTS

SA 3142. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3140 submitted by Mr. FEINGOLD and intended to be proposed to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply

with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, insert after line 14 the following:

(5) NATIONAL SECURITY EXEMPTION.—Subsection (a) shall not apply to any procurement for national security purposes entered into by:

(A) the Department of Defense or any agency or entity thereof;

(B) the Department of the Army, the Department of the Navy, the Department of the Air Force, or any agency or entity of any of the military departments;

(C) the Department of Homeland Security;

(D) the Department of Energy or any agency or entity thereof, with respect to the national security programs of that Department; or

(E) any element of the intelligence community.

SA 3143. Mr. GRASSLEY proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

On page 26, between lines 2 and 3, insert:

''(3) GROSS RECEIPTS FROM USE OF FILMS AND VIDEO TAPE.—In the case of any qualifying production property which is property described in section 168(f)(3) produced in whole or in significant part by the taxpayer within the United States (determined after application of paragraph (2)), domestic production gross receipts shall include gross receipts derived by the taxpayer from the use of the property by the taxpayer.

On page 27, between lines 2 and 3, insert the following flush sentence:

Subparagraph (F) shall not apply to property described in section 168(f)(3) to the extent of the gross receipts from the use of the property to which subsection (e)(3) applies (determined after application of this sentence).

On page 34, strike lines 8 through 17, and insert:

''(9) SEPARATE APPLICATION TO FILMS AND VIDEOTAPE.—

''(A) IN GENERAL.—In the case of qualifying production property described in section 168(f)(3), the deduction under this section shall be determined separately with respect to qualified production activities income of the taxpayer allocable to each of the following markets with respect to such property:

''(i) Theatrical.

''(ii) Broadcast television (including cable, foreign, pay-per-view, and syndication).

''(iii) Home video.

''(B) RULES FOR SEPARATE DETERMINATION.—Except as provided in subparagraph (C)—

''(i) any computation required to determine the amount of the deduction with respect to any of the markets described in subparagraph (A) shall be made by only taking into account items properly allocable to such market, including the computation of qualified production activities income, modified taxable income, and the domestic/worldwide fraction, and

''(ii) such items shall not be taken into account in determining the deduction with respect to either of the other 2 markets or with respect to qualified production activities income of the taxpayer not allocable to any of such markets.

''(C) WAGE LIMITATION.—This paragraph shall not apply for purposes of subsection (b) and subsection (b) shall be applied after the application of this paragraph.''

On page 5, of the Senate amendment number 3118, as passed, at the end of line 13, add the following: ''For purposes of determining LEED certification as required under this clause, points shall be credited by using the following:

''(I) For wood products, certification under the Sustainable Forestry Initiative Program and the American Tree Farm System.

''(II) For renewable wood products, as credited for recycled content otherwise provided under LEED certification.

''(III) For composite wood products, certification under standards established by the American National Standards Institute, or such other voluntary standards as published in the Federal Register by the Administrator of the Environmental Protection Agency.

On page 6, strike lines 20 and 21, of the Senate amendment number 3118, as passed, and insert the following:

''(II) Compliance with certification standards cited under clause (i).

Beginning on page 12, line 10, of the Senate amendment number 3118, as passed, strike all through page 16, line 10, and insert the following:

SEC. ___. SUBSTANTIAL PRESENCE TEST REQUIRED TO DETERMINE BONA FIDE RESIDENCE IN UNITED STATES POSSESSIONS.

(a) SUBSTANTIAL PRESENCE TEST.—

(1) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 (relating to possessions of the United States) is amended by adding at the end the following new section:

''SEC. 937. BONA FIDE RESIDENT.

''For purposes of this subpart, section 865(g)(3), section 876, section 881(b), paragraphs (2) and (3) of section 901(b), section 957(c), section 3401(a)(8)(C), and section 7654(a), the term 'bona fide resident' means a person who satisfies a test, determined by the Secretary, similar to the substantial presence test under section 7701(b)(3) with respect to Guam, American Samoa, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands, as the case may be.''.

(2) CONFORMING AMENDMENTS.—

(A) The following provisions are amended by striking ''during the entire taxable year'' and inserting ''for the taxable year'':

(i) Paragraph (3) of section 865(g).

(ii) Subsection (a) of section 876(a).

(iii) Paragraphs (2) and (3) of section 901(b).

(iv) Subsection (a) of section 931.

(v) Paragraphs (1) and (2) of section 933.

(B) Section 931(d) is amended by striking paragraph (3).

(C) Section 932 is amended by striking ''at the close of the taxable year'' and inserting ''for the taxable year'' each place it appears.

(3) CLERICAL AMENDMENT.—The table of sections of subpart D of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

''Sec. 937. Bona fide resident.''.

(b) REPORTING REQUIREMENTS FOR BONA FIDE RESIDENTS OF THE VIRGIN ISLANDS.—Paragraph (2) of section 932(c) (relating to treatment of Virgin Islands residents) is amended to read as follows:

''(2) FILING REQUIREMENTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (4), each individual to whom this subsection applies for the taxable year shall file an income tax return for the taxable year with—

''(i) the Virgin Islands, and

''(ii) the United States.

''(B) FILING FEE.—The Secretary shall charge a processing fee with respect to the return filed under subparagraph (A)(ii) of an amount appropriate to cover the administrative costs of the requirements of subparagraph (A)(ii) and the enforcement of the purposes of subparagraph (A)(ii).''.

(c) PENALTIES.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 is amended by adding at the end the following new section:

''SEC. 6717. FAILURE OF VIRGIN ISLANDS RESIDENTS TO FILE RETURNS WITH THE UNITED STATES.

''(a) PENALTY AUTHORIZED.—The Secretary may impose a civil money penalty on any person who violates, or causes any violation of, the requirements of section 932(c)(2)(A)(ii).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in subsection (c), the amount of any civil penalty imposed under subsection (a) shall not exceed $5,000.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) with respect to any violation if such violation was due to reasonable cause and the taxpayer acted in good faith.

''(c) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any requirement of section 932(c)(2)(A)(ii)—

''(1) the maximum penalty under subsection (b)(1) shall be increased to $25,000 and

''(2) subsection (b)(2) shall not apply.''.

(2) CLERICAL AMENDMENT.—The table of sections for Part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

''Sec. 6717. Failure of Virgin Islands residents to file returns with the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

On page 185, line 10, insert ''insuring,'' before ''or''.

On page 287, beginning with line 10, strike all through page 288, line 3, and insert:

''(A) obligations of the United States, money, or deposits with persons described in paragraph (4);''.

(b) ELIGIBLE PERSONS.—Section 956(c) (relating to exceptions to definition of United States property) is amended by adding at the end the following new paragraph:

''(4) FINANCIAL SERVICES PROVIDERS.—

''(A) IN GENERAL.—For purposes of paragraph (2)(A), a person is described in this paragraph if at least 80 percent of the person's income is income described in section 904(d)(2)(C)(ii) (and the regulations thereunder) which is derived from persons who are not related persons.

''(B) SPECIAL RULES.—For purposes of subparagraph (A)—

''(i) all related persons shall be treated as 1 person in applying the 80-percent test, and

''(ii) there shall be disregarded any item of income or gain from a transaction or series of transactions a principal purpose of which is the qualification of a person as a person described in this paragraph.

''(C) RELATED PERSON.—For purposes of this paragraph, the term 'related person' has the meaning given such term by section 954(d)(3).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

On page 335, strike lines 4 through 10, and insert the following:

(2) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a

tax-exempt entity which is a foreign person or entity, the amendments made by this section shall apply to taxable years beginning after March 31, 2004, with respect to leases entered into on or before November 18, 2003.

On page 422, line 21, strike ''$10,000,000'' and insert ''$25,000,000''.

On page 557, between lines 9 and 10, insert the following:

SEC. ___. GOLD, SILVER, PLATINUM, AND PALLADIUM TREATED IN THE SAME MANNER AS STOCKS AND BONDS FOR MAXIMUM CAPITAL GAINS RATE FOR INDIVIDUALS.

(a) IN GENERAL.—Section 1(h)(5) (relating to definition of collectibles gain and loss) is amended—

(1) by striking ''(as defined in section 408(m) without regard to paragraph (3) thereof)'' in subparagraph (A) thereof, and

(2) by adding at the end the following new subparagraph:

''(C) COLLECTIBLE.—For purposes of this paragraph, the term 'collectible' has the meaning given such term by section 408(m), except that in applying paragraph (3)(B) thereof the determination of whether any bullion is excluded from treatment as a collectible shall be made without regard to the person who is in physical possession of the bullion.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. ___. INCLUSION OF PRIMARY AND SECONDARY MEDICAL STRATEGIES FOR CHILDREN AND ADULTS WITH SICKLE CELL DISEASE AS MEDICAL ASSISTANCE UNDER THE MEDICAID PROGRAM.

(a) OPTIONAL MEDICAL ASSISTANCE.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)—

(i) by striking ''and'' at the end of paragraph (26);

(ii) by redesignating paragraph (27) as paragraph (28); and

(iii) by inserting after paragraph (26), the following:

''(27) subject to subsection (x), primary and secondary medical strategies and treatment and services for individuals who have Sickle Cell Disease; and''; and

(B) by adding at the end the following:

''(x) For purposes of subsection (a)(27), the strategies, treatment, and services described in that subsection include the following:

''(1) Chronic blood transfusion (with deferoxamine chelation) to prevent stroke in individuals with Sickle Cell Disease who have been identified as being at high risk for stroke.

''(2) Genetic counseling and testing for individuals with Sickle Cell Disease or the sickle cell trait to allow health care professionals to treat such individuals and to prevent symptoms of Sickle Cell Disease.

''(3) Other treatment and services to prevent individuals who have Sickle Cell Disease and who have had a stroke from having another stroke.''.

(2) RULE OF CONSTRUCTION.—Nothing in subsections (a)(27) or (x) of section 1905 of the Social Security Act (42 U.S.C. 1396d), as added by paragraph (1), shall be construed as implying that a State medicaid program under title XIX of such Act could not have treated, prior to the date of enactment of this Act, any of the primary and secondary medical strategies and treatment and services described in such subsections as medical assistance under such program, including as early and periodic screening, diagnostic, and treatment services under section 1905(r) of such Act.

(b) FEDERAL REIMBURSEMENT FOR EDUCATION AND OTHER SERVICES RELATED TO THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking ''plus'' at the end and inserting ''and''; and

(2) by adding at the end the following:

''(E) 50 percent of the sums expended with respect to costs incurred during such quarter as are attributable to providing—

''(i) services to identify and educate individuals who are likely to be eligible for medical assistance under this title and who have Sickle Cell Disease or who are carriers of the sickle cell gene, including education regarding how to identify such individuals; or

''(ii) education regarding the risks of stroke and other complications, as well as the prevention of stroke and other complications, in individuals who are likely to be eligible for medical assistance under this title and who have Sickle Cell Disease; plus''.

(c) DEMONSTRATION PROGRAM FOR THE DEVELOPMENT AND ESTABLISHMENT OF SYSTEMIC MECHANISMS FOR THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—

(1) AUTHORITY TO CONDUCT DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—The Administrator, through the Bureau of Primary Health Care and the Maternal and Child Health Bureau, shall conduct a demonstration program by making grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease, including through—

(i) the coordination of service delivery for individuals with Sickle Cell Disease;

(ii) genetic counseling and testing;

(iii) bundling of technical services related to the prevention and treatment of Sickle Cell Disease;

(iv) training of health professionals; and

(v) identifying and establishing other efforts related to the expansion and coordination of education, treatment, and continuity of care programs for individuals with Sickle Cell Disease.

(B) GRANT AWARD REQUIREMENTS.—

(i) GEOGRAPHIC DIVERSITY.—The Administrator shall, to the extent practicable, award grants under this section to eligible entities located in different regions of the United States.

(ii) PRIORITY.—In awarding grants under this subsection, the Administrator shall give priority to awarding grants to eligible entities that are—

(I) Federally-qualified health centers that have a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health; or

(II) Federally-qualified health centers that intend to develop a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health.

(2) ADDITIONAL REQUIREMENTS.—An eligible entity awarded a grant under this subsection shall use funds made available under the grant to carry out, in addition to the activities described in paragraph (1)(A), the following activities:

(A) To facilitate and coordinate the delivery of education, treatment, and continuity of care for individuals with Sickle Cell Disease under—

(i) the entity's collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity that works with individuals who have Sickle Cell Disease;

(ii) the Sickle Cell Disease newborn screening program for the State in which the entity is located; and

(iii) the maternal and child health program under title V of the Social Security Act (42 U.S.C. 701 et seq.) for the State in which the entity is located.

(B) To train nursing and other health staff who provide care for individuals with Sickle Cell Disease.

(C) To enter into a partnership with adult or pediatric hematologists in the region and other regional experts in Sickle Cell Disease at tertiary and academic health centers and State and county health offices.

(D) To identify and secure resources for ensuring reimbursement under the medicaid program, State children's health insurance program, and other health programs for the prevention and treatment of Sickle Cell Disease.

(3) NATIONAL COORDINATING CENTER.—

(A) ESTABLISHMENT.—The Administrator shall enter into a contract with an entity to serve as the National Coordinating Center for the demonstration program conducted under this subsection.

(B) ACTIVITIES DESCRIBED.—The National Coordinating Center shall—

(i) collect, coordinate, monitor, and distribute data, best practices, and findings regarding the activities funded under grants made to eligible entities under the demonstration program;

(ii) develop a model protocol for eligible entities with respect to the prevention and treatment of Sickle Cell Disease;

(iii) develop educational materials regarding the prevention and treatment of Sickle Cell Disease; and

(iv) prepare and submit to Congress a final report that includes recommendations regarding the effectiveness of the demonstration program conducted under this subsection and such direct outcome measures as—

(I) the number and type of health care resources utilized (such as emergency room visits, hospital visits, length of stay, and physician visits for individuals with Sickle Cell Disease); and

(II) the number of individuals that were tested and subsequently received genetic counseling for the sickle cell trait.

(4) APPLICATION.—An eligible entity desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

(5) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Health Resources and Services Administration.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federally-qualified health center, a nonprofit hospital or clinic, or a university health center that provides primary health care, that—

(i) has a collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity with experience in working with individuals who have Sickle Cell Disease; and

(ii) demonstrates to the Administrator that either the Federally-qualified health center, the nonprofit hospital or clinic, the university health center, the organization or entity described in clause (i), or the experts described in paragraph (2)(C), has at least 5 years of experience in working with individuals who have Sickle Cell Disease.

(C) FEDERALLY-QUALIFIED HEALTH CENTER.—The term ''Federally-qualified health center'' has the meaning given that term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for each of fiscal years 2005 through 2009.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on the date of enactment of this Act and apply to medical assistance and services provided under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on or after that date.

Beginning on page 558, line 1, strike all through page 559, line 5.

On page 930, after line 18, add the following:

TITLE IX—OFFICE OF FEDERAL PROCUREMENT POLICY ACT IMPROVEMENTS

SEC. 901. REPORT ON ACQUISITIONS OF GOODS FROM FOREIGN SOURCES.

(a) REPORT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 43. REPORT ON ACQUISITIONS OF GOODS FROM FOREIGN SOURCES.

''(a) Not later than 60 days after the end of each fiscal year, the head of each executive agency shall submit to Congress a report on the acquisitions that were made of articles, materials, or supplies by such executive agency in that fiscal year from entities that manufacture the articles, materials, or supplies outside the United States.

''(b) The report for a fiscal year under subsection (a) shall separately indicate the following information:

''(1) The dollar value of any articles, materials, or supplies that were manufactured outside the United States.

''(2) An itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.).

''(3) A summary of—

''(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

''(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

''(c) The head of each executive agency submitting a report under subsection (a) shall make the report publicly available by posting on an Internet website.

''(d) Subsection (a) shall not apply to any procurement for national security purposes entered into by—

''(1) the Department of Defense or any agency or entity thereof;

''(2) the Department of the Army, the Department of the Navy, the Department of the Air Force, or any agency or entity of any of the military departments;

''(3) the Department of Homeland Security;

''(4) the Department of Energy or any agency or entity thereof, with respect to the national security programs of that Department; or

''(5) any element of the intelligence community.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Office of Federal Procurement Policy Act is amended by adding at the end the following new item:

''Sec. 43. Report on acquisitions of goods from foreign sources.''.

(c) COMMERCE DEPARTMENT REPORT.—Not later than 60 days after the end of each fiscal year ending after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress and make publicly available by posting on an Internet website a report on the acquisitions by foreign governments of articles, materials, or supplies that were manufactured or extracted in the United States in that fiscal year. Such report shall indicate the dollar value of such articles, materials, or supplies.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 12, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1715, the Department of Interior Tribal Self-Governance Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, May 18, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to evaluate implications of a recent change in reporting of small business contracts by the Department of Energy. This change has the effect of increasing the number of small business contracts issued directly by the Department and decreasing the number of contracts issued by the Department's Management and Operating contractors.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Dr. Pete Lyons at 202–224–5861 or Shane Perkins at 202–224–7555.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 19, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 900, a bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts; S. 1876, a bill to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project; S. 1957, a bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; S. 2304 and H.R. 3209, bills to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project; S. 2243, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska; H.R. 1648, a bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District; and H.R. 1732, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Kellie Donnelly at 202–224–9360, Nate Gentry at 202–224–2179, Erik Webb at 202–224–4756, or Shane Perkins at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 11, 2004, at 9:30 a.m. and 2:30 p.m., in open session, to continue to receive testimony on allegations of mistreatment of Iraqi prisoners.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 11, 2004, at 2:30 p.m. on Smoking in the Movies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 11 at 10:00 a.m.

The purpose of this hearing is to gain an understanding of the impacts and costs of last year's fires and then look

forward to the potential 2004 fire season. The hearing will give all committee members a solid understanding of the problems faced last year and what problems the agencies and the land they oversee may face this next season, including aerial fire fighting assets and crew, and overhead availability.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 11, 2004 at 10:00 a.m. to hold a hearing on Saving Lives: The Deadly Intersection of AIDS & Hunger.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, May 11, 2004, at 10:30 a.m. for a hearing titled ''Bogus Degrees and Unmet Expectations: Are Taxpayer Dollars Subsidizing Diploma Mills?'' (Day One).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing entitled ''Breakthroughs in Alzheimer's Research: News You Can Use'' during the session of the Senate on Tuesday, May 11, 2004 at 10:00 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on ''Rapid Bio-Terrorism Detection and Response'' on Tuesday, May 11, 2004 at 9:30 a.m. in Dirksen 226.

