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House of Representatives

The House met at 10 a.m.

Rabbi Joui Hessel, Washington Hebrew Congregation, Washington, DC, offered the following prayer:

God of all people, we thank You for all that is good in our world. We acknowledge Your sovereignty and everlasting presence in our lives. Bless us as we commit ourselves to continuing Your work of creation. For our commitment to social justice and peace is our task, and You our guide.

Allow our Nation's leaders and its citizens the opportunity to work together in an effort to create a world filled with righteousness and peace. Bless our magnificent country, that it may always be a stronghold of peace and its advocate among the Nations. May satisfaction reign within its borders, health and happiness within our homes. Strengthen our relationships among the inhabitants of all lands, so that we may work together for peace.

Blessed are You, God, who grants us life, sustains us and enables us to work for a better tomorrow. 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.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 47, answered ''present'' 1, not voting 39, as follows:

[Roll No. 223]

YEAS—346

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

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NAYS—47

Baird	Hooley (OR)	Sabo
Baldwin	Hulshof	Sandlin
Bell	Johnson, E. B.	Schakowsky
Cooper	Kennedy (MN)	Strickland
Costello	Kucinich	Stupak
DeFazio	Lampson	Taylor (MS)
English	Larsen (WA)	Thompson (CA)
Filner	LoBiondo	Thompson (MS)
Ford	McDermott	Udall (CO)
Graves	McNulty	Udall (NM)
Green (TX)	Miller, George	Visclosky
Gutknecht	Olver	Waters
Hart	Otter	Weller
Hastings (FL)	Pastor	Wicker
Hefley	Peterson (MN)	Wu
Hinchey	Ramstad	

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—39

Ballance	Deutsch	Murtha
Bartlett (MD)	Emerson	Rohrabacher
Boehlert	Engel	Slaughter
Brady (PA)	Fossella	Smith (MI)
Burton (IN)	Gerlach	Tauzin
Capuano	Grijalva	Thomas
Carson (OK)	Herger	Thornberry
Conyers	Hunter	Velázquez
Crane	Istook	Weiner
Cummings	Jefferson	Weldon (FL)
DeGette	Johnson, Sam	Weldon (PA)
Delahunt	Kingston	Wexler
DeMint	Lynch	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1028

Mr. RUPPERSBERGER changed his vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

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

Mr. LINDER 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 2, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from The Honorable Chris Nelson, Secretary of State, State of South Dakota, indicating that, according to the unofficial returns of the Special election held June 1, 2004, the Honorable Stephanie Herseth was elected Representative in congress for the At Large Congressional District, State of South Dakota.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

Attachment.

SECRETARY OF STATE,
Pierre, SD, June 2, 2004.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on June 1, 2004 for Representative in Congress from the At-Large Congressional District of South Dakota show that Stephanie Herseth received 132,236 votes or 50.6% of the total number of votes cast for that office.

It would appear from these unofficial results that Stephanie Herseth was elected as Representative in Congress from the At-Large Congressional District of South Dakota.

To the best of my knowledge and belief at this time, there is no contest to this election.

As soon as the official state canvass has been conducted on June 8, an official certification of election will be prepared for transmittal as required by law.

Sincerely,

CHRIS NELSON.

SOUTH DAKOTA CENTRAL ELECTION REPORTING SYSTEM
STATE TOTALS—JUNE 1, 2004

[Statewide: Precincts reported: 798; precincts to report: 798]

Name	Party	Votes	Pct.
Dem. Presidential:			
Howard Dean	D	4,837	.06
John Kerry	D	69,454	.82
Dennis Kucinich	D	2,043	.02
Lyndon Larouche	D	2,942	.03
Uncommitted delegates	D	5,104	.06
U.S. House:			
Larry Diedrich	R	129,292	.49
Stephanie Herseth	D	132,236	.51

PROVIDING FOR SWEARING IN OF MS. STEPHANIE HERSETH, OF SOUTH DAKOTA, AS A MEMBER OF THE HOUSE

Ms. PELOSI. Mr. Speaker, I ask unanimous consent that the gentlewoman from South Dakota (Ms. STEPHANIE HERSETH) be permitted to take the oath of office today. Her certificate of election has not arrived, but there is no contest, and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

SWEARING IN OF THE HONORABLE STEPHANIE HERSETH, OF SOUTH DAKOTA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect from South Dakota (Ms. HERSETH) come forward and raise her right hand.

Ms. HERSETH appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are a Member of the House of Representatives.

□ 1030

INTRODUCTION OF REPRESENTATIVE STEPHANIE HERSETH

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

Ms. PELOSI. Mr. Speaker, as Members know, it is the custom of the House when a new Member is sworn in after a special election, the senior Member from that Member's State has the privilege of introducing the new Member to the House. Since South Dakota only has one Member of Congress, that is not possible today; and so I have that privilege.

But I do want to acknowledge the escort committee to the gentlewoman from South Dakota (Ms. HERSETH), and that does have a nice ring to it, and what a distinguished escort committee it is, indeed: our former colleague, the Democratic leader in the United States Senate, TOM DASCHLE, and another former colleague from the House of Representatives, the distinguished Senator from South Dakota, Tim Johnson.

Mr. Speaker, the gentlewoman from South Dakota (Ms. HERSETH) will bring to this House of Representatives the values of the heartland of America and a voice for her generation. She comes from a very distinguished political family in South Dakota. Her grandfather was Governor; her parents were public servants, very respected in South Dakota. She comes here, though, to make her own mark and to make the people of South Dakota very, very proud.

Mr. Speaker, I am very pleased to recognize the distinguished gentlewoman from South Dakota (Ms. HERSETH).

EXPRESSING GRATITUDE AND THANKS FOR THE OPPORTUNITY TO SERVE AS REPRESENTATIVE FROM SOUTH DAKOTA

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

Ms. HERSETH. Mr. Speaker, I want to thank my fellow Members of the United States House of Representatives for that gracious and warm welcome. I thank the gentlewoman from California (Ms. PELOSI) for that very kind and generous introduction. I thank Senators DASCHLE and JOHNSON for taking the time to be here with me and my family today. I also thank another native South Dakotan, Jeff Trandahl, our Clerk here in the House, for all of his work and the work of his office. And I thank you, Mr. Speaker, for allowing me to be sworn in at the earliest opportunity so that the people of

South Dakota can once again have their voice in this great Chamber.

I would also like to thank our Secretary of State in South Dakota, Chris Nelson, who certified the election with great speed so that the interest of our State could be represented in this distinguished body. I would also like to say a grateful thank you to the staff of former Congressman Bill Janklow, who have continued to serve these past several months and have been true to the welcoming spirit of South Dakota.

There are too many to thank for this great honor: my grandparents, especially my Grampa Ralph Stiles, who is here with me today, who gave me his unconditional love and support; my parents, the strongest people I know who taught me to reach across disagreements and work for a common good; and the people of South Dakota, to whom I pledge that I will do everything I can to represent them honorably and to always do what is best for our entire State.

And lastly, while the months and years ahead are filled with great possibilities, the unsettling truth is that my standing here today was born from a tragedy. The opportunity for me to represent my State would not have happened if not for the heartache suffered by many. That reminder will be with me always.

But from great sorrow can come new beginnings for my State at this time in our Nation's history, for all of us as a people. I am humbled by this moment and by the trust and responsibility that South Dakota has placed in me. I will do my best, and I will always remember why I am here.

In the language of the Lakota people, ''pilamaya,'' thank you, and may God bless this great House of the people.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from South Dakota (Ms. HERSETH), the whole number of the House is adjusted to 435.

□ 1045

WELCOMING RABBI JOUI HESSEL, WASHINGTON HEBREW CONGREGATION, WASHINGTON, D.C.

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

Ms. ROS-LEHTINEN. Mr. Speaker, it is a real pleasure to welcome a special guest to our House from Miami, Florida, who shared her message of prayer and inspiration with us today, Rabbi Joui Hessel. We are happy to have the Rabbi and her wonderful family, who reside in my congressional district in Miami, Florida, with us here today.

Rabbi Hessel was ordained from the Hebrew Union College Jewish Institute of Religion in New York in 2001. While in Rabbinical School in New York, she served several congregations and also served as the Education Intern at Leo Bacck Temple in Los Angeles, California.

Rabbi Hessel is currently serving at the Washington Hebrew Congregation right here in Washington, D.C., as associate Rabbi. She has been in that capacity since June of 2001 and is active in many programs, including youth activities and adult education. The Rabbi is currently working on an educational article for a book on Parenting Young Adult Children.

Thank you, Rabbi Joui Hessel, for your spiritual leadership and for your prayers and for having such wonderful parents, who are my constituents.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1721. An act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will entertain 10 1-minute speeches per side.

NEW PRESCRIPTION DRUG CARD REDUCES COSTS FOR SENIORS

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

Mr. KINGSTON. Mr. Speaker, effective June 1, each senior on Medicare who would like one could get a Medicare prescription drug discount card. This card will be good for about a 20 percent discount in most local pharmacies.

What the senior could do is dial 1–800–Medicare or go to WWW.MEDICARE.GOV and find out which of the local drugstores has the best deal on Lipitor or Glucophage or whatever he or she uses on a regular basis, and then, if it works, if it is a good idea, invest anywhere from $20 to $30, in that neighborhood, and choose which card is the best and start enjoying a 20 percent discount.

This is a program that precedes the 2006 voluntary program which was signed by President Bush, passed by this House and the Senate and endorsed by the AARP to give seniors on Medicare a prescription drug benefit.

It is a voluntary program, it reduces drug costs by about 50 percent, and it is something that we did not have in Medicare as an option before. It is a very good program, and I invite seniors to call 1–800 Medicare and take a look at it.

OPPOSING OUTSOURCING OF JOBS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. WOOLSEY. Mr. Speaker, my constituents write each week telling me about jobs that are being outsourced, asking me what is Congress doing about it. They are amazed and they are outraged that our President can support this policy, when over 1 million Californians are out of work.

I understand their concerns, especially when the Bush administration recently awarded a massive $10 billion government contract to Accenture, a company incorporated in Bermuda, when two American-based companies actually bid for the contract. They also know that the President used outsourced workers in India to make phone calls for his Presidential campaign. All of this, Mr. Speaker, when 8.4 million people are out of work nationwide.

Outsourcing is bad economic policy, and I urge the House leadership to address this issue immediately.

TRANSITION TO IRAQI SELF-GOVERNMENT

(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, to the new prime minister of Iraq, Dr. Ayad Allawi, let me say you are most welcome, sir. Dr. Allawi, in addition to being selected as the new prime minister for the country of Iraq, provided a very vociferous ''thank you'' to President Bush and the United States of America for ridding his country of the scourge of Saddam Hussein.

We have now seen two significant events this year, the standing up of the new Iraqi constitution, a constitution that respects majority rule but also respects the rights of the minority; a constitution that contains a robust bill of rights and the protection and the involvement of women in government. There is a clear goal understood by all who are involved in that process, to see the Iraqi people free and in charge of Iraq for the first time in generations.

America's task in Iraq is not only to defeat an enemy. It is to give strength to a friend, a free, representative government that serves the people and fights on their behalf. The sooner this goal is achieved, the sooner our job will be done.

The Iraqi interim government takes power on 30 June. It will serve for only 7 months until a new government is chosen through democratic elections to be held as soon as possible, but no later than the end of January, 2005.

AMERICANS DESIRE CHANGE OF DIRECTION

(Ms. LOFGREN asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, that old question remains relevant: Are you better off today than you were 4 years ago?

Under this Republican Congress and the Bush administration, there is no doubt that people in Silicone Valley are not better off. At home, one in three households has had a layoff since Bush took office. In January, 2001, the unemployment rate in San Jose was 1.6 percent. In April of this year, it was 6.2 percent.

Across the country, the average length of unemployment is the highest in 20 years. The overall job picture is the worst in nearly 40 years.

The truth is, House Republicans do not have a real plan. Instead, they are launching a public relations offensive ironically titled Hire Our Workers, HOW.

Yes, Americans want to know ''how'' Republicans can explain the loss of 2.2 million American jobs. ''How'' can Republicans think today's sham job training bill will help the 443,000 Californians who were laid off just last month?

Democrats have a proven track record of creating 22 million jobs in the nineties. Now Americans want a change in direction, not more votes on the same tired, gimmick proposals.

IBM WORKING TOWARD LIFELONG LEARNING

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

Mr. CARTER. Mr. Speaker, lifelong learning is very important to the competitiveness of this country. I would like to highlight what IBM, a company with a very strong presence in my district, is doing for lifelong learning.

When I visited IBM's Austin site recently, I learned about several programs that IBM has which promote science and math for children. The company's Young Explorer is an interactive apparatus that young children have to access many of the schools in districts around the country. It targets kids up to age 8. By making science and math fun, IBM hopes that these children will decide to go into areas of science and math.

IBM also runs the Excite Science Camp For Girls at 38 U.S. sites during the summer months. Such camps give seventh and eighth grade girls the opportunity to meet with IBM female engineers, design and build their own Web sites, and hopefully come to realize that engineering is a viable career option for them.

IBM has collaborative relationships with many colleges and universities. The company and students share resources and work together on research and development endeavors. The company also goes into the community and offers computer training.

IBM has the right idea. We need to create initiatives for U.S. employees to build new skills in today's global economy. If we do not, U.S. workers will get left behind.

EX-FELON VOTING RIGHTS BILL

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

Ms. CARSON of Indiana. Mr. Speaker, I rise today to say that we have celebrated for veterans during the Memorial Day weekend in a very proper and respectful way.

Last evening, I introduced legislation that would correct an inequity for our veterans. Many would be surprised to learn that veterans who have served honorably in the United States military who have been discharged honorably, who subsequently, because of posttraumatic stress disorder, find themselves within the walls of prisons on a felony conviction, when they are released after they have served their time, Mr. Speaker, many of them in certain States are denied the right to vote.

Disenfranchisement of those who jeopardized their lives in our defense of democratic ideas is an offense to the conscience of our Nation. Denying veterans who committed a crime and served their sentences the right to vote is unconscionable.

This bill would give liberty and justice for all people, Mr. Speaker, especially for our veterans. I would encourage every Member of the House who respects and loves and honors the veterans of this Nation to sign on as a sponsor of this legislation.

PUTTING PROFIT BEFORE PATRIOTISM MUST END

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

Ms. DELAURO. Mr. Speaker, time and again companies like Accenture have abused loopholes in the Tax Code to shirk their duties to the United States. They incorporate on paper in countries like Bermuda for the express purpose of avoiding U.S. taxes. There is no justification in today's world for this shameful practice, none.

Accenture also outsources jobs. Now we learn that the Department of Homeland Security has given Accenture a record $10 billion contract, I assume with the blessing of this majority, which has done everything in its power to allow this practice to continue, including watering down a provision that I authored to prohibit these companies from contracting with the Department of Homeland Security. I remind my colleagues that this House passed that provision by a vote of 318 to 110, with the other body following suit.

So when I hear some actually defend this practice, I think, tell that to the families of those men and women who have given their lives in Iraq and Afghanistan. Tell them that their loved ones gave their lives defending the right of multinational corporations to cheat the American taxpayer, because that is what they are doing.

The time for putting profit before patriotism has passed. That is what these folks are doing. Rewarding companies who have abandoned our country with government contracts, as this administration is continuing to do, is not only unpatriotic, it is immoral. It should end.

SENIORS OF AMERICA DESERVE BETTER PRESCRIPTION DRUG COVERAGE

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

Ms. KILPATRICK. Mr. Speaker, the seniors of America deserve better. This Republican House and Republican Senate, as well as the President, have passed a Medicare bill at 3 in the morning that is a sham on seniors.

Our seniors need and want lower prescription prices. This bill did nothing to lower prices. Medicare negotiates for lower prices for the bulk of the 40 million Americans who need assistance. This bill does not allow our seniors to go to Canada, where medicines cost two-thirds less than what they are in America.

Finally, there is the discount card that is not a discount. Seniors, if you have a discount from a pension plan from yourself or your husband, it is going to be better than this one. Use it.

Mr. Speaker, this is a sham on our seniors. Our seniors deserve more. They built our country. Let us do better. Help them get their medicines. They need them to survive.

RECOUPING MONEY STOLEN BY ENRON

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

Mr. INSLEE. Mr. Speaker, it is high time for the Bush administration to take action to recoup the hundreds of millions of dollars that the Enron energy trading racket stole from people in the State of Washington.

We have now heard the tapes, the smoking guns, where energy traders talk about ''jamming'' grandmothers in Washington State, saying ''burn, baby, burn,'' during the brownouts, just laughing at the fact that they got away with hundreds of millions of dollars of theft.

We are calling on the administration to stop protecting the Enron energy trading racket. We will offer on the floor of the House next week an amendment to compel the Federal Energy Regulatory Commission to get off the dime and get our money back from Enron.

This is a ripoff that is too obvious even for the Bush administration to ignore, and it is time for Congress to stand up on our hind legs and force this administration to take action. The people in Snohomish County deserve their hundreds of millions of dollars back, and we are going to see to it that they get it.

AARP AND THE DRUG BILL

(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, AARP owes every senior an explanation. Its leader trumpeted a Republican prescription drug bill passed in the dead of night last year. It would have been dead on arrival if the administration had told the truth, but they did not.

But the seniors, including my 94-year-old mother, are really smart. So AARP, when they sent out 26,000 packets of information, only 400 signed up.

My mother and her buddies are pretty darn smart. They know the difference between a real deal and a raw deal. The administration gave seniors a raw deal, and AARP leadership helped.

Senator KERRY will give seniors a real deal with real benefits for prescription drugs.

□ 1100

Democrats are ready to do what is right, beginning with telling the truth.

It is time AARP repudiated the reckless endorsement of a Republican bill that is bad medicine for seniors. It is time for AARP to take the medicine every mother teaches her child: tell the truth and take responsibility when you do something stupid.

BUSH TAX CUTS CAUSE LARGEST DEFICIT IN NATION'S HISTORY

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

Mr. ROSS. Mr. Speaker, in my home State of Arkansas, nearly 75,000 people are out of work today. Unemployment has increased by 19 percent in the last 3½ years.

However, our Nation's Treasury Secretary John Snow is visiting Arkansas today to talk about how President Bush's tax policy reforms are actually creating jobs in Arkansas. All the President's tax cuts for the wealthy have given us is the largest deficit ever in our Nation's history, tax cuts that our children will be forced to pay.

For Secretary Snow to come to Arkansas today and tell Arkansans the administration's economic plan is creating jobs shows a blatant disregard for what Arkansas families are really facing. Working families do not need more rhetoric; they need jobs, they need affordable health care, they need a real Medicare prescription drug plan and, yes, they need lower gasoline prices, all things this administration has failed to do.

ALLOWING SENIORS ACCESS TO DRUG REIMPORTATION

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

Mr. SANDLIN. Mr. Speaker, the new drug discount card is nothing more than the old bait and switch. The Republican leadership continues to try to trick our seniors into thinking they are getting a Medicare prescription drug benefit, while in reality offering nothing more than an 18-month sham program that fails to offer any significant savings to seniors. Not surprisingly, this temporary program prioritizes the pharmaceutical companies' profit over the health care expenses of our Nation's seniors.

While the administration has claimed that these cards will have savings ranging from 10 percent to 25 percent, there is no guarantee of this; and there is absolutely no control over the prices charged.

Additionally, the drug companies determine what drugs to discount and how much seniors pay. And while seniors are locked into a drug card for a full year, the drug companies are at liberty to change what discounts they offer from week to week. As a matter of fact, some have already changed their drug prices so that it does not cut into their bottom line.

The truth is that a better solution with real benefits is available. With drug costs increasing at 3.5 times the rate of inflation, we owe it to our Nation's seniors to finally allow them access to drug reimportation.

It is time to do the right thing and offer real savings to our seniors. We cannot afford not to do so.

2006 BUDGET CUTS

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

Mr. EMANUEL. Mr. Speaker, last week we learned from an internal Bush administration budget memo detailing their planned cuts.

According to the budget document, education, transportation, Social Security, the Environmental Protection Agency, National Science Foundation, and the Small Business Administration are all in line for drastic cuts in their budgets. Head Start, for example, a $177 million cut. The National Institutes of Health would be slashed by more than $600 million. The administration is planning cuts for 2006; and all the while, they are asking for an additional $25 billion to rebuild and secure Iraq. The additional $25 billion for Iraq is on top of the $165 billion the American taxpayers have already allocated and paid.

These reconstruction funds are building schools, roads, and encouraging business development in Iraq; and all the while, we are making corresponding cuts here at home. I understand that we need to rebuild Iraq and Afghanistan, but not at the expense of what we do here in the United States.

Mr. Speaker, when President Bush in 2000 declared his opposition to nation-building, who knew it was America he was talking about.

THE IMPORTANCE OF INFORMING SENIORS ABOUT MEDICARE PRESCRIPTION DRUG BENEFIT

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

Mr. PENCE. Mr. Speaker, as many know, for deeply held philosophical reasons, I opposed the creation of a prescription drug entitlement in Medicare. But I never opposed helping low-income seniors or using the private sector to give seniors more buying power to save money on their prescription drugs, which is exactly what became available this week with the new Medicare drug discount card and the $600 credit for low-income seniors. In fact, I hosted five Medicare discount drug fairs across my district, speaking to more than 1,000 of my constituents.

While many have made speeches on this floor and across the country creating anxiety about this new bill, I found it instructive to spend time with seniors. Despite my opposition to a drug entitlement, I felt I had a moral obligation to explain to seniors, particularly low-income seniors, what is available as of this week in the new Medicare drug discount card benefit.

I urge all of my colleagues, regardless of your view of this legislation, to view what is available in this law and to discharge your duty to your constituents to make knowledge available of the new drug discount card and the low-income assistance for seniors.