Witness List:

Panel I: Dr. Paul Keim, Director Northern Arizona University, Flagstaff, AZ; Dr. Harvey W. Meislin, Director, Arizona Emergency Medicine Research Center, Tucson, AZ; Dr. David A. Relman, Associate Professor of Medicine, Stanford University, Palo Alto, CA; and Dr. Jeffrey Trent, President, Translational Genomics Research Institute, Phoenix, AZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, May 11, 2004. The purpose of this hearing will be to examine the conservation programs of the 2002 Farm Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MAY 12, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 12. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first half hour under the control of the majority leader or his designee, and the second half hour under the control of the minority leader or his designee; provided that following morning business, the Senate begin consideration of S. 1248, the IDEA reauthorization bill as provided under the previous order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, through you to the distinguished majority whip, we have completed this bill. It has been a long struggle. Everybody is happy that it is done. We also are going to pass the IDEA bill within the next couple of days. I see no reason we couldn't also complete the mental health parity legislation. I spoke with Senator DOMENICI and our leader. There is no reason we couldn't do that in a very short time period, a matter of just an hour or two. The only thing we are waiting on is the Senator from New Hampshire, Mr. GREGG, who has an amendment that deals with the scope of the bill. That is the only amendment people have indicated they want to deal with. As soon as we see that, we can agree on a time for that. This would be a remarkable week if we could complete three major pieces of legislation.

Mr. MCCONNELL. I say to my friend from Nevada, it certainly would be good to be able to complete more legislation in the Senate. We are actively working on the bill that the Senator referred to, hoping to get that cleared on this side. I hope that will be possible.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow following morning business, the Senate will begin consideration of the IDEA reauthorization bill. Under the previous agreement, there are up to eight amendments in order, in addition to the managers' amendment. The chairman and ranking member of the HELP Committee will be here tomorrow morning to begin working through these amendments. I would inform all Senators that rollcall votes are expected throughout the day as the Senate works toward passage of that important bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Wednesday, May 12, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 2004:

DEPARTMENT OF DEFENSE

JOSEPH F. BADER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2007, VICE JESSIE M. ROBERSON, TERM EXPIRED.

DEPARTMENT OF COMMERCE

BRETT T. PALMER, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE BRENDA L. BECKER.

FEDERAL TRADE COMMISSION

DEBORAH P. MAJORAS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2001, VICE TIMOTHY J. MURIS, RESIGNED.

DEPARTMENT OF THE TREASURY

TIMOTHY S. BITSBERGER, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE BRIAN CARLTON ROSEBORO, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE WENDY JEAN CHAMBERLIN.

DEPARTMENT OF EDUCATION

CRAIG T. RAMEY, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS. (NEW POSITION)

CENTRAL INTELLIGENCE

LARRY C. KINDSVATER, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT, VICE JOAN AVALYN DEMPSEY, RESIGNED.

EXTENSIONS OF REMARKS

A PROCLAMATION IN MEMORY OF DANIEL J. BOORSTIN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family and friends of Daniel Boorstin upon the death of this outstanding human being.

Daniel Boorstin was born October 1, 1914. Along with his numerous roles as husband, teacher, innovator, and leader, Dr. Boorstin served as the Librarian of Congress from 1975 to 1987.

Dr. Boorstin will certainly be remembered by those who knew him as a brilliant scholar, accomplished historian, and devotee of the written word. Dr. Boorstin founded the Library's Center for the Book which promotes reading and literacy both nationally and internationally.

Dr. Boorstin's devotion to both family and his work embody the excellence displayed throughout his life. His life and love gave joy to all who knew him.

While I understand how words cannot express our grief at this time, I offer this token of profound sympathy to the family and friends of Dr. Daniel Boorstin.

TRIBUTE TO SPARKMAN HIGH SCHOOL'S ''WE THE PEOPLE'' COMPETITION TEAM

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. CRAMER. Mr. Speaker, I rise today to congratulate a group of young men and women from North Alabama who finished fourth in the National ''We the People: The Citizen and the Constitution'' Competition.

These young scholars from Sparkman High School have worked tirelessly for this competition and have gained a deep knowledge and understanding of the fundamental principles and values of our Constitution. I want to congratulate these students on this outstanding achievement.

The ''We the People'' program, administered by the Center for Civic Education, provides students with a working knowledge of the U.S. Constitution, Bill of Rights, and the principles of democratic government. The 3-day national competition is modeled after hearings in the U.S. Congress. The hearings consist of oral presentations by high school students before a panel of constitutional scholars. The students' testimony is followed by a period of questioning by the judges to explore their depth of understanding and ability to apply their constitutional knowledge.

These students have built an excellent academic foundation that will enable them to achieve a broader understanding of our nation and our system of government. It is inspiring to see these young people advocate the fundamental principles of our government and that the next generation of leaders believe and understand these principles.

Mr. Speaker, this group of high school seniors has accomplished more and gone farther in this competition than any previous group from the State of Alabama. With great pleasure, I rise today to congratulate this great achievement.

HONORING THE RIGHT REVEREND JOHN HURST ADAMS AND HIS WIFE, DR. DOLLY DESSELLE ADAMS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, to appropriately honor the Right Reverend John Hurst Adams and his beloved wife, Dr. Dolly Desselle Adams, upon his retirement as the Senior Bishop of the African Methodist Episcopal Church's Eleventh Episcopal District which comprises the state of Florida and the Bahamas. I'd like to submit for the RECORD the following letter to the St. Mark African Methodist Episcopal Church.

Again, the people of Dallas join me in saluting Bishop John Hurst and Dr. Dolly Adams, and wishing them Godspeed.

The BISHOP JOHN HURST ADAMS CELEBRATION COMMITTEE,

Attention: The Reverend Doctor Samuel L. Green, Sr., St. Mark African Methodist Episcopal Church, Orlando, Florida.

DEAR CELEBRATION COMMITTEE: I congratulate the Right Reverend John Hurst Adams, and his beloved wife, Dr. Dolly Desselle Adams, upon his retirement as the Senior Bishop of the African Methodist Episcopal Church's Eleventh Episcopal District comprising the state of Florida and the Bahamas.

As a minister of the AME Church, as a preacher of the Gospel, and as an educator, Bishop Adams has served both the community of God and the community of man. Credited with initiating 70 congregations, Bishop Adams is a modern-day apostle. Because the Spirit of the Lord was upon him, Bishop Adams has played an instrumental role in transforming the souls and the minds of untold thousands.

From 1972 until 1980, the Right Reverend Adams served as the Presiding Bishop of the Tenth Episcopal District, which comprises the entire state of Texas. In this capacity, he devoted all of his energies to ministering to the spiritual, intellectual, physical and emotional needs of parishioners, converts, churchgoers, the un-churched, the lost, and those on the edge of the church.

The citizens of Dallas are forever indebted to Bishop Adams and Dr. Adams for their leadership of Paul Quinn College and their stewardship of the venerable institution of higher education located in Dallas. As its President from 1956–1962, the Right Reverend John Hurst Adams put his distinctive touch on the college.

During his helmsmanship as the Chairman of the Board of Trustees at Paul Quinn College, he raised it to the highest Heights of excellence. The college, which was founded in 1872 by the African Methodist Episcopal Church, was doubly blessed by the presence of the Adamses on its campus.

As the Dean of Students at Paul Quinn College, Dr. Dolly Adams not only changed the lives of students, she also changed the lives of all around her. This veteran educator served in the Woman's Missionary Society for nearly three decades. Dr. Adams supervised the Tenth Episcopal District of Texas. She also served as the National President of Links, Inc. and was accordingly named one of the ''100 Most Influential Black Americans'' by Ebony magazine.

It is an understatement to say that Bishop Adams and Dr. Adams will be greatly missed. Our lives are richer and our hopes are brighter because of their contributions. This godly couple has served as a source of inspiration for others.

Each of them has given their ''utmost for His Highest.'' The couple can truly say as the Apostle Paul famously said, ''I have fought a good fight, 1 have finished my course, I have kept the faith: Henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge, shall give me at that day: and not to me only, but unto all them also that love his appearing.''

Although they are retiring from active ministry, they will not recede from our memories. I will enter an official statement into the Congressional Record highlighting his lifelong accomplishments of Bishop John Hurst Adams and honoring his retirement. Once it is printed, I will be happy to forward you a copy to your attention. Again, the people of Dallas join me in saluting Bishop John Hurst and Dr. Dolly Adams, and wishing them Godspeed.

Sincerely,

EDDIE BERNICE JOHNSON.

HONORING THE FLINT JOURNAL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to congratulate Genesee County's oldest business, the Flint Journal, on the grand opening of the newspaper's new Press and Distribution Center. To commemorate this event, the Flint Journal will host a special business reception on May 11, 2004 and a community open house on May 23, 2004.

The Flint Journal was founded in 1876 by Mr. Charles Fellows. The Flint Journal began as a weekly newspaper until it began daily publishing in 1883. The Journal provided national and world news to its readers via the Associated Press beginning in 1908.

In 1911, Mr. Fellows sold the newspaper to Booth Publishing. In 1922, the first Sunday edition was produced. The daily circulation of the Flint Journal passed 100,000 in 1961.

For the past 80 years, The Flint Journal has been located in their main building, which was designed by the noted architect, Albert Kahn. In 1954, an addition was completed where the printing of the paper has taken place for half a century. In October of 2002, the Flint Journal, as part of its commitment to continuing to provide superior newspaper coverage of world and local events, broke ground on a new multi-million dollar state-of-the-art Press and Distribution center. The center was completed in the early part of 2004 and is located in downtown Flint, Michigan. The Press and Distribution Center is a 75,000 square-foot, six-story facility designed by Dario Design of Framington, Massachusetts.

Symbols of past and present are represented in the new building's design. On the glass of the press hall, the main part of the Press and Distribution center, are 12 etched design elements from the old building. The designs are of printers' marks from the early days of mechanical printing; an eagle, symbolizing vigilance; a lantern, for knowledge; and a beehive, for industry. The design also includes figures that represent typesetting—a medieval craftsman with tweezers, setting type for a book, and for engraving, an old man etching symbols with a stylus. Charles Wollitz, an artist for the Journal, designed 26 artistic tiles for the building exterior to symbolize some of the communities served by the Journal.

The Flint Journal along with its experienced and dedicated staff is committed to bringing quality news stories to the people of Genesee County. I am confident that with the modernization of their printing and distribution center, they will be even more effective in delivering stories and editorials that will not only inform, but will also inspire the communities which they serve.

Mr. Speaker, as the Member of Congress representing Flint, MI, I ask my colleagues in the 108th Congress to please join me in congratulating the Flint Journal on the opening of their new Press and Distribution center and in wishing them the best in future success.

CONGRATULATING FIRST PRESBYTERIAN CHURCH ON THEIR 150TH ANNIVERSARY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate First Presbyterian Church of Columbia, CA, on the occasion of celebrating 150 years of dedication and service to the needs of the community. The church is holding numerous anniversary events throughout 2004, culminating in the observance of the actual founding on December 19.

The First Presbyterian Church was founded during the Gold Rush in 1854 and is one of California's oldest Presbyterian churches. The first pastor, John Brodt, started out with 15 worshipers and together they organized the church in the gold mining camp of Columbia. The historic church of the 49ers is located in Tuolumne County and has been a landmark in the restored mining town of Columbia, which has been a California State Historic Park since 1945.

Over the years, the church has had many renowned pastors. Henry Palmer delivered a eulogy in 1866 to then recently assassinated President Abraham Lincoln to a crowd of over 1,000 worshipers. Pastor Hugh Furneaux was designated ''Shepherd of the Hill'' by regional newspaper editors because of his efforts to go to remote camps with his two donkeys to deliver inspirational messages.

Today, First Presbyterian Church is the only regular place of worship in Columbia offering weekly services. The church also offers a variety of other services to the community including: music ministry, youth ministry, adult bible study, preschool, parish nursing, small groups, Presbyterian women ministries, and interfaith social services.

Mr. Speaker, it is my pleasure to congratulate the First Presbyterian Church of Columbia, CA on the occasion of their 150th anniversary. I urge my colleagues to join me in wishing First Presbyterian Church many more years of continued success.

RECOGNIZING THE CONTRIBUTIONS OF REVEREND DR. GEORGE E. MCRAE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to recognize the contributions of one of our community's most remarkable leaders, the Rev. Dr. George E. McRae, Pastor of Mt. Tabor Missionary Baptist Church in Miami, Florida. I know Rev. McRae well, because he is my Pastor.

On Friday, May 14, 2004, at the Sheraton Biscayne Bay Hotel in Miami, the members of our congregation will honor Rev. McRae, for his 15-year service to our church and its surrounding neighborhoods.

Historic milestones and countless awards characterize Rev. McRae's pastoral service, including his recent designation as President of the Florida General Baptist Convention. Yet perhaps the one achievement of his many achievements that says the most about his values and priorities is his establishment of a community-based non-profit organization called MOVERS, or Minorities Overcoming the Virus Through Education, Responsibility and Spirituality. MOVERS is designed to meet the needs of lower income people with few options who are afflicted with the HIV/AIDS virus and other sexually transmitted diseases, and their families. Over the years, Rev. McRae and his dedicated staff have taken few resources and done much good.

The 17th Congressional District of Florida is so honored to bear witness to the consecration of this Man of God to works of charity. The timeliness of his wisdom and the focus of his sensitivity guide us in committing ourselves to the well being of the less fortunate, the voiceless and the underrepresented. By establishing MOVERS, he has made it his mission to courageously stand by this mission of mercy, thus evoking his calling to bring to everyday life the Gospel's good news of healing and reconciliation.

Rev. McRae is a man of great faith who has come to define the role of the church in its stewardship over the voiceless and the disenfranchised members of society. It is something analogous to the role of Dr. Martin Luther King, Jr., as he resiliently struggled through the harrowing challenges of racial equality and the demands for simple justice and equal opportunity for all.

The timeliness of his common sense and the courage of his conviction serve to strengthen and guide us at a time when our community needs someone to put in perspectives the agony and pain of people without resources or options who need help with problems that are much bigger than they can handle alone.

While Rev. McRae will be honored by the members of the Mt. Tabor congregation, this fitting but symbolic ceremony is but one small measure of the genuine respect and thanks that people in Miami feel for his contributions to our community. Our collective pride in sharing his friendship is only exceeded by our gratitude for all that he continues to do on our behalf. Indeed, this is the remarkable legacy for which we will honor Dr. McRae. We are fortunate to have a man of his compassion, intelligence, caring and energy, and I want to express to him the thanks and best wishes of everyone in our community.

A PROCLAMATION RECOGNIZING ADAM M. ELLIOTT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEY. Mr. Speaker:

Whereas, Adam Elliott has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Adam Elliott has shared his time and talent with the community in which he resides; and

Whereas, Adam Elliott has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Adam Elliott must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 548 and the entire 18th Congressional District in congratulating Adam Elliott as he receives the Eagle Scout Award.

TRIBUTE TO COLONEL JOHN B. SMITH

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. CRAMER. Mr. Speaker, I rise today to recognize Col. John B, Smith upon his retirement after 30 years of outstanding service in the United States Army.

Colonel Smith has distinguished himself during his military service in challenging and diverse assignments. Throughout his remarkable career, he has been recognized and decorated for his ability to lead by example, encourage excellence from his peers and subordinates, and consistently produce outstanding results at all levels of command.

Mr. Speaker, for the last 2 years, Colonel Smith has served in the position of Chief of

Staff for the U.S. Army Aviation and Missile Command. In that position, Colonel Smith was vital in efforts to advance Redstone Arsenal. In addition, his leadership has been critical to our Nation's defense by helping to ensure the Army's readiness and technological superiority for the future. I commend Colonel Smith for energizing a diverse staff toward a common purpose and inspiring them to achieve their goals.

Mr. Speaker, on behalf of the people of North Alabama, I congratulate Colonel Smith for his 30 years of service to our country and wish him well in his retirement.

COMMENDING DAVID LEESON AND CHERYL DIAZ MEYER OF THE DALLAS MORNING NEWS STAFF, WINNERS OF 2004 PULITZER PRIZE FOR BREAKING NEWS PHOTOGRAPH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to congratulate two great journalists, David Leeson and Cheryl Diaz Meyer of the Dallas Morning News, who were recently awarded the 2004 Pulitzer Prize for Breaking News Photography.

We Texans saw blood spill, tears shed, and conflict unfold in the trenches of Iraq through their camera lens.

Mr. Leeson, who was with the U.S. Army's Third Infantry Division for 6 weeks, captured an image of an Iraqi rolling out of a vehicle engulfed in flames, only to be shot by an American soldier; Ms. Meyer photographed a gripping scene of American troops risking their lives to save a wounded civilian.

The Pulitzer is Leeson's first. He had been a Pulitzer finalist three other times. The Iraq war is the 11th major conflict Leeson has covered. He has also produced work on the apartheid in South Africa, a portion of the gulf war and flooding in southeast Texas.

It was the first Pulitzer for Ms. Meyer also, a news photographer since 2000. In late 2001, she traveled to Afghanistan to photograph the war on terrorism and its effects to topple the oppressive Taliban regime. She has received numerous awards for her body of work there including the John Faber Award from the Overseas Press Club. In April 2002, Ms. Meyer traveled to the Philippines and Indonesia where she photographed Muslim and Christian extremism and the violence caused by religious hatred.

Mr. Speaker, I also congratulate the Dallas Morning News' entire staff for their seventh Pulitzer.

Mr. Leeson and Ms. Meyer, I commend you for this great accomplishment. Keep capturing those shots because they are worth thousand words.

HONORING THE BAY REGIONAL EMS UNITS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to acknowledge the Bay Regional EMS units of Bay City, Michigan for their tireless efforts and dedication in providing life sustaining treatment, and transportation of the sick for 31 years. On May 16, 2004, during National EMS week, the community will join together to honor these men and women during a special presentation ceremony to be held at the main EMS station in Bay City, Michigan.

The Bay Regional EMS, formerly known as the Bay Medical Center EMS, started in 1973. In 1978 it added the Advanced Life Support (Paramedic) service units. There are currently eleven Advanced Life Support units within the fleet. The EMS Units are based out of four stations, which are located in downtown Bay City, Bangor Township (2 units) and Hampton Township. Bay Regional Medical Center employs thirty-eight paramedics, and twelve EMT/Dispatchers who respond to approximately 11,000 emergency and non-emergency transports annually. The Bay Regional EMS Paramedic units are the best in its class. They were among the first responding units to the Wenona Hotel fire, the Bay City fireworks festival explosion, and the motor vessel *Jupitor* explosion and fire. Aside from their duties as paramedics and EMT/Dispatchers, they also provide Medical First Responder level, EMT-Basic level, EMT-Specialist level, and Paramedic level licensure programs, as well as community CPR/AED classes and informational events within the Bay County Schools. The service also provides coverage for special events throughout the Bay County area, including all levels of EMS coverage at no cost for Bay City Central and Essexville Garber football games.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in recognizing the Bay Regional EMS units for their outstanding professionalism, attention to detail, and unwavering commitment to assisting all those in need of medical care.

HONORING 2004 STANISLAUS MEDICAL SOCIETY PHYSICIAN OF THE YEAR DR. J. CARL HORNBERGER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Dr. J. Carl Hornberger on the occasion of receiving the Stanislaus Medical Society John Darroch Memorial Award for Physician of the Year. A ceremony honoring Dr. Hornberger will be held at the Stanislaus Medical Society Annual Dinner Meeting on Thursday, May 27, 2004.

Dr. Carl Hornberger received his MD from the University of Rochester. He completed his Medical Internship, Residency, and Traineeship in Cardiology at the National Heart Institute: University Hospitals of Cleveland, OH. Carl has been practicing medicine for 55 years and has been an active Internal Medicine Physician with Gould Medical Group in Modesto since 1955.

Carl's care and concern for the community and medicine are reflected in the wide variety of leadership roles he has held for the Stanislaus Medical Society and the Stanislaus Foundation for Medical Care. He has served as president for both boards and for the United Foundations of California. Carl has been chair of the bioethics committee at Memorial Medical Center in Modesto since 1997. Dr. Hornberger describes bioethics as, "all issues regarding quality patient care. It's the recognition that patients are in a dependent position, they are scared, they don't know what is going on. Bioethics is about the realm of care for people who are dependent and in need of care, how you are spoken to, how you are treated." Carl says the thing about doctoring he enjoys most is patient contact.

Mr. Speaker, I rise today to recognize Dr. J. Carl Hornberger for his excellence and dedication as a physician. I invite my colleagues to join me in wishing Carl many years of continued success.

IN RECOGNITION OF CAPTAIN JIM JENNINGS FOR HIS 35 YEARS OF SERVICE TO THE CONCORD POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Captain Jim Jennings, who is retiring from the city of Concord Police Department after 35 years of serving the residents of Concord as well as the larger community.

Captain Jennings was born in Placerville and is a life-long resident of California. He married his wife Jennifer in 1970 and they have spent 34 wonderful years together.

Captain Jennings' public service career began even before his time with the Concord Police Department. He served in the U.S. Army in Vietnam from 1967 to 1968. During his service, he received several commendations and medals for his work.

Captain Jennings was hired as a patrolman with the Concord Police Department in May 1969. His distinguished career of public service includes serving on the board of directors of the Peace Offers Research Association of California. For 8 years, he also served as the organization's president.

In 1992, he collaborated with the Contra Costa County Superior Court to develop a protocol that law enforcement officials could follow to handle weapons seized from individuals. This protocol is now followed by all law enforcement agencies in Contra Costa County.

In 1994, Captain Jennings was honored for his on-the-scene help to prevent an individual from jumping to his death. During the following year, he was responsible for creating the Concord Police Department's Northern District Field Office. More than 1,000 individuals attended the Field Office's Grand Opening, demonstrating the widespread public support for his work.

For 35 years, Captain Jennings has served the Concord Police Department and surrounding community. His hard work has improved the safety of the city as well as bettered the overall quality of life for all members of the community. I am proud to commend him today for his leadership, dedication, and commitment to the people of the city of Concord.

THE 350TH ANNIVERSARY OF NORTHAMPTON, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEAL of Massachusetts. Mr. Speaker, it is my esteemed privilege to honor the city of Northampton, MA, and its residents as they celebrate the 350th anniversary of its European settlement in 2004. This occasion presents a wonderful opportunity for this community rich in history to reflect on its achievements, to celebrate its quality of life, and to join in ensuring this legacy for future generations.

Northampton was founded in 1654 on lands previously known as ''Nonotuck'' or ''Norwottuck.'' This fertile Connecticut River Valley has been inhabited for more than 10,000 years by native peoples who began their agricultural industry. The fur trade was later established in the 1630s, upon the arrival of the Europeans. Once beavers grew scarce, the Pocumtuck and Mohican leaders began transferring lands to pay off debts to traders. Northampton became an established trade and marketing center in the 18th century.

Present day citizens of Northampton are proud to follow in the footsteps of an esteemed heritage. Famous Northampton native Jonathan Edwards sparked the religious revival of the Great Awakening in the 1740s with his enthused ministry. This historic city produced heroes such as General Seth Pomeroy of the Revolutionary War who was a delegate from Northampton to the First and Second Provincial Congresses, a major general in the Massachusetts Militia and fought at Bunker Hill. There was much economic unrest following the Revolutionary War that led to Daniel Shay leading his rebellion before the Constitutional Convention. Caleb Strong, who was a delegate to the Convention, became Massachusetts' first senator and an 11-term governor.

The dawn of the 19th century welcomed new economic opportunities. The New Haven canal promised to be profitable, however, the beginning of the American Railroad system and the shareholders failure to recoup their investments prevented this from thriving. Northampton provided an enriching environment for many industries, including education, with the foundation of the Northampton Association of Education and Industry. This association combined a radical abolitionism with a communally owned and operated silk mill, including members such as Sojourner Truth, William Lloyd Garrison, and Frederick Douglas in its inner circle.

Northampton continues to thrive in education. George Bancroft established the Round Hill School in 1823. Author George Washington Cable founded the Home Culture Clubs in 1884. The Hill Institute created one of the first kindergartens in the United States. The prestigious Smith College was founded here in 1871, and the North Hampton Law School claims such alumni as Franklin Pierce.

Probably one of the most famous natives is former President Calvin Coolidge, who took office in 1923. Described by Jenny Lind as the ''paradise of America,'' she was one of many who were drawn to the beauty of Northampton. Other famous visitors over the centuries include famous poet Ralph Waldo Emerson, Marquis de La Fayette, and Henry James who chose Northampton as the setting of his first novel. Artist Thomas Cole captured its beauty in art and called the city ''picturesque.'' Also poet Sylvia Plath found inspiration in Northampton. Sylvester Graham, a diet and health food enthusiast, hails from Northampton as well and is the inventor of the Graham cracker. Also Lydia Maria Child, an abolitionist, poet and writer, was born in Medford in 1802.

Northampton prides itself on its long and distinguished past, and its claim as one of the oldest cities in the United States. With such prominent and influential figures dotting its rich history, it is evident as to why Northampton is such a thriving and vivacious city today.

A PROCLAMATION HONORING NATIONAL MORTGAGE BROKER DAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEY. Mr. Speaker:

Whereas mortgage brokers originate two out of three residential home loans in the United States;

Whereas mortgage brokers have played a key role over the last 30 years in helping to raise the nation's homeownership rate to an historically high level of over 68 percent;

Whereas mortgage brokers are an integral component of the national housing market that has played a critical role in bolstering the American economy;

Whereas mortgage brokers are typically family-owned, small businesses employing 360,000 Americans at 44,000 firms with deep roots in their local communities;

Whereas mortgage brokers work every day to provide home financing options and resources to Americans in under-served low-to-moderate income and minority communities;

Whereas mortgage brokers help millions of Americans realize the dream of homeownership each year;

Therefore, I join with my colleagues in urging that June 7, 2004 be designated ''National Mortgage Broker Day'', as a tribute to the mortgage broker industry, which for more than 30 years has provided new homeownership and financing opportunities for millions of American families enabling them to build equity that can be passed on to future generations.

IN MEMORY OF REV. TRACY CARROLL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SKELTON. Mr. Speaker, I have the regrettable duty to inform the House of the death of Rev. Tracy Allen Carroll of Camdenton, MO.

Reverend Carroll was born in St. Joseph, Missouri, and was raised in Des Moines, Iowa, where he was baptized at the Park Avenue Christian Church. He attended Northwest Christian College in Eugene, OR, where he met Colleen Troxell, whom he married in 1980. In Eugene, Reverend Carroll was ordained at the Allison Park Christian Church after earning his Masters of Divinity from Brite Divinity School at Texas Christian University in Fort Worth, TX, in 1988.

Reverend Carroll served many communities in Oregon and Texas, and arrived in Missouri to minister to the people of Cape Girardeau and Camdenton. He also spent a year in Tokyo, Japan, and served as chaplain at the Edna Galdney Maternity Home and Adoption Agency in Fort Worth, TX.

Reverend Carroll's compassion extended beyond the doors of his congregation. Benefiting from his many philanthropic activities in the Camdenton area were the LAMB House, Camdenton Manor, Citizens Against Domestic Violence, Missouri Mental Health Association, Helping Hands Shelter, Habitat for Humanity, and the Salvation Army. He was also the volunteer mediator for the Missouri Bar Association, a position he filled from the program's inception in 1991.

As you no doubt recall, on January 29, 2003, Reverend Carroll served as Guest Chaplain for the House of Representatives. I know we all found wisdom and guidance in his words that day.

Mr. Speaker, Reverend Carroll will be missed. His care and compassion touched many people, probably more than he ever knew. His life of service is an example to us all. I know my fellow Members of the House will join me in extending heartfelt condolences to his wife, Colleen; his son, Nathaniel; his daughter, Tabitha; and the rest of his family and friends.

RECOGNIZING VALUABLE CONTRIBUTIONS OF MILITARY IMPACTED SCHOOLS, TEACHERS, ADMINISTRATION, AND STAFF FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION OF MILITARY CHILDREN

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of House Resolution 598, a bill recognizing the valuable contributions of military impacted schools, teachers, administration, and staff to the education of military children.

Approximately 750,000 children of Active Duty Armed Forces members attend public or

Department of Defense schools here at home and around the world. While no student lacks his or her share of difficulties, being the child of active-duty personnel comes with its own unique uncertainties regarding seemingly simple matters like where one's family lives year to year and how often mom or dad is away from home. I am aware that military service comes with particular hardships, and the children of military personnel often experience a measure of those difficulties. In the extreme, children may have to deal with the death of a parent in a far-away country; or, less troubling but difficult nonetheless, moving from base to base as one or both parents are reassigned.

Especially distinctive are the schools that serve students on military bases overseas. These students grow up in a foreign environment far from home and in a country where they may not speak the native language. The Department of Defense schools there provide a sense of home for these children and a network of adults to look after their educational needs.

Schools that serve children of military families have a special mission, then, to pay careful attention to the effects of world affairs and military deployments on their students. The teachers and faculty at these schools provide an outstanding service, affording students a safe and reassuring environment.

Military impacted schools provide superior counseling services to children, staff, and families of military personnel. From the death of a parent to a reassignment to a new community, school counselors serve as linchpins for students struggling through new and trying circumstances.

Mr. Speaker, I join my colleagues in commending the efforts of military impacted schools to provide a safe and nurturing environment for children to learn and mature. These teachers, administrators, and other support staff play a pivotal role in supporting the brave men and women of our Armed Forces.

I urge my colleagues to support the passage of this bill.

HONORING LANCE CORPORAL ANTHONY P. ROBERTS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. CASTLE. Mr. Speaker, I rise today in honor of a brave young marine who died Tuesday, April 6, 2004, due to hostile fire in Al Anbar Province, Iraq. United States Marine Lance Corporal Anthony P. Roberts was a proud marine who gave his life, along with a dozen of his fellow soldiers, helping the Second Battalion of the Fourth Marine Regiment secure the Iraqi city of Ramadi.

At only 18 years of age, Anthony was an inspirational young Delawarean who graduated from Middletown High School in June of 2003, where he had been a cadet first lieutenant in the Air Force Junior ROTC program. Only a short time after successfully completing boot camp at Parris Island, South Carolina, Anthony dutifully accepted service in Iraq, where he was an honorable defender of liberty at the epicenter of the war on terror.

A few weeks ago, I had the honor of attending Anthony's funeral, where I learned that during his short life, Anthony was a patriotic American who enjoyed music and spending time with friends and family. Like his father, a military veteran who died several years ago, Anthony made the choice to serve his country. In making this choice, Anthony bravely defended the rights and lives of others. The youngest of three children, Anthony will be deeply missed by his mother and two sisters, his friends, teachers, and fellow soldiers.

Mr. Speaker, it is my sincere privilege to honor the life of a proud marine and heroic representative of the state of Delaware. Lance Corporal Anthony Roberts deserves our gratitude and respect.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 147, 148, 149, 150, 151, and 152. Had I been present, I would have voted "yea" on each of those rollcall votes.

REGARDING COSPONSORSHIP OF H.R. 4061

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. LEE. Mr. Speaker, I rise today in regards to H.R. 4061, the Assistance for Orphans and Vulnerable Children Act of 2004, which passed the House International Relations Committee by unanimous consent on March 31.

Last week the International Relations Committee filed House Report 108–479.

Because House rules prohibit the addition of additional cosponsors to a bill once the committee report has been filed, I am not able to formally add six Members of Congress as cosponsors of this legislation.

I ask that the record show that Mr. OLVER of Massachusetts, Mr. WELDON of Pennsylvania, Mr. GILLMOR of Ohio, Ms. HART of Pennsylvania, Mr. HOLT of New Jersey, and Mr. CROWLEY of New York are in support of my bill and should be considered by this body as cosponsors of H.R. 4061.

TRIBUTE TO LIEUTENANT GENERAL JAMES E. SHERRARD III

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to our country are exceptional. This country has been fortunate to have dedicated individuals who willingly and unselfishly give their time and talent and make this country a safer and better place to live. Lieutenant General James E. Sherrard III is one of these individuals. Today, May 11, 2004, we should pause to honor him on the occasion of his retirement from the U.S. Air Force on May 31, 2004, after nearly 39 years of service.

Lieutenant General Sherrard was a distinguished graduate of the University of Mississippi's Reserve Officer Training Corps program and entered active duty in July of 1965. After flight school at Moody Air Force Base in Georgia, he became an instructor pilot at Sheppard Air Force Base in Texas and Eglin Auxiliary Field 3 in Florida. In September 1977, Lieutenant General Sherrard became the operations squadron for a C–130E squadron at Willow Grove Air Reserve Facility in Pennsylvania. Following this tour, he became the Assistant Deputy Commander, later, Deputy Commander for Operations of the 459th Tactical Airlift Wing at Andrews Air Force Base in Maryland.

Since 1981, Lieutenant General Sherrard has commanded at the Group, Wing, and Air Force level including the 910th Tactical Airlift Group in Youngstown, Ohio, the 440th Tactical Airlift Wing at Billy Mitchell Field, Wisconsin, the 433rd Military Airlift Wing at Kelly Air Force Base, Texas, the 4th Air Force at McClellan Air Force Base, California, the 22nd Air Force at Dobbins Reserve Base in Georgia, and currently as the Chief of Air Force Reserve and Commander of the Air Force Reserve Command. He has accumulated more than 5,000 hours of flight time and has flown numerous aircraft including the T–41, T–37, T–38, C–130A/B/E/H, AC–130A, C–141B, and C–5A/B.

Throughout his distinguished career Lieutenant General Sherrard has received over 20 major awards and decorations including the Distinguished Service Medal; Legion of Merit; Meritorious Service Medal with three oak leaf cluster; Air Force Commendation Medal; Air Force Outstanding Unit Award with silver and bronze oak leaf clusters; Air Force Organizational Excellence Award with two oak leaf clusters; Combat Readiness Medal with two oak leaf clusters; National Defense Service Medal with bronze star; and the Armed Forces Reserve Medal with hourglass. In addition to his dedication to his military career, Lieutenant General Sherrard is a member of the Air Force Association, the Reserve Officer Association, the Order of the Daedalians and the Airlift and Tanker Association.

Lieutenant General Sherrard's tireless passion for service to country and community has contributed immensely to the betterment of our nation's military and to the security of this nation. I am honored and proud to call him a fellow American and friend. I know that speaking for citizens across this country, I am grateful for his service and salute him as he moves on to the next chapter of his life.

A PROCLAMATION RECOGNIGING MICHAEL Z. ZVOLENSKY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. NEY. Mr. Speaker:

Whereas, Michael Zvolensky has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Michael Zvolensky has shared his time and talent with the community in which he resides; and

Whereas, Michael Zvolensky has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Michael Zvolensky must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 358 and the entire 18th Congressional District in congratulating Michael Zvolensky as he receives the Eagle Scout Award.

100TH BIRTHDAY OF MRS. HELEN SNELL CHEEL

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to acknowledge the 100th birthday of Mrs. Helen Snell Cheel of Ho-Ho-Kus, NJ. Mrs. Cheel is the daughter of the late Honorable Bertrand H. Snell, minority leader of the House of Representatives from 1931–1938 and Congressman for 24 years from the 31st District of New York. Mrs. Cheel is also the great aunt of my Connecticut staff member, Elizabeth J. Buell.

Mr. Speaker, Mrs. Cheel is a remarkable, independent woman. Her friendships, keen intellect, sense of humor, infectious laugh, unwavering generosity and ability to live in the present have served her well for 100 years. At a time when few women attended college, Mrs. Cheel earned a B.S. in Music Education from Columbia University. She married the late Harold W. Cheel, an engineer, successful architect and developer of Cheelcroft in Ho-Ho-Kus, NJ.

Mr. Speaker, Mrs. Cheel has been recognized on many occasions for her lifelong philanthropic endeavors and her community service. She has been a standard-bearer, true friend and proud supporter of Clarkson University in Potsdam, NY, the Emma Willard School in Troy, NY, and the Valley Hospital in Ridgewood, NJ. She has served on the boards of many local and regional organizations and institutions. I wish to recognize Mrs. Cheel and congratulate her on her 100th birthday.