BACK TO WORK INCENTIVE ACT OF 2003

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 656, I call up the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 656, the bill is considered read for amendment.

The text of H.R. 444 is as follows:

H.R. 444

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 ''Back to Work Incentive Act of 2003''.

SEC. 2. GRANTS TO SUPPORT PERSONAL REEMPLOYMENT ACCOUNTS.

Subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 5A—PERSONAL REEMPLOYMENT ACCOUNTS

"SEC. 135A. PURPOSES.

''The purposes of this chapter are to provide for the establishment of personal reemployment accounts for certain individuals identified as likely to exhaust their unemployment compensation in order to—

''(1) accelerate the reemployment of such individuals;

''(2) promote the retention in employment of such individuals; and

''(3) provide such individuals with enhanced flexibility, choice, and control in obtaining intensive reemployment, training, and supportive services.

"SEC. 135B. DEFINITION.

''In this chapter, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

"SEC. 135C. GRANTS TO STATES.

''(a) GRANTS.—The Secretary shall—

''(1) reserve 2/10 of 1 percent of the amount appropriated under section 137(d) for use under section 135I; and

''(2) use the remainder of the amount appropriated under section 137(d) to make allotments in accordance with subsection (b).

''(b) ALLOTMENT AMONG STATES.—

''(1) IN GENERAL.—From the amount made available under subsection (a)(2), the Secretary shall allot to each State an amount that is proportionate to the relative number of unemployed individuals in the State as compared to the total number of unemployed individuals in all States in order to provide assistance for eligible individuals in accordance with this chapter.

''(2) SMALL STATE MINIMUM ALLOTMENT.—The Secretary shall ensure that—

''(A) each State (other than the United States Virgin Islands) shall receive an allotment under paragraph (1) that is not less than 3/10 of 1 percent of the amount made available under subsection (a)(2) for the fiscal year; and

''(B) the United States Virgin Islands shall receive an allotment under paragraph (1) that is not less than 1/10 of 1 percent of the amount made available under subsection (a)(2) for the fiscal year.

''(c) AVAILABILITY.—Notwithstanding section 189(g)(1), amounts made available under subsection (a) to carry out this chapter shall be available for obligation and expenditure beginning on the date of the enactment of the Back to Work Incentive Act of 2003.

"SEC. 135D. WITHIN STATE ALLOCATION.

''(a) ALLOCATION.—Of the amount allotted to a State under section 135C—

''(1) not more than 2 percent of the amount may be reserved by the Governor of the State to enhance the system of worker profiling described in section 303(j) of the Social Security Act and to establish and operate a data management system, as necessary, and carry out other appropriate activities to implement this chapter;

''(2) 5 percent of the amount shall be allocated by the State to local areas in accordance with the formula described in subsection (b) for start-up costs and other operating costs related to the provision of assistance under this chapter; and

''(3) the remainder of the amount shall be provided to local areas for the establishment of personal reemployment accounts described in section 135E for eligible individuals in such local areas.

''(b) FORMULA.—A State shall allocate funds to local areas in the State under subsection (a)(2) in an amount that is proportionate to the relative number of unemployed individuals in the local area as compared to the total number of unemployed individuals in the State.

''(c) AVAILABILITY.—Notwithstanding section 189(g)(2), amounts allotted to a State under section 135C, and amounts subsequently provided to a local area under this section, shall be available for obligation and expenditure only for the 3-year period beginning on the date of the enactment of the Back to Work Incentive Act of 2003.

"SEC. 135E. PERSONAL REEMPLOYMENT ACCOUNTS.

''(a) ACCOUNTS.—

''(1) IN GENERAL.—Funds provided to a local area under section 135D shall be used to provide eligible individuals with personal reemployment accounts to be used in accordance with section 135F. An eligible individual may receive only one personal reemployment account.

''(2) AMOUNT.—The State shall establish the amount of a personal reemployment account, which shall be uniform throughout the State, and shall not exceed $3,000.

''(b) ELIGIBLE INDIVIDUALS.—

''(1) IN GENERAL.—Each State shall establish eligibility criteria for individuals for personal reemployment accounts in accordance with this subsection.

''(2) MINIMUM ELIGIBILITY CRITERIA REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), an individual shall be eligible to receive assistance under this chapter if, beginning after the date of enactment of the Back to Work Incentive Act of 2003, the individual—

''(i) is identified by the State pursuant to section 303(j)(1) of the Social Security Act as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment;

''(ii) is receiving regular unemployment compensation under any State or Federal unemployment compensation program administered by the State; and

''(iii) is eligible for not less than 20 weeks for the regular unemployment compensation described in clause (ii).

''(B) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—A State may establish criteria that is in addition to the criteria described in subparagraph (A) for the eligibility of individuals to receive assistance under this chapter. A State may also establish criteria for priority in the provision of assistance to such eligible individuals under this chapter.

''(3) TRANSITION RULE.—

''(A) PREVIOUSLY IDENTIFIED AS LIKELY TO EXHAUST UNEMPLOYMENT COMPENSATION.—

''(i) IN GENERAL.—At the option of the State, and subject to clause (ii), an individual may be eligible to receive assistance under this chapter if the individual—

''(I) during the 90-day period ending on the date of the enactment of the Back to Work Incentive Act of 2003, was identified by the State pursuant to section 303(j)(1) of the Social Security Act as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment; and

''(II) otherwise meets the requirements of clauses (ii) and (iii) of paragraph (2)(A).

''(ii) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—A State may establish criteria that is in addition to the criteria described in clause (i) for the eligibility of individuals to receive assistance under this chapter. A State may also establish criteria for priority in the provision of assistance to such eligible individuals under this chapter.

''(B) PREVIOUSLY EXHAUSTED UNEMPLOYMENT COMPENSATION.—At the option of the State, an individual may be eligible to receive assistance under this chapter if the individual—

''(i) during the 90-day period ending on the date of the enactment of the Back to Work Incentive Act of 2003, exhausted all rights to any unemployment compensation; and

''(ii)(I) is enrolled in training and needs additional support to complete such training, with a priority of service to be provided to such individuals who are training for shortage occupations or high-growth industries; or

''(II) is separated from employment in an industry or occupation that has experienced declining employment, or no longer provides any employment, in the local labor market during the two-year period ending on the date of the determination of eligibility of the individual under this subparagraph.

''(4) NO INDIVIDUAL ENTITLEMENT.—Nothing in this chapter shall be construed to entitle any individual to receive a personal reemployment account.

''(c) LOCAL ADMINISTRATION.—

''(1) INFORMATION AND ATTESTATION.—Prior to the establishment of a personal reemployment account for an eligible individual under this chapter, the one-stop delivery system shall ensure that the individual—

''(A) is informed of the requirements applicable to the personal reemployment account, including the allowable uses of funds from the account, the limitations on access to services described under section 135F(a)(3)(C) and a description of such services, and the conditions for receiving a reemployment bonus;

''(B) has the option to develop a personal reemployment plan which will identify the employment goals and appropriate combination of services selected by the individual to achieve the employment goals; and

''(C) signs an attestation that the individual will comply with the requirements relating to the personal reemployment accounts under this chapter and will reimburse the account or, if the account has been terminated, the program under this chapter, for any amounts expended from the account that are not allowable.

''(2) PERIODIC INTERVIEWS.—If a recipient exhausts his or her rights to any unemployment compensation, and the recipient has a remaining balance in his or her personal reemployment account, the one-stop delivery system shall conduct periodic interviews with the recipient to assist the recipient in meeting his or her individual employment goals.

"SEC. 135F. USE OF FUNDS.

''(a) ALLOWABLE ACTIVITIES.—

''(1) IN GENERAL.—Subject to the requirements contained in paragraphs (2) and (3), a recipient may use amounts in a personal reemployment account to purchase one or more of the following:

''(A) Intensive services, including those types of services specified in section 134(d)(3)(C).

''(B) Training services, including those types of services specified in section 134(d)(4)(D).

''(C) Supportive services, except for needs-related payments.

''(D) Assistance to purchase or lease an automobile, if such assistance is necessary to allow the recipient to accept a bona fide offer of employment for which there is a reasonable expectation of long-term duration.

''(2) DELIVERY OF SERVICES.—The following requirements relating to delivery of services shall apply to the program under this chapter:

''(A) Recipients may use funds from the personal reemployment account to purchase

the services described in paragraph (1) through the one-stop delivery system on a fee-for-service basis, or through other providers, consistent with safeguards described in the State plan under section 135G.

''(B) The one-stop delivery system may pay costs for such services directly on behalf of the recipient, through a voucher system, or by reimbursement to the recipient upon receipt of appropriate cost documentation, consistent with safeguards described in the State plan under section 135G.

''(C) Each one-stop delivery system shall make available to recipients information on training providers specified in section 134(d)(4)(F)(ii), information available to the one-stop delivery system on providers of the intensive and supportive services described in paragraph (1), and information relating to occupations in demand in the local area.

''(3) LIMITATIONS.—The following limitations shall apply with respect to personal reemployment accounts under this chapter:

''(A)(i) Amounts in a personal reemployment account may be used for up to one year from the date of the establishment of the account.

''(ii) No personal reemployment account may be established beginning 2 years after the date of the enactment of the Back to Work Incentive Act of 2003.

''(B) Each recipient shall submit cost documentation as required by the one-stop delivery system.

''(C) For the 1-year period following the establishment of the account, recipients may not receive intensive, supportive, or training services funded under this title except on a fee-for-services basis as specified in paragraph (2)(A).

''(D) Amounts in a personal reemployment account shall be nontransferable.

''(b) INCOME SUPPORT.—A State may authorize recipients determined eligible under section 135E(b)(3)(B) to withdraw amounts from the personal reemployment account on a weekly basis for purposes of income support in amounts up to the average weekly amount of unemployment compensation that the individual received prior to his or her exhaustion of rights to unemployment compensation if the individual is engaged in job search, intensive services, or training that is expected to lead to employment.

''(c) REEMPLOYMENT BONUS.—

''(1) IN GENERAL.—Subject to paragraph (2)—

''(A) if a recipient determined eligible under section 135E(b)(2) obtains full-time employment before the end of the 13th week of unemployment for which unemployment compensation is paid, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash; and

''(B) if a recipient determined eligible under section 135E(b)(3) obtains full-time employment before the end of the 13th week after the date on which the account is established, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash.

''(2) LIMITATIONS.—The following limitations shall apply with respect to a recipient described in paragraph (1):

''(A) 60 percent of the remaining personal reemployment account balance shall be paid to the recipient at the time of reemployment.

''(B) 40 percent of the remaining personal reemployment account balance shall be paid to the recipient not later than 6 months after the date of reemployment.

''(3) EXCEPTION REGARDING SUBSEQUENT UNEMPLOYMENT.—If a recipient described in paragraph (1) subsequently becomes unemployed due to a lack of work after receiving the portion of the reemployment bonus specified under paragraph (2)(A), the individual may use the amount remaining in the personal reemployment account for the purposes described in subsection (a) but may not be eligible for additional cash payments under this subsection.

''SEC. 135G. STATE PLAN.

''(a) IN GENERAL.—In order for a State to receive an allotment under section 135C, the Governor of the State shall submit to the Secretary a plan that includes a description of how the State intends to carry out the personal reemployment accounts authorized under this chapter, including—

''(1) the criteria and methods to be used for determining eligibility for the personal reemployment accounts, including whether the State intends to include the optional categories described in section 135E(b)(3), and the additional criteria and priority for service that the State intends to apply, if any, pursuant to section 135E(b)(2)(B);

''(2) the methods or procedures, developed in consultation with local boards and chief elected officials, to be used to provide eligible individuals information relating to services and providers, and safeguards, developed in consultation with such boards and officials, to ensure that funds from the personal reemployment accounts are used for purposes authorized under this chapter and are not used for services or providers that are wholly unreasonable or egregious;

''(3) how the State will coordinate the activities carried out under this chapter with the employment and training activities carried out under section 134 and other activities carried out through the one-stop delivery system in the State.

''(b) PLAN SUBMISSION AND APPROVAL.—A State plan submitted to the Secretary under subsection (a) by a Governor shall be considered to be approved by the Secretary at the end of the 30-day period beginning on the date the Secretary receives the plan, unless the Secretary makes a written determination during such period that the plan is incomplete or otherwise inconsistent with the provisions of this chapter.

''SEC. 135H. PROGRAM INFORMATION.

''The Secretary may require from States the collection and reporting on such financial, performance, and other program-related information as the Secretary determines is appropriate to carry out this chapter, including the evaluation described in section 135I.

''SEC. 135I. EVALUATION.

''(a) EVALUATION.—From the amount made available under section 135C(a)(1), the Secretary, pursuant to the authority provided under section 172, shall, directly or through grants, contracts, or cooperative agreements with appropriate entities, conduct an evaluation of the activities carried out under this chapter.

''(b) CONDUCT OF EVALUATION.—The evaluation shall examine the effectiveness of such activities in achieving the purposes described in section 135A and such other purposes as the Secretary determines are appropriate.

''(c) REPORT.—The report to Congress under section 172(e) relating to the results of the evaluations required under section 172 shall include the recommendation of the Secretary with respect to the use of personal reemployment accounts as a mechanism to assist individuals in obtaining and retaining employment.''.

SEC. 3. ADMINISTRATION.

Section 117(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (3)(B)(i)(I), by striking ''sections 128 and 133'' and inserting ''sections 128, 133, and 135D''; and

(2) in paragraph (4), by inserting '', activities authorized under section 135F'' after ''section 134''.

SEC. 4. DELIVERY OF SERVICES.

Section 134(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) shall provide access to personal reemployment accounts in accordance to section 135E.''.

SEC. 5. AUTHORIZATION OF APPROPRIATION.

Section 137 of the Workforce Investment Act of 1998 (29 U.S.C. 2872) is amended by adding at the end the following:

''(d) PERSONAL REEMPLOYMENT ACCOUNTS.—

''(1) IN GENERAL.—There is authorized to be appropriated $3,600,000,000 for fiscal year 2003 to carry out chapter 5A.

''(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) to carry out section 135I are authorized to remain available until expended.''.

SEC. 6. CONFORMING AMENDMENT.

The table of contents for the Workforce Investment Act of 1998 is amended by inserting after the items relating to chapter 5 of subtitle B of title I the following new items:

''CHAPTER 5A—PERSONAL REEMPLOYMENT ACCOUNTS

''Sec. 135A. Purposes.
''Sec. 135B. Definitions.
''Sec. 135C. Grants to States.
''Sec. 135D. Within State allocation.
''Sec. 135E. Personal reemployment accounts.
''Sec. 135F. Use of funds.
''Sec. 135G. State plan.
''Sec. 135H. Program information.
''Sec. 135I. Evaluation, technical assistance, and data collection activities.''.

The SPEAKER pro tempore. In lieu of the amendment recommended by the Committee on Education and the Workforce printed in the bill, the amendment in the nature of a substitute consisting of the text of H.R. 4444 is adopted.

The text of the amendment in the nature of a substitute consisting of the text of H.R. 4444 is as follows:

H.R. 4444

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 ''Worker Reemployment Accounts Act of 2004''.

SEC. 2. GRANTS TO SUPPORT PERSONAL REEMPLOYMENT ACCOUNTS.

Section 171 of the Workforce Investment Act of 1998 is amended by adding at the end the following:

''(e) PERSONAL REEMPLOYMENT ACCOUNTS.—

''(1) DEFINITION.—In this subsection, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

''(2) DEMONSTRATION PROJECT.—In addition to the demonstration projects under subsection (b), the Secretary may establish and implement a national demonstration project designed to analyze and provide data on workforce training programs that accelerate the reemployment of unemployed individuals, promote the retention in employment of such individuals, and provide such individuals with enhanced flexibility, choice, and control in obtaining intensive reemployment, training, and supportive services.

''(3) GRANTS.—

''(A) IN GENERAL.—In carrying out the demonstration project, the Secretary shall make grants, on a competitive basis, to eligible entities to provide personal reemployment accounts to eligible individuals. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

''(B) DURATION.—The Secretary shall make the grants for periods of not less than 2 years and may renew the grant for each of the succeeding 3 years.

''(4) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State; or

''(B) a local board or consortium of local boards.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to provide, through a local area or areas, eligible individuals with personal reemployment accounts. An eligible individual may receive only 1 personal reemployment account.

''(B) GEOGRAPHIC AREA AND AMOUNT.—

''(i) IN GENERAL.—The eligible entity shall establish the amount of a personal reemployment account for each eligible individual participating, which shall be uniform throughout the area represented by the eligible entity, and shall not exceed $3,000.

''(ii) OPTION FOR STATES.—If the eligible entity is a State, the eligible entity may choose to use the grant statewide, if practicable, or only in specified local areas within a State.

''(C) ELIGIBLE INDIVIDUALS.—

''(i) IN GENERAL.—Each eligible entity shall establish eligibility criteria for individuals for personal reemployment accounts in accordance with this subparagraph.

''(ii) ELIGIBILITY CRITERIA REQUIREMENTS.—

''(I) IN GENERAL.—Subject to subclause (II), an individual shall be eligible to receive a personal reemployment account under a grant awarded under this subsection if, beginning after the date of enactment of this subsection, the individual—

''(aa) is identified by the State pursuant to section 303(j)(1) of the Social Security Act (42 U.S.C. 503(j)(1)) as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment, or the individual's unemployment can be attributed in substantial part to unfair competition from Federal Prison Industries, Incorporated;

''(bb) is receiving regular unemployment compensation under any Federal or State unemployment compensation program administered by the State; and

''(cc) is eligible for not less than 20 weeks of regular unemployment compensation described in item (bb).

''(II) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—An eligible entity may establish criteria that are in addition to the criteria described in subclause (I) for the eligibility of individuals to receive a personal reemployment account under this subsection. An eligible entity may also establish criteria for priority in the provision of a personal reemployment account to such eligible individuals under a grant awarded under this subsection.

''(iii) TRANSITION RULE.—

''(I) PREVIOUSLY IDENTIFIED AS LIKELY TO EXHAUST UNEMPLOYMENT COMPENSATION.—

''(aa) IN GENERAL.—At the option of the eligible entity, and subject to item (bb), an individual may be eligible to receive a personal reemployment account under this subsection if the individual—

''(AA) during the 13-week period ending the week prior to the date of the enactment of the subsection, was identified by the State pursuant to section 303(j)(1) of the Social Security Act (42 U.S.C. 503(j)(1)) as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment; and

''(BB) otherwise meets the requirements of clause (ii)(I)(bb) and (cc).

''(bb) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—An eligible entity may establish criteria that is in addition to the criteria described in item (aa) for the eligibility of individuals to receive a personal reemployment account under this subsection. An eligible entity may also establish criteria for priority in the provision of such accounts to such eligible individuals under this subsection.

''(II) PREVIOUSLY EXHAUSTED UNEMPLOYMENT COMPENSATION.—At the option of the eligible entity, an individual may be eligible to receive a personal reemployment account under a grant awarded under this subsection if the individual—

''(aa) during the 26-week period ending the week prior to the date of the enactment of this subsection, exhausted all rights to any unemployment compensation; and

''(bb)(AA) is enrolled in training and needs additional support to complete such training, with a priority of service to be provided to such individuals who are training for shortage occupations or high-growth industries; or

''(BB) is separated from employment in an industry or occupation that has experienced declining employment, or no longer provides any employment, in the local labor market during the 2-year period ending on the date of the determination of eligibility of the individual under this subparagraph.

''(iv) NO INDIVIDUAL ENTITLEMENT.—Nothing in this subsection shall be construed to entitle any individual to receive a personal reemployment account.

''(D) LIMITATIONS.—

''(i) INFORMATION AND ATTESTATION.—Prior to the establishment of a personal reemployment account for an eligible individual, the eligible entity receiving a grant, through the one-stop delivery system in the participating local area or areas, shall ensure that the individual—

''(I) is informed of the requirements applicable to the personal reemployment account, including the allowable uses of funds from the account, the limitations on access to services described in paragraph (7)(A)(iii) and a description of such services, and the conditions for receiving a reemployment bonus;

''(II) has the option to develop a personal reemployment plan which will identify the employment goals and appropriate combination of services selected by the individual to achieve the employment goals; and

''(III) signs an attestation that the individual has been given the option to develop a personal reemployment plan in accordance with subclause (II), will comply with the requirements under this subsection relating to the personal reemployment accounts, and will reimburse the account or, if the account has been terminated, the grant awarded under this subsection, for any amounts expended from the account that are not allowable.

''(ii) PERIODIC INTERVIEWS.—If a recipient exhausts his or her rights to any unemployment compensation, and the recipient has a remaining balance in his or her personal reemployment account, the one-stop delivery system shall conduct periodic interviews with the recipient to assist the recipient in meeting his or her individual employment goals.

''(iii) USE OF PERSONAL REEMPLOYMENT ACCOUNTS.—The eligible entity receiving a grant shall ensure that eligible individuals receiving a personal reemployment account use the account in accordance with paragraph (7).

''(6) APPLICATION FOR GRANTS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) if the eligible entity is a State—

''(i) assurance that the application was developed in conjunction with the local board or boards and chief elected officials where the personal reemployment accounts shall be made available; and

''(ii) a description of the methods and procedures for providing funds to local areas where the personal reemployment accounts shall be made available; and

''(B) a description of the criteria and methods to be used for determining eligibility for the personal reemployment account, including whether the eligible entity intends to include the optional categories described in paragraph (5)(C)(iii), and the additional criteria and priority for service that the eligible entity intends to apply, if any, pursuant to paragraph (5)(C)(ii)(II);

''(C) a description of the methods or procedures to be used to provide eligible individuals information relating to services and providers;

''(D) a description of safeguards to ensure that funds from the personal reemployment accounts are used for purposes authorized under this subsection and to ensure the quality and integrity of services and providers, consistent with the purpose of providing eligible individuals with enhanced flexibility, choice, and control in obtaining intensive reemployment, training, and supportive services;

''(E) a description of how the eligible entity will coordinate the activities carried out under this subsection with the employment and training activities carried out under section 134 and other activities carried out by local boards through the one-stop delivery system in the State or local area; and

''(F) an assurance that the eligible entity will comply with any evaluation and reporting requirements the Secretary may require.