ALAMEDA CORRIDOR REPAYS FEDERAL LOAN AHEAD OF SCHEDULE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. HARMAN. Mr. Speaker, last Thursday, the Alameda Corridor Transportation Authority (ACTH) paid, in full, the balance of the federal loan that financed construction of improved access for cargo container traffic from the Port of Los Angeles and Long Beach. I congratulate the Authority for retiring this debt 28 years ahead of schedule.

Approved by Congress as part of the 1997 Transportation Appropriations Act, the loan provided crucial support for the $2.4 billion construction project. Together, the Ports of Los Angeles and Long Beach comprise the largest port complex in the United States, handling more than 40 percent of the Nation's imports. Last year, for example, the Port of Los Angeles, which I represent in part, handled more than 7.1 million cargo containers a 17½-percent increase over the previous year.

Moving these containers safely and efficiently from both ports to points east is a Herculean task. The Alameda Corridor, which opened in April 2002 on time and within budget, comprises railroad and highway improvements and, in particular, a 20-mile grade-separated rail line that relieves congestion and mitigates the impact of cargo container movement on neighboring communities.

Financing of the Alameda Corridor would not have succeeded if it were not for the persuasive bipartisan efforts of the entire Los Angeles congressional delegation. On many occasions, I joined then-Representative Steve Horn, who represented the Port of Long Beach, Representatives JERRY LEWIS and LUCILLE ROYBAL-ALLARD and the late-Representative Julian Dixon, key members of the appropriations committee, and my colleagues JUANITA MILLENDER-MCDONALD and DAVID DREIER, in pressing for enactment of the federal loan at key points in the legislative process.

I also want to praise Secretary of Transportation Norman Mineta for his leadership as Secretary and as both the chairman and ranking member of the House Public and Transportation Committee during his tenure in the House. His unfailing support of this project has not gone unnoticed or unappreciated.

Mr. Speaker, with cargo volume forecasted to dramatically increase as a result of the worldwide economic recovery, the Ports of Los Angeles and Long Beach are poised to take advantage of increased trade from the Pacific Rim. The Alameda Corridor project demonstrated the constructive roles both the federal and local governments can play in meeting the needs of expensive, complex but nonetheless important projects for moving containers to markets overseas and elsewhere. Indeed, plans are already underway to extend the Corridor eastward—a plan I strongly support and which will further enhance the economy of southern California and the Nation.

My congratulations to the Alameda Corridor Transportation Authority, and to all the individuals and local officials who supported this project, for a job well done.

IN HONOR AND REMEMBRANCE OF DANIEL THOMPSON, POET LAUREATE OF CUYAHOGA COUNTY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Daniel Thompson, Poet Laureate of Cuyahoga County, OH. Daniel Thompson passed away last week after a 2-year battle with cancer. Through his words as a poet and his deeds as a tireless advocate for the homeless, the hungry, and people on the streets, Daniel Thompson set an example for his community.

Daniel's public readings were held as often in jazz clubs, junkyards, and jailhouses as they were in bookstores, cafes, and other ordinary venues. His poetry, often humorous and playful, conveyed messages about our times and inspired our thoughts and actions. He was a frequent contributor to the "Homeless Grapevine, "Cleveland's monthly street newspaper sold by homeless vendors. His poem, "A New Beautitude," was published in the March–April 2004 issue of the Grapevine:

Walking to starlight
In a dark season:
I hear a new beatitude, America
Listen
Blessed are the homeless
For they shall inherit the street
The sidewalks, the bushes
The cold, cold ground
Whatever falls from heaven
Pennies of rain, of snow
Any spare change of weather
Day-old manna
The donut and the hole
The donut, the hole in the sock
In the sole of the shoe
And in the cold, cold ground
And O I almost forgot, America
This, too, from you
The cold eye of the stranger . . .

But it was not just Daniel's words, but also his deeds that will be missed. He frequently brought food and water to Cleveland's homeless and he petitioned city and county officials to install public drinking fountains for people living on the streets. He marched with Martin Luther King in Chicago and as a freedom rider in the deep south in the early 1960s where he was targeted by an angry mob in North Carolina in 1961.

Mr. Speaker, please join me in honor and remembrance of Daniel Thompson. Like other poets hailing from Cleveland such as Langston Hughes, Hart Crane, and d.a. levy, Daniel has a place in our community's literary history. And as a citizen, Daniel Thompson will long be remembered for his advocacy, sympathy, and soul. But his presence on Cleveland's streets will be sorely missed.

HONORING THE AMERICAN LUNG ASSOCIATION ON ITS 100 YEAR ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to the American Lung Association on the occasion of its 100th year anniversary. Over the past century, the American Lung Association has played a vital role in protecting public health and shaping public policy in this country and worldwide. We all live in a safer and healthier world thanks to the diligent efforts of the American Lung Association and its many staff and volunteers.

The American Lung Association developed the Nation's very first public health campaign, and it has been on the forefront of public health ever since. I have had the great privilege of working closely with representatives of the American Lung Association for more than 20 years, and I have seen first hand their role in shaping national policy to improve public health. As the former chair of the Health and Environment Subcommittee, I frequently heard testimony from American Lung Association witnesses who provided important information regarding a wide range of health issues—ranging from the devastating health effects of

tobacco to the importance of curbing asthma to the fight for clean air.

For more than 40 years, the American Lung Association has been the leader in the battle against tobacco-related lung disease. The association played a critical role in the shaping of the 1990s settlement between the tobacco industry and the states. When the industry proposed a weak settlement with state attorneys general in 1997, the American Lung Association stepped forward to oppose granting immunity to the tobacco companies. That courageous stand made way for the development of an improved settlement that had a real effect on tobacco control efforts.

The American Lung Association has brought an important public health perspective to the fight against air pollution. In the 1990s, the association led the battle for tougher ozone and particulate standards under the Clean Air Act. And more recently, over the past 3 years, the American Lung Association has focused attention on challenging EPA plans to weaken Clean Air Act requirements. These efforts to preserve and strengthen the Clean Air Act have enabled all Americans to breathe more freely.

From tobacco control to air pollution prevention to asthma research to continuing efforts to eradicate tuberculosis, the American Lung Association has made key contributions to this country. It is my pleasure to salute the association on its anniversary and ask my colleagues to join with me. We all owe the association a debt of gratitude for its work, and I look forward to seeing what it can achieve in the century to come.

BATTLE ROYAL

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SMITH of New Jersey. Mr. Speaker, the Washington Post recently published a very interesting and revealing story by Peter Baker that describes how the authoritarian government of Uzbekistan has allowed a personal family dispute with an American citizen from New Jersey to spill over into the realms of international diplomacy. The problem has gotten so bad that the government of Uzbekistan is now abusing one of the most important international institutions used to fight crime and apprehend terrorists—the Interpol Red Notice system.

Mr. Mansur Maqsudi is an American citizen who lives in New Jersey. Shortly after Mr. Maqsudi asked his wife Gulnora Karimova—who happens to be the daughter of Uzbekistan President Islam Karimov—for a divorce in July of 2002, she left their home in New Jersey to Uzbekistan and illegally brought along their two young children (both of whom are American citizens). In defiance of a U.S. custody order and a U.S. arrest warrant against Ms. Karimova, Mr. Maqsudi has been denied the right to visit his children for more than 2½ years.

The vendetta waged by the Government of Uzbekistan against this American citizen has grown into far more than a mere child-custody dispute. Three of Mansur's family relatives in Uzbekistan were—and still are—imprisoned on nebulous charges. Despite their eligibility for a general amnesty, they remain in captivity. Twenty-four other relatives were deported from Uzbekistan at gunpoint in the middle of the night in the dead of winter into a war zone in Afghanistan.

Then his family's businesses in Tashkent were expropriated and seized without just compensation (or any compensation in some cases). Flimsy criminal charges were then filed against him, his brother, and his father (all of whom are American citizens). Most outside observers of Uzbek politics, including the U.S. State Department in testimony before Congress, have concluded that these charges were political and not supported with valid evidence.

The Uzbek government then placed all three U.S. citizens on the Interpol Red Notice list. Fortunately, the U.S. Government has studied these cases and decided not to act on any of them because the evidence was so weak. However, when any of those listed travels abroad, they are subjected to the risk of arrest and even possible extradition to Uzbekistan. Instead of focusing law enforcement efforts on apprehending real criminals and terrorists, the bogus Red Notices issued by Uzbekistan are now diverting scarce police attention towards the furtherance of a personal family feud.

This is an outrage, Mr. Speaker. I urge the Executive Branch of our Government to make it clear to Uzbek President Karimov that his country's status as an ally in the War against Terror does not give him carte blanche to totally disregard the 2002 bilateral agreement between the United States and Uzbekistan and abuse the rights of American citizens.

The Interpol Red Notice system is a critical element in the War on Terrorism. And yet here, the Government of Uzbekistan is pulling at the loose threads which make up the fabric of an entire international system that has worked well for years. The end result of Uzbekistan's actions will cause more governments around the world to question the legitimacy of other countries' Red Notice submissions. Countries will now have to decide which arrest warrants to obey, and which warrants to ignore. To the extent that member countries fill the system with garbage warrants that are purely political and violate Article 3 of the Interpol Constitution, it undermines the respect and reciprocity that are at the very heart of Interpol's effectiveness. Interpol is far too important in the fight against drug traffickers, terrorists, and criminals to allow it to be undermined by autocratic regimes who want to harass their political and personal enemies around the world.

I believe the issues at stake in this family dispute go way beyond child custody and divorce. The very heart of a major international institution that is vital to the War on Terrorism is being openly challenged. Nations that flagrantly violate Article 3 of the Interpol Constitution—like Uzbekistan is doing in this particular case—need to pay some kind of diplomatic penalty for doing so. If countries can undermine Interpol at will and without penalty, reproach, or criticism, what is to prevent the system from being flooded with political Red Notices issued by repressive regimes against their enemies? How do we avoid nations refusing to honor each others' requests?

[From the Washington Post, Apr. 13, 2004]

BATTLE ROYAL—THE DAUGHTER OF UZBEKISTAN'S PRESIDENT TOOK HER CHILDREN AND RAN, OPENING A CUSTODY WAR THAT HAS ENTANGLED TWO NEW ALLIES

(By Peter Baker)

MOSCOW.—The day she left for good, she packed up her things and decamped from their New Jersey home with her two children, two nannies, two bodyguards and a driver.

On a table she left a note for her husband. She mentioned an old movie playing on cable—''The War of the Roses,'' the 1989 dark comedy featuring Michael Douglas and Kathleen Turner as hate-driven spouses whose divorce turns into an orgy of revenge. She jotted down the time the show would air and pointedly suggested he watch.

Whether that was prophecy or threat, a war soon broke out. It turns out that divorcing Gulnora Karimova, known as ''the Uzbek princess,'' is no simple matter. Her father is Islam Karimov, president of Uzbekistan and autocrat nonpareil, who rules over a repressive Central Asian country where prisoners have been boiled alive. He also happens to be a key ally in America's war on terrorism.

Karimova took the kids in 2001 and has been ducking an arrest warrant issued by a New Jersey judge ever since, hiding out in Moscow, where she knows officials won't cross her father. As for her husband, Mansur Maqsudi, an Afghan American businessman, he has learned the price of crossing his powerful father-in-law. Since Maqsudi and his wife split up, the Uzbek government has effectively taken away his Coca-Cola bottling plant, imprisoned three of his relatives and deported 24 more of them at gunpoint to war-torn Afghanistan.

''She said if I do divorce her she was going to destroy my family, destroy my business and make sure I could never see my kids,'' Maqsudi, 37, says by telephone from New Jersey. ''And if you look at it, that's exactly what happened.''

Karimova, 31, offers the mirror-opposite interpretation. She only stayed with Maqsudi so long, she says, because she feared he would use a breakup against her family politically. ''He said that it would be a huge scandal and all this would come to your father and his name would be abused,'' she says. ''I never want to disappoint my father.''

This tabloid drama threatens to complicate U.S. relations with its important new friend in a volatile region. The State Department, Justice Department, Internal Revenue Service, Interpol and various courts, embassies and congressional committees have all been drawn into the fray. Teams of American lobbyists have been recruited to fight the ground war. As New Jersey Superior Court Judge Deanne M. Wilson said at a court hearing last year, ''This is not just a garden-variety custody case.''

The allegations fly back and forth—kidnapping, tax evasion, forgery, smuggling, embezzlement, blackmail, money laundering and fraud. She accuses him of illegally selling Saddam Hussein's oil. He accuses her of shipping Uzbek girls to prostitution rings in Dubai. She describes him as a moralistic Muslim who once warned her she would burn in Hell for wearing a bikini. He depicts her as a spoiled rich girl who partied until the middle of the night, stumbling home drunk.

''It was a simple question of divorce,'' she says, in a considerable understatement, ''but it was politicized from the very beginning.''

NO FAIRY-TALE ROMANCE

She slips into the restaurant, statuesque and fashion-model thin, wearing boots a bit too stylish for the Russian snow and a skirt

a bit too short for the Russian winter. Her bodyguard, tall and imposing, checks out the room in an instant, then discreetly disappears.

She rarely does interviews. Only after months of negotiations brokered by her father's foreign minister does she finally agree to talk, in hopes of rebutting the most sensational allegations flying around Washington that can only hurt her father's ties with the world's only superpower.

In person, Gulnora Karimova does not come across as the hardhearted, domineering figure her husband's partisans depict. ''That's not me,'' she insists over tea. Speaking softly, she presents herself as a Harvard-educated diplomat and businesswoman, albeit one with a black belt in karate. She tells the story of her marriage and its collapse from the standpoint of a hurt woman.

The two met at her birthday party in Tashkent, the Uzbek capital, in July 1991. Karimova was turning 19. ''The world had just opened up for me,'' she recalls. ''I'd just graduated from school and started the university, and everything was sort of pink skies.'' Mansur Maqsudi was 24, an Afghan native who immigrated to the United States as a child and became a naturalized citizen. ''He was from a different world, he spoke a different language,'' she says.

It wasn't much of a romance. They met in person only one other time before they got married, the night he asked for her hand. Maqsudi insisted their parents negotiate the marriage, she recalls, and declined at first to share a drink to celebrate. They married in Tashkent a month later, in November 1991, followed by a reception she now describes as ''quite boring.'' A week later, they went to New Jersey, where they married again.

As she was starting a new life, so was her homeland. Uzbekistan was emerging from the wreckage of the Soviet Union as an independent state, and her father, the republic's Communist boss, made a seamless transition to president of the new nation within weeks of Karimova's wedding.

An arid, cotton-producing country where Tamerlane once ruled a mighty empire, Uzbekistan with its 25 million people is the most populous and politically muscular of the five Central Asian states. Tashkent still feels Soviet, a well-ordered, uninspiring capital filled with drab, boxy apartment buildings and barely a taste of the dynamic new economy of far-away Moscow.

Under President Karimov, it has also become a terrifying place for some people, particularly observant Muslims who eschew government-controlled mosques. While Gulnora Karimova was at Harvard in 1999, a radical group called the Islamic Movement of Uzbekistan set off bombs in Tashkent that killed 16 people. Her father's secular government cracked down on political Islam, targeting even ordinary Muslims whose only crime appeared to be wearing a beard as a sign of faith.

About 7,000 people remain in prison for political or religious beliefs, and often they are beaten, choked, raped and punished with electric shocks, according to the State Department's human rights report. A U.N. special rapporteur has concluded that ''torture or similar ill treatment is systematic.'' Human Rights Watch has found ''human rights abuses on a massive scale.''

At the notorious Jaslyk prison camp, built for religious prisoners in a desert where temperatures rise to 120 degrees, two men were submerged in boiling water and killed in 2002. The 62-year-old mother of one was arrested after protesting her son's death and sentenced to six years of hard labor for ''attempted encroachment on the constitutional order.'' After an international outcry, Uzbekistan released her in February just hours before a visit by Secretary of Defense Donald Rumsfeld.

Rather than snuff out Islamic extremism, however, Karimov's tactics may have only radicalized more young Muslims. A series of suicide bombings and other attacks two weeks ago left 47 people dead, a wave of violence tied by the government to al Qaeda-trained Uzbeks.

Karimova offers no apologies for her father. ''He came from the strong old system with his own views, with his own standpoint and with his own rules of the game. So you can argue about new vision, new ability, but he is a professional and I prefer to think about him as a professional,'' she says. ''Some people might like it, some people might not. But in the situation where we are geopolitically and geographically . . . you have to be strong to be able to rule.''

MEET THE IN-LAWS

The newlyweds split their time between New Jersey and the presidential residence in Tashkent. A year after the wedding they had a son, Islam, named for his grandfather. A few years later, a daughter, Iman, came along.

Maqsudi's place in the presidential family certainly didn't hurt his expanding business empire. Soon he was running the lucrative Coca-Cola bottling factory in Uzbekistan as well as other enterprises.

But from the beginning, there were problems with the in-laws.

Two or three times a week, she says, they would go to his mother's house, where Karimova found traditional Afghan family life stultifying. ''It was really difficult because I was from a small family and used to more open relations, and in their family it's more like, if this one talks, you are not supposed to talk, that one is a relative of this relative, you are not supposed to speak with the aunt.''

At New Year's, the most festive holiday in former Soviet republics, the Maqsudis barely celebrated. ''They sat on the floor and ate on the floor,'' she says. When midnight came and no one got excited, ''I sat and cried next to the TV.''

If she found his family too quiet, he found hers too noisy. ''When you argued with him,'' Maqsudi says, referring to President Karimov, ''the loudest would win the argument. It wasn't about facts, it wasn't about arguments. It was about who could shout the loudest.''

As he describes it, the Karimovs were flush with power and money. In the office next to the president's bedroom, Maqsudi says, was a five-foot safe. He walked in once, Maqsudi says, and ''I saw the first lady sitting on the floor counting a lot of cash.''

During a trip to London, he says, Karimova decided to buy $230,000 worth of jewels. ''I told Gulnora this is very expensive,'' he says. ''She said she could buy them herself . . . She unzipped her bag and pulled out a few hundred thousands dollars, cash. I was shocked. I asked her, 'Where did you get this?' She said, 'Oh, it's from my mother.' ''

For all the money, Karimova grew restless. ''I was crying nonstop,'' she says. ''Imagine, you sit all day alone, and with my very active life, when I used to go not just to the university but for languages, sport—I was dying.'' That's not how Maqsudi remembers it. ''She would come home at 3 in the morning, sometimes drunk. Sometimes she wouldn't remember where she was.''

Finally, she enrolled in Harvard for graduate studies on Central Asia. She says she had to persuade him to let her go back to school. He says he hoped ''it would have a positive impact'' and end her partying ways, but it didn't. They fought over other things. ''I was not supposed to swim in the pool with my son because I was in a separate swimming suit,'' she says, meaning a bikini. ''And he was, like, 'If you ever enter this swimming pool, you are not my son. And she will be burnt [in Hell] and you be burnt.'. . . He would make my son swim in a T-shirt.''

Maqsudi angrily denies this. ''Was she drunk that morning when you saw her?'' he asks. ''Was she sober? Honestly, these comments are so ridiculous, they don't deserve a reply.'' He says he objected to his wife's skimpy swimwear only when the hired help was around. ''Gulnora was swimming with a G-string, not even a bathing suit, and these two bodyguards were lying there sunbathing.''

But he rejects the implication that he is a religious fundamentalist. To prove it, Maqsudi e-mails pictures of his son scampering around outside without a shirt and another showing his wife in a virtually see-through shirt, noting her visible nipples. ''I go to tailgate parties on Sundays to New York Jets football games,'' Maqsudi adds. ''That should cover that.''

In the summer of 2001, they were in Tashkent and preparing to head back to New Jersey, but the end was near. ''The last months we were completely leading our own lives,'' she says. ''It was clear that we were strangers by that time.''

''That,'' he says, ''was when all hell broke loose.''

THE BREAKUP

Maqsudi knew it was serious when his wife's bodyguards had him pinned against the wall. It was July and Karimova was furious. She had taken the children to Six Flags Great Adventure amusement park in New Jersey in a chauffeured car from the Uzbek U.N. delegation, only to discover at the ticket booth that her husband had canceled her credit cards. ''When I came back home, he was there having tea as always in a big room with a happy face looking at us,'' she recalls. ''I said that we could not carry on. That was the end.''

Maqsudi acknowledges suspending the credit cards. ''Every time Gulnora and I would have an argument, her retaliation—I guess she learned it from watching TV—she would put $20,000 to $30,000 in shopping charges on the credit cards.''

As the fight escalated, he says, her bodyguards blocked him from leaving. ''They had me cornered in a room and Gulnora was threatening, saying whatever she could at the time. She was throwing things around the room.'' He managed to bolt, spent the night at his mother's house and came home for a few hours the next morning to play with the children while Karimova slept. ''That was the last time I saw the kids,'' he says. A few hours later, she telephoned from the airport as she and the children were leaving the country.

He says it was child abduction and a New Jersey court agrees. She denies it. ''He knew perfectly that I was leaving with the kids,'' she says. He considered her note about ''The War of the Roses'' a threat. She says she only meant they should avoid the craziness that consumed the movie characters. ''I wrote it with tears,'' she says. ''It was a very personal letter.''

Within days, Maqsudi's Afghan emigre family in Tashkent felt repercussions. A cousin and an uncle were arrested and thrown into prison. Maqsudi's businesses were raided, workers at his Coke plant harassed, the firms eventually confiscated. By October 2001, another uncle was behind bars. His parents were strip-searched at the airport.

Then one night in December, security forces raided three family houses and rounded up 24 relatives at gunpoint, including

Maqsudi's 85-year-old grandmother, an Uzbek citizen. The relatives, nearly all women and children, were driven 13 hours to the Afghan border and dumped on the other side.

''They said, 'None of you will live in this country. This is our country,'" Maqsudi says.

Karimova denies any involvement and says that officials may have simply taken advantage of the moment because Maqsudi's family had long flouted passport requirements. ''Most of his relatives—and there were a lot of them—did not have proper papers,'' she says. If it were her choice, she added, ''I could have deported them later. I would have been much more sophisticated.''

Both of the estranged spouses went to court. An Uzbek judge granted Karimova a divorce, while a New Jersey jurist granted one to Maqsudi. Maqsudi faces arrest if he sets foot in Uzbekistan and Karimova if she sets foot in the United States. Since both warrants are filed with Interpol, neither can safely travel to Europe. ''A civilized divorce,'' Danny DeVito's character says in ''The War of the Roses,'' ''is a contradiction in terms.''

THE LARGER RELATIONSHIP

In recent months, both sides in the Uzbek divorce war have enlisted lobbyists and lawmakers in Washington to hurl charges and deflect countercharges. Karimova's camp accuses Maqsudi's firms of import-export shenanigans and various illegal practices. The most sensational allegation is that Maqsudi family companies snipped oil from Iraq while Saddam Hussein was in charge.

One key witness for Karimova, however, was former Maqsudi employee Farhod Inogambaev, who has since fled Uzbekistan and recanted his statements. ''Everything was lies,'' he says now in an interview from New Jersey.

After her separation from her husband, Karimova sent for him, Inogambaev says, and told him, ''Forget about Mansur. Now let's do business together.'' Afraid for his family, he says, he went to work for her. She sent over men to have him swear out affidavits against her estranged husband. ''I blindly signed, I blindly typed whatever they said. I just wanted them to leave me.''

Not only does Inogambaev now disavow the charges, he also alleges that Karimova siphoned tens of millions of dollars out of Uzbekistan through various channels, including her own Citibank account. And he claims that she took over a tourism firm that arranges visas for Uzbek travelers and used it to control the flow of Uzbek prostitutes to Dubai.

Karimova dismisses the allegations, calling them ''more than crazy and more than stupid,'' and contends that Inogambaev only ''says that for money.''

Maqsudi's Washington lobbyists, led by Richard A. Zimmer, a Republican former congressman from New Jersey, have gained some traction. Rep. Shelley Berkley (D–Nev.) raised the Interpol arrest warrant against Maqsudi during an October hearing, calling it ''an abuse of power by the Uzbek president.'' In February, Rep. Christopher Smith (R–N.J.) asked Secretary of State Colin Powell to look into the prostitution allegations, saying, ''We ought to be following it up very rigorously.''

On the other side, Rep. Curt Weldon (R–Pa.) has taken up Karimova's cause, requesting that Attorney General John Ashcroft investigate allegations made against Maqsudi in Uzbekistan.

Asked about the case in private, uncomfortable U.S. officials decline to say much. For the record, they call it ''an international child abduction case'' and say they have told Tashkent ''that these issues are unnecessary irritants in the U.S.-Uzbek relationship,'' according to a written State Department response to congressional inquiries last year.

Uzbek officials appear no more eager to talk about it. ''It's a very complicated issue, and I think we should be very sensitive in touching this very delicate issue,'' Foreign Minister Sadyk Safayev said in an interview in Tashkent last fall. The two countries' relationship has burdens enough. The United States wants to keep the military base it opened in Uzbekistan after the terrorist attacks of Sept. 11, 2001. Yet under increasing pressure from human rights groups, the Bush administration warned recently that it may cut off financial aid if Karimov's record does not improve.

It's possible the question may ultimately fall to his daughter. Analysts in Tashkent suspect that the 66-year-old president is ill and speculate that Karimova is positioning herself to succeed him. Others assume she is setting herself up in business with assets abroad in case the family has to flee.

Maqsudi believes that his ex-wife has the ambition to try to take over the country. ''She's tasted power and what power can bring in Uzbekistan,'' he says. ''At times I would say to her, when we would have arguments, 'You're drunk with your father's power.' They don't want to relinquish or give up the power they have.''

WILLIAM T. ROBINSON III HONORED BY THE GREATER CINCINNATI REGION OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE AT ITS 60TH ANNIVERSARY AWARDS DINNER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize a friend and effective community leader, William T. Robinson III, who will be honored for his distinguished service to our community by the Greater Cincinnati Region of the National Conference for Community and Justice (NCCJ) at its 60th Anniversary Awards Dinner on May 27, 2004.

Bill has been a dedicated community volunteer for more than thirty years. He has served NCCJ as Board Member, Treasurer, Co-Chair and is currently Board Member Emeritus. He has also taken a leadership role in his profession as President of the Kentucky Bar Association; founding Chair of the Kentucky IOLTA Fund; President of the Kentucky Bar Foundation; and Co-Founder and President of the Salmon P. Chase College of Law American Inn of Court.

At the national level, Bill's service is exceptional. He is currently Treasurer-Elect of the American Bar Association (ABA). Previously, Bill has been Chair of the ABA's Finance Committee, and a Member of the Executive Committee of the Board of Governors. He has also served as State Delegate to the ABA Nominating Committee; President of the National Caucus of State Bar Associations; Member of the Executive Committee of the National Conference of Bar Presidents; and Chairman of the ABA's Standing Committee on Bar Activities and Services and the ABA's Standing Committee on Substance Abuse. He is an invited Fellow of the International Society of Barristers; a Fellow of the American Academy of Appellate Lawyers; and a Sustaining Member of the American Bar Foundation.

Bill has been critically involved in our region's growth and economic development. Currently, he serves as Vice Chair of the Board of Directors of the Cincinnati/Northern Kentucky International Airport and Chair of its Finance Committee. He co-founded the Metropolitan Growth Alliance of Greater Cincinnati, and serves as Vice Chair for Economic Development for the Greater Cincinnati Chamber of Commerce, Chair of the Partnership for Greater Cincinnati, and a Founding Board Member and Secretary/Treasurer of the Tri-County Economic Development Commission.

Bill's community involvement also includes service as Advisory Trustee of the National Underground Railroad Freedom Center; and a board member of the Cincinnati Institute of Fine Arts; the Cincinnati Symphony Orchestra; the Dan Beard Council of the Boy Scouts; and Mount St. Joseph College.

His previous awards are impressive: the Cincinnati Jewish Committee's Judge Learned Hand Human Relations Award; the Greater Cincinnati Foundation's Jacob E. Davis Volunteer Leadership Award; the Cincinnati Bar Association's Themis Award; and the Governor's Economic Development Award for Kentucky.

Bill is Member-In-Charge of the Greater Cincinnati offices of Greenebaum Doll & McDonald PLLC. He and his wife, Joan, have two sons and one granddaughter.

All of us in Greater Cincinnati thank Bill for his untiring dedication to our area, and congratulate him on receiving this honor from an organization where he has played an important leadership role.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH SCHOLARSHIP WINNER RENEE ELIZABETH BURDICK, OF BATTLE CREEK, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Renee Elizabeth Burdick, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Renee is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Renee is an exceptional student at Harper Creek High School. Aside from her perfect 4.0 grade point average, she possesses an outstanding record of achievement in high school. She is a member of the National Honor Society and Youth Engaged in Service. Renee also excels in several mediums of art, including pottery.

On behalf of the United States Congress, I am proud to join her many admirers in extending our highest praise and congratulations to

Renee Elizabeth Burdick for her selection as winner of the 2004 LeGrand Smith Scholarship. This honor not only recognizes her efforts, but represents a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation contributed to her success. To this remarkable young woman, we extend our most heartfelt good wishes for all her future endeavors.

TRIBUTE TO TRI-COUNTY HEAD START DIRECTOR ORION FLOWERS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Tri-County Head Start Director Orion Flowers, who is approaching the end of a long and distinguished career of public service. A dedicated and committed individual, Orion has served the communities and children of southwest Michigan for over 30 years. Through his leadership as Director, Orion helped the program grow from serving 100 to 1026 children.

Since becoming Head Start Director in 1970, Orion devotedly and selflessly committed himself to the betterment of countless families. Orion is widely known for his extensive charity and dedication to local individuals and the community as a whole. He spent a career devoted to improving the lives of the citizens of southwest Michigan, and the area is forever in his debt. There is no question that Orion's dedication and contributions to the Tri-County will be missed.

One example of Orion's diligent work occurred in the early 1970's, when he initiated a program whereby children would come to a Mobile Unit for classes. In conjunction with that, a Home Based program began where a Home Visitor would go into a family's home to assist parents in teaching their children an array of subjects and concerns. Remarkably the Mobile Unit and Home Based concepts are still in use today.

Many words come to mind as one reflects upon Orion Flower's public service to our community. He is selfless, generous, giving, caring, humble . . . the list goes on. Our community is in debt to Orion Flowers for his continued public service since 1970. I wish him and his family all the best in retirement. Orion's contributions to our community have been many, and we are all better off because of his service. He will be truly missed by the folks in southwest Michigan.

HONORING THE ACCOMPLISHMENTS OF MR. J.J. AMARO

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize Mr. J.J. Amaro, a great friend who has distinguished himself as a civil and community leader. As a member of the San Antonio Water System Board of Trustees since 1994, Mr. Amaro has provided our local water supply company and the San Antonio community with outstanding service and dedication. He has been the voice of many who for too many years had no voice.

During Mr. Amaro's decade of tenure, the San Antonio Water System has enjoyed an unparalleled period of innovation and has become a model for water systems across the country while maintaining low water rates for consumers. Mr. Amaro and the board created a 50-year master plan that was approved in 1998 to provide for San Antonio's steeply growing population. Importantly, he has worked with the board to bring water resources to people and neighborhoods long overlooked in our city's history.

By implementing new technologies, the San Antonio Water System has developed premier water recycling programs as well as an aquifer storage and recovery system to protect this precious resource. In addition, he has helped SAWS protect the Edwards Aquifer—the principal source of our drinking water—by implementing regulations and purchasing 9,000 acres within the recharge zone. In recognition of these improvements, this utility has earned numerous awards for environmental excellence, quality engineering designs, and public education programs.

While the San Antonio Water System has benefited immensely from Mr. Amaro's expertise, other organizations have also been fortunate to have his generous assistance. Mr. Amaro serves as a board member for the St. Peter/St. Joseph Children's Home and the United Negro College Fund.

On May 12, 2004, colleagues, friends and family will gather together to recognize J.J. Amaro's leadership and numerous hours of community service on behalf of the people of San Antonio. It is a pleasure to recognize and thank Mr. Amaro for his many contributions and public service. I ask the Members of the House of Representatives to join me in honoring this gentleman on his retirement from the San Antonio Water System Board of Trustees and wish Mr. J.J. Amaro and his family all the best on this special day.

HONORING BRUNO BETTEGA FOR HIS 50 YEARS OF VOLUNTEER FIREFIGHTER SERVICE.

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to pay tribute to a man who's selfless and tireless dedication has been a tremendous service to the community where he lives.

Bruno Bettega has dedicated fifty years of his life as a volunteer firefighter for the Northvale Volunteer Fire Department in Northvale, NJ. Even more amazingly, at age 92, Bruno still plays an active role in the department and is their oldest active member.

During Mr. Bettega's half-century of service he has participated in numerous supportive roles. Bruno is also a member of the Northvale Fire Department Exempt Fireman's Association.

Volunteer fire departments perform a sometimes thankless, but absolutely imperative service to the communities they protect. The lives of our family and friends are in their hands and they do a truly commendable job keeping each and everyone of us safe.

Bruno Bettega should be regarded as nothing less than a hero to his community. I urge all my colleagues to join with me in celebrating his achievements and thanking him for all that he has done.

PRESCRIPTION DRUG REIMPORTATION IS UNAVOIDABLE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. BEREUTER. Mr. Speaker, this Member wishes to submit, for the CONGRESSIONAL RECORD, an editorial from the Omaha World-Herald edition of May 6, 2004, which recognizes that prescription drug reimportation is inevitable. Clearly, American consumers should not be forced to pay the world's highest prices for the medicines they need. We must open the drug markets so Americans can obtain the prescription drugs they need when they need them most and at affordable prices. This Member commends this editorial to his colleagues.

''YES'' TO DRUGS FROM CANADA

The Bush administration has adamantly resisted allowing Americans to legally import substantially cheaper prescription drugs from foreign countries. Therefore, a top official's apparent capitulation on Tuesday was a surprise.

Health and Human Services Secretary Tommy Thompson, long a chief player in barring entrance to lower-cost medicines from Canada and elsewhere, said Tuesday that legalizing imports was inevitable. Congress will almost certainly pass legislation this year, he said. What's more, he will advise President Bush to sign it.

''Inevitable'' is a good word; a recent Associated Press poll showed that two-thirds of the people surveyed wanted the government to make it easier to get cheaper drugs from foreign countries. Many already do: An estimated 2 million American senior citizens have illegally purchased U.S.-made drugs from Canadian pharmacies.

In Canada, drugs can cost less than half what they do in this country. This is because drug manufacturers load all research and similar costs onto U.S. buyers. Other governments, by contrast, regulate drug prices.

Thompson, backed by President Bush, most congressional Republicans and the pharmaceutical industry, has staunchly resisted importation. He has maintained that the safety of drugs that have been out of American hands can't be assured.

In accepting reality, though, Thompson bristled with caution. Legalizing foreign imports will be expensive, Thompson said—his department will have to increase inspections of foreign pharmaceutical plants and of the drugs as they enter this country, negating some of the savings consumers might expect.

Then, too, the Congressional Budget Office predicted minimal savings for consumers. The limited availability of drugs for import, added insurance costs and similar economic factors would mean savings of only about $40 billion over 10 years, or 1 percent, the federal agency suggested.

In addition, several drug companies have already acted to shut down supplies to Canadian pharmacies that resell to U.S. customers. That kind of marketing tactic could

become more widespread and hence further limit imports. Our companies might simply demand increased prices from other governments.

Thompson's recognition of reality was a relief for many people who have spent years battering the administration's stone wall on this issue. That wall has been damaged but not breached. Americans will need to press their elected representatives to devise, pass and ensure implementation of reasonable, responsible legislation.

The current situation, as Thompson recognized, is untenable. Some kind of reimportation will almost certainly become law. But, for the millions of Americans whom it could benefit, whether they realize any savings will be in the details.

INTRODUCTION OF A BILL TO PROHIBIT THE OPERATION OF THE MEDICARE COMPARATIVE COST ADJUSTMENT PROGRAM IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. NORTON. Mr. Speaker, today, I am pleased to introduce a bill to prevent the District of Columbia from becoming a test case for the privatization of Medicare. A Medicare comparative cost demonstration project under part C of Title XVIII of the Social Security Act was a part of the new Medicare prescription drug law. My bill is one of several introduced by members of Congress designed to prevent the federal government from making a particular district one of the six testing grounds for the entire country.