''(7) USE OF PERSONAL REEMPLOYMENT ACCOUNTS.—

''(A) ALLOWABLE ACTIVITIES.—

''(i) IN GENERAL.—Subject to the requirements contained in clauses (ii) and (iii), a recipient of a personal reemployment account may use amounts in a personal reemployment account to purchase 1 or more of the following:

''(I) Intensive services, including those type of services specified in section 134(d)(3)(C).

''(II) Training services, including those types of services specified in section 134(d)(4)(D).

''(III) Supportive services, except for needs related payments.

''(ii) DELIVERY OF SERVICES.—The following requirements relating to delivery of services shall apply to the grants under this subsection:

''(I) Recipients may use funds from the personal reemployment account to purchase the services described in clause (i) through the one-stop delivery system on a fee-for-service basis, or through other providers, consistent with the safeguards described in paragraph (6)(D).

''(II) The eligible entity, through the one-stop delivery system in the participating local area, may pay costs for such services directly on behalf of the recipient, through a voucher system, or by reimbursement to the recipient upon receipt of appropriate cost documentation.

''(III) Each eligible entity, through the one-stop delivery system in the participating local area, shall make available to recipients information on training providers specified in section 134(d)(4)(F)(ii), information available to the one-stop delivery system on providers of the intensive and supportive services described in clause (i), and information relating to occupations in demand in the local area.

''(iii) LIMITATIONS.—The following limitations shall apply with respect to personal reemployment accounts under this subsection:

''(I) Amounts in a personal reemployment account may be used for up to 1 year from the date of the establishment of the account.

''(II) Each recipient shall submit cost documentation as required by the one-stop delivery system.

''(III) For the 1-year period following the establishment of the account, recipients may not receive intensive, supportive, or training services funded under this title except on a fee-for-services basis as specified in clause (ii)(I).

''(IV) Amounts in a personal reemployment account shall be nontransferable.

''(B) REEMPLOYMENT BONUS.—

''(i) IN GENERAL.—Subject to clause (ii)—

''(I) if a recipient determined eligible under paragraph (5)(C)(ii) obtains full-time employment before the 13th week of unemployment for which unemployment compensation is paid, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash; and

''(II) if a recipient determined eligible under paragraph (5)(C)(iii) obtains full-time employment before the end of the 13th week after the date on which the account is established, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash.

''(ii) LIMITATIONS.—The following limitations shall apply with respect to a recipient described in clause (i):

''(I) 60 percent of the remaining personal reemployment account balance shall be paid to the recipient at the time of employment.

''(II) 40 percent of the remaining personal reemployment account shall be paid to the recipient after 26 weeks of employment retention.

''(iii) EXCEPTION REGARDING SUBSEQUENT EMPLOYMENT.—If a recipient described in clause (i) subsequently becomes unemployed due to a lack of work after receiving the portion of the reemployment bonus specified under clause (ii)(I), the individual may use the amount remaining in the personal reemployment account for the purposes described in subparagraph (A) but may not be eligible for additional cash payments under this subparagraph.

''(8) PROGRAM INFORMATION AND EVALUATION.—

''(A) INFORMATION.—The Secretary may require from eligible entities the collection and reporting on such financial, performance, and other program-related information as the Secretary determines is appropriate to carry out this subsection, including the evaluation described in subparagraph (B).

''(B) EVALUATION.—

''(i) IN GENERAL.—The Secretary, pursuant to the authority provided under section 172, shall, directly or through grants, contracts, or cooperative agreement with appropriate entities, conduct an evaluation of the activities carried out under any grants awarded under this subsection.

''(ii) REPORT.—The report to Congress under section 172(e) relating to the results of the evaluations required under section 172 shall include the recommendation of the Secretary with respect to the use of personal reemployment account as a mechanism to assist individuals in obtaining and retaining employment.''.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. KILDEE) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and included extraneous material on H.R. 444.

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

There was no objection.

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

Mr. Speaker, the economic news over the last 8 months has been very encouraging. Republicans and President Bush have focused on creating jobs and opportunity, helping working Americans by providing tax relief, improving worker training and education to help Americans without work get back on their feet, and enhancing the competitiveness of employers both at home and abroad to ensure they continue to hire more and more American workers.

As recent data from the Labor Department shows, the U.S. is creating thousands of new jobs every month. The pro-growth agenda has created 1.1 million net new jobs over the last 8 months, and 625,000 jobs, net new jobs, I should say, in March and April alone. Moreover, the national unemployment rate declined to 5.6 percent in April, lower than the average unemployment rate during the 1970s, the 1980s, and the 1990s.

While this is welcome news for working Americans, we remain committed to ensuring that every displaced worker has the opportunity to find meaningful employment and access to job-training services that will help them find good-paying jobs. As President Bush has said, one worker out of work is one too many, and we have a responsibility to help working families in times when they need it most.

Job training and worker education is more important to this effort in today's changing economy now more than ever before. Every member of our society, including those who are most vulnerable and the hardest to employ, want to achieve independence and self-sufficiency. No American wants endless reliance on our government, and I think the President recognizes that and providing personal reemployment accounts represents one more way we are helping the unemployed by specifically tailoring job training and employment services to meet their unique needs.

Giving displaced workers the resources they need and continuing this economic expansion is critically important. That brings us to why we are here today: to highlight a new and innovative approach to helping the unemployed get back on their feet. The bill before us, the Worker Reemployment Accounts Act, allows demonstration funding under the Workforce Investment Act to be used by States and local workforce investment boards for a pilot project to offer personal reemployment accounts of up to $3,000.

With the funds from these accounts, unemployed workers may purchase a variety of different services to help them find a new job and to reenter the workforce, including job training, child care, transportation, housing assistance, relocation services, career counseling, computer classes, just to name a few. And all of these are accessible through the One-Stop Career Center system where unemployed workers already seek job training assistance.

A key component of this plan allows workers who become reemployed within 13 weeks to keep the balance of their account as a cash reemployment bonus. In addition, these reemployment accounts empower individual recipients to make choices appropriate for their own circumstances. Recipients will be able to create reemployment accounts that help them navigate all of the options that are available, such as career counseling or job training for a new profession. In providing choice and flexibility, I think we get people back to work into steady, good-paying jobs sooner.

For those who are struggling to get back on their feet, we in Congress, I think, have a responsibility to look for additional solutions to help them when they need it most. The intent of this bill is clear: this new benefit supplements and enhances the services that are already available for those who are most likely to face obstacles in finding and keeping new employment, whether it be unemployment benefits or the employment training programs offered through the Workforce Investment Act.

The bill before us is a pilot project, a scaled-back version of a more comprehensive proposal that the Committee on Education and the Workforce approved last year. Our goal here is to put this program to a test, see how it works in practice, and determine whether it truly gives unemployed workers an option, a workable option to help them improve their job search. The lessons learned through this pilot project will give Congress more information on how best to serve those who are looking for work.

Mr. Speaker, I want to thank the gentleman from Nevada (Mr. PORTER) and the gentleman from California (Mr. MCKEON) for their work on this measure and last year's bill as well. During hearings that we had last year, we heard from State leaders at a field hearing in Nevada about the practical benefits of these reemployment accounts in helping the unemployed. We also heard from Labor Secretary Elaine Chao, who said that the accounts ''will empower individuals by giving them more flexibility, personal choice, and

control over their job search and career.''

Over the past 2 years, we have taken numerous steps to help unemployed workers, and we are also in the process of reauthorizing the Federal job-training programs under the Workforce Investment Act. Millions of jobless workers should not have to wait for job-training reform, and Congress has an obligation this year to improve those job-training opportunities for American workers. Unfortunately, it appears, though, that some in the other body want to block major job-training legislation that would help strengthen training and retraining opportunities for American workers. I think if given the opportunity, we look forward to completing work on that legislation this year.

But Congress must act now to provide new, innovative options to help workers as quickly as possible, and the choice and flexibility available through personal reemployment accounts will help more Americans get back on their feet and find good jobs.

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

Mr. KILDEE. Mr. Speaker, I rise in strong opposition to H.R. 444, and I yield myself such time as I may consume.

Mr. Speaker, this bill completely misses the mark. American workers need job creation. American workers also need extended unemployment benefits. This sour economy has lost 2 million jobs since President Bush took office. This bill does nothing to address these issues, the most pressing facing our workforce today. Instead, H.R. 444 creates an untested and risky job-training voucher scheme.

This voucher scheme cuts off workers from regular job-training benefits when they accept a PRA. This legislation also demeans workers by assuming that those receiving unemployment benefits need a financial lure to go back to work.

I am not sure about other congressional districts, but unemployed workers in Flint, Michigan, my hometown, and other areas of Michigan do not need an incentive to find work. They are in desperate search of work right now. They do not need an incentive to be able to afford their mortgage or to provide for their family. They need jobs.

□ 1115

I am surprised there are those in this body that think that American workers need a financial incentive to find a job. The real story behind this bill is that it simply fails to address the most pressing needs of the American worker. It is a sham.

Let us look at the real problems facing the American worker. Two million jobs have been lost since the beginning of the Bush administration, 8.2 million individuals are unemployed, 1.5 million workers have exhausted their unemployment benefits, wages have barely kept up with inflation, and this bill does nothing to address these problems.

Substantive help for American workers lies in an initiative to create jobs and to extend unemployment insurance. Yet this Republican Congress and the Bush administration has continually failed to address these needs. The last extension of UI benefits ran out late last year. Despite some meager job growth in the past few months, we remain two million jobs in the hole since the beginning of the Bush administration. The Republican answer to these problems is a pilot project for job training vouchers.

This bill brings no new resources to help American workers. Instead, it would steal funding from other proven job training programs. How could this respond to the needs of the American workers?

In closing, Mr. Speaker, I urge Members to oppose this bill. We need real-world solutions to real-world problems, not unfunded, untested legislation which will not address the true needs of the American worker.

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

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), a member of the Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Speaker, it seems that in these debates we so often get sidetracked into discussions of ideology, and I think it is important we focus on the bill before us. I certainly have great respect for those on the minority side and understand and appreciate some of their concerns.

I think it is important that we point out that this is a pilot bill. This is not something that is going to directly impact all workers everywhere in the country. And the reason I think this is important to point out is that, as the chairman mentioned, there will be several different programs that people can allocate their money into. And let us see if Congress cannot find out exactly where people want to put their money.

So if 50 percent of the money goes to child care, and 10 percent goes to enhancing computer skills, and 40 percent goes into career counseling, pretty soon Congress is going to get a picture as to what is really important to workers and where those resources need to be allocated. This certainly represents an innovative approach to providing assistance to unemployment workers.

As the chairman mentioned, we live in a different world. I think the average worker today may have as many as four or five different jobs. And this is not necessarily because the economy is bad, it is simply because the economy is changing consistently. So almost everyone at one time or another is going to be between jobs or without a job.

I think this approach offers some unique opportunities. It certainly offers great flexibility, and this is the critical part in job training. It may have to do with computer skills, it may be earning a license to be a realtor, a financial planner, or 1 year at a community college, which I think is a tremendous option for a great many people. We feel also that child care, transportation, career counseling, relocation services, housing assistance are viable alternatives as well.

The last thing I would like to mention, Mr. Speaker, is simply the fact that there are some incentives here for people to not only get a job but to have some money, some seed money to get started on their new career. For instance, as an example, a person had a $3,000 grant and $2,000 of it was spent, maybe some of it on community college, some for child care, and there was $1,000 remaining. This would leave $600 at employment that person could use to get back on their feet and $400 to be used after 6 months of employment.

So we think that this is certainly an interesting and flexible approach. I urge support of this bill, H.R. 444.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding and for his handling of this bill for the minority on the floor and his work on it in the committee.

And the gentleman from Michigan (Mr. KILDEE) is quite right. We should oppose this bill. I have to say that I think my colleagues on the other side of the aisle are simply describing a bill that is not before us, because they talk about this as being supplemental and providing flexibility to the unemployed worker.

Now, clearly, we would like to do that, because we have 8 million unemployed individuals in this country. We have 90,000 people who are exhausting their unemployment benefits a week in this country who still have not been unable to find employment, who are in desperate straits. So, clearly, there is a need for what they are describing.

But let us understand something. What they are describing in terms of flexibility is already available in the law under the WIA bill that we are in the process of reauthorizing. They can provide you child care stipends if it helps you take advantage of a computer training program or a program at the community college or a program of a collaborative in your community. They can provide you a transportation voucher to get to that program if that is what is necessary.

That is why we designed the law that way, because we know that the unemployed come to these programs, and their needs are varied. Some people have automobiles, and some people do not. Some people have access to transportation, and some people do not. Their child care came with the job, and now they have lost it. That is why we built in that flexibility in the current program.

What this says is if you go for the bait on the hook, which is a grant, that could be up to $3,000, you are then prohibited from participating in those programs unless you take the $3,000 or the $500 or the $700. Because at $3,000 you are only going to take care of 16,000 people. We have 90,000 people who are losing their unemployment benefits a week. But if you take the $500, you then have to pay for the programs that are currently available to you in your community under the WIA act for free.

What is the deal here, folks? You are no better off. It is not supplemental. You have just lost your eligibility to what may be very good, comprehensive training programs.

In my community, industry is coming to community colleges and to the work incentive force all of the time to say we would like to structure a program in the community to provide us X number of people in biotechnology and high technology and refining business, whatever it is. That is the needs in our community.

You take this $500 voucher, you lose the eligibility to go to those programs. This is neither flexible nor supplemental. It takes away what people now have available to them. And if you took this $50 million, which obviously, given the President's memo on 2006, is going to be cut from other job training programs, if you added $50 million, you could provide much more child care to those individuals who need that to participate in retraining and to get ready for the next employment opportunity or need transportation costs covered so they can get to the community college or they can get to the training program or to the licensure program, whatever it is they choose. That is all available in law today.

The Republicans have said this is Career Week. This is Career Week in the United States House of Representatives. The only career we keep dealing with is legislation that doesn't do anything. We are making a career out of providing answers that do not answer the questions that workers are asking. We have got to stop this.

We ought to get on with the WIA bill. We ought to get it reauthorized. We ought to make sure that the funding is there so that all of the flexibility that is in that law can be utilized by the 8 million American workers who are looking for jobs in this economy and have been unable to find them.

So I would hope that my colleagues would join the gentleman from Michigan (Mr. KILDEE) and vote against this legislation, understanding that this is harmful and, in fact, it will subtract from the total job training package that this government is making available to those unemployed and to their families.

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

Mr. Speaker, we probably would not be here today if the other body would actually go to conference on the reauthorization of the Workforce Investment Act. But I think all of us realize that they have been unwilling to go to conference, and we believe that we have got every responsibility known to man to help those people who are unemployed and need help.

Secondly, let me say that, once again, we are getting into a debate about the perfect becoming the enemy of the good. What this bill does is set up a pilot project that allows unemployed workers who qualify the option of this $3,000 reemployment bonus. The real key here is that they, the unemployed workers, get to decide what kind of training they need, what kind of education they might need, what kind of services they may need to help them get back on their feet and into good work. They get to decide, not some bureaucrat in some office somewhere. They get to decide.

And this option of allowing them that flexibility, I think, is worth trying. That is what we are asking for today: Let us try this. Let us see what happens. Let us see if this additional flexibility for unemployed workers does, in fact, help them get the training, retraining they may need to find a good job.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Nevada (Mr. PORTER) the author of this bill.

Mr. PORTER. Mr. Speaker, I rise in strong support of H.R. 444 for multiple reasons.

First of all, we are facing an ever-changing economy both nationally and internationally. Could you imagine just a few years ago going go to the gas station and you would not have help or an attendant, you would have a piece of technology taking your credit card, you enter it into the gas pump, or go to the grocery store where people are being replaced by technology? Can you imagine going to rental car agency and it all being done electronically? So we are facing quite a change in the world and here in the U.S.

Nevada, as my colleagues know, is one of the fastest-growing states in the country but is also the entertainment and resort capital of the world. There was a day when we depended solely on the gaming economy. Not only gaming today is number one, we are the top shopping destination and restaurant destination in the world because we have had to change and change dramatically.

The National Chamber of Commerce has said that 40 percent of the jobs in the future do not exist today. They have also said that 75 percent of the workers as we know them today must change their skills and their technology.

Then we look at what happened after 9/11. September 11 changed the world. The community of Nevada was literally out of business for 90 days. But because of the resilient business community, because of labor working in concert with our resort industry, we are coming back stronger than ever.

The Nevada impacts are such that we are now the bellwether for the economy across the United States. The economy is turning around as Nevada has turned around. People are getting back to work. In Nevada alone we have created close to 60,000 new jobs in the last year. We are in a 4.3 percent unemployment rate, a true bellweather for the economy as it is improving across the country.

And credit goes to labor and business working together. As our business communities change, as has our labor community, such as the Culinary Union working closely with business. But nationwide housing starts, all-time high; gross national product, all-time high; Wall Street, every day we are seeing improvements. Nationwide, 1.1 million new jobs since last August, 625,000 jobs in March and April alone.

But, more importantly, the greatness of society, the greatness of America is not based upon our checkbooks. It is what we do to help those folks that need help. H.R. 444 does just that. It provides a voluntary program, a voluntary program for States to choose if they want to be a part of this program. It is a demonstration project, but, more importantly, it is a new tool to train our workers in this new global environment.

The benefits, we have touched upon them this morning but I would like to cover them one more time.

Transportation. Many of these folks in Nevada have a hard time getting to the job for the interview.

Day care. Why not allow moms and dads to have some assistance? Many need a telephone, simply a telephone to help receive that call when the job is available.

And Nevada, being one of the fastest-growing States regarding the Hispanic population, we need help with language and language barriers.

There are those that will say that these tools exist today. I am sorry, but it is very complex, very confusing. This provides for a one-stop, easy access and a matter-of-fact choice. So the employee who needs help the most can make the decision and receive the balance if they are employed within the 13 weeks.

So, in summary, Mr. Speaker, I appreciate the opportunity to speak on this very important tool as we enter this new environment, provide a new tool for a new economy. It is flexible, it is voluntary, and it provides choice for the employee.

□ 1130

Mr. Speaker, I appreciate the opportunity to speak on behalf of H.R. 444, and I appreciate Members' votes.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me time, and I thank him for his work in opposition to this

bill. I think he has it exactly right, Mr. Speaker. These PRAs, as they are called, the personal reemployment accounts, are presented to us in the face of over 2 million jobs lost under this present Republican administration. One and a half million workers have exhausted their unemployment insurance benefits. President Bush and the House Republicans refuse to extend those unemployment benefits despite these facts.

Even Federal Reserve Chairman Alan Greenspan thinks it is a good idea to extend those benefits. The money is already in the trust fund. It is the right thing to do morally. We have done it in the past, in the first Bush administration. We did it five times. It is the economically wise thing to do. For every dollar invested in unemployment benefits, $1.73 comes back into the economy because people that get it have needs. They have rent or mortgage payments to make. They have health care bills, car payments, education costs, groceries. That is what this economy needs right now to give those people a boost so they can survive while they are looking for a job.

But the administration and the Republicans in the House seem afraid that extending those benefits will be an admission of their failed economic policies, the fact that we have had two tax cuts for millionaires while we are fighting two wars, and regular Americans are the ones being asked to sacrifice. So these so-called PRAs are offered, actually they are reoffered as you have heard, as this is a bill that was already presented through the House and advisedly passed. It provides no employment, no unemployment benefits, no job creation. There is no new money to get people to work. In fact, it is going to be funded through cuts in existing programs. And because we are $500 billion in deficit, it is pretty clear that there is not going to be enough money there for the $3,000 that people are talking about. It is going to in fact be far less per person.

In brief, it is robbing from proven programs that are effective job-training programs for an experiment that is designed to fail. It is built on a false premise. We had Secretary Chao come before the committee and when asked why she would not extend unemployment insurance benefits, she said because the administration thought that was an incentive for people not to look for work. That is an insulting, false premise. Two million people are involuntarily unemployed during this term. For every three people looking, there is only one job. Many people that are getting a job are getting it at 21 percent less pay than the job that they lost.

Although the bill proposes $3,000, it is more likely that people will get far less. The one-stop centers that we have now are the centers that have the flexibility. They are serving the needs of people. In fact, they provide for the other things that were talked about, as the gentleman from California (Mr. GEORGE MILLER) said. But what they want to do here is take a program that averages 5 to $6,000 in costs for job-training programs now available to individuals that have lost their jobs and substitute it for up to $3,000 which will fall far short in which they are supposed to pay for that 5 to $6,000 worth of job training and child care and transportation and housing assistance and relocation services and career counseling.

This must be a miracle $3,000 per person because it is shrinking as the needs are there. The present system, Mr. Speaker, is working. It is one that people have worked on in a bipartisan nature. This is what we need to do, not false programs, but deal with the real needs of the unemployed. Give them extended unemployment benefits and give them a chance to get a job.

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentleman from California (Mr. MCKEON) wish to control the time of the gentleman from Ohio (Mr. BOEHNER)?

Mr. MCKEON. Yes, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. MCKEON) will control the time of the gentleman from Ohio (Mr. BOEHNER).