The Medicare prescription drug legislation, signed into law on December 8, 2003, contained a little-noticed but crucial provision designed to lead to the privatization of Medicare. Section 214(a) of the Medicare bill established up to six ''premium support'' demonstration projects starting in 2010. These demonstration projects will provide health care vouchers for private insurance to eligible Medicare beneficiaries. As a result, Medicare will compete directly against private plans in offering services to older Americans.

I strongly oppose the voucher approach because seniors who choose to remain or must remain in the traditional fee-for-service plan will pay significantly higher premiums than they pay now. The private plans will be able to cherry pick the healthiest and youngest seniors to enroll in their plans while turning away older, sicker people. Traditional Medicare, therefore, will have very high costs and premiums because it will not be able to spread the burden over the larger and most diverse pool of seniors. This ''competition'' proposal is stacked to portray Medicare as inefficient and expensive in order to give the program's critics the manufactured evidence to get the privatization result they want from a premium pool of cherry picked seniors.

The Medicare law did not specify where the demonstration projects will take place, but said they will be in 6 metropolitan statistical areas to be determined by the Secretary of Health and Human Services. This experiment is the result of a compromise that was necessary to keep the privatized vouchers from going nationwide immediately. The determination to privatize Medicare and Social Security remains a goal of the Republican Congress and of President Bush, however. Like others who have filed similar bills, my bill says count the District of Columbia out.

DIANNE DUNKELMAN HONORED BY THE GREATER CINCINNATI REGION OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE AT ITS 60TH ANNIVERSARY AWARDS DINNER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Dianne Dunkelman, an accomplished and dedicated community volunteer, who will be honored for her distinguished service to our community at the Greater Cincinnati Region of the National Conference for Community and Justice's (NCCJ) 60th Anniversary Awards Dinner on May 27, 2004.

Dianne's extraordinary volunteer service for women's health, the arts, and social services has been recognized throughout the nation. She founded Speaking of Women's Health in 1995 as a way to raise funds for public television. Through her leadership as CEO, she inspired the expansion of Speaking of Women's Health to a national foundation with more than 40 events nationwide, two national minority health initiatives: Universal Sisters for African American women and Hablando de la salud de la mujer for Latino women, a national in-store health initiative at Wal-Mart stores, and a weekly television program on the Lifetime network, Lifetime's Speaking of Women's Health.

Dianne is a leading advocate of helping women understand and recognize their health care options, and she recruited celebrities such as Florence Henderson, Mary Wilson and Valerie Simpson to help spread the message to other women.

She has already received numerous awards, including the Athena Award from the Columbia University Partnership for Women's Health; 2003 Distinguished Women's Award from Northwood University; Cincinnati Enquirer's Woman of the Year Award; YWCA's Career Women of Achievement Award; and the Charles Vaughan Award for her work with Cincinnati's PBS affiliate WCET Channel 48.

All of us in Greater Cincinnati thank Dianne for her service to our community and congratulate her on receiving this prestigious honor.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH SCHOLARSHIP WINNER MICHAEL JAMES HOROSKO, OF CONCORD, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence he has compiled in academics, leadership, and community service, that I salute Michael James Horosko, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Michael is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Michael is an exceptional student at Concord High School. Aside from his perfect 4.0 grade point average, Michael possesses an outstanding record of achievement in high school. He has played football for four years and was named academic all-state. Notable among his many activities is his participation in Quiz Bowl, National Honor Society, and S.A.D.D. Michael is also Vice President of his graduating class.

On behalf of the United States Congress, I am proud to join his many admirers in extending our highest praise and congratulations to Michael James Horosko for his selection as winner of the 2004 LeGrand Smith Scholarship. This honor not only recognizes his efforts, but represents a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation contributed to his success. To this remarkable young man, we extend our most heartfelt good wishes for all his future endeavors.

TRIBUTE TO MS. BRITTANY POTTS OF PORTAGE, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Ms. Brittany Potts of Portage, Michigan, who won the 2004 National VFW Voice of Democracy broadcast scriptwriting contest. This great educational achievement also serves as a wonderful patriotic statement of Brittany's dedication and responsibility to our country. I am very proud to honor Brittany and her commitment to our nation's future.

Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy audio/essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our country. Brittany, a sophomore at Portage Central High School, was one of 59 students, out of more than 80,000 participants, who received a national scholarship.

Brittany's insightful response of her commitment to the betterment of our great country serves as a reminder to all, of the immense power and responsibility we all have. I look forward to hearing of the great many achievements that Brittany has before her. It pleases me to honor the magnificent dedication of Brittany and to submit her script into the RECORD.

HONORING THE TEXAS CHILDREN'S CHOIR

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. RODRIGUEZ. Mr. Speaker, it is always an honor to recognize outstanding children's organizations and their wonderful accomplishments. Today, I rise to honor the Texas Children's Choir from San Antonio, Texas for being the only American children's choir invited to perform at the commemoration of the 60th Anniversary of D-Day at Normandy.

For the past 10 years, the Texas Children's Choir has provided military and civilian children an opportunity to showcase their musical talents. These children are among an elite number of choirs who have had the distinction of singing and inspiring audiences at the National Cathedral, the U.S. Capitol, Notre Dame, Disney World and Opryland. I am proud to have them represent both San Antonio and the nation at this momentous World War II anniversary.

I would like to recognize the choir's director, Dr. Thomas Hardaway, for his leadership and commitment to teaching children music, discipline, and teamwork. Dr. Hardaway recognizes that children are America's most valuable resource and, as such, they must have guidance to develop their skills and learn the value of civic service.

Most importantly, I would like to recognize the students of the Texas Children's Choir who have practiced diligently to obtain success. I am proud of their efforts, and I know they will continue to succeed in their future endeavors, including the lifelong pursuit of education and music.

I ask my fellow Representatives to join me in recognizing the Texas Children's Choir and to thank the children and their families for the sacrifices they have made to travel to Normandy, France so as to honor our World War II veterans.

PAYING TRIBUTE TO U.S. ARMY STAFF SERGEANT ERIC PETTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life and memory of U.S. Army Staff Sergeant Eric Petty, who honorably devoted his life to defending the freedoms of our nation. A member of the 1st Battalion, 35th Armor Regiment, 1st Armored Division, Eric was recently killed while guarding a weapons cache in Salman Al Habb, near Baghdad. His story is one of honor, selflessness and sacrifice. As we mourn the loss of an American patriot and hero, I think it is appropriate to call the attention of this body of Congress, and this nation, to the sacrifice that Eric made on behalf of a grateful nation.

Honoring his father's service to our nation, Eric was a junior in high school when he joined the Army where his father had served as a warrant officer. He was a well-known figure in Grand Junction, Colorado, serving as a U.S. Army recruiter in my hometown for three years. Eric could have stayed on as a recruiter, but his deep love for his country and his sense of duty led him to take a position where he could be placed on the front lines. When his unit was attacked while guarding a large cache of ammunition, he ordered all of his soldiers to get into their vehicles, and was the last one to get in when he was shot. If it were not for his heroism and leadership, many more soldiers would have lost their lives.

Mr. Speaker, U.S. Army Staff Sergeant Eric Petty will be sorely missed. Although we grieve over the loss of this incredible individual, we can take comfort knowing his sacrifice was made while fulfilling his dream of serving our nation. I would like to extend my heartfelt respects to his beloved wife Kimberly, son Colton, parents, family and friends as they mourn his passing. It is my honor to pay tribute to the life of Eric Petty before this body of Congress and this nation.

IN HONOR OF MOSHE DWORKIN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the memory of Moshe Dworkin for his years of service and dedication to the Jewish community. Mr. Dworkin passed away on Sunday, April 25, 2004, in Cambridge, Massachusetts at the age of 68.

Mr. Dworkin was raised by a loving family that taught him to take great pride in Jewish culture and his Jewish heritage. He began his professional career as a teacher in the Detroit United Hebrew Schools alongside his mother. Following his graduate studies, Mr. Dworkin became involved at the University of Minnesota's Herzl Camp, where he served as director and touched the lives of Zionist children from across the Midwest.

Mr. Dworkin took great pride in always working, professionally and as a volunteer, on issues relating to Israel and the Jewish community. Founder and president of M. Dworkin & Co., Mr. Dworkin served as a publishing consultant for many major Jewish organizations, including the World Jewish Congress, Jewish National Fund, and the Anti-Defamation League. He also was the founding publisher of Moment Magazine, which today is the largest independent Jewish magazine in America, with a circulation of 65,000.

Mr. Dworkin was not only an active member in the Jewish community, but a leader. He served for several years as president of the National Jewish Book Council, and as president of the UJA–Federation, chairing the Jewish Community Relations Council. Mr. Dworkin was also a long-time member and past vice president of the B'nai Zion, and, along with his wife, was among one of the founding families of the Solomon Schechter Day School of Bergen County.

Mr. Dworkin received his bachelor's degree from Wayne State University. He also held a Master's Degree from the University of Minnesota in Political Science. Mr. Dworkin is survived by his wife, Susan, sister, Alezah Weinberg, two sons, Benjamin and Aaron, and daughter, Jenny.

Today, I ask my colleagues to join me in honoring the life of Moshe Dworkin for his dedicated service to the Jewish community. His leadership, countless contributions, and passion will be truly missed.

HONORING CHARLOTTE R. OTTO AS SHE RECEIVES THE AMERICAN JEWISH COMMITTEE CINCINNATI CHAPTER'S 2004 HUMAN RELATIONS AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Charlotte R. Otto, a good friend, constituent and dedicated community volunteer, who will receive the American Jewish Committee Cincinnati Chapter's 2004 Human Relations Award on May 17, 2004. She will be honored for her exemplary professional accomplishments and her commitment to, and vision of, a better downtown Cincinnati.

Charlotte is currently the global external relations officer for the Procter & Gamble Company, responsible for the company's worldwide media relations; consumer affairs; government and community relations; product publicity; shareholder communications; and corporate contributions.

A leader in the economic development of downtown Cincinnati, Charlotte has held key positions with Downtown Cincinnati, Inc.; the Greater Cincinnati Chamber of Commerce; the Greater Cincinnati Convention and Visitor's Bureau; and the Port of Cincinnati Development Authority. She has also championed Cincinnati's arts, chairing the board of Cincinnati Playhouse in the Park, and served on the boards of the Arts & Cultural Council of Greater Loveland and the Cincinnati Fire Museum.

During her tenure at Procter & Gamble, Charlotte has compiled an impressive record. She joined the company in 1976 in brand management, and then spent thirteen years in the advertising division managing such leading brands as Bounty, Pert and Sure. She moved to Public Affairs in 1989 and was named a Vice President in 1991 and Senior Vice President in 1996.

Throughout her career, Charlotte established many impressive "firsts." She is Procter & Gamble's first female corporate officer, the first woman elected to a business group, the Commonwealth Club, and one of the first women board members of the Queen City Club. She is also a member of the YWCA Academy of Career Women of Achievement, and is a director of the Royal Bank Financial Group of Canada.

Charlotte received a B.A. in Consumer Affairs and an M.S. in Management from Purdue University.

All of us in Greater Cincinnati congratulate Charlotte on receiving this prestigious honor.

A TRIBUTE IN HONOR OF 2004 LEGRAND SMITH SCHOLARSHIP WINNER MATTHEW CHARLES WIXSON, OF ALBION, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I salute Matthew Charles Wixson, winner of the 2004 LeGrand Smith Scholarship. This award is given to young adults who have demonstrated their true commitment to playing an important role in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Matthew is being honored for demonstrating the same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Matthew is an exceptional student at Concord High School. Aside from being at the top of his class academically, Matthew possesses an outstanding record of achievement in high school. He has run Varsity Track for four years and Varsity Cross Country for two years. Notable among his many school activities is his participation in Quiz Bowl, National Honor Society, and S.A.D.D. Matthew is also Treasurer for his graduating class.

On behalf of the United States Congress, I am proud to join his many admirers in extending our highest praise and congratulations to Matthew Charles Wixson for his selection as winner of the 2004 LeGrand Smith Scholarship. This honor not only recognizes his efforts, but represents a testament to the parents, teachers, and other individuals whose personal interest, strong support, and active participation contributed to his success. To this remarkable young man, we extend our most heartfelt good wishes for all his future endeavors.

IN HONOR OF DELPHINE METCALF-FOSTER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Ms. Delphine Metcalf-Foster on the occasion of her election as State Commander of the California Disabled American Veterans.

Delphine Metcalf-Foster was recently elected Commander of the California Disabled American Veterans, the first female to hold this position in the organization's 81 year history. Before that she was the Senior Vice Commander and Junior Vice Commander of the California Disabled American Veterans; again the first woman to hold these positions. As you will soon understand, Ms. Metcalf-Foster is a remarkable woman, a remarkable American and a great asset to her community and our country.

Ms. Metcalf-Foster retired from the Army Reserve as a First Sergeant after 21 years of service, including as a combat veteran in the Gulf War/Desert Storm/Desert Shield 12 years ago. She is a recipient of a Bronze Star. Delphine retired from the Department of the Navy at the Alameda Naval Air Station as a Quality Assurance Specialist after 20 years. She has an Associate of Arts degree in psychology and a Bachelor of Arts degree in Liberal Studies from Sonoma State University (SSU). She is also active with the Women's Army Corps (WAC) and a member of the Veterans of Foreign Wars.

First Sergeant Metcalf-Foster has been awarded the following decorations and medals: Army Commendation Medal, Army Achievement Medal (10c), National Defense Service Medal, Armed Forces Reserve Medal, Army Reserve Component Achievement Medal, Southwest Asia Service Medal, Bronze Star, NCO Professional Development Ribbon-3, Army Service Ribbon, Overseas Ribbon, and the Army Label Button.

Ms. Metcalf-Foster's work with the Disabled American Veterans includes positions as the Past Chapter 21 Commander, the Past District 1 Commander, the Past Department Commander's Aide for the North, and the Past National Commander's Aide.

In 2003 Ms. Metcalf-Foster agreed to join a Veterans Advisory Board that I formed with Congresswoman ELLEN TAUSCHER to help us stay in close contact with veterans in our districts. Delphine has been very helpful to us in that role.

In addition to her current position with the California Disabled American Veterans, Ms. Metcalf-Foster is also Adjutant for Chapter 21, attends Graduate School at Sonoma State University, volunteers as a mentor for teen mothers, speaks at history classes at SSU regarding women in the military, and is the annual speaker at Solano College during Women's History Month. She is married to Jimmie S. Foster Sr., is the mother of three, grandmother of six including Sgt. Jacare Hogan who just returned from Iraq after a 13-month tour, and great-grandmother of two. She lives in Vallejo.

Mr. Speaker, it is appropriate that we recognize Ms. Metcalf-Foster for her service to her country, her many remarkable contributions to her fellow veterans and her community, and that we wish her well in her new position as Commander of the California Disabled American Veterans.

STATEMENT OF JOHAN SCHÖLVINCK, DIRECTOR, DIVISION FOR SOCIAL POLICY AND DEVELOPMENT DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, UNITED NATIONS ON ''INTERNATIONAL DISABILITY RIGHTS: THE PROPOSED UN CONVENTION'' BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS, MARCH 30, 2004

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. LANTOS. Mr. Speaker, on March 30th, the Congressional Human Rights Caucus held a groundbreaking Members' Briefing entitled, ''International Disability Rights: The Proposed UN Convention.'' This discussion of the global situation of people with disabilities was intended to help establish disability rights issues as an integral part of the general human rights discourse. The briefing brought together the human rights community and the disability rights community, and it raised awareness in Congress of the need to protect disability rights under international law to the same extent as other human rights through a binding UN convention on the rights of people with disabilities.

Our expert witnesses included Deputy Assistant Secretary of State Mark P. Lagon; the Permanent Representative of the Republic of Ecuador to the United Nations, Ambassador Luis Gallegos; the United Nations Director of the Division for Social Policy and Development in the Department of Economic and Social Affairs, Johan Schölvinck; the distinguished former Attorney General of the United States, former Under-Secretary General of the United Nations and former Governor of Pennsylvania, the Honorable Dick Thornburgh; the President of the National Organization on Disability (NOD), Alan A. Reich; Kathy Martinez, a member of the National Council on Disabilities (NCD); and a representative of the United States International Council on Disabilities (USCID) and Executive Director of Mental Disability Rights International, Eric Rosenthal.

As I had announced earlier, I intend to place the important statements of our witnesses in the CONGRESSIONAL RECORD, so that all of my colleagues may profit from their expertise, and I ask that the statement of Mr. Schölvinck be placed at this point in the CONGRESSIONAL RECORD.

PRESENTATION BY JOHAN SCHÖLVINCK

Mr. Chairman, thank you for inviting me to this historic briefing on the proposed UN Convention on the Rights and Dignity of Persons with Disabilities. It is an honour and a pleasure being here with you.

I will confine my remarks to describe the situation faced by persons with disabilities in developing countries. I believe that the disheartening picture that will emerge from what I am about to say will be further proof of the need for a UN Convention.

First let me cite some statistics: 80 percent of people with disabilities and their families live in a developing country. Between 400 and 500 million people living in a developing country have a disability.

Persons with disabilities are often trapped in a cycle of poverty and exclusion. For 150 million of them, disability has been caused by malnutrition and contagious diseases while conflicts and war accounts for a few millions, As many as 1 in 5 of the poorest people have a disability.

These are staggering figures.

Furthermore, persons with disabilities are frequently cut off from employment opportunities and suffer unemployment rates far higher than that of the non-disabled workforce. In many developing countries, it is estimated that 80 percent or more of the disabled are unemployed, which further contributes to their high incidence of poverty and social exclusion.

While persons with disabilities also face similar challenges in developed countries the situation is far worse in developing countries where both disability benefits and vocational rehabilitation services may be virtually nonexistent. In such cases, the disabled are often left dependent, destitute and despairing. Given the relatively small size of the formal labour market in most developing countries, particularly in rural areas where many of

the disabled live, opportunities for integration of persons with disabilities through employment largely rest on informal work, particularly self-employment. Unfortunately, persons with disabilities are often denied loans by banks and lenders.

Improving the living conditions of persons with disabilities in developing countries is an overlooked developmental challenge. As James Wolfensohn, the President of the World Bank once said, ''unless disabled people are brought into the development mainstream, it will be impossible to cut poverty in half by 2015 as agreed to by more than 180 world leaders at the United Nations Millennium Summit in September 2000''. So is the goal to give every girl and boy the chance to achieve a primary education by the same date.

Every child is unique and has a fundamental right to education. Yet in developing countries, only a small minority of disabled children is in school. Less than 10 percent of children with disabilities attend formal education and over 9 in 10 are illiterate. When denied the basic right of education, disabled people become severely restricted in terms of their economic, social and political opportunities as well as the prospects for their personal development. Without an education it is more difficult to secure a job, particularly one that pays a decent wage, to participate actively and fully in the community and to have a meaningful voice in policy making, especially on issues that directly concern the affected population.

Given the dynamics of disability and health, access to adequate health care services is essential for the promotion of independent living for the disabled. Health services play a critical role in the prevention, diagnosis and treatment of illnesses and conditions which can cause physical, psychological and intellectual impairments. Yet for the majority of persons with disabilities living in developing countries, poverty precludes access to these vital services—either because health care facilities and practitioners are not sufficiently available, or there are not enough funds to purchase needed medications and devices. Particularly dramatic is, beyond the lack of orthopedic surgeons, the greatly insufficient number of medical rehabilitation centers to help people adapt to disabling conditions. According to the World Health Organization, at most only 5 percent of the disabled in developing countries have access to rehabilitation services.

The potential for enhancing the possibility of persons with disabilities to carry on independent lives rests on the integration of the disabled into the general community, rather than placing them in exclusionary institutions or relegating them into ''colonies'' of disabled. Community Based Rehabilitation programmes, which are in the process of becoming fairly well established in industrialized countries tend to be part and parcel of these strategies, but remain rare in developing countries.

In developing countries, persons with disabilities are often excluded from the mainstream of the society, discriminated against and denied their human rights. Violations of the human rights of persons with disabilities are seldom addressed in society. Many disability legislation and policies are based on the assumption that persons with disabilities are simply not able to exercise the same rights as non-disabled persons. Consequently, the situation of persons with disabilities is often addressed in terms of rehabilitation and social services. In many countries, existing provisions do not provide for the rights of disabled persons in all their aspects—that is, political, civil, economic, social and cultural rights—on an equal basis with persons without disabilities. Furthermore, anti-discrimination laws often have weak enforcement mechanisms, thereby denying opportunities for persons with disabilities to participate on the basis of equality in social life and development.

Mr. Chairman, the adoption of the UN Convention will not provide a magic wand in overcoming the dismal conditions faced by persons with disabilities in developing countries. However, without such an instrument their chances of becoming fully integrated in their societies will remain infinitely difficult to attain.

YVONNE ROBERTSON HONORED BY THE GREATER CINCINNATI REGION OF THE NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE AT ITS 60TH ANNIVERSARY AWARDS DINNER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Yvonne Robertson, a friend, constituent and outstanding community volunteer, who will be honored for her distinguished service to our community at the Greater Cincinnati Region of the National Conference for Community and Justice's (NCCJ) 60th Anniversary Awards Dinner on May 27, 2004.

Yvonne has dedicated over 30 years of community service as an active volunteer. As a former educator, she has focused much of her community service on youth. Yvonne has served on the boards of Cincinnati's School for Creative and Performing Arts; the Adolescent Clinic; the Greater Cincinnati Scholarship Foundation; and the Greater Cincinnati Youth Collaborative. In addition, she is the Immediate Past President of Advocates for Youth Education, which grants need-based college scholarships to area students.

Yvonne has a special interest in social service organizations. She was the first chair of The Gathering, a day long conference for African American women centered on personal, spiritual, social, health and work related issues. She chaired the Negro Spiritual Festival, and has been a trustee of the Cincinnati chapter of the Red Cross; the Cerebral Palsy Center; and Family Services of Cincinnati.

Active locally and nationally in arts organizations, Yvonne was appointed national director of the arts for The Links, an international women's service organization, and during her tenure established a collaboration with the Smithsonian Institution. She has also served as trustee for the Cincinnati Ballet; the Cincinnati Symphony Orchestra; and the Cincinnati Playhouse in the Park.

All of us in Greater Cincinnati thank Yvonne for all she has done to make our community a better place, and we congratulate her on receiving this prestigious award.

CONGRATULATING THE BOB JONES ACADEMY MOCK TRIAL TEAM

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. DEMINT. Mr. Speaker, it is a privilege to congratulate the Bob Jones Academy Mock Trial team for winning the Championship at the National High School Mock Trial Competition in Orlando, Florida. The team represented their families, school, and State in an outstanding way and are an example of excellence, dedication, and teamwork to the country. I am very proud of their achievement.

Success is never achieved alone, and I would like to extend congratulations to the families, friends, and teachers who share in this moment as well. Principal, Dr. David Fisher, and head coach, Mr. Michael Murphy, as well as his assistants Miss Ruth Hindman, Mr. Allen Fretwell, and Mr. Chuck Nicholas share in this honor by their investments in preparing the team.

For over 75 years, Bob Jones Academy has maintained a tradition of excellence in Christian education with a faculty committed to preparing young lives—both in mind and character—to serve Christ in all walks of life. Ashleigh Millard, Matt Miller, Daniel Hindman, Ben Adams, Kerry Weigand, Richie Patton, Elizabeth Sowers, Emily Sowers, Alex George, Betsy Apelian, and Daniel Nickerson continue this tradition of excellence.

RECOGNIZING FRANCES WILLIAMS PRESTON FOR HER CONTRIBUTIONS TO MUSIC AND HER SERVICE TO THE COMMUNITY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. COOPER. Mr. Speaker, I rise today to recognize one of popular music's most effective and accomplished champions, Frances Williams Preston, on the occasion of her retirement. Ms. Preston, whom Fortune magazine has called ''one of the true powerhouses in the pop music industry,'' steps down this year after 18 years as President and CEO of Broadcast Music, Inc. (BMI). And while her daily presence as the leader of BMI will be missed, she will no doubt continue to make her mark on the industry that she has come to lead.

Since entering the music business through the mailroom of WSM Radio in Nashville forty years ago, Ms. Preston's passion for music and acumen for business have shaped the art both in Nashville and nationwide. Tapped by BMI to open its Nashville office in 1958, Ms. Preston oversaw the growth of an industry giant which now employs 400 people in Nashville and thousands all over the globe. Under Ms. Preston's leadership, BMI became a driving force in Nashville's music scene, helping songwriters make a living doing what they loved, much as she did, herself. And although she eventually left Music City for New York in 1986 to take the helm of BMI's national and international operations, she has always remained an active fan and supporter of Nashville music and Southern artists.

Ms. Preston's numerous awards and commendations barely do justice to her lifetime of achievement, yet she retires as one of the most decorated individuals the music industry has ever seen. Ms. Preston has received nearly every honor available to a music industry executive, including a Trustees Grammy in 1998, and membership in the Country Music, Gospel Music, and Broadcasting & Cable

Halls of Fame. Her three honorary degrees include one from the Berkelee College of Music, and she has received more than two dozen national awards recognizing her leadership and ingenuity. Esquire Magazine's designation of Ms. Preston as "the most influential and powerful person in country music" is typical of the respectful and admiring treatment she deservedly receives in the press.

Her expertise on songwriters' issues has also made Ms. Preston an effective and valuable resource on Capitol Hill, to the equal benefit of both her "constituents" and of lawmakers, and her influence has been broadly felt in the law of intellectual property. Over the years, policymakers in all levels of government have sought her counsel, including Tennessee Governor Winfield Dunn, Vice-President Al Gore, and President Jimmy Carter.

Despite her many accolades from the music industry, Ms. Preston still considers her community contributions to be among her greatest achievements. Her proudest accomplishment, she says, was her pivotal role in creating the Frances Williams Preston Research Laboratories at the Vanderbilt-Ingram Cancer Center. In addition to her numerous board memberships and community leadership roles, Ms. Preston was the first woman board member of the Nashville Chamber of Commerce, and the first woman Rotarian in Tennessee. It is a person of commendable character who looks back on a star-filled life to see her community service as the highlight of it all.

On behalf of the Fifth District of Tennessee, I applaud Frances Williams Preston's contributions to music, business, her community, and our Nation, and I wish her a happy and healthy retirement.

CONGRATULATING MR. TONY BENNETTI ON HIS RETIREMENT FROM THE SANTA CLARA VALLEY WATER DISTRICT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Ms. LOFGREN. Mr. Speaker, Mr. Anthony C. Bennetti is retiring from the Santa Clara Valley Water District as General Counsel to the Board of Directors. During his service, he played an important role in resolving legal issues with the California State Water Project and the Central Valley Project. During his tenure, he helped to secure needed financing for the capital expansion of water utility infrastructure for Santa Clara County.

Prior to his service with the Santa Clara Valley Water District, Mr. Bennetti served as Acting City Attorney and Senior Assistant City Attorney for the City of Palo Alto, California, and Senior Deputy City Attorney for the City of San Jose, California. In all, he has contributed over 24 years of public service to the State of California. The community thanks him for his years of service and congratulates him and the Water District upon his retirement.

OLDER AMERICANS MONTH

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. KIND. Mr. Speaker, I rise today in celebration of our seniors. May is Older Americans Month, and I commend communities around the country for the special work they are doing to honor senior citizens.

The theme of Older Americans Month for 2004 is "Aging Well, Living Well." Every day I see examples of seniors in my district in western Wisconsin who are indeed aging and living well. Eighty-year-old constituents who continue to work every day stop by my office to discuss issues that impact their businesses; grandparents tell me about the hours they spend each week volunteering at The Boys and Girls Club or other sites; and seniors faithfully show up at town hall meetings, asking questions, sharing opinions, and demonstrating their knowledge of what goes on here in Washington.

It is especially fitting to celebrate seniors this month as we prepare for the dedication of the World War II Memorial. More than perhaps any other event, World War II will long define the heroism, patriotism and strength of what is aptly called "the greatest generation." Sixteen million Americans served in the armed forces during the war. Millions more served at home by growing victory gardens, collecting scrap metal, and taking factory jobs to support the troops overseas and keep the country running. Men who had never left their home states were shipped halfway around the world to serve in the Asian and Pacific theaters. And women who had never held jobs outside the home took work in factories, offices, and on faraway battlefields. Nearly sixty years after the conclusion of this war, the stories of these brave men and women remain moving.

After serving and sacrificing on the war front and the home front, this generation then returned home to construct the interstate highway system, explore outer space, and see America through an unprecedented era of growth and improvement. Clearly, we can never adequately thank this generation for what they have done. No words can express how grateful we are for the milestones—surviving the Great Depression, winning World War II—or for those everyday struggles and sacrifices that go largely unrecorded.

The seniors throughout our country—the retired schoolteachers, the millions of veterans, the farmers and all those who helped make our country great—deserve more thanks than we can give them. I am glad, though, that we have this month to recognize the generation that defined America in the 20th Century and continues to impact us all today.

HOMAGE TO MR. EDWARD LEON "SHINE" JESSUP

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 2004

Mr. TANNER. Mr. Speaker, I rise today to pay homage to a legend in my hometown of Union City, Tennessee, Mr. Edward Leon "Shine" Jessup.

Shine is being honored for his 40 years of service as an employee of the W. R. Case Company. But he has done so much more in his life. He was born on November 30, 1918, graduated from high school in 1936 and enlisted in the Army Air Corps in January of 1942. He entered the Aviation Cadet Program and went to Cadet Pilot Training in Arkansas and onto the Advanced Program. He got his wings in 1943 and was sent to the Overseas Training Unit.

Stationed at Rackheath, England, First Lieutenant Jessup flew a B–24, named "Mis-B-Havin" on 30 missions as an 8th Air Force Lead Crew Pilot. In February of 1945 he was stationed at Randolph Field in Texas where he taught cadets until June.

He received the Distinguished Flying Cross three times, the Air Medal five times, the ETO Ribbon, the Good Conduct Ribbon several times as well as various other ribbons.

He married Aurelia McGuire on May 1, 1943, in Jonesboro, Arkansas. They had two children—Linda Jo Jessup Jennings and Edward Leon Jessup, Jr.

After leaving the Army in 1945, "Shine" began his career as a salesman for Shapleigh Hardware Company in Waycross, Georgia. After a year in Georgia, he transferred back to Union City. He worked for Shapleigh until 1960 when he took a job with Witte Hardware until 1964. It was in that year that he began his career with the W. R. Case Company with whom he has been associated for the last 40 years.

Shine Jessup has contributed much to his community, his state and his country. As we dedicate the World War II Memorial this month here in Washington, D.C., I rise to pay honor to a very special veteran, and a long time friend of mine and my entire family, Shine Jessup.

Daily Digest

HIGHLIGHTS

Senate passed S. 1637, Jumpstart Our Business Strength (JOBS) Act.

Senate

Chamber Action

Routine Proceedings, pages S5171–S5240

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 2400–2411, and S. Con. Res. 106. **Page S5227**

Measures Reported:

S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services. (S. Rept. No. 108–260)

S. 994, to protect human health and the environment from the release of hazardous substances by acts of terrorism, with an amendment in the nature of a substitute. (S. Rept. No. 108–261)

H.R. 3104, To provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.

S. 441, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouses in that county, with an amendment in the nature of a substitute.

S. 2286, to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

S. 2401, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces.

S. 2402, to authorize appropriations for fiscal year 2005 for military construction.

S. 2403, to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy. **Pages S5226–27**

Measures Passed:

Jumpstart Our Business Strength (Jobs) Act: By 92 yeas to 5 nays (Vote No. 91), Senate passed S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, after taking action on the following amendments proposed thereto:

Pages S5179–90, S5191–S5218

Adopted:

Landrieu Amendment No. 3123, to improve the credit for Ready Reserve-National Guard employees, to provide a credit for replacement employees of Ready Reserve-National Guard employees called to active military duty, and for other purposes.

Pages S5200–04

Hutchison Amendment No. 3138, to make certain engineering and architectural services eligible for the deduction relating to income attributable to United States production activities and to limit an employer's deduction for entertainment expenses of covered employees to the amount which the employee includes in income.

Pages S5199–S5200, S5204–05

Levin Modified Amendment No. 3120, to restrict the use of abusive tax shelters to inappropriately avoid Federal taxation. **Pages S5213–16**

Grassley Amendment No. 3133, to provide for certain technical corrections. **Page S5217**

Grassley (for Nickles) Modified Amendment No. 3040, to treat electric transmission property as 15-year property. **Pages S5217–18**

Grassley Amendment No. 3143, to make certain improvements to the bill. **Page S5218**

Subsequently, the amendment was modified.

Page S5220

Rejected:

By 13 yeas to 85 nays (Vote No. 89), McCain Amendment No. 3129, to strike provisions relating to energy tax incentives. **Pages S5186–90, S5193**

By 23 yeas to 74 nays (Vote No. 90), Hollings Amendment No. 3134, to strike the international tax provisions that are unrelated to the FSC/ETI repeal and eliminate the phase-in of the deduction for qualified production activities income. **Pages S5194–99**

During consideration of this measure today, the Senate also took the following action:

By 90 yeas to 8 nays (Vote No. 87), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S5184**

By 59 yeas to 40 nays (Vote No. 88), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 505 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Cantwell/Voinovich Amendment No. 3114, to extend the Temporary Extended Unemployment Compensation Act of 2002. Subsequently, the point of order that the amendment increases mandatory spending and would cause an increase in the deficit in excess of levels permitted by H. Con. Res. 95, was sustained, and the amendment thus falls. **Pages S5184–86**

IDEA—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 1248, to reauthorize the Individuals with Disabilities Education Act, at approximately 10:30 a.m., on Wednesday, May 12, 2004. **Page S5240**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the notification of an Executive Order blocking the property of certain persons and prohibiting the export of certain goods to Syria; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–76) **Pages S5224–25**

Nominations Received: Senate received the following nominations:

Joseph F. Bader, of the District of Columbia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2007.

Brett T. Palmer, of New York, to be an Assistant Secretary of Commerce.

Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

Timothy S. Bitsberger, of Massachusetts, to be an Assistant Secretary of the Treasury.

James R. Kunder, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Craig T. Ramey, of West Virginia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management. **Page S5240**

Executive Communications: **Pages S5225–26**

Additional Cosponsors: **Pages S5227–28**

Statements on Introduced Bills/Resolutions: **Pages S5228–36**

Additional Statements: **Pages S5223–24**

Amendments Submitted: **Pages S5236–39**

Notices of Hearings/Meetings: **Page S5239**

Authority for Committees to Meet: **Pages S5239–40**

Record Votes: Five record votes were taken today. (Total–91) **Pages S5184, S5186, S5193, S5199, S5218**

Adjournment: Senate convened at 9:47 a.m., and adjourned at 7:28 p.m., until 9:30 a.m., on Wednesday, May 12, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5240.)

Committee Meetings

(Committees not listed did not meet)

CONSERVATION PROGRAMS OVERSIGHT

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded an oversight hearing to examine the implementation conservation programs of the 2002 Farm Bill, including the Environmental Quality Incentives Program (EQIP), the Ground and Surface Water Conservation Program, the Wetlands Reserve Program, the Grassland Reserve Program, Wildlife Habitat Incentives Program, and the Farm and Ranch Lands Protection Program, after receiving testimony from Bruce I. Knight, Chief, Natural Resources Conservation Service, and James R. Little, Administrator, Farm Service Agency, both of the Department of Agriculture; Al Christopherson, Minnesota Farm Bureau, Pennock, on behalf of the American Farm Bureau Federation; John K. Hansen, Nebraska Farmers Union, Lincoln, on behalf of the National Farmers Union; Bill Wilson, Haskell County Conservation District, Kinta, Oklahoma, on behalf of the National Association of Conservation Districts; Gordon Gallup, Idaho Grain Producers, Ririe, on behalf of the National Association of Wheat Growers,

and other organizations; Jeffrey W. Nelson, Ducks Unlimited, Bismarck, North Dakota, on behalf of the Congressional Sportsmen's Foundation, and other organizations; David Petty, Eldora, Iowa, on behalf of the National Cattlemen's Beef Association; and Francis Thicke, Fairfield, Iowa, on behalf of the Sustainable Agriculture Coalition.