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON), the vice-chairman of the Subcommittee on 21st Century Competitiveness.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from California (Mr. MCKEON) for yielding me time. I thank the gentleman from Nevada (Mr. PORTER) for his work on this.

The discussion I have just heard was about what this bill is not. I would like to talk for a second about what this bill is.

This is a creative opportunity at the election of the local WIA board and at the election of the applicant for the grant to take a creative approach to take someone from unemployment to employment.

Now, outside the Beltway there is a real world; and in the 22 years prior to my election to this Congress, I ran a company, a company substantially all of whose employees were second or third career which meant they might have come out of a job loss, a job transfer, or a temporary unemployment because of the birth of a child or illness or whatever. And I can tell you in this unique world that we live in there is not a one-size-fits-all formula in terms of the requirements necessary for reemployment.

To allow the option for a local board to create these personal reemployment accounts and the option for an individual to accept the waiver and apply for the funds does the following things: it takes a person who is otherwise employable but in need of specific targeted help, whether it is in specific training, whether it is in child care or whether it is in transportation, to do a tailor-made job to go into employment, and I employed people that way every day for 22 years before I came to Congress.

It is a creative way to approach the needs of some people in looking for employment.

Secondly, what is so important for us to consider today is the present-day environment. The number of unemployed has been reduced from its peak because the American economy is improving. Those that are unemployed in many cases may be those who are more in need of specialized training or help that otherwise might have been true a year ago or 6 months ago. It is only right to grant that flexibility. And as long as we cannot get an agreement to go to conference on the base bill that now lies in limbo, it is only appropriate we take the right initiative.

I want to end with this. There are two basic motivators in human nature. One is risk and the other is reward. This approach takes the reward approach and the incentive approach and even in the end has the encouragement for residual funds to remain with the grantee, if they are employed earlier than they otherwise might have been.

Any other approach is for people to fear flexibility, to fear choice, and to fear creativity. Those are not things we should fear. Just as we proved in welfare-to-work, with targeted funds, with flexibility, with child care, with training, we could take a life of dependency and turn it into a life of independency. I will subscribe to that every single time.

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

Chairman Greenspan before the Committee on Education and the Workforce indicated that he supports the extension of unemployment benefits. And after he made that statement, of course, the President of the United States announced that he would reappoint Alan Greenspan, would extend his tenure. Well, if he does that, let us extend those unemployment benefits which Mr. Greenspan supports.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Michigan (Mr. KILDEE), for yielding me time. I rise in opposition to the bill.

I suppose if you are one of the 8 million unemployed Americans listening to this debate, Mr. Speaker, you wonder what this bill would mean to you. First, if you live in one of the many, many States that would not be part of this pilot program, it means nothing. Second, if you are in one of the States or counties that has the pilot program, you keep hearing about this $3,000, there is no $3,000. This bill was not funded in the President's budget.

If money would be scraped together for it, it would come out of something

else that helps unemployed people. It is up to $3,000. So someone listening to this, Mr. Speaker, should not assume that he or she is going to get a $3,000 voucher. But let us assume that you live in one of the pilot counties and the money is there to some extent. What does this mean? It means you are unemployed and you get a choice. You can either take all the services that the law presently provides like job training, like counseling, like transportation, like child care; or you can give up your right to receive those services for a year and take this check of up to $3,000 instead.

Now, if you have looked at the price of sending children to child care, $3,000 does not go very far. If you have looked at tuition at a career college or a community college, $3,000 does not go very far. If you have looked at the things that people need to do to get to work or find work, it does not go very far at all. So the premise of the bill seems to be that people are not taking jobs because it is better to stay on unemployment than it is to go get a job. I would suggest, Mr. Speaker, that anybody who thinks that has probably never been on unemployment.

The idea here is not that the $3,000 is going to be an incentive for people to go get a job. People are not taking jobs because the economy is not creating the jobs. For every three people looking for work in America today, there is one job. That is the problem that we ought to fix. We ought to extend unemployment benefits for those without a job. We ought to pass the transportation bill so that we put 300,000 Americans to work. We ought to adopt the Ryan proposal from yesterday that would create 100,000 new jobs for first responders to deal with our homeland security problems. That is the way to fix this problem. Not this bill.

I would urge my colleagues to oppose the bill.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON), the original author and I would describe as the father of the Workforce Investment Act. I applaud him on his good work.

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

Mr. Speaker, I rise in strong support of H.R. 444, the Worker Reemployment Accounts Act, which offers new assistance for unemployed workers in the form of personal reemployment accounts that would help workers that need it the most return to work quickly.

I would like to thank my good friend from Nevada (Mr. PORTER) for his hard work and the things he has done in getting this legislation here, and also the gentleman from Ohio (Mr. BOEHNER) for his work and leadership in getting this bill to the floor.

With 1.1 million new jobs created in the last 8 months, and 625,000 jobs added in March and April, it is clear that our economy is strong and on the right track. The economic forecast for the manufacturing sector is also bright after adding jobs for 3 consecutive months. In fact, on Tuesday the Institute for Supply Management reported that its manufacturing employment index advanced in May for the seventh consecutive month and is now at the highest mark in 31 years. Moreover, the unemployment rate fell to 5.6 percent in April, lower than the average unemployment rate during the 70s, 80s and 90s.

As an example, my home State of California added more than 61,000 jobs from December 2003 to April 2004. Under the leadership of the President and Congress who are focusing our efforts to make America more globally competitive, our Nation's economy is strengthening and adding momentum every month. Despite these encouraging signs, we need to do more to help displaced workers get back on their feet. The Worker Reemployment Accounts Act is a step in the right direction and an innovative approach to helping workers find good paying jobs.

The bill authorizes funding for a pilot program that would help workers with personal reemployment accounts of up to $3,000 to purchase employment-related services to help them return to work. This is a flexible approach that empowers Americans to find good-paying jobs. Funds from these accounts can be used for job training, career counseling, relocation services, child care, and housing assistance among others.

One of the best elements of the plan is that any unspent balance in the account can be kept by workers who find work within 13 weeks. It is a great incentive.

The personal reemployment account will be administered through the one-stop career center system established under the Workforce Investment Act, where displaced workers already seek employment assistance. State and local workforce boards that want to participate will apply to the Secretary of Labor for competitive grants to offer personal reemployment accounts to unemployed workers.

An individual who receives an account must be receiving unemployment benefits, be identified by the State as likely to exhaust his or her benefits, and be eligible for at least 20 weeks of unemployment compensation. These accounts are a new benefit that would work in tandem with unemployment insurance as an additional vehicle for helping workers in their efforts to find good jobs. It would not create an entirely new and complicated system to administer, as some on the other side of the aisle are proposing.

Over the past 2 years, Republicans have taken numerous steps to help unemployed workers, and this is another way we are responding to needs of Americans who find themselves without work.

The U.S. economy is strong and getting stronger. By giving job seekers all the necessary resources they need to return to work, we will continue this economic resurgence to keep the U.S. jobs-creation engine running strong. The Worker Reemployment Accounts Act provides a unique approach to helping displaced workers return to good jobs and deserves every Member's support.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

□ 1145

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Michigan (Mr. KILDEE) for his leadership on this issue and helping working people in our country; and, Mr. Speaker, let me say I wish that the comments of the last speaker, my colleague, were true in regards to the economy, but the facts speak to something quite different.

If we take a look at the jobs that have been created within the last several months, we find we have traded very good jobs, jobs in this country, for jobs that are paying much lower wages. When we look at the total record over the last 3 years, we find we have lost millions of jobs. When we look at the unemployment rate in this Nation, we find that many people have just given up hope, and that is why the unemployment rate may appear to be higher than it really is, but many people in this Nation who are looking for jobs cannot find jobs and have literally left the labor field altogether.

Mr. Speaker, we have a problem in our economy, and the problem can first be summed by saying we do not have enough jobs. We need an economic program that will create more jobs for Americans.

Number two, Mr. Speaker, we have millions of Americans who cannot find employment, and they need help called unemployment insurance, which in every prior recession and downturn Democrats and Republicans have come together to extend unemployment benefits. We have a fund to do this. There are millions of dollars in that fund, but yet the majority refuses to allow us to vote on the unemployment compensation.

So the first issue is the issue of jobs, and we need an economic plan that will create jobs. Unfortunately, the administration has pursued a fiscally reckless economic plan that has added trillions of dollars to our national debt and is killing jobs rather than creating jobs because of government debt.

The record over the last 3 years, millions of fewer jobs here in this Nation. People are hurting, Mr. Speaker. We need to do something about it. Eight million Americans are unemployed today; 1.8 million of them have been without a job for 6 months or longer. We have record numbers of people who have exhausted their State unemployment benefits.

Since we allowed last year the expiration of the Federal unemployment insurance benefits, we have found 1.5

million workers have exhausted their State benefits without the benefit of the Federal unemployment insurance; yet, the Republican leadership has refused us a vote on this floor of an extension of the Federal unemployment insurance benefits. They know that a majority of the Members of this body would vote in favor of that legislation, and yet they deny us a vote on the extension of unemployment benefits. Nineteen billion dollars is sitting in the Federal unemployment trust account, $19 billion which is accumulated exactly for this purpose, to help the unemployed worker; and the majority of Republicans refuse to allow us a vote on extending those benefits to those who need it.

So, Mr. Speaker, we have a problem. We have a problem with the wrong economic program, and we have a problem of not helping those people that are unemployed.

This bill does nothing in that regard. We should be debating programs to create new job opportunities in America, and we should be extending unemployment benefits to those who do not have the employment. I regret that we are not doing that today.

I would urge my colleagues to listen to the motion to recommit, because that is the only opportunity we are going to have that will be offered by the gentleman from Michigan (Mr. KILDEE) that at least will give us a chance to help us do something to help American workers.

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

Mr. KILDEE. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) very much for the time, and it is a pleasure to work with him on the committee to protect the rights of workers and also to speak to the concern of unemployed Americans.

I rise to strongly oppose H.R. 444, the Worker Reemployment Accounts Act of 2004. I would like to begin with a reflection here.

Alan Greenspan, the Chairman of the Federal Reserve, recently appeared in Washington to talk about unemployment and about unemployment insurance, and he said ''that when unemployment is created, through no fault of the workers' actions, then I think it is clearly to our advantage to find ways of creating support in our system, and as a consequence, in times like this, I have supported the issue of extension of unemployment insurance.'' That is Alan Greenspan, the chairman of the Federal Reserve.

Now, there is an urgency about this issue about unemployment, and I would submit that the solution that is being offered today by our friends in the majority is a false solution. We have the chairman of the Federal Reserve ready to recognize the urgency of unemployment insurance. It is obvious that we ought to be providing for an extension of unemployment insurance to meet the needs of those millions of Americans who are desperate today for Congress to take action. Why are they desperate? Well, let us look at what happened.

The economic record of this administration will show that over a period from January of 2001 to April 2004, there has, in fact, been a substantial increase in the unemployment rate from 4.2 percent in January 2001 to 5.6 percent in April of 2004. Let us look more closely at this.

What we have here is of great consequence to millions of Americans because in this period, from January 2001 to April 2004, we have seen long-term unemployment nearly triple. In other words, there are not only more people unemployed, but more people are unemployed for longer periods of time, which means a tremendous adverse economic impact on their families.

In January 2001, there were approximately 680,000 people in this country who were unemployed more than 26 weeks; but now, in April of 2004, under the economic policies of this administration, the unemployment rate for those who have been unemployed for more than 26 weeks has gone to 1.8 million, nearly three times. This, of course, means that there is real desperation on the part of many American families to get some help.

Now, let us put this in a historical context. How do we take the economic policies of this administration with respect to job creation and with respect to the lack thereof and put it against all administrations over the last 70 years? This comparison is noteworthy because what we see here is that going all the way back to the time of Herbert Hoover, there has not been a worse condition where we have seen an actual decline in private sector jobs. In this whole arc of a 70-year period, we see in one administration after another, Democrat and Republican alike, this administration has failed to meet the tests that all other administrations, Democratic and Republican alike, have met; and, in fact, we have here an actual decline in private sector jobs, only in this administration.

So what should be the solution right now with so many people suffering? We have been told this by the Chairman of the Federal Reserve. Our unemployment system is very well structured, and it has worked the way I think we wanted it to work. Alan Greenspan again said that on March 11 of this year.

So we should be here talking today about an extension of unemployment benefits. Not only is it important in terms of recognizing the abysmal failure of an administration in dealing with the creation of jobs, but with knowing the suffering of working families who are not getting any relief whatsoever at a time when the fund, as the gentleman from Maryland (Mr. CARDIN) pointed out, keep building up and up. What are we going to do with all this money? Instead, we have a bill which apparently those who crafted it believe that left to their own devices the 8.2 million unemployed workers in America would prefer to simply remain jobless.

With that analysis and thus the theory that underlies, this bill is absolutely wrong. Unemployed Americans are unemployed not because they want to be, but because they cannot find jobs. Since the recession began 37 months ago, 2.2 million private sector jobs have disappeared, a 2 percent contraction in the job market. In every previous episode of recession and job decline since 1939, the number of jobs fully recovered to above the pre-recessionary peak within 31 months at the start of the recession. This time, however, it has not happened. In fact, if employment had grown by the 2.2 percent rate that occurred in the past three recessionary cycles, today's labor market would have 5.2 million more jobs. Instead, we can all point to lost jobs, and that is all we can point to and more lost jobs.

Well, the administration has responded to the situation by refusing to extend Federal unemployment benefits, an action that is already paid for by the unemployment trust fund; 1.5 million workers remain without a paycheck and without an unemployment check. The number of individuals who have exhausted their State unemployment benefits without finding work is at the highest level ever recorded.

This bill ought to be defeated. It is a nonsolution. It is time for Congress to act in bringing unemployment insurance extension to the floor of this House.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Nevada (Mr. PORTER), the author of this bill.

Mr. PORTER. Mr. Speaker, I would like to address the top five false claims that we have heard today about H.R. 444 with some of the facts.

False claim number 5: a reemployment bonus cannot motivate workers to find jobs that do not exist. The truth: as Republicans, our tax and growth programs over the past year have created 1.1 million new jobs, 625,000 coming in March and April. These job opportunities are becoming more available, and we have to ensure that those chronically unemployed have the new tools and new skills to face this new economy.

False claim number 4: PRAs do not provide workers with greater flexibility. Rather, if workers choose a PRA, they would be prohibited from using WIA services for a full year. Mr. Speaker, the truth: reemployment accounts provide the unemployed with a means of developing an individual specific plan for regaining employment. The prohibition against WIA services is to prevent double dipping. I think that is appropriate.

False claim number 3: PRAs will be used as an excuse to not extend the

Temporary Emergency Unemployment Compensation Program. The truth, Mr. Speaker: Republicans have consistently supported extending unemployment benefits. These PRAs are a supplemental approach to benefits and represent one more way that Republicans are using to help Americans find new jobs and get back to work quickly.

False claim number 2: reemployment accounts come at the expense of other WIA job training and employment programs. The truth, Mr. Speaker: while appropriators will ultimately determine the allocation of these dollars, the funding for PRAs will flow through the discretionary fund of demonstration projects, not the funds used for other services.

False claim number 1 on the top of the list: H.R. 444 would restrict, rather than expand, the amount of job training and other reemployment services. Mr. Speaker, Republicans have prioritized funding for job training. Reemployment accounts are a voluntary program that allows for personalized and streamlined reemployment services. No one is forced to use the account, and the purpose of the legislation is to provide the most effective use of funds for the unemployed.

□ 1200

Again, I encourage strong support for H.R. 444.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I want to say to the gentleman from Nevada (Mr. PORTER) that he ought to read the bill, because truth and facts are about what the language of the bill says.

If you read on line 16, page 15, ''For the 1-year period following the establishment of the account, recipients may not receive intensive, supportive, or training services funded under this title except for the fee-for-services basis.''

The gentleman obviously has not read the bill. That means that you either pay for it with the stipend the gentleman says he wants to give them, which provides them no additional new services, no flexibility. So do not stand up here and talk about facts or truth. Read the bill. Read the bill, and the gentleman will find out what he is doing is denying them the services that are already available to them today.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, this bill would establish a demonstration project that would ostensibly offer personal reemployment accounts to workers, providing up to $3,000 in assistance for the purpose of finding a job and paying for services that would help lead to employment.

Sounds good on the surface, but, as with every bill this administration puts forward that impacts workers, there is a catch. Employment services now offered through the One Stop Centers, at no cost to the unemployed worker, would have to be purchased, meaning that unemployed workers would now be charged for services that they can currently receive for free.

To give an idea of the difference, those who utilize One Stop job training programs right now receive an average of $5,000 to $6,000 in services, about double the maximum allowed under this bill. So we should not be fooled. The goal of this bill is not to provide additional reemployment services or job training funding for unemployed workers; rather, it is to pave the way for placing a Federal cap on these services.

In an economy with a million and a half workers who have already exhausted their unemployment benefits, reducing these services without providing any job creation program is not only bad economic policy it is outright dismissive of what these families are going through day after day, particularly women in transition, nearly half of whom are already finding Workforce Investment Act services, like local women's education and training programs, insufficient.

Mr. Speaker, the unemployed workers in this country do not need ''an incentive'' to look for work. Supporting a family without a job is incentive enough. What they need is a job. Congress should be expanding job training and job training access, not limiting them, as next year's budget does. We should be extending health and unemployment benefits to the unemployed, not letting them expire in the face of serious unemployment.

Historically, this country, Republican or Democrat administrations, have extended unemployment benefits in time of need. As a Nation, we have said we are going to help people on a temporary basis meet these unemployment challenges that they have. Not this administration. What do they say? They say, if we extend those benefits, people will not go out and look for a job. That is the opinion they have of working people in this Nation.

I say to my colleagues on the other side of the aisle, walk in the shoes of the unemployed; understand what it means to live paycheck to paycheck. We do not have to worry about that in this body. There are folks in this country who worry about that every single day. The unemployed workers in this country deserve better.

Mr. Speaker, I urge my colleagues to oppose this bill.

Mr. BOEHNER. Mr. Speaker, I yield myself 1 minute.

There was a discussion here about what would happen if workers chose to take a $3,000 personal reemployment account and their ability to access services at the Career One Stops. I just want to set the record straight.

While it is true that recipients would be prohibited from accessing intensive or training services through the One Stop career system for 1 year after the creation of the account, unless, unless the person with the account chooses to purchase services there, however, all individuals remain eligible for the core services provided by the Career One Stop. Such services include job search and placement assistance, including career counseling, where appropriate, and access to labor market information.

Now the idea here is that we allow individuals $3,000, giving them the right to choose the types of services that they think will help them get back on their feet and find a good job. They can purchase those services at the Career One Stop or they can go down the street and go to a community college if they want. But the core services that the Career One Stops provide for all individuals, these persons with the $3,000 personal reemployment accounts, would still be eligible for those core services.

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

Mr. KILDEE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Michigan (Mr. KILDEE) has 2½ minutes remaining, and the gentleman from Ohio (Mr. BOEHNER) has 6 minutes remaining.

Mr. KILDEE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, it is about time we address unemployment. Unfortunately, H.R. 444 is not the legislation that will truly put Americans back to work. It offers only a temporary solution for a limited pool of unemployed workers and is a poor solution to the ongoing unemployment problem of this Nation.

Rather than PRAs, personal reemployment accounts, we need across-the-board investments in the Workforce Investment Act, WIA, and the Unemployment Insurance, UI, programs. These are the existing programs that need help so a broader number of workers stabilize their lives and develop the necessary skills to secure new jobs. Proper funding of these programs would make the difference. Finding ways to give unemployed workers real jobs is the real solution to the national unemployment problem, not a bill that puts additional burdens on the States, threatening to undo the Federal unemployment system in the first place.

Let me also remind my colleagues that $1 billion invested in highways and transit creates 47,500 new jobs. If we really want to create jobs, we should be moving forward with the transportation bill. These jobs pay a living wage, give workers the opportunity to better their communities, while at the same time supporting their families.

H.R. 444 is not a real solution. The real solution would grant unemployment extensions when finding work takes longer than the length of the initial benefits, not a bill that forces workers to choose between receiving

WIA benefits or PRA benefits with no flexibility to go back to one when the other is exhausted.

Mr. Speaker, H.R. 444 is false security.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for his leadership as chairman on the Committee on Education and the Workforce. He is doing a tremendous job. I also want to thank the gentleman from Nevada (Mr. PORTER) for this important legislation that he has introduced. I am also a cosponsor.

Education and retraining are the keys to ensuring that the American worker is the most competitive in the world. Now, this is week three of 8 weeks that the House is dedicating to addressing issues to bring jobs back into America. These eight issues are all very important because they are costs that are outside the control of employers. They are costs that are driven by the Federal Government. We are going to lower those costs by undoing some of the work Congress has done over the last generation and freeing up employers to bring jobs back into America.

This week, we also have passed the Teacher Training Enhancement Act, the Teacher Shortage Response Act, the Priorities for Graduate Studies Act, and now we are addressing H.R. 444, the Worker Reemployment Accounts Act.

One of the things I notice about the complaints about this bill from the other side is that we want to tell people what to do. This bill gives them flexibility. They can go out and get job training. They can get child care. They can provide for transportation or career counseling. The opponents of this bill do not want to provide choices because they do not trust Americans. They want to tell people what to do with their benefits. On the Republican side, we say we trust people to make good choices if they are given some opportunities.

Mr. Speaker, I want to give an example of a mother of three, who was working at the Ratheon Corporation in Wichita, Kansas. She wanted to finish her degree, and she got laid off. She could not provide for her child care, so she had to bring her mother back in from out of town to live with her while she went back to Wichita State University and completed her degree. With this legislation, she would have been able to carry on her education while her children were taken care of; and her mother would not have had to quit her job and move into her daughter's house.

This bill gives people flexibility so they can go out and get the child care they need. It is a good piece of legislation. It is part of bringing jobs back to America, and I urge all my colleagues to vote for it.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Speaker, I rise in opposition. What we should be doing today is voting to extend unemployment benefits. However, the Republican leadership will not let that amendment be offered, even though or maybe because they know it would pass.

Not only will the majority not assist workers who need jobs, but the authors of this bill assert that unemployed workers need financial incentive to get a job. Now, ask the workers whose jobs have been outsourced whether they need financial incentive to get a job. I am really shocked that the authors of this bill believe the American workers effectively need to be bribed to get a job.

American workers are not looking for handouts. They are looking for jobs. And, even worse, this bill would effectively bar the recipients of this money from receiving actual job training. Contrary to, and I must respectfully differ from the chairman, contrary to what he says, they would not get actual job services. Sure, at a job center, if they find an open computer, they might be able to use it to prepare a resume, but they will not get the counseling they need. They will not get the training they need. This bill would deny workers the important training opportunities they need.

This Nation has lost more than 2 million jobs under this administration. We should be dealing with the unemployment needs of these workers. I ask my colleagues to oppose this risky scheme.

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

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

I think all of us realize that the American economy is changing, and I think it is changing at a more rapid pace than any of us would likely know. During a hearing several months ago, I found a number of statistics that I really found unusual. If we all think back for a moment to 1999, the American economy was in full bloom, the stock market was rising, employment levels were at all-time highs, yet in 1999 the American economy lost 35 million jobs. Yes, that is right. The American economy lost 35 million jobs. But, in 1999, the American economy also created 37 million new jobs, a net gain of 2 million jobs.

Now, let us move forward 3 years to 2002. And what happened in 2002? We had a recession, we had the effects of 9/11, we had a war going on in Afghanistan, and the American economy lost 35 million jobs in 2002. The American economy, though, in 2002, only created 33½ million new jobs.

This churning that we see in the American economy has always been there, but this churning we are now seeing is happening at a much faster pace than ever before; and, as a result, the need for job training, retraining, and educational services for American workers is at an all-time high.

During our hearing, when we had Alan Greenspan in front of our committee, he said this: ''We need to increase our efforts to ensure that as many of our citizens as possible have the opportunity to capture the benefits that flow from that engagement. For reasons that I shall elucidate shortly, one critical element in creating that opportunity is the provision of rigorous education and ongoing training to all members of our society. This proposal is not novel. It is, in fact, the strategy that we have followed successfully for most of the past century and a strategy that we now should embrace with renewed commitment.''

Education and training and ongoing education and training for the American workforce is absolutely critical, Mr. Speaker.

There has been a lot said here today about the nature of our economy and what is happening, but in a U.S. News and World Report that is out today, dated June 7, Mort Zuckerman, in his editorial, says this:

''The economy is well on a tear. New jobs are being generated in large numbers. Income is growing at twice the rate of last year. And the exhilaration is such that we will probably see 5 percent growth in the gross domestic product. The jobs reports of the past few months have changed market sentiment. Sixty-one percent of private industries surveyed have added workers. That is the highest in 4 years. Business confidence has surged to a 20-year high, and business spending is exploding, with even American manufacturing joining the party. Companies that once saved every nickel are laying out more and more money as capital equipment to meet growing orders in double-digit rates.''

He goes on to say later in the article, ''We are on a trajectory toward extraordinary growth in the second half of 2004 that will beget stronger job and income growth, stronger retail spending, and accelerating demand at a time when businesses have cut costs, raising profit margins to their highest level in years.

□ 1215

''Higher profits will beget more spending, which will beget more business expansion, which will beget more income for workers which should trigger yet another increase in demand.''

Do not look now, but the surging economy may be the real October Surprise. There is a real surge in our economy; and for Americans to take advantage of that surging economy, the kind of education and training that we allow under the Workforce Investment Act and provide for them should be helpful to them. These personal reemployment accounts are a pilot project to give them the choice about the kinds of services they need, the kinds of training or retraining they need to go out and take advantage of a surging economy to get a real job for the long term.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 444, the so-called the ''Back to Work Incentive Act.''

This bill is based on flawed assumptions and is an insult to the 1.8 million Americans—22 percent of the total unemployed—who have been out of work for more than 6 months. The Republicans believe that all long term unemployed Americans simply aren't looking for jobs because they are living comfortably on an average weekly unemployment benefit of $256—or about 37 percent of their former wages. That's ridiculous!

H.R. 444 takes $50 million of valuable funding from effective programs within the Workforce Investment Act to fund ineffective Personal Reemployment Accounts (PRAs). The purpose of these accounts is to provide an incentive payment of up to $3,000 to unemployed workers to encourage them to find employment faster. It does this despite all of the research, which shows that PRAs don't work. You would think living off $256 a week would be enough incentive to find work. However, these out-of-touch Republicans believe that $256 a week allows households to pay for their mortgages, groceries, utility bills and college educations for their children.

If President Bush and House Republicans are so fond of linking bonuses to job performance, then we should offer the President a bonus if he actually creates jobs. Since President Bush came to office, 2 million American jobs have been lost. The problem with this economy isn't lazy unemployed workers, it's ineffective economic policy management.

Even more puzzling about this legislation is that the provisions of this bill do not make sense. Supporters argue that PRAs help workers get jobs because the money provided can be used for job training and other services such as child care and career counseling. However, if a worker were to get the maximum PRA of $3,000 it would not be enough to pay for job training alone, which costs on average $5,000–6,000. That doesn't take into account all the other costs unemployed workers confront.

Instead of wasting the American people's money on unproven programs, this Congress should extend unemployment benefits to the over 1.5 million workers who have exhausted their benefits and expand the funding for the free job training already provided under the Workforce Investment Act. These programs provide needy families with immediate economic relief and the necessary skills to find new jobs.

It is time that President Bush and the Republican Congress stop blaming unemployed workers for the lack of jobs in this country. Instead, the Republicans should show some leadership and take responsibility for their poor economic management.

I urge my colleagues to vote against H.R. 444 and ask the Republican leadership to consider legislation to actually help unemployed workers and create jobs in the United States.

Ms. WATSON. Mr. Speaker, I rise in strong opposition to H.R. 444, The Back to Work Incentive Act. The bill does nothing to help the current labor market, and offering workers reemployment bonuses does nothing to help the future of our nations unemployed and won't help put more jobs into our nation's struggling economy.

This bill is a careless attempt to replace the extension of unemployment benefits for the long-term unemployed. This bill will help less than 0.2% of the unemployed and will do nothing for millions of jobless workers, particularly those out of work for more than 26 weeks.

The Back to Work Incentive provides a $3,000 voucher for only about 15,000 eligible workers. These recipients will not be able to access free core services provided through the Workforce Investment Act and they will forfeit the opportunity to get up to $10,000 in other possible Workforce Investment Act services and benefits available without cost under existing programs.

This bill also does not address the pressing problems of lack of available jobs, the need for marketable skills, and sufficient training funds for today's unemployed workers.

Mr. Speaker, in April alone 320,000 of America's workers exhausted their unemployment benefits. The Administration must come up with solutions that will provide jobs for all, not just benefits that are temporary for some. H.R. 444 doesn't cut it and I urge my colleagues to vote ''no'' on this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to oppose the bill before this body, H.R. 444, the Back to Work Incentive Act of 2003. More than 8.3 million individuals are out of work, and by one estimate, there are three workers for every available job. At the same time, over 1.2 million unemployed Americans who have exhausted their federal unemployment benefits are looking to Congress for urgent relief.

This sad trend means even more to the African American community. As of January 2004, the national unemployment rate was 5.6%. The African American unemployment rate was nearly twice that at 10.5%. Unemployment in this community has soared by 26% since reversing the trend of the Clinton era when African American unemployment declined by 48%; from 14.1% in January 1993 to 7.3% in December 2000.

In the City of Houston, the unemployment rate has decreased steadily from 6.6% to 6.0% from November 2003 to April 2004. This kind of trend is partly indicative of the success of job training programs that give workers the ability to not only retain employment but to improve their earning potential. The bill before us today will have a negative effect on the people of my District and the Districts of all of my colleagues and should be defeated.

H.R. 444 fails to provide the nation's most vulnerable workers urgently needed assistance and undermines key provisions of the existing Workforce Investment Act.

The crux of this legislation calls for the luring of financially strapped unemployed workers out of more intensive job training with a 'buy out' that could be as little as $500 or less. Workers who are struggling must then decide whether to sign up for training or to accept additional financial support for their families.

However, if our colleagues on the other side of the aisle would really like to help these workers, they should work to extend unemployment benefits that will provide that urgently needed family support, with no draconian cap on job training services. H.R. 444 would require the unemployed to pay for otherwise free job counseling and training services and ban them from the system if they accept a Personal Re-employment Account (PRA).

H.R. 444 would undermine our workforce training and unemployment insurance systems. This bill not only ignores those families who need the help the most, it nullifies the accountability provisions contained in our job training programs. H.R. 444 would provide little if any oversight over program dollars spent on arbitrarily-chosen training providers. State certification requirements under the current WIA system would be all but removed with the PRA's—opening the door for financial abuse with no means to correct or even measures the potential abuses. Congress just revamped the job training system in 1998 to provide a comprehensive universal system of job assistance services, yet the Majority would circumvent their own system to create a new parallel program.

This bill also fails to provide relief quickly. The Congressional Budget Office says funds for this program would not even reach workers until next year—and one out of four eligible families would not be helped until fiscal year 2005. An unemployment insurance extension can provide help to workers in a matter of weeks, not months or years—and would create urgently needed short-term economic stimulus.

Rather than preparing for another extension of unemployment insurance that will be needed in the late spring, H.R. 444 seeks to utilize precious resources to provide assistance to the smallest fraction of the unemployed. This legislation is part of a strategy to undermine and cut funding to the unemployment and job-training systems and head-off another federal unemployment benefit extension that would provide assistance to those who desperately need it.

This legislation bars those who accept Personal Re-employment Accounts from receiving counseling and training services at a one-stop employment center for one year once the funds within the account are exhausted. Unemployed workers currently receive an average of $5,000 (and as high as $10,000) worth of training services under our current WIA system, and yet many of them are unable to find a sustainable job due to the jobless stagnation of the economy. H.R. 444 would cut millions of unemployed workers off from access to needed job training or re-training programs.

In addition, the infrastructure that would be required to administer the PRAs in the base bill would take several months, if not a year to set up, limiting what immediate help we can provide the unemployed.

Mr. Speaker, for the reasons stated above, I oppose this legislation and urge my colleagues to join me.

Mr. BLUMENAUER. Mr. Speaker, I would welcome a constructive approach to help people who are struggling with the consequences of long-term unemployment. For nearly three years now, Oregon has had one of the highest unemployment rates in the entire country. Largely for circumstances beyond our control—the national and international economies, the manipulation of energy markets—Oregonians have suffered. Unfortunately, this bill falls short of providing meaningful help to the 65,000 Oregonians who have lost their jobs during the Bush presidency.

This bill caps the benefit at $3,000 per unemployed worker and provides no assurance that it will approach that much for most people. The one thing that is guaranteed is that recipients are cut off from other Federal programs for one year after they use their ''reemployment accounts.'' This is a poor bargain with no guarantee of success.

Congress can and should do better than create a cynical shell game of taking away funding from existing Workforce Investment Act (WIA) programs and reusing them in a lesser, unestablished program. Congress should place its priorities behind what the President campaigned on and existing, productive programs: enhancing Pell Grants, fully funding the WIA, and using the $14 billion already in the Unemployment Insurance Trust Fund. Congress has established programs that are useful, flexible and creative that can help our 8.2 million unemployed workers. This new draconian proposal is ill-advised and unnecessary.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for general debate has expired.

Pursuant to House Resolution 656, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KILDEE. Mr. Speaker, I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kildee moves to recommit the bill H.R. 444 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the ''Emergency Worker Assistance Act''.

SEC. 2. EMERGENCY UNEMPLOYMENT SUPPORT.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following new subsection:

''(e) EMERGENCY UNEMPLOYMENT SUPPORT.—

''(1) GRANTS TO STATES.—From the amount appropriated under paragraph (2), the Secretary shall make grants to States to provide financial and employment support to individuals who have exhausted their State unemployment benefits and can no longer receive, after the week of December 20, 2003, Federal extended temporary unemployment compensation, and who continue to be unemployed as of the date of enactment of the Emergency Worker Assistance Act. The eligibility criteria and benefit amounts under this paragraph for such individuals shall be the same as for such individuals prior to December 20, 2003, under the Federal extended temporary unemployment compensation program.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years 2004 and 2005 such sums as may be necessary to carry out this subsection.''.

Amend the title so as to read: ''A bill to amend the Workforce Investment Act of 1998 to provide continued unemployment support to ensure adequate emergency worker assistance and for other purposes.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KILDEE) is recognize for 5 minutes in support of his motion to recommit.

Mr. KILDEE. Mr. Speaker, my motion to recommit is simple: It authorizes the extension of unemployment benefits.

Mr. Speaker, 1.5 million workers have exhausted their initial unemployment benefits. These individuals have yet to find employment due to this very sour economy. Despite the need for these workers to provide for their families, this Congress has turned a deaf ear. We have continually failed to ensure the financial security of these workers and their families.

The question for this House is how can we pass legislation providing job-training vouchers when there are no jobs. We need to first ensure the financial security of those workers who have lost their jobs, and we have not done that. This amendment does that by authorizing the extension of unemployment benefits.

Mr. Speaker, we have a moral responsibility today. In Michigan and many other States around the country, job growth is nonexistent or anemic. Nationally, 8.2 million individuals are unemployed. The unemployment rate is 5.6 percent. It is quite evident that American workers want to work. The simple truth is that jobs do not exist. How long are we going to ignore the needs of the American workforce.

The underlying legislation is completely inadequate in addressing the problems facing the American worker. We cannot simply authorize a job-training voucher program. That does not meet the need. We have to act today, and we have to act now by extending unemployment benefits.

I want to remind Members that the House has considered nearly identical language to this motion to recommit during the debate on the Community Services Block Grant bill. I urge Members to support my motion to recommit.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Speaker, I urge my colleagues to vote for the Kildee motion to recommit H.R. 444. This motion does what is needed. The real problems that our country faces today are a lack of jobs and a lack of adequate unemployment benefits for unemployed workers who cannot find jobs. There are currently over 8 million workers who are unemployed. There are also an additional 4 million workers who are so discouraged about the job situation where they live that they are no longer looking for work, and there are another 4 million workers working part-time because they cannot find full-time work. What these workers need is income support until the economy fully recovers and produces enough jobs for them to support their families. These workers are not looking for a handout. They want to work, but where they live, there are no jobs. Extended unemployment benefits give them the hand up that they need. Average benefits are only about $200 a week. This amount is hardly enough to incentivize them to stay home indefinitely, yet that is what some would have us believe.

Mr. Speaker, 85,000 workers a week are exhausting their unemployment benefits; long-term unemployment is at the highest level in decades. The Kildee motion simply provides a minimum level of human decency to these hard-working Americans. They paid into the unemployment system, and the unemployment trust fund has over $19 billion in it. Instead of pushing ineffective reemployment account voucher schemes, we should be providing unemployment support. Even Alan Greenspan, the chairman of the Federal Reserve, has supported such an extension. I urge my colleagues to do the same.

Mr. KILDEE. Mr. Speaker, I yield myself the balance of my time.

In conclusion, I would say adoption of my motion to recommit would really begin to touch immediately the needs of those people who are unemployed, rather than this anemic approach offered in the bill itself. I urge that we support the motion to recommit.

The SPEAKER pro tempore. Does the gentleman from Ohio (Mr. BOEHNER) rise in opposition to the motion to recommit?

Mr. BOEHNER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means that deals with this.

Mr. HERGER. Mr. Speaker, I rise in opposition to this motion to recommit. This Republican Congress provided additional assistance to the unemployed when it was needed. Through laws passed in 2002 and 2003, nearly 8 million laid-off workers received more than $23 billion in special Federal-extended unemployment benefits. Let me repeat that. Nearly 8 million people received $23 billion in additional help. We continued that temporary program twice last year when unemployment was rising and the economy was shedding jobs.

Fortunately, today that situation has dramatically improved. The economy recently has been growing at the fastest rate in 20 years. President Bush's tax relief worked to turn the economy around. That is why unemployment continues to fall. During the past 12 months, unemployment rates have dropped in every region of the country, including in 47 States. Today's unemployment rate is lower than the average of the 1970s, 1980s and 1990s. Last month saw one of the steepest drops ever in the number of long-term unemployed. Nearly 1 million new jobs have been created this year alone, 138 million Americans are working now,

more than ever before in our Nation's history.

This suggests what we always knew, people want to work, not collect more unemployment benefits. Republicans are working hard to keep this tremendous economic and job growth going. This Democrat motion goes in the opposite direction. It will not help provide critical training for those seeking jobs.

Mr. Speaker, let us reject this motion to recommit.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as the gentleman from California (Mr. HERGER) has pointed out, we have extended unemployment benefits on several occasions and have provided tens of billions of dollars in support for those extensions.

The motion to recommit, if Members believe this is going to provide unemployment extensions to people, they are kidding themselves. What the Kildee motion does is create a new program within the Workforce Investment Act to extend unemployment benefits. This is not the usual unemployment system that we have that works really well. Under this proposal, we create a new program that is not funded. There is no funding in this bill for the program that is being created, and all this is going to do is bring false hope to millions of Americans who are out there trying to seek work who are on unemployment.

But the worst part of the motion to recommit is that it totally eliminates the underlying bill. For those of us who believe personal reemployment accounts are a good idea and that projects ought to be initiated to allow people up to $3,000 to find the kind of training, retraining, and education they need in order to gain good employment, that entire bill is eliminated under the gentleman's motion to recommit.

I would urge my colleagues, let us not engage in a facade; let us not make empty promises to people who need our help and need our help badly. This is a new program. It is not funded. It will not extend unemployment benefits. Again, the worse part about it is it would eliminate the entire underlying bill and the personal reemployment accounts that we think will be helpful for American workers who are out of work. Mr. Speaker, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I rise today to support the motion to recommit H.R. 444. We must support the workers who are desperately trying to find work before their benefits run out. Their families are the reason we must absolutely extend unemployment benefits, not pass legislation that will fundamentally change the Federal unemployment benefits system, like H.R. 444.

We need a real solution like extending unemployment benefits so families have the means to be healthy and safe when their jobs are no longer secure. How else will these families pay their heating bill, clothe their children, and feed their family?

These workers want work and seek work, and we must help them as they get back on their feet again. There is still too little job creation to write off the Federal Extended Benefits Program.

Mr. Speaker, today, 8.4 million people are out of work, 2.6 million private sector jobs have been lost since the beginning of the Bush Administration. Even worse, long-term unemployment is at the highest level in 10 years. As of April 2004, over 1 million people, in my home State of California, were unemployed.

My colleagues on the other side of the aisle believe they are helping unemployed workers by creating these personal reemployment accounts. But my constituents are not writing me on a weekly basis asking for a brand new unemployment system. They simply want their unemployment benefits to continue until they find a job.

H.R. 444 is not the fix they are seeking. If my colleagues really listened to what the unemployed workers wanted they would grant families the security of benefits while they continue to seek work. That's why I urge my colleagues to support this motion to recommit H.R. 444 so we can address what workers really want.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, as ordered, on passing H.R. 444 and suspending the rules and passing H.R. 3866.

The vote was taken by electronic device, and there were—yeas 199, nays 216, not voting 19, as follows:

[Roll No. 224]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton

Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Ballance
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
Chandler
DeGette
DeMint
Deutsch
Emerson
Fossella
Gerlach
Johnson, Sam
Lynch
Quinn
Ruppersberger
Smith (MI)
Tauzin
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1252

Mr. GREEN of Wisconsin, Mr. GILCHREST, and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

Mr. LEWIS of Georgia and Mr. GORDON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 203, not voting 18, as follows:

[Roll No. 225]

AYES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Ballance
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
DeGette
DeMint
Deutsch
Emerson
Feeney
Fossella
Gerlach
Johnson, Sam
Lynch
Quinn
Smith (MI)
Tauzin
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1303

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. WATSON. Mr. Speaker, on rollcall No. 224, I was detained by constituents from my District. I would have voted "no" on H.R. 444.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to section 2 of House Resolution 656, the texts of H.R. 4409 and H.R. 4411 will be appended to the engrossment of H.R. 444; and H.R. 4409 and H.R. 4411 are laid on the table.

(For texts of H.R. 4409 and H.R. 4411 see proceedings of the House of June 2, 2004, at page H3628 and H3638, respectively.)

ANABOLIC STEROID CONTROL ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3866, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3866, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 3, not voting 23, as follows:

[Roll No. 226]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
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 (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Buyer
Calvert
Camp

Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
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
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
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
Lipinski
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
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
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 (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
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)

NAYS—3

Flake
Kucinich
Paul

NOT VOTING—23

Andrews
Ballance
Brady (PA)
Brown-Waite, Ginny
Burton (IN)
Capuano
Carson (OK)
Clyburn
DeGette
DeMint
Deutsch
Emerson
Feeney
Fossella
Gerlach
Hobson
Johnson, Sam
Lynch
Pryce (OH)
Quinn
Sabo
Smith (MI)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1311

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOSSELLA. Mr. Speaker, on three rollcall votes earlier today, I was unavoidably detained. I would have voted "nay" on No. 224; on No. 225 I would have voted "aye"; and on No. 226 I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 857

Mr. PICKERING. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 857.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees: From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BOEHNER, PETRI, MCKEON, CASTLE, ISAKSON, PORTER, KILDEE, HINOJOSA, AND TIERNEY, and Ms. MCCOLLUM.

There was no objection.

(Ms. DUNN asked and was given permission to speak out of order.)

CATHERINE MAY BEDELL, POLITICAL PIONEER AND MENTOR TO WOMEN

Ms. DUNN. Mr. Speaker, I rise today to pay tribute to a great lady of the Republican Party in the State of Washington. We are so sorry to learn that Catherine May Bedell, our former Member of Congress from the 4th congressional district in Washington State, passed away last Friday.

We lost Catherine May Bedell last Friday. She was a rare lady, Mr. Speaker; and a couple of us wanted to stand up today on the floor and pay tribute to her and let her friends who continue to serve in the House of Representatives and those in politics in Washington State and all over the country know of her passing.

Catherine was born in Yakima. She was one of the few women in national politics at that time to win office on her own, because many people were appointed to replace their husbands or their fathers. Catherine was a strong Member of Congress, a strong woman, very articulate. She had a great time in life, and she stood up for those enterprises that she believed in.

Her political career began in 1952 in Washington State's legislature, and she served as a representative until she was appointed by the party to run against the current Congressman, Otis Halbert, who had decided to retire. She was elected to the Congress in 1958.

Catherine May Bedell was a wonderful spirit, Mr. Speaker. She was somebody who used her talents, being able to speak well, being able to write well, A PR agent, for example, who was hired on by NBC Radio to put together the Betty Crocker specials sponsored by General Mills.

She returned to Yakima before she died. Catherine May Bedell was a great fighter for interests she believed in. She was a member of the Atomic Energy Committee, the Joint Committee on Atomic Energy, and she fought for the Hanford Nuclear Reserve against people who were trying to close it down. She also was a Member of the House Agriculture Committee, and she

fought for dams to protect those farmers and bargers who operated there in the 4th Congressional District.

□ 1315

The last time I talked to Catherine May Bedell was soon after she left a position on the United States International Trade Commission. She and I met at an event in San Diego, California, where Catherine continued to do what she always did when she saw a woman who had interests in politics. She urged me to run. That was a long time, 11 years before I actually ran for Congress, Mr. Speaker, but when the time came I remembered Catherine May Bedell's words and her encouragement and actually took her up on that bet and let her know through letters and cards how I was doing in the Congress.

So that was my best memory of her, because it has so much to do with the work that I have done here in the United States Congress.

Mr. Speaker, we have some folks who have followed her career and would like to say a few words.

Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

(Mr. DICKS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. DICKS. Mr. Speaker, Catherine May Bedell was an outstanding member of the House of Representatives. She came from our great State of Washington, from Yakima. She was a graduate of the Yakima Valley Junior College and the University of Washington. She was a noted writer, teacher, journalist and radio broadcaster. In fact, she had the first Betty Crocker radio show in the country.

She was elected, as mentioned, to the legislature in 1952, served to 1958, and then won her first campaign for Congress in the 86th Congress. She served very well on the House Committee on Agriculture, where she was a strong voice for farming, irrigation, hydroelectric power generation across the State's expansive 4th Congressional District.

She served very capably in the House from 1959 through 1970; and, after that, President Nixon appointed her to the U.S. International Trade Commission on which she served for 10 years.

She was a great role model. In fact, she was the first woman elected to the House from the State of Washington.

Many of us in this Chamber today know her son, Jim, who served as the Executive Vice President of the National Association of Broadcasters and today is the President and CEO of the Air Transport Association.

Congresswoman Catherine May Bedell was also survived by a daughter, Melinda May Mazzetti, of San Francisco. I had the honor, when serving on Senator Magnuson's staff as an assistant, to work with her. She was a delight. She was a hard worker. She was a credit to this institution.

We are very sad to learn of her passing. I had a chance to talk to Jim, her son, today; and, of course, the family was very pleased to hear that she would be remembered today on the floor of the House of Representatives.

[From the Yakima-Herald-Republic, Jun. 2, 2004]

CATHERINE MAY, POLITICAL PIONEER AND MENTOR TO WOMEN, DIES

(By Leah Beth Ward)

Yakima native Catherine Dean May, the first woman elected to Congress from Washington, died of natural causes Friday in Rancho Mirage, Calif. She was 90.

May was first elected to the 4th Congressional District in 1958 when Gen. Dwight D. Eisenhower, whom she greatly admired, was president.

Scholars have noted that she was one of the few women in national politics at the time to win office on her own. Many others were appointed to replace their husbands.

''She was very much a pioneer,'' her son, James C. May, said Tuesday in a telephone interview.

Described as strong and articulate by those who knew her, May inspired and personally encouraged other women to run for political office.

''When I first saw her, she was standing in a group of men and they were listening to her. She could hold her own,'' said Rep. Mary Skinner, R–Yakima, recalling a Republican Party luncheon more than 30 years ago. ''I was a great admirer.''

May's political career began in 1952 in the state Legislature, where she served as a representative until the Republican Party nominated her to run for the congressional seat of Otis Halbert, who was retiring. In what was called an upset, she beat Democrat Frank LeRoux of Walla Walla.

May was re-elected to Congress six times until 1970, when she lost to Democrat Mike McCormack, a research scientist at Hanford. That year she remarried, taking Donald W. Bedell's last name.

Born Catherine Dean Barnes on May 18, 1914, she graduated from Yakima High School in 1932 and attended Yakima Valley Junior College through 1934 before earning a bachelor of science degree in 1936 from the University of Washington. May's parents ran a Yakima clothing store.

In 1937 she received a teaching certificate and taught English for three years at Chehalis High School. She interrupted that stint in 1939 to study speech at the University of Southern California, according to her congressional biography.

Her son remembered his mother as very much the English teacher, correcting grammar whenever necessary.

''In my household you grew up watching your language,'' James May said.

After teaching, May parlayed her language skills into radio broadcasting, first with station KMO in Tacoma, and later stations KOMO and KJR in Seattle. From 1942 to 1944, she worked in advertising for the Strange and Prosser Advertising Agency and the Federal Insurance Co., both of Seattle.

NBC radio of New York City hired her between 1944 and 1946 to produce the first Betty Crocker show, sponsored by General Mills.

May returned to Yakima and continued in radio journalism as ''women's editor'' at KIT in Yakima from 1948 to 1957.

According to research of her congressional record by Washington State University, upon her election, May was the first representative from the state in six years to win a seat on the House Agriculture Committee. She held the assignment throughout her tenure and used it to fight for dams.

In her last term in office, she received a second committee assignment, the Joint Committee on Atomic Energy, where she fought an attempt to close Hanford.

Though she never touted herself as a woman's rights activist, May was a quiet champion for the cause. She supported the Equal Rights Amendment and worked to include the prohibition against discrimination based on sex in the landmark 1964 Civil Rights Act.

Political defeat far from ended May's career in public service. President Nixon appointed her to the U.S. International Trade Commission, where she served from 1971–81.

In 1982, President Reagan named her special consultant to the president on the 50 States Project. She was president of her own firm, Bedell Associates, in Palm Desert, Calif.

May's survivors include her son of Washington, DC, and her daughter, Melinda May Mazzetti of San Francisco.

In lieu of flowers, donations may be made to the Catherine May Bedell Scholarship Fund at Yakima Valley Community College.

Six women have represented the State of Washington in the U.S. House of Representatives—Rep. Jennifer Dunn (R) (1993–) Rep. Maria Cantwell (D) (1993–1995); Rep. Julia Butler Hansen (D) (1960–1974); Rep. Catherine Dean May (R) (1959–1971); Rep. Linda Smith (R) (1995–1999) and Rep. Jolene Unsoeld (D) (1989–1993).

[From The Associated Press, June 2, 2004]

CATHERINE MAY BEDELL, FIRST WASHINGTON CONGRESSWOMAN, DEAD AT 90

YAKIMA, Wash. (AP)—Catherine Dean May Bedell, the first woman elected to Congress from Washington state and producer of the first Betty Crocker radio show, is dead at age 90.

Bedell, who was elected to six terms as a Republican in the 4th Congressional District under her married name at the time, Catherine Dean May, before losing to Democrat Mike McCormack in 1970, died of natural causes Friday in Rancho Mirage, Calif., relatives said.

A Yakima native, Bedell was one of the few women to win election to national office in that period without first being appointed to replace their husbands, and many said she inspired and encouraged other women in politics.

State Rep. Mary Skinner, R-Yakima, said she met Bedell at a Republican Party luncheon more than 30 years ago.

''When I first saw her, she was standing in a group of men and they were listening to her. She could hold her own,'' Skinner said. ''I was a great admirer.''

Born Catherine Deane Barnes, she earned a bachelor of science degree at the University of Washington, obtained a teaching certificate and taught high school English for three years in Chehalis with a brief but pivotal interruption to study speech at the University of Southern California.

She entered broadcasting in 1940 at KMO Radio in Tacoma, then went to KOMO and KJR in Seattle, spent a couple of years in advertising and was hired by NBC in new York in 1944 as writer and assistant commentator.

After working on the first Betty Crocker show, she returned to Yakima, was women's editor at KIT Radio from 1948 through 1957 and served in the state House from 1952 to 1958, when she was nominated for Congress to replace Otis Halbert, who was retiring.

An Admirer of then-President Dwight D. Eisenhower, she won election in an upset over Democrat Frank LeRoux of Walla Walla in a district that, at the time, covered a vast swath of central Washington from Oregon to British Columbia.

As the first representative from the state in decades to serve on the House Agriculture Committee, she promoted dams for irrigation and electricity production in her rural district. In her last term she was also named to the Joint Committee on Atomic Energy.

She never promoted herself as woman's rights activist but supported the Equal Rights Amendment and worked to include prohibition against discrimination based on gender in the 1964 Civil Rights Act.

She lost the seat to McCormack, a scientist at the Hanford nuclear reservation, in 1970, the same year she remarried and took the last name of her second husband, Donald W. Bedell.

Bedell served on the International Trade Commission in 1971–81, and President Ronald Reagan named her as a special consultant to the president on the 50 States Project in 1982.

At her death she was president of Bedell Associates in Palm Desert, Calif.

Survivors include a son, James C. May, of Washington, D.C. and daughter, Melinda May Mazzetti, of San Francisco.

Ms. DUNN. Mr. Speaker, I yield to the gentleman from Washington (Mr. HASTINGS), of the Fourth Congressional District of Washington State.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman for yielding. I see one of my predecessors from the Fourth District is waiting to speak, too.

I want to congratulate our Members for being here to honor Catherine May Bedell. I regret that I did not know her. She represented the Fourth Congressional District. I did not know her. I knew of her. I did cast ballots for her before I got actively involved in politics. But she was certainly somebody that had leadership qualities.

I recall that in one of the articles announcing that she had passed away, one of my friends serves in the State legislature, Mary Skinner said that she first remembers when she met Catherine May, and she was impressed by the presence that she had in a group of people talking about policy. I thought that was a very high compliment.

I, too, spoke with Jim May. He kind of gave me a heads-up on Tuesday, and I did not touch bases with him until Wednesday when we had a conversation. Catherine May Bedell just turned 90 last month. My mother also just turned 90 last month. He told me that she passed away very quietly in her sleep; and she had a very, very good life. Obviously, when you lose somebody as close as your mother, it is a shock to you, but he said she lived a very, very good life.

I am certainly pleased to be here on the floor with my colleagues to honor one of my predecessors who represented my district in Washington State.

Ms. DUNN. Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE) from the First Congressional District of Washington.

Mr. INSLEE. Mr. Speaker, I would like to join my colleagues in honoring Catherine May Bedell.

In my role as a previous representative of the Fourth Congressional District, before I was freed by the voters for other duties, as we say, and the gentleman from Washington (Mr. HASTINGS) took that noble office, I did not have the honor of knowing her personally, but I knew her by her legacy. That I think is maybe the nicest, most meaningful legacy a Member of Congress could have. That is when I was door-belling and going to thousands of homes when I was running in Yakima for the seat that she previously held. I had a lot of people, when her name came up, said, I remember her. She was really a nice lady. I really liked her. I heard that a lot.

When you think about a legacy that any of us might have here, I think that is the highest one we could have, that our names may come up when other people are door-belling. She was well loved in Yakima Valley, and we are thinking of her family today. It is an honor to represent her district as well.

Ms. DUNN. Mr. Speaker, I want to say, in closing, we appreciate the time allotted to us. When a door closes, often another window opens. And to all of us, I want to say that 5 weeks ago a member of my campaign staff gave birth to a little baby girl whose name is Catherine May.

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

APPOINTMENT OF CONFEREES ON H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Alaska?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. Oberstar moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, be instructed to insist on the language contained in section 1101(a)(21)(A) and section 1120(a) of the House bill that establishes and provides funding for a safe routes to school program for the benefit of children in primary and middle schools.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Speaker, I am delighted we have reached this point. I know that the point of going to conference and appointing conferees, I know that the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG) would, as I, have liked to have had this bill on the House floor last fall; and I think we could have. We could well have had this bill enacted by now, and we could well have been on our way to creating 475,000 new jobs and $80 billion in total economic activity if the committee had been allowed to work its will, as we did in committee. However, other forces intervened; and this is legislative process.

We are where we are now, thank heavens; and we will be able to move ahead and I hope to reach the outcome that we all desire of getting a robust investment in transportation through conference, through the House and the other body and to the President for signature.

I pledge, as I have done from the outset of this process and demonstrated, that we will bend every constructive effort toward that purpose on our side, working in concert with the chair and the majority.

I look forward to a good conference. We have a very good contingent on our side as on the Republican side, and I know that we are all committed together, constructively working to achieve the purpose of a major investment in transportation over the next 6 years.

The motion that I offer instructs the conferees to insist on the innovative Safe Routes to School Program included in the House-passed bill. Innovation but one that has been widely tested, is enormously popular and powerfully supported in more than 26 States across the country since the two pilot projects were undertaken in Marin County, California, and in Arlington, Massachusetts. In Marin County, basically a bicycling to school project and in Arlington, Massachusetts, principally pedestrian activity.

In Safe Routes to School, California, the nine participating elementary schools in the Marin County region that joined in this pilot program went from 2 percent of children walking and bicycling to school to 54 percent today.

This is an enormous vote of support for a healthy life-style, and it is this quality-of-life issue that is a driving force as we move ahead with this transportation bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recognize this motion to recommit is one I support. It is a motion that will I think make the bill's purposes be specifically spelled out. And I would suggest that what the gentleman, the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) said, this is a working instrument, bipartisan, by all Members of both sides of the aisle who have worked

very long and hard to arrive at a decision and passed a bill which we believe is a very good piece of legislation.

But we requested going to conference. It is because of the differences, as usual, between the Senate and the House, as it should be. It is my hope, with the cooperation we have had in the past, we will be able to talk to the Senate and convince them that we are in the right position at the right time.

I will say, everybody knows where we came from, to begin with, it is a considerable amount of more money than passed the House. The Senate does have more money in the bill, and it is now our job to try to reach a decision to do what is best for this great Nation of ours in our infrastructure.

I have to stress that, and infrastructure is the key to our economy. Infrastructure is what makes all other things work in this legislative body. Without good transportation, we are unable to provide the monies for Medicare, Medicaid, prescription drugs, border patrol, Social Security, all those good things we talked about. The only thing that drives that is infrastructure that makes people and product move. So we believe that we have a good piece of legislation.

On the House side, it passed overwhelmingly, the largest single vote that any Congress has ever voted on a transportation bill. It was done in this House. We had less negative votes than any other time.

And, again, we passed it over to the Senate. They rejected it. We rejected what they sent us, and now it is up to us to ask for this conference. I am hoping that the Senate and House Members will work together, collectively, and we will arrive at a very rapid solution to this very, very important issue to this great Nation.

Again, I want to stress to Members that may be watching in their offices is this is a friendly motion to instruct, one which I support; and if there is a vote, and I expect to ask for a vote, I will ask for a yes vote.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 45 seconds to extol the labors of the gentleman from Illinois (Mr. LIPINSKI).

He has been a constant, solid, secure, wise, counselor as we worked our way through the various provisions of this legislation in the internal negotiations in committee and through the markup; and I look forward to his continued participation as a seasoned hand in the House-Senate Conference on Transportation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Highways, Transit and Pipelines.

□ 1330

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for the time.

I want to stay that I strongly support this motion to instruct. This is an enormously important program. It is one that the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, has worked on for a long, long period of time. It is something that I personally am very much interested in, being a cyclist myself; and it is one that I know the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI) also have supported very strongly, and I appreciate their support.

But in talking about the gentleman from Alaska (Chairman YOUNG) and the gentleman from Wisconsin (Chairman PETRI), I want to once again stress the fact that the product that we have produced out of the Committee on Transportation and Infrastructure is a product that the Republicans and the Democrats shared equally in. We worked in concert. We certainly did have some disagreements. There were certainly some things that we did not see eye to eye on, but we resolved those in a very honest, open manner.

I want to compliment the gentleman from Alaska (Chairman YOUNG) once again for the patience and the persistence that he has demonstrated in moving this bill to the floor of the House of Representatives. I know it has been very difficult for him. There have been many extenuating circumstances that have delayed things, but it certainly was not any fault of his.

I know that if the Senate will be as cooperative, as helpful, as understanding as we in the House have been in putting this legislation together that it should not take long for this conference committee to agree upon a bill to bring back to the House and Senate and to move on to the President so that we can really energize this economy in this country.

There is no more important bill for the economy that this legislative body can deal with than this bill dealing with highways and mass transit in the United States of America. As my favorite President of the 20th century said, this type of bill is a jobs, jobs, jobs bill. We need that in this economy, but we need more ways to move people around, and this is the way to do it.

I thank the gentleman very much for the time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield what time he may consume to the gentleman from Ohio (Mr. LATOURETTE), the chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management, a member of the conference.

Mr. LATOURETTE. Mr. Speaker, I want to commend the distinguished ranking member of our full committee for making this the subject of the motion to instruct conferees, and it is a tribute to not only him but the bipartisan nature in which this committee works to build America's infrastructure, and it continues his vision and the vision of those that worked back with him in 1991 when they created ISTEA and continued through TEA–21 and now moves forward into TEA-LU in that it recognizes that there needs to be intermodalism and there is more to transportation than just concrete, asphalt and moving people in their automobiles.

The Safe Routes to School program is something that has worked very, very well; and by expanding it to a national level and asking our friends in the Senate in this motion to instruct to accede to the language that we have included in the bill is exactly the right thing to do, and I give the gentleman from Minnesota (Mr. OBERSTAR) a lot of credit for again making this the point that we are talking about today.

It is a great day for the Committee on Transportation and Infrastructure, and it is a great day for the Nation that we are moving this process forward. There have been some fits and starts on this bill. We had some differing levels when it came to funding. We had a little tip from the White House over what that funding should be, but only when we get in a conference and are able to talk with our friends and colleagues from the United States Senate about what divides us on the bill and engage the White House can we hopefully convince them that, as the gentleman from Illinois (Mr. LIPINSKI) indicated, this is a jobs bill. This bill is critically important to not only relieving congestion; it is important to make sure that men and women in this country are working.

The great thing about working is that these are jobs that cannot be outsourced. There has been a lot of talk about outsource. These are American construction jobs that are going to take place in American cities and American towns all across the country.

So I am very pleased that we are at this stage today, and I want to go back to this motion to instruct to conclude.

Sometimes around here we name things in a way that sounds nice, but they are really not good programs. That is not the case with Safe Routes to School. It is a good program, and it deserves our support; and I hope we are able to convince our friends in the Senate to do the same.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me begin my remarks by thanking both the chairman and our ranking member for such a cooperative spirit in this committee; and it is appreciated by, I am certain, Members on both sides of the aisle.

I rise in strong support of the Oberstar motion to instruct conferees to accept the Safe Routes to School program as included in H.R. 3550. The House version outlines a stronger, more flexible program than the Senate version. The House version will provide much-needed funding for infrastructure improvement and safety initiatives, ensure that States receive no less than

$2 million a year, and would improve the ability of kids to safely and conveniently get to school by walking or biking.

In my home State of Texas, the requests for funding for this popular initiative have been overwhelming, with request amounts far exceeding our current budget amounts.

So I urge my colleagues to address the congestion around our Nation's schools and provide increased physical fitness opportunities for kids by supporting this motion to instruct.

Mr. YOUNG of Alaska. Mr. Speaker, I have no other speakers at this time, and I yield back the balance of my time.

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

The inspiration for this initiative in this legislation was a report by the Centers For Disease Control of the U.S. Public Health Service, the Department of Health and Human Services some 4 years ago. I participated in this conference and listened to the presentation that over 300,000 Americans a year die of obesity and its complications, the second-leading cause of death in America. Yet 25 percent of America's 15-and-under school children are clinically obese; 36 percent of all Americans are obese or are seriously clinically overweight. We are facing a health epidemic that 75 percent of children 15 and under do not walk, do not bicycle to school or associated activities; they are driven. That is a class in our society that is mobility challenged.

I heard these numbers and others that I will not repeat here that just show an emerging health crisis with huge implications for obesity, for cardiovascular disease, stroke, diabetes, and other related illnesses.

The Centers For Disease Control raised the flag. I thought we ought to have a response. I gathered together a group of active-living organizations, those bicycling and pedestrian and other outdoor activities, cited those figures and said I have got an idea to deal with this: we will call it Safe Routes to School, to engage an entire generation of Americans in a healthier lifestyle that will follow them throughout their life. That is a wave throughout society that is starting with elementary school age children. They will carry this all through their young life into adulthood and pass it on to their children.

With that, I persuaded the National Highway Traffic Safety Administration to commit $50,000 in grants to the Marin County schools and another similar grant to honor Arlington County schools in Boston, and the project was under way. It has been an enormous success, widely imitated throughout the country, widely supported. This is a lifestyle change.

We get an opportunity to do something like this once in a career in the Congress. I greatly appreciate the support of the chairman of the full committee; the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI); the kind words of the gentleman from Ohio; my colleague, the gentleman from Illinois (Mr. LIPINSKI); and my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

In conclusion, Mr. Speaker, I want to say that the gentleman from Alaska (Chairman YOUNG) has given us strong, vigorous, unflagging, unfailing leadership in moving this legislation from the time we conceived the bill to the time we introduced the bill to the time we moved it through committee. It was his persistence, his insistence and vision of investing in America, creating jobs, moving America forward, restoring our economic vitality, meeting congestion head-on, investing in the future of America at the base of our economy, to stimulate the whole economy. We will need that continued visionary, strong, forceful leadership as we go into conference with the differences that are considerable between the two versions of this legislation.

It is my hope that TEA-LU will prevail in policy and that we may move closer to the other body's version in investment and that at another date, after we get this enacted, we will come back and do the real bill at the $375 billion level that we all know is needed to move America forward.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the comments the gentleman has made, and he knows this has been a joint effort. The gentleman has worked well with us, and I can assure him that we are on the same page; and as we go to conference, there will be some differences of opinion, but I think if we stand shoulder to shoulder, our policy will prevail.

Now our problem is to try to get the money to take and implement that policy, and that is going to be our responsibility, and I think we can do it. I am very positive about it. I always have been, always will be because it is the right thing to do, and we will continue our efforts; and I thank the gentleman for his comments.

Mr. OBERSTAR. Mr. Speaker, the gentleman has had a positive, upbeat attitude from the outset; and that is what it is going to take to get us through the coming weeks.

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

The SPEAKER pro tempore (Mr. OSE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on suspending the rules and adopting House Resolution 655.

The vote was taken by electronic device, and there were—yeas 377, nays 30, not voting 27, as follows:

[Roll No. 227]

YEAS—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty

Meehan	Portman	Snyder
Meek (FL)	Price (NC)	Solis
Meeks (NY)	Pryce (OH)	Souder
Menendez	Putnam	Spratt
Mica	Radanovich	Stark
Michaud	Rahall	Stearns
Millender-McDonald	Ramstad	Stenholm
Miller (MI)	Rangel	Strickland
Miller (NC)	Regula	Stupak
Miller, Gary	Rehberg	Sullivan
Miller, George	Renzi	Sweeney
Mollohan	Reyes	Tanner
Moore	Reynolds	Tauscher
Moran (KS)	Rodriguez	Taylor (MS)
Moran (VA)	Rogers (AL)	Taylor (NC)
Murphy	Rogers (KY)	Terry
Murtha	Rogers (MI)	Thomas
Musgrave	Rohrabacher	Thompson (CA)
Nadler	Ros-Lehtinen	Thompson (MS)
Napolitano	Ross	Tiahrt
Neal (MA)	Rothman	Tierney
Nethercutt	Roybal-Allard	Towns
Neugebauer	Ruppersberger	Turner (OH)
Ney	Rush	Turner (TX)
Nunes	Ryan (OH)	Udall (CO)
Nussle	Ryan (WI)	Udall (NM)
Oberstar	Ryun (KS)	Upton
Olver	Sabo	Van Hollen
Ortiz	Sánchez, Linda T.	Velázquez
Osborne	Sanchez, Loretta	Visclosky
Ose	Sanders	Vitter
Otter	Sandlin	Walden (OR)
Owens	Saxton	Walsh
Oxley	Schakowsky	Wamp
Pallone	Schiff	Waters
Pascrell	Scott (GA)	Watson
Pastor	Sensenbrenner	Watt
Paul	Serrano	Waxman
Payne	Sessions	Weiner
Pearce	Shaw	Weldon (FL)
Pelosi	Shays	Weldon (PA)
Pence	Sherman	Weller
Peterson (MN)	Sherwood	Wexler
Peterson (PA)	Shimkus	Whitfield
Petri	Shuster	Wicker
Pickering	Simmons	Wilson (NM)
Pitts	Simpson	Wolf
Platts	Skelton	Woolsey
Pombo	Smith (NJ)	Wu
Pomeroy	Smith (TX)	Wynn
Porter	Smith (WA)	Young (AK)
		Young (FL)

NAYS—30

Barrett (SC)	Flake	Northup
Bishop (UT)	Franks (AZ)	Norwood
Blackburn	Hayworth	Royce
Blunt	Hoekstra	Schrock
Bonilla	Hyde	Shadegg
Bonner	Isakson	Tancredo
Cannon	Kingston	Thornberry
Cantor	Linder	Tiberi
Culberson	Miller (FL)	Toomey
DeLay	Myrick	Wilson (SC)

NOT VOTING—27

Ballance	Deutsch	Johnson, Sam
Brady (PA)	Dreier	Lynch
Burton (IN)	Dunn	McInnis
Capuano	Emerson	Obey
Carson (OK)	Gerlach	Quinn
Collins	Istook	Scott (VA)
Deal (GA)	Jefferson	Slaughter
DeGette	Jenkins	Smith (MI)
DeMint	John	Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1406

Messrs. TIBERI, CULBERSON, LINDER, DELAY, ROYCE, CANTOR, TANCREDO, BONNER, FRANKS of Arizona, ISAKSON, BARRETT of South Carolina, BISHOP of Utah, HAYWORTH, SCHROCK, HOEKSTRA, TOOMEY, Mrs. NORTHUP and Mrs. BLACKBURN changed their vote from ''yea'' to ''nay.''

Mr. WELLER changed his vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING THE CRACKDOWN ON DEMOCRACY PROTESTORS IN TIANANMEN SQUARE, BEIJING, IN THE PEOPLE'S REPUBLIC OF CHINA ON THE 15TH ANNIVERSARY OF THAT TRAGIC MASSACRE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 655.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. 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 resolution, H. Res. 655, 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 400, nays 1, not voting 33, as follows:

[Roll No. 228]

YEAS—400

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

NAYS—1

Paul

NOT VOTING—33

Ballance	Deutsch	Lynch
Ballenger	Dreier	Marshall
Brady (PA)	Dunn	McInnis
Burton (IN)	Emerson	Obey
Capuano	Gerlach	Olver
Carson (OK)	Houghton	Otter
Collins	Hunter	Quinn
Cramer	Jenkins	Slaughter
Deal (GA)	John	Smith (MI)
DeGette	Johnson, Sam	Tauzin
DeMint	Lewis (CA)	Wilson (SC)

□ 1414

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.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 227 and 228. Had I been present, I would have voted "yea" on rollcall votes 227 and 228.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, for personal reasons I had to return to my District in Indiana and I was therefore unable to be on the House Floor for rollcall votes 223, 224, 225, 226, 227, and 228.

Had I been here I would have voted "aye" for rollcall vote 223, "no" for rollcall vote 224, "aye" for rollcall vote 225, "aye" for rollcall vote 226, "aye" for rollcall vote 227, and "aye" for rollcall vote 228.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 227, on Motion to Instruct Conferees on Transportation Equity Act: A Legacy for Users (H.R. 3550); rollcall vote 228, condemning the crackdown on democracy protesters in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre (H. Res. 655).

Had I been present, I would have voted "yea" for rollcall votes 227 and 228.

MESSAGES FROM THE PRESIDENT

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

APPOINTMENT OF CONFEREES ON H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title IX) and the Senate amendment (except title V), and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, BOEHLERT, COBLE, DUNCAN, MICA, HOEKSTRA, EHLERS, BACHUS, LATOURETTE, GARY G. MILLER of California, REHBERG, BEAUPREZ, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, Ms. NORTON, Mr. NADLER, Mr. MENENDEZ, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on the Budget, for consideration of sections 8001–8003 of the House bill, and title VI of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, SHAYS, and SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 1602 and 3030 of the House bill, and sections 1306, 3013, 3032, and 4632 of the Senate amendment, and modifications committed to conference: Mr. BALLENGER, Mrs. BIGGERT, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of provisions of the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in section 6001 of the House bill, and sections 3005 and 3006 of the Senate amendment; and sections 1202, 1824, 1828, and 5203 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 3016, 3023, 4108, 4151, 4152, 4155–4159, 4162, 4172, 4173, 4424, 4481, 4482, 4484, 4662, 8001, and 8002 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, PICKERING and DINGELL.

From the Committee on Government Reform, for consideration of section 1802 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SCHROCK, and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 1105, 1207, 1602, 1812, 2011, 3023, 4105, 4108, 4201, 4202, 4204, 5209, 5501, 6001, 6002, 7012, 7019–7022, and 7024 of the House bill, and sections 1512, 1513, 1802, 3006, 3022, 3030, 4104, 4110, 4174, 4226, 4231, 4234, 4265, 4307, 4308, 4315, 4424, 4432, 4440–4442, 4445, 4447, 4462, 4463, 4633, and 4661 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

□ 1415

From the Committee on Resources, for consideration of sections 1117, 3021, 6002, and 6003 of the House bill, and sections 1501, 1502, 1505, 1511, 1514, 1601, 1603, 3041, and 4521 through 4528 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS and KIND.

From the Committee on Rules, for consideration of sections 8004 and 8005 of the House bill, and modifications committed to conference: Messrs. DREIER, SESSIONS and FROST.

From the Committee on, Science, for consideration of sections 2001, 3013, 3015, 3034, 4112, and Title V of the House bill, and Title II, sections 3014, 3015, 3037, 4102, 4104, 4237, and 4461 of the Senate amendment, and modifications committed to conference: Messrs. GILCHREST, NEUGEBAUER and GORDON.

From the Committee on Ways and Means, for consideration of Title IX of the House bill, and Title V of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore (Mr. OSE) laid before the House the following resignation as a member of the Committee on Agriculture:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective today, June 3rd, 2004, I hereby resign from the Committee on Agriculture.

Sincerely,

MIKE THOMPSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON AGRICULTURE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I call up a privileged resolution (H. Res. 661) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 661

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON AGRICULTURE: Ms. Herseth (to rank immediately after Mr. Marshall).

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I take this time for the purpose of asking the majority leader about the schedule for the week to come.

I yield to my friend, the majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr Speaker, I thank the distinguished gentleman from Maryland for yielding to me.

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

On Wednesday and the balance of the week, we plan to consider several bills that respond to the urgent demand for national action on energy policy: The Arctic Coastal Plain Domestic Security and Abandoned Mine Lands Reclamation Reform Act, The Renewable Energy Project Siting Improvement Act, The Energy Policy Act, The Energy Science Act and The U.S. Refinery Revitalization Act.

I thank the gentleman for yielding and would be happy to answer any questions.

Mr. HOYER. I thank my friend for that information.

First, if I can ask the leader, there are not bill numbers on the energy packages to which the gentleman referred. Have these bills been introduced, are there going to be hearings held on them, have hearings been held on them, will they be considered by committee? Can the gentleman fill us in on some of that information?

Mr. DELAY. Mr. Speaker, the bills are being worked on as we speak. We anticipate many of them being introduced today, if not today, tomorrow. Most of the bills have already been considered or voted on in the past on energy policies. We do not anticipate the need for any committee action on many of these bills. Some of them are suspension-type bills, and we anticipate bringing some on suspension calendar and then others by rule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

Let me clarify: Have some of these bills passed in perhaps the larger energy bill? Is that what the gentleman is saying?

Mr. DELAY. That is correct.

Mr. HOYER. So the gentleman is taking segments out of that bill to put in separate pieces of legislation?

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, we are taking some of the bills and issues out of the House-passed energy bill that did not find their way into the conference report that is pending before the Senate that the House has already passed. So the major piece of legislation, the Energy Policy Act of 2004, is a restatement of the energy conference report that is pending in the Senate, the ANWR AML bill. There are amendments against ANWR that have failed, but we have had votes on ANWR in this House in the debate on the energy bill leaving the House. The U.S. refinery revitalization bill is a bill that we anticipate being on suspension. The ANWR AML bill will be under rule.

Mr. HOYER. All right, that is the Arctic Coastal Plan Domestic Energy Security and Abandoned Mine Lands Reclamation Reform Act?

Mr. DELAY. That is correct. That is what we call the ANWR AML bill.

Mr. HOYER. I thank the gentleman.

The gentleman anticipates some of these may be introduced today. When would Members be able to have copies of these bills to review, and have these bills been reviewed by the minority on the committees of jurisdiction?

Mr. DELAY. Mr. Speaker, I am not privy to the work done by the relevant committees, the most relevant committees, the Committee on Resources and the Committee on Energy and Commerce, as to what they have done or not done with the minority, but as far as the gentleman's question on when Members will be able to see those bills, obviously, as soon as they are introduced, they will be available.

Mr. HOYER. I thank the gentleman for that information. Hopefully we will have an opportunity so that our Members, certainly on the committees of jurisdiction on the minority side, will have an opportunity to review them and advise our side of the aisle at least their views on those, in light of the fact they are not going to be considered in committee and some will be on suspension. Others will go to the Committee on Rules?

Mr. DELAY. If the gentleman will yield further, that is correct.

Mr. HOYER. I thank the gentleman for that information.

The FSC bill, there has been a lot of talk about the FSC bill. Can the leader tell me when we might anticipate a FSC bill being on the floor or being marked up in committee?

Mr. DELAY. If the gentleman will yield further, as we are doing this colloquy, the Speaker is contemplating how we can accommodate the ranking member of the Committee on Ways and Means who is going with the Speaker over the weekend for the D–Day celebration. I think we have at least tentatively worked out a schedule whereby the Committee on Ways and Means could do their markup on Wednesday or Thursday and have the bill on the floor the first of the week following.

Mr. HOYER. I thank the leader. I want to, on behalf of the gentleman from New York (Mr. RANGEL), state our appreciation for that consideration. It is my understanding the gentleman is going to Normandy with the Speaker and they will not return until approximately 5 or so Tuesday afternoon, so that meeting at 6 o'clock would have been difficult. We appreciate the consideration that has been given.

Mr. DELAY. If the gentleman will yield further, I might also add that the jobs bill contemplated by the chairman will probably be introduced by tomorrow. So Members will have at least over the weekend a chance to look at the bill before the markup of the committee.

Mr. HOYER. You say the jobs bill; the American Jobs Creation Act?

Mr. DELAY. That is correct. Some people refer to that as FSC.

Mr. HOYER. I see what the gentleman is saying. It is one and the same.

Where are those jobs, Mr. Leader?

Mr. DELAY. They are all in that bill, thousands upon thousands of them.

Mr. HOYER. Actually, I meant are they overseas or here in America?

Mr. DELAY. We are bringing them home, Mr. Whip.

Mr. HOYER. I presume that will be part of our debate, Mr. Leader.

Mr. Leader, lastly, the budget enforcement bill, is that going to be on the calendar at any time soon?

Mr. DELAY. As the gentleman knows, in March the Committee on the Budget passed a bill that would extend statutory pay-as-you-go rules on new mandatory spending to ensure that new programs are offset by spending reductions. In addition, the bill would instate statutory spending caps on statutory programs. Now that the House has passed the budget resolution conference report, we look forward to quick consideration of this bill.

We have a very busy schedule planned for next week. We had planned on bringing this bill up next week and still may do so. But we may not be able to consider this bill next week; and, therefore, we most probably would schedule it for the following week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. As the gentleman knows, I am sure both sides of the aisle feel that is a critical piece of legislation, in light of the deficits that are confronting us, as to how we can get those under control. I know there are differences of opinion on that, but I know on our side of the aisle we believe that that is a very important step for us to take in light of the budget deficits.

Lastly, Mr. Leader, if I can ask the leader, it was I think tentatively believed that we would be meeting next Friday. In light of the accommodation on the FSC or jobs bill, would Members be correct in thinking that Friday of next week may not be a legislative day?

Mr. DELAY. If the gentleman will yield further, that is very difficult to say. We do have a very ambitious schedule for next week. It could very likely take Friday to complete that schedule. However, we are going to work as hard as we can to get our work done as soon as we can; and, if we can get our work done, we may not have to work on Friday. But I would warn the Members that it is very possible that we would have to be here on Friday.

□ 1430

Mr. HOYER. Mr. Speaker, I thank the leader for his information.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that the Committee on Small Business be discharged from further consideration of the bill (H.R. 4478), to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act

of 1958 through July 23, 2004, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Ms. VELÁZQUEZ. Mr. Speaker, reserving the right to object, and I do not intend to object, the legislation we are about to pass is necessary because the House still has not gotten its work done on the reauthorization of the Small Business Administration. H.R. 4478 represents the fourth extension since the Committee on Small Business unanimously passed bipartisan legislation almost a year ago, and yet the House leadership continues to block its consideration.

I am reluctantly agreeing to this because, while the legislation does extend the SBA until the end of July, it fails to address the critical needs of the 7(a) and 504 loans programs.

We need to bring the SBA reauthorization, H.R. 2802, to the floor and give small businesses the access they need to important contracting, loan, and technical assistance programs.

I hope that we do not have another extension and empty promises of action.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4478

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958.

The authorization for any program, authority, or provision, including any pilot program, that was extended through June 4, 2004, by section 1 of Public Law 108–217 is further extended through July 23, 2004, under the same terms and conditions.

SEC. 2. TECHNICAL AMENDMENT.

Section 2 of Public Law 108–205 is amended by striking ''October 1, 2003'' and inserting ''March 15, 2004''. The amendment made by the preceding sentence shall take effect as if included in the enactment of the section to which it relates.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT TO CONGRESS CONCERNING EXTENSION OF WAIVER AUTHORITY FOR TURKMENISTAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–189)

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 Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Turkmenistan. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Turkmenistan will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

REPORT TO CONGRESS CONCERNING EXTENSION OF WAIVER AUTHORITY FOR THE REPUBLIC OF BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–190)

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 Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the Republic of Belarus. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

REPORT TO CONGRESS CONCERNING EXTENSION OF WAIVER AUTHORITY FOR VIETNAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–191)

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 Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

HOUR OF MEETING ON FRIDAY, JUNE 4, 2004

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon tomorrow, Friday, June 4, 2004.

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

There was no objection.

ENRON TRADERS PLOT MARKET RIGGING

(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, I happen to represent a great and wonderful community, Houston, Texas. But in that community is a company called Enron. And I watched during the 2 or 3 years past when 5,000 employees were laid off, through no fault of their own, and through some of the crumbling and outrageous behavior of some of those now before the justice system.

But I come to condemn the outrageous comments made by Enron employees that really have no place in any part of corporate America.

As the words go: ''So the rumor is true that they are taking all of the 'blank' money back from you guys; all that money you stole from those poor grandmothers in California?''

Response: ''Yeah, Grandma Millie, man, she's the one who could not figure out how to 'blank' vote on the butterfly ballot.''

Trader: ''Now she wants her 'blank' money back for all the power you jammed up her 'blank' for $250 megawatts an hour.''

Let me ask corporate America to establish a code of conduct. This is outrageous. This should be condemned, and I hope they get their due justice. This does not reflect hard-working employees who every day get up and try to do their job.

BIPARTISAN AMERICAN VISION FOR LEADERSHIP IN SPACE

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

Mr. FEENEY. Mr. Speaker, there are some enormous issues that face America today, but something is lost, as we talk about the challenges in the war on terror and the President's leadership in Iraq and, of course, finally, the strongly recovering economy under President Bush's leadership, is the President's space vision for tomorrow.

It becomes important that we pay attention to the great things that the President has proposed. For the first time really in 2 decades, we have a new space vision to guarantee that America will continue to be the predominant space leader through the next millennium, as it has been over the last 50 years. It is important that we return the Shuttle to flight; it is important that we complete the international space station. But more importantly, the President has given us a new vision so that we can explore mid-Earth orbit and outer-Earth orbit.

Mr. Speaker, I suggest that Sean O'Keefe is doing a wonderful job. I hope this House will be able to focus in the next 5 months and after the election on a bipartisan American vision for leadership in space. The President's vision is affordable, it is visionary, it is flexible; and, most important, it will maintain America's leadership in space.

NEW DIRECTION IN AMERICA FOR JOBS

(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, President Bush came to northeast Ohio, Youngstown, last week to try to defend an economic program that simply is not working in any of the Great Lakes industrial States. Ohio has lost one out of six manufacturing jobs since President Bush took office. We have lost almost 200 jobs every single day of the Bush administration.

His answer to that is more tax cuts for the rich, hoping they trickle down and create some sort of economic activity, and more trade agreements like NAFTA that continue to ship jobs overseas. Those policies are not working.

What we should be doing is extending unemployment benefits to the 50,000 Ohio workers who have lost their benefits. We should reexamine these trade agreements. We should pass the bipartisan Crane-Rangel bill which gives companies incentives to manufacture in the United States, rather than giving tax breaks to the largest companies in the country which continue to outsource and continue to ship jobs overseas. That policy is not working.

We need a new direction in Ohio and across the country.

FAREWELL TO PAGES

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

Mr. SHIMKUS. Mr. Speaker, this is the longest 1-minute that we will see on the House floor in a year, and this is the annual farewell to our pages who have served us so well this last year. I would like to ask the page class of 2003–2004 to come on down to the well of the Chamber. Come on. Come on down, and find a place in the first two rows here.

Well, here we are. It is a special time. As you finalize your activities today on the floor and you go through your graduation tomorrow and you get loaded up, first of all, thanks. Thanks for serving us. Thanks for serving your country. We are going to miss you.

As chairman of the House Page Board, it is my privilege to acknowledge and thank this outstanding group of young men and women. Today marks your last day of service in the 2004 page class. You are starting another phase of your life, and all of these phases of life always continue. New phases, new challenges.

While today is the ending of the page experience, it is the beginning of a multitude of opportunities that may not even be revealed to you yet. Universities and careers, travels and adventures, families and friends all lie on the horizon for each one of you.

It is true that whenever one door closes, another one opens. Go boldly through each new door that presents itself during the course of your life and embrace the challenge that the world puts in front of you with the same vigor and expertise and the commitment to work that you have shown here on the floor.

We really are proud of you. You have had an insider's view that a lot of people would pay a lot of money for. As many of you know, part of my West Point experience was leadership; it is a leadership school. What we teach at West Point is that there are good examples of leadership and there are bad examples of leadership, and take the good and remember the bad and try not to replicate the bad.

As you have seen, a multitude of things happened in this last year, I challenge you to do the same thing. Look at the good qualities of the Members and the staff, not just the page program staff, from the dorm to the school, to here on the floor, but also your interaction with Members of Congress, your interaction with their staffs. Take the good. Remember that. Use that to help mold you into the kind of adult you want to be. But also remember the bad experiences, how maybe some of you saw the treatment of other individuals that you did not really think was right or proper, and use that and commit yourself to say, that is not going to be me when I am an adult. That is part of the learning and growing experience.

I am going to be able to interject as we have a chance to share, but I want to yield now to the ranking member of the Page Board, the gentleman from Michigan (Mr. KILDEE), a man who has been involved with this program, I would like to say forever, although he may not agree with that.

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently here in the 108th Congress. We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate. You come from across the Nation. You represent what is good about our country.

To become a page, you have had to prove yourselves to be academically qualified. You have ventured away from the security of your homes and families to spend time in an unfamiliar city. But through this experience, you have witnessed a new culture; you have made new friends and learned the details of how government operates. And you have seen Congress at its best and sometimes at its worst. We are human beings, but this is the greatest democracy in the world.

As we all know, the job of congressional page is not an easy one, and no one knows that more than you. Along with being away from home, the pages must possess the maturity to balance the competing demands for their time and their energy. In addition, you must have the dedication to work long hours and the ability to interact with people on a personal level; from the powerful to everyone. You have had to deal with people, and I am very proud of how you have dealt with them.

At the same time, you face a challenging academic schedule of classes in the House page school. I am sure that you will consider your time spent here in Washington, DC, to be one of the most valuable and exciting experiences of your lives. With that experience, you will move ahead and lead successful and productive lives.

Franklin Delano Roosevelt back in the mid-1930s uttered these words, but they are as relevant today as they were during those very difficult times. He said, ''There is a strange cycle in human events. To some generations, much is given. Of other generations, much is expected.''

This generation of Americans has a rendezvous with destiny.

□ 1445

And having met all of you and seen you at work, I am confident that you will meet the challenges of that rendezvous.

Mr. Speaker, as the Democratic member of the House Page Board, appointed by Speaker Tip O'Neill. I ask my colleagues to join me in honoring this group of distinguished young Americans. I am personally proud of you. I have benefited from you. I think we all add to one another. You added to my experiences. You have presented to me a challenge to do better. And when you go back home, you will have had a special experience that no one else will have had.

There is a great program in this country called Close Up. It is a great

program, and I always meet with all my Close Up students. But no one has seen this government as close up as you. When you go back home, you will have every opportunity to talk about government and how, despite the faults and shortcomings, this is a great body and this is the greatest democracy in the world. And you are one of the reasons it is.

Thank you very much, and God bless you.

Mr. SHIMKUS. Mr. Speaker, at this point, I will submit for the RECORD the names of the class of 2003–2004.

2003–2004 PAGES

REPUBLICANS

Rebecca Ball–WA, Manfred Bekeris—AK, Ryan Bieshaar—CO, Daniel Boden—CA, Anthony Bonna—FL, Clinton Brown—MO, Diamond Bruner—VA, Tiffany Cannon—GA, and Michael Capovilla—NV.

Tom Church—MI (Camp), Dominique Clay—MI, Michael Dennis—PA, Jenna Douglass—DE, Andy Duberstein—VA, Chris Fitzwater—CO, Patrick Fortune—CA, Andrew Gall—PA, and Tim George—MD.

Andrea Hall—KY, Clay Hammock—SD, Katelyn Hancock—IN, Weston Jones—SC, Clara Kang—CA, Jenna Kelsey—NJ, Craig Kreinbihl—OH, Carolina Krohne—FL, and Allison Kushner—NY.

Nicholas Lane—AR, Matthew Mazzetta—IL, Elizabeth McCune—TX, Rachael McMillan—NC, Matthew Merighi—NJ, James Orlando—NY, Sarah Reed—WY, Liesel Rickhoff—TX, and Ashley Rubenstein—WV.

Taylor St. Claire—AZ, Michael Sala—PA, Rebecca Sher—TX, Kara Skarda—NC, Nicholas Smith—MI, Katherine Souza—CA, Lynda Thorne—GA, Nicholas Vorpagel—WI, and Christine Wright—CO.

DEMOCRATS

Clarice Bennett—IL, Kathryn Byerly—KS, Joseph Carliner—MD, Melissa Eddy—NC, Alexander Gates—PA, Omar Halabi—OH, Demetrius Harrison—IL, and Ian Herron-Cary—IN.

Corinna Holden—VT, David Horvath—MA, Sarah Johnson—WI, Frances Mercedes—NY, David Miller—CA, Monica Ramos—CA, Jennifer Ridder—CO, and Mallory Scarritt—FL.

Samantha Shinberg—DC, Alison Shott—PA, Mary Swick—PA, Maza Men-asche-Untemeyer—FL, Jeffrey Waters—NY, Brian Wright—MN, and Blake Yocum—IA.

Mr. Speaker, I would like to yield to the Minority Whip of the House of Representatives, the gentleman from Maryland (Mr. HOYER), who has always been very, very supportive of the program and very gracious with his time to come down on the floor.

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

I thank all of you for participating in this program. It is important for America that you do so. You have gotten, obviously, something from this program, perhaps a great deal, but, in my opinion, America is getting more from this program.

The gentleman from Michigan (Mr. KILDEE), who has served on this board for longer than any other Member and with whom I served on the board for a short period of time, observed that you have been given a unique privilege, an insight into democracy that few Americans get. They see us on C–SPAN, they read about us in the newspaper, they see short clips, the 30 seconds or the 15 seconds, but you know better than almost all of your colleagues, your peers, that that 30-second clip is not necessarily the truth of what happens.

You have seen firsthand the dedication of Members. You have seen firsthand, as the gentleman from Michigan (Mr. KILDEE) pointed out, and the gentleman from Illinois (Mr. SHIMKUS) has as well, that those of us who have the great honor and privilege of serving here are just like you but a little older.

You are all different. You have different points of view. I am sure you have had discussions about some of the issues that you have heard debated on this floor. You have seen that in your own peer group that you differ, and that, in fact, probably each of you reflects to some degree some of the sentiment expressed on this floor and you agree with that. And you will find the gal sitting next to you say that, no, I do not agree with that; I think X was right and not Y.

That is the glory of our democracy, that we have created an institution in which the different points of view can come together and be discussed and be debated. You have seen that sometimes that debate becomes relatively heated and passionate, and it is because the issues discussed on this floor are very important and impact on all of us, but on you particularly, because you will live longer under the policies that we adopt today than the rest of us, at least on average.

You have been given a special opportunity, and I would hope that you would feel that that comes with a particular responsibility. One of the concerns that those of us who are older have is that those of you who are younger do not participate in very high levels, at least in percentages, of impacting on the decisions we make in our democracy. The way most citizens impact on those decisions is, obviously, through voting in elections. Young people, as all of you know, do not vote at a very high percentage. That is of concern.

I want to read you something that was said by an Englishman. He said, ''We live in an age when to be young and to be indifferent can be no longer synonymous.'' Think of that. ''To be young and indifferent,'' he said, can no longer be synonymous. We must prepare for the coming hour. The claims of the future are represented by suffering millions; and the youth of a nation are the trustees of prosperity.''

That was said by a gentleman who was the Prime Minister of Great Britain, Benjamin Disraeli. He said that in 1845. It is true today. It is true, in fact, as, again, the gentleman from Michigan (Mr. KILDEE) pointed out, in every generation.

We had a dedication to perhaps some of your grandfathers, the World War II Memorial, and perhaps your grandmothers as well who were called by Tom Brokaw the Greatest Generation. But, in fact, as Roosevelt indicated and as the gentleman from Michigan (Mr. KILDEE) pointed out, every generation is called upon to make its contribution.

In some generations, the challenge is greater than it is in others. In World War II, we lost 60 million people in the world. 60 million. 407,000 Americans killed in that war. We are engaged in another war today in your generation and in my generation, a war on terrorism. It calls upon a lot of young people and some middle-aged people, your parents' age, perhaps, in the Reserve or National Guard, to be deployed overseas, to confront those who would undermine our democracy and our security and our safety. And very soon, very, very soon, you will be called upon to be on the front line, perhaps not overseas but here certainly.

So I would ask you to take from this House, from this well and this room that we call the People's House, to which one can only come by election, we just had a debate on that this week that you will recall, and I hope that you will go back and you will talk to your friends, perhaps your brothers and your sisters, your schoolmates, your peers, and tell them what you have seen.

My experience has been that when I was president of the Maryland Senate, and we had a page program there, was that invariably those who were pages in the Senate, and my experience has been here with pages who have served in this House, that you leave with a more positive view than when you came. That does not mean that you have a rose-colored version of the House of Representatives. It is, after all, peopled by, as I said, people like you, with some strengths, some weaknesses, some faults and some extraordinarily good points.

So I urge all of you to return to your schools, return to your homes, return to your communities and spread the word about the fact that democracy works, that your participation makes a difference, and that in the final analysis, if democracy is to work well, if it is to work as our Founding Fathers conceived it, it will be because we all participate.

Good luck and God bless you. Thank you very much for your service.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague.

Mr. SHIMKUS. Mr. Speaker, now I would like to ask my colleague, the gentleman from Florida (Mr. FOLEY), who, as many of you know, has been very involved in following your progress and lack thereof throughout this year, to address you all.

Mr. FOLEY. Mr. Speaker, first, let us all give each other a round of applause for a very, very successful year here in Congress.

The first time you have actually been able to sit in the seats of Members on Congress and be on national TV. Congratulations. You really are living in a unique time in our country.

I think my colleagues have well expressed the sentiments all of us having

watched you arrive one day as very young and excited newcomers to Washington, some with fear in your eyes because you have left friends and family, others with a sense of optimism and pride that you are getting to represent your districts from around this country.

It is fun to watch the transformation from that first day to the last week. Because I see in all of you that sense of kind of reluctance to some degree to leave this place. You have met and have established lifelong friends in this very process.

What is exciting for all of us that serve here is that you truly represent the best and brightest in this country. It is very, very difficult, as you know, to become a page in the Congress. It requires a number of skill sets that will serve you in life: leadership, intelligence, personality, perseverance, and faith; and those are attributes that, as you mature and go forward in life, will serve you in phenomenal ways.

Many of you know that several Members of Congress originated in the page class. So it is not only a training and testing ground. You certainly got a long exposure to the good and bad Congress has to offer. The good is the fact that in this democracy, in this Chamber, we get to express our opinions about what goes on in the world. We get to weigh in on behalf of the district that I represent and the other Members represent, those 600-plus thousand people who count on us to come to this Nation's Capital every day to work on their behalf.

Disagreements are the joy of democracy. You get to argue and discuss and debate and create hopeful solutions that do not reflect the partisan views of the people in this Chamber but reflect the views of all Americans.

Now, I know you have one more year of high school to conclude and that probably is some degree of relief or maybe, to those you feel like you are probably well equipped to enter your first year of college, some of you, I think, in conversing with you, some are actually mature enough to enter college right away.

I want to thank you for taking time out of your life. This is a sacrifice. It is unique.

I know my page Anthony was, and is, expected to deliver the commencement speech. So a word of warning, Anthony, the 16th district is watching you very carefully.

This Member of Congress, of course, is delighted that there is an age requirement to run for the job. He lives in my community, and he certainly has to reach 25 before he campaigns for this job.

But congratulations on behalf of our district, our mutual district that you have been selected by your peers to have this high honor; and I will be looking for transcripts of that speech.

Anthony came here as a page on the recommendation of several in our community. It was kind of interesting to watch this little mini-campaign take place and those friends that he had in the northern part of my community urging and cajoling and talking to me about submitting his name to be a page. Of course, for those Members of Congress, we get to submit names, but, ultimately, it is the choice of the Page Board and the Speaker of the House that bestows on you this high honor. So you are, in essence, the Speaker's appointment.

Take with you the valuable knowledge you have gained. Never forget your friends. Stay in touch. The interesting thing is that, years from now, as you look around the country and you have your page reunions, you will see each and every one of you doing something unique and different.

□ 1500

Hopefully, some of you will be going on to better communities by being teachers, police officers, firefighters, members of the military, nurses, veterans, whatever your chosen profession. A few may go on to be Congressmen, Congresswomen, Governors, Senators. In fact, in this very room may be the future President of the United States. God bless you. I wish you well, have a great life, and thank you for your service to this Congress.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague for his chance to share with you.

Did he not mention that maybe it might be your high privilege and honor to be the chairman of the Page Board some year? He always leaves that off. I do not know why that is.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE), who has a great history in education as a superintendent of schools, and I thank my colleague.

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

To all of you, let me thank you. As the gentleman from Illinois (Mr. SHIMKUS) has shared with you, prior to my coming to Washington, I had the distinct privilege of being the State superintendent of schools for the State of North Carolina. I consider that a high privilege because I got to work with wonderful young folks like you every day. And I was seated back there looking at the backs of your heads and said, I really want to see your faces because I have seen you in here from day to day.

I want to associate myself with my colleagues' comments. I may repeat some of them, and I will be brief, but I do not want to. The truth is as they have said, and Lord knows how many commencement speeches I have made and groups I have spoken to, you are the future. You will move on the stage very quickly. And you will finish the work. It may be here in this Chamber or in the State legislative chamber or as a doctor, lawyer, preacher, teacher, whatever it may be. You will finish the work that others have started. And always remember that.

I think it is good to remember that there are new ideas from time to time, and we have breakthroughs, but the greatest contributions are made by those who are willing to keep their hands on the steady plow, as we say in rural North Carolina, and you plow a straight furrow. In other words, you do the right thing. You were made out of the right stuff, and we are awful proud of you.

I only wish that every student in America could have the same experiences that you have had for the last number of weeks you have been here. We would have a lot better country because they would go home with a different understanding of Washington, DC.

I started to ask for a show of hands, but I will not do it, of how many of you when you came to Washington, this was the first time you had ever been to Washington. And if that is not true, this would be the first class we have had that that is not true of. For some of you, it may be the very first time you have been away from home for an extended period of time. You have adapted and adjusted to that.

All of us can remember when we went away to camp for the first time, and a week is a long time, and you have been gone for a week and you have adapted well. You brought your school books with you. You were not sure how in the world you were going to handle all of that, right? But you did and you did a heck of a job, and we are proud of you.

You have already shown that you can achieve before you came and you have added to that knowledge. So let me thank you for coming. I have full confidence in whatever you choose to do you will do well because you have already done well.

Let me say to Melissa Eddy, who is from my congressional district, the Second District of North Carolina, we are proud of you. We are glad to have you here this week. And for all of you as you leave this week, including you, Melissa, when you leave here tomorrow and when you head home, you are going to get a little vacation probably. And depending on whether you are going to college or back to high school, it is going to be a short summer because some schools start pretty quick, college and otherwise.

This has already been shared with you, but I want to share it with you again, that is, if you have not gotten everyone's mailing addresses and their known numbers and e-mails, get it and keep it. Your paths will cross again, sometime sooner than you think.

Stay in touch. There are not many places you will ever go again in your life that you will spend and share the time you have shared one with another, with people all across America from virtually every State and have the opportunity to share ideas, whether you agree or disagree and have the kind of positive discourse and great understanding and learning you have had here.

Have a safe trip home. Have a great summer. God bless all of you because you are special, special folks. I wish you all the luck in the world in whatever you choose to do.

Mr. SHIMKUS. Mr. Speaker, I thank my colleague.

Mr. Speaker, I would like to ask the gentleman from Ohio (Mr. BROWN) to come up as he wants to address the group. This is a perfect example. The gentleman and I are very good friends. We do not agree very much on about anything, but one thing we agree on is the service that you all conduct and the honor of this institution and the hard work that everybody puts into it.

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

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Illinois (Mr. SHIMKUS). I know you really want to listen to one more speech because you have not heard enough speeches since you have been here.

It is a pleasure to be here. I particularly thank the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Michigan (Mr. KILDEE) for their good work; to Wren, to all of your supervisors, your new supervisor, Joy Malleen, and to all of you especially for your public service at a very young age.

The gentleman from Michigan (Mr. KILDEE) says this is an almost 200-year tradition of pages working in the greatest legislative body in the world, and this is an achievement you can look back on. It is an achievement especially because if you are like Omar Halabi in my district, if you are like most people here, I think, it was not by accident you ended up here. You are obviously achievers at home. Many of you went through a competitive process to get here. You obviously have shown self-discipline; you are self-starters. You already have the kinds of values and the kind of work ethic that will get you ahead as you go off to college, and you go off in to the military and you go off into the workforce.

I have watched Omar from Brecksville, Ohio, in my district and watched some others of you and talked to you, for some of you it is a semester, for others as Omar got to re-up as they say. I have gotten to see the personal growth and the kind of growing into the whole idea of public service.

My short remarks, I will just say that I hope when you go home, I heard the gentleman from Maryland (Mr. HOYER) talking about young people not registering to vote in very high numbers. I hope you will go home, those of you that are 18 now or soon will be 18 or have plenty of friends that are 18, that you make it your mission to register your friends to vote, to get involved, whichever side you want to be on in the Presidential race this year, whichever side you want to be on on any number of political campaigns at home in community service and encourage people, as President Theodore Roosevelt, my favorite Republican said, ''Get in the arena. That is where you really make a difference.''

You have already been in the arena by working in this legislative body, by serving the Congress, by serving your country. You can accelerate that and go home and build on that and really be in the arena every day, back at school, back in the workplace, in the military, at home doing what you already know how to do. You have the leadership skills. You have the interpersonal skills. I hope that you will share those skills with people all over the 50 States of this country and get into the arena and do it.

Congratulations to all of you.

Mr. SHIMKUS. Mr. Speaker, I want to send my regards for the gentleman from Arizona (Mr. KOLBE), who has visited with many of you. He is receiving an award down at the EPA. I know he is trying to get back here on time, but it looks like he will not. As you know, he has been very close to the program. He will get a chance to extend his remarks.

To whom much is given, much is expected. And I think that is really is summary of what the Members who have come on the floor have attempted to say in their own way. We thank you for your service. We have all bled a little bit this year. We have all sweated a little bit this year. We have all cried a little bit this year, not only the pages but of course, of course, the dorm staff, the school staff, the floor staff. Make sure you go and tell them to thank the adult supervision folks who have been so patient to get us through this year.

Again, from the House of Representatives, from the Speaker, from the minority leader, thank you for your service. Have a great graduation tomorrow. May God bless you all, and may God bless the United States of America. You are now dismissed.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Farewell to the Pages 1-minute speech.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I would like to join my colleagues in recognizing the Congressional Pages that will be ending their term of service this week. I would also like to commend Congressman SHIMKUS and Peggy Sampson for all of their hard work.

The House Pages have made up the critically important support staff that has kept the House floor running smoothly for over 200 years.

The 2003–2004 full-school year Pages were selected from hundreds of applicants, following an incredibly competitive process that scrutinizes their individual achievements in academics, leadership, and commitment to social and civic service.

Page duties include delivering all types of correspondence and legislative materials throughout the Capitol and House Office Buildings, answering phones in the Members' Cloakrooms, relaying messages, flying flags over the Capitol, and preparing the House floor for session.

These pages have spent their entire junior year of high school in Washington, D.C., living, taking classes and working for the House.

The typical day of a Page begins very early at 5:45 am or 6:00 am to eat breakfast prior to attending classes for school at 6:45 am. At 10:00 am, their legislative workday begins and lasts until the House adjourns in the evening; and sometimes into the early morning hour.

These individuals have demonstrated their true commitment to playing an important role in our Nation's future by learning and working in the nation's capitol.

We honor those Pages that have shown the same generosity of spirit, depth of intelligence, and capacity for human service that is so important to leaders.

These exceptional students have consistently displayed their dedication, intelligence and concern throughout their time as a Page in Congress. They stand out among their peers not only because of their many achievements, but also the disciplined manner in which they meet all challenges. Although they have already accomplished a great deal, these young people possess unlimited potential.

The House Pages are young men and women of character, ambition, and initiative, who have made a significant contribution to the United States House of Representatives and already learned well the value of hard work and commitment. Their efforts and dedication is very much appreciated and our best wishes bestowed upon them in all of their future endeavors that I am sure for some will include elected office including Congress. I suspect all will be leaders.

On behalf of the United States House of Representatives, we extend our thanks and highest praise and congratulations to each Congressional Page.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the

time of the gentleman from New Jersey (Mr. PALLONE).

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

There was no objection.

CONFUSING MEDICARE CARD GAME

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, this week America's seniors and disabled Americans can use the new prescription drug discount card created by last year's Republican Medicare law. This card program has not exactly been met with a resounding ''yes.'' Nationwide fewer than 500,000 seniors out of 40 million actively chose to enroll in the card.

A little surprise when seniors in Ohio and throughout the country have found it confusing, have found it overwhelming, have found it way, way too bureaucratic, and have found it unreliable.

Under traditional Medicare, all of your benefits are available through one Medicare card that looks like this. But under the new program, seniors have to choose from a whole deck of cards. This card may be a discount for Fosamax. This card may be a discount for Zoloft. This card may be a discount for Vioxx. This card may be a discount for Lipitor. This card might be a 12 percent discount. This card might be a 16 percent discount. This