IRAQI PRISONERS

Committee on Armed Services: Committee resumed hearings to examine allegations of mistreatment of Iraqi prisoners, receiving testimony from Major General Antonio M. Taguba, USA, Deputy Commanding General for Support, Coalition Forces Land Component Command; Lieutenant General Lance L. Smith, USAF, Deputy Commander, U.S. Central Command; Stephen A. Cambone, Under Secretary of Defense for Intelligence; Lieutenant General Keith B. Alexander, USA, Deputy Chief of Staff, G–2, U.S. Army; Major General Ronald L. Burgess, Jr., USA, Director for Intelligence, J–2, The Joint Staff; and Major General Thomas J. Romig, USA, Judge Advocate General.

SMOKING IN MOVIES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the impact of smoking in the movies on children, focusing on tobacco litigation and the 1998 Master Settlement Agreement, after receiving testimony from Maryland State Attorney General J. Joseph Curran, Jr., Baltimore; Jack Valenti, Motion Picture Association of America, Washington, D.C.; Madeline A. Dalton, Dartmouth Medical School, Hanover, New Hampshire; LeVar Burton, Directors Guild of America, Los Angeles, California; Stanton Glantz, University of California School of Medicine, San Francisco; and C. Steven Yerrid, Bank of America, Tampa, Florida.

NATIONAL FIRE PLAN

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the impacts and costs of the 2003 fire season, focusing on the problems faced last year and what problems agencies and the land they oversee may face next season, including aerial fire fighting assests and crew, and overhead availability, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; and P. Lynn Scarlett, Assistant Secretary of the Interior for Policy, Management and Budget.

AIDS AND HUNGER

Committee on Foreign Relations: Committee concluded a hearing to examine the deadly intersection of AIDS and hunger, focusing on overseeing international food assistance and the implementation of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, after receiving testimony from James T. Morris, Executive Director, World Food Program, United Nations, New York, New York; Randall L. Tobias, Global AIDS Coordinator, Department of State; and Andrew S. Natsios, Administrator, U.S. Agency for International Development.

DIPLOMA MILLS

Committee on Governmental Affairs: Committee held a hearing to examine allegations relevant to the issuance of bogus degrees, focusing on tax payer dollars subsidizing diploma mills, and the development of a government-wide policy to identify and discourage the use of bogus degrees, receiving testimony from Representative Tom Davis; Robert J. Cramer, Managing Director, and Paul DeSaulniers, Senior Special Agent, both of the Office of Special Investigations, General Accounting Office; Alan Contreras, Oregon Student Assistance Commission Office of Degree Authorization, Eugene; and Laurie Gerald, Aliso Viejo, California.

Hearings continue tomorrow.

ALZHEIMER'S RESEARCH

Committee on Health, Education, Labor, and Pensions: Subcommittee on Aging held a hearing to examine breakthroughs in Alzheimer's Disease (AD) research, focusing on risk factors for developing AD, developing safe, effective preventions and treatments for AD, and "The Maintain Your Brain" campaign, receiving testimony from Richard J. Hodes, Director, National Institute on Aging, National Institutes of Health, Department of Health and Human Services; John C. Morris, Washington University School of Medicine, St. Louis, Missouri; Peter V. Rabins, Johns Hopkins University School of Medicine, Baltimore, Maryland; and Stephen McConnell, Alzheimer's Association, Washington, D.C.

Hearing recessed subject to the call of the chair.

BIO-TERRORISM

Committee on the Judiciary: Subcommittee on Terrorism, Technology, and Homeland Security concluded a hearing to examine rapid bio-terrorism detection and response, focusing on point-of-care diagnostic devices, forensic work, emergency room facilities, and the medical care system's capability and capacity to respond to future terrorist attacks in the United States, after receiving testimony from Paul S. Keim, Northern Arizona University, Flagstaff, and Jeffrey Trent, Phoenix, Arizona, both of the Translational Genomics Research Institute; Harvey W. Meislin, University of Arizona Health Science Center, Tucson; and David A. Relman, Stanford University, Palo Alto, California.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 4322–4340; and 4 resolutions, H. Con. Res. 420, and H. Res. 636–638, were introduced.

Pages H2814–15

Additional Cosponsors: **Pages H2815–16**

Reports Filed: Reports were filed today as follows:

H.R. 3879, to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, amended (H. Rept. 108–482);

H. Res. 637, providing for consideration of H.R. 4275, to amend the Internal Revenue Code of 1986 to permanently extend the 10–percent individual income tax rate bracket (H. Rept. 108–483); and

H. Res. 638, providing for consideration of H.R. 4279, to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of H.R. 4280, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of H.R. 4281, to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees (H. Rept. 108–484). **Pages H2814**

Speaker: Read a letter from the Speaker wherein he appointed Representative Pence to act as Speaker Pro Tempore for today. **Page H2735**

Recess: The House recessed at 1:11 p.m. and reconvened at 2 p.m. **Page H2739**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Tomochichi United States Courthouse Designation Act: H.R. 2523, to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse"; **Pages H2741–42**

Authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run: H. Con. Res. 389, authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run; **Page H2743**

Mary Ann Collura Post Office Building Redesignation Act: H.R. 3939, 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"; **Pages H2746–49**

Dr. Miguel A. Nevarez Post Office Building Designation Act: H.R. 4299, to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building", by a yea-and-nay vote of 405 yeas with none voting "nay", Roll No. 153; **Pages H2749–51, H2774–75**

Supporting the goals and ideals of Peace Officers Memorial Day: H. Res. 622, supporting the goals and ideals of Peace Officers Memorial Day, by a yea-and-nay vote of 404 yeas with none voting "nay", Roll No. 154; **Pages H2751–52, H2775**

Recognizing and honoring the tenth anniversary of Vietnam Human Rights Day: H. Res. 613, recognizing and honoring the tenth anniversary of Vietnam Human Rights Day; and **Pages H2752–55**

Recognizing 50 years of relations between the United States Government and the European Union: H. Res. 577, amended, recognizing 50 years of relations between the United States Government and the European Union, by a yea-and-nay vote of 397 yeas to 7 nays, Roll No. 155. **Pages H2758–61, H2775–76**

Suspensions—Proceedings Postponed: The House postponed further proceedings on the following measures which were debated today under suspension of the rules:

Sense of the House regarding the military postal system: H. Res. 608, expressing the sense of the House of Representatives that the Department of Defense should rectify deficiencies in the military postal system to ensure that members of the Armed Forces stationed overseas are able to receive and send mail in a timely manner as well as receive and send election ballots in time to be counted in the 2004 elections; **Pages H2743–46**

Recognizing the contributions of people of Indian origin to the United States: H. Con. Res. 352, recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world; **Pages H2755–57**

Calling on the Government of the Socialist Republic of Vietnam to release Father Thaddeus Nguyen Van Ly: H. Con. Res. 378, amended, calling on the Government of the Socialist Republic of

Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly; **Pages H2761–65**

Recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944: H.J. Res. 91, recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944; and **Pages H2766–69**

Recognizing those who contributed to the war effort during World War II and celebrating the completion of the National World War II Memorial: H. Con. Res. 409, recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia. **Pages H2769–74**

Recess: The House recessed at 5:55 p.m. and reconvened at 6:30 p.m. **Page H2774**

Budget Resolution for FY 2005—Motion to Instruct Conferees: Representative Pomeroy announced his intention to offer a motion to instruct conferees on S. Con. Res. 95, original concurrent resolution 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. **Page H2776**

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004—Motion to Instruct Conferees: Representative George Miller (CA) announced his intention to offer a motion to instruct conferees on H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004. **Page H2783**

Presidential Message: Read a letter from the President wherein he transmitted notification of his issuance of an Executive Order declaring a national emergency with respect to the Government of Syria—referred to the Committee on International Relations (H. Doc. 108–184). **Pages H2776–77**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H2774–75, H2775, and H2775–76. There were no quorum calls.

Adjournment: The House met at 12:30 p.m and adjourned at 11:48 p.m.

Committee Meetings

FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2004

Committee on Energy and Commerce: Subcommittee on Health held a hearing on H.R. 3266, Faster and Smarter Funding for First Responders Act of 2004. Testimony was heard from Representative Cox; Andrew T. Mitchell, Deputy Director, Office of Domestic Preparedness, Department of Homeland Security; and William Raub, Acting Assistant Secretary, Planning and Evaluation, Department of Health and Human Services.

"DOE NUCLEAR SECURITY: WHAT ARE THE CHALLENGES, AND WHAT'S NEXT?"

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "DOE Nuclear Security: What are the Challenges, and What's Next?" Testimony was heard from the following officials of the Department of Energy: Kyle E. McSlarrow, Deputy Secretary; Ambassador Lynton Brooks, Administrator, National Nuclear Security Administration; and Glenn Podonsky, Director, Office of Security and Safety Performance Assessment; Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; and a public witness.

TERRORIST FINANCING AND MONEY LAUNDERING

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled "Terrorist Financing and Money Laundering Investigations: Who Investigates and How Effective Are They?" Testimony was heard from Marcy Forman, Deputy Assistant Director, Financial Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; the following officials of the Department of Justice: Donald C. Semesky, Chief, Office of Financial Operations, DEA; Michael Morehart, Section Chief, Terrorist Financing Operations Section, FBI; and John Roth, Chief, Criminal Division's Asset Forfeiture and Money Laundering Section; the following officials of the Department of the Treasury: Dwight Sparlin, Director, Operations, Policy, and Support for the Criminal Investigations Branch, IRS; Bob Warner, Chief of Staff, FinCEN; and Daniel Glaser, Director, Money Laundering and Financial Crimes Section; Richard Stana, Director, Homeland Security and Justice, GAO; and a public witness.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''Combating Terrorism: Training and Equipping Reserve Component Forces.'' Testimony was heard from the following officials of the Department of Defense: ISG Gerald Neill, 323 Military Intelligence Battalion, U.S. Army Reserve, Maryland; SSG Juan SanchezLopez, 2nd Battalion 23rd Marine Reserves; SP Michael Tanguay, 143 Military Police Company, National Guard, Connecticut; LTG Steve J. Novotny, 530th Military Police Battalion, U.S. Army Reserve, Nebraska; BG Louis Weber, Director of Training, U.S. Army; LTG James R. Helmly, Chief of Army Reserve; LTG Roger C. Schultz, Director, Army National Guard; and LTG Edward Hanlon, Commandant, Marine Corps Combat Development Command; and public witnesses.

BRIEFING—CURRENT ISSUES IN WORLD HUNGER

Committee on International Relations: Held a briefing on Current Issues in World Hunger. The Committee was briefed by Ambassador Tony Hall, Food and Agriculture Organization of the United Nations.

THE AFRICAN GROWTH AND OPPORTUNITY ACT

Committee on International Affairs: Subcommittee on Africa held a hearing on The African Growth and Opportunity Act: Building Trade Capacity. Testimony was heard from Emmy Simmons, Assistant Administrator, Bureau for Economic Growth, Agriculture, and Trade, AID, Department of State; Florizelle H. Liser, Assistant U.S. Trade Representative for Africa; and a public witness.

PRIVATE RELIEF MEASURES

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims approved for full Committee action private relief bills.

MEDICARE CHRONIC CARE IMPROVEMENT PROGRAM

Committee on Ways and Means: Subcommittee on Health held a hearing on the Medicare Chronic Care Improvement Program. Testimony was heard from Mark McClennan, M.D., Administrator, Centers for Medicare and Medicaid, Services, Department of Health and Human Services; and public witnesses.

DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; IMPROVE PATIENT ACCESS TO HEALTH CARE SERVICES AND IMPROVE MEDICAL CARE; AND SMALL BUSINESS HEALTH FAIRNESS ACT

Committee on Rules: Granted, by voice vote, a rule providing for consideration of H.R. 4279, to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, under a modified closed rule. The rule provides one hour of debate in the House on H.R. 4279 equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides for consideration of the amendment in the nature of a substitute printed in part A of the Rules Committee report accompanying the resolution, if offered by Representative Rangel of New York or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in part A of the report. The rule provides one motion to recommit H.R. 4279 with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 4280, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, under a closed rule. The rule provides one hour of debate in the House on H.R. 4280 with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule provides one motion to recommit H.R. 4280.

Section 3 of the resolution provides for consideration of H.R. 4281, Small Business Health Fairness Act of 2004, under a modified closed rule. The rule provides one hour of debate in the House on H.R. 4281 equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides for consideration of the amendment in the nature of a substitute printed in part B of the Rules Committee report accompanying the resolution, if offered by Representative Kind of Wisconsin or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The

rule waives all points of order against the amendment printed in part B of the report. The rule provides one motion to recommit H.R. 4281 with or without instructions.

Section 4 of the resolution provides that in the engrossment of H.R. 4279 the clerk shall add the texts of H.R. 4280 and H.R. 4281 as passed by the House, as new matter at the end of H.R. 4279, and then lay H.R. 4280 and H.R. 4281 on the table. Finally, the rule provides that if H.R. 4279 is disposed of without reaching the stage of engrossment, H.R. 4280 shall be treated in the manner specified for H.R. 4279 and only H.R. 4281 shall be laid on the table. Testimony was heard from Chairman Boehner and Representatives McCrery, Greenwood, Shadegg, Smith of Texas, Andrews, Kind, Wynn, Scott of Virginia, Sandlin and Baird.

PERMANENTLY EXTEND 10-PERCENT INDIVIDUAL TAX RATE BRACKET

Committee on Rules: Granted, by voice vote, a modified closed rule providing one hour of debate in the House on H.R. 4275, to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Rangel of New York or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Sessions.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 12, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense, 9 a.m., SH–216.

Committee on Commerce, Science, and Transportation: to hold hearings to conduct a telecommunications policy review, focusing on a view from the industry, 9:30 a.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine the environmental regulatory framework affecting oil refining and gasoline policy, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine continuing challenges in Afghanistan, 9:30 a.m., SD–419.

Committee on Governmental Affairs: to continue hearings to examine tax payer dollars subsidizing diploma mills, 10 a.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine S. 2013, to amend section 119 of title 17, United States Code, to extend satellite home viewer provisions, 2 p.m., SD–226.

House

Committee on Appropriations, Subcommittee on Legislative, on Library of Congress; Architect of the Capitol; and Capitol Visitor Center, 1 p.m., 2362A Rayburn.

Subcommittee on Transportation, Treasury and Independent Agencies, on Election Assistance Commission, 10 a.m., 2358 Rayburn.

Committee on Armed Services: to mark up the following: H.R. 4323, To amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies; H.R. 4322, To provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex; and H.R. 4200, National Defense Authorization Act for Fiscal Year 2004, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing on H.R. 4283, College Access and Opportunity Act of 2004, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on H.R. 107, Digital Media Consumers' Rights Act of 2003, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "NIH Ethics Concerns: Consulting Arrangements and Outside Awards," 10 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, to consider H.R. 3574, Stock Option Accounting Reform Act, 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Cutting Through the Red Tape: Regulatory Relief for America's Community-Based Banks," 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following: Postal Accountability and Enhancement Act of 2004; H.R. 2432, Paperwork and Regulatory Improvements Act of 2003; H.R. 4302, District of Columbia Civil Commitment Modernization Act of 2004; and H. Res. 612, Recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004, 10 a.m., 2154 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled ''Decades of Terror: Exploring Human Rights Abuses in Kashmir and the Disputed Territories,'' 10 a.m., 2247 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled ''The Science of Voting Machine Technology: Accuracy, Reliability, and Security,'' 2 p.m., 2247 Rayburn.

Committee on International Relations, hearing on The United Nations Convention on the Law of the Sea, 10:30 a.m., 2172 Rayburn.

Subcommittee on Europe, hearing on Ukraine's Future and United States Interests, 1:30 p.m., 2172 Rayburn.

Subcommittee on Middle East and Central Asia, to mark up the following measures: H. Con. Res. 319, Expressing the grave concern of Congress regarding the continuing repression of the religious freedom and human rights of the Iranian Baha i community by the Government of Iran; H. Con. Res. 363, Expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic; H. Res. 615, Expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group (WEOG) at the United Nations; and H. Res. 617, Expressing support for the accession of Israel to the Organization for Economic Co-operation Development (OECD), 2 p.m., 2200 Rayburn.

Committee on the Judiciary, May 12, to mark up the following measures: H.R. 2934, Terrorist Penalties Enhancement Act of 2003; H. Con. Res. 414, Recognizing the 50th anniversary of *Brown* v. *Board of Education*; H.R. 3754, Fraudulent Online Identity Sanctions Act; H.R. 1731, Identity Theft Penalty Enhancement Act; S. 1301, Video Voyeurism Prevention Act of 2003; H.R. 1678, Anti-Hoax Terrorism Act of 2003; H.R. 3632, Anti-Counterfeiting Amendments of 2003; H.R. 338, Defense of Privacy Act; H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003; and private relief bills, 10 a.m., 2141 Rayburn.

Committee on Resources, hearing on the current reorganization of trust management at the Bureau of Indian Affairs and the Office of the Special Trustee, 10 a.m., 1324 Longworth.

Committee on Science, hearing on H.R. 4107, Assistance to Firefighters Grant Reauthorization Act of 2004, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Women's Entrepreneurship: Successes and Challenges,'' 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: a Fiscal Year 2005 Capital Investment and Leasing Program resolution; H.R. 3428, To designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building;'' H.R. 3734, To designate the Federal building at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building;'' H.R. 3742, To designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building;'' H.R. 3884, To designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the '' Hipolito F. Garcia Federal Building and United States Courthouse;'' H.R. 4056, Commercial Aviation MANPADS Defense Act of 2004; H.R. 4226, Cape Town Treaty Implementation Act of 2004; H.R. 4251, Maritime Transportation Amendments of 2004; a resolution on National Transportation Week; and other pending business, 11 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing on Iraqi Prisoner Situation Update, 10 a.m., H–405 Capitol.

Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, hearing on Aligning CIA HUMINT, 2 p.m., H–405 Capitol.

Select Committee on Homeland Security. Subcommittee on Infrastructure and Border Security, hearing entitled ''The Transportation Security Administration's Progress in Enhancing Security,'' 10:30 a.m., 1334 Longworth.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 12

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond a period of 60 minutes), Senate will begin consideration of S. 1248, Individuals with Disabilities Education Improvement Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 12

House Chamber

Program for Wednesday: Consideration of H.R. 4279, to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements (modified closed rule, one hour of debate).

Consideration of H.R. 4280, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system (closed rule, one hour of debate).

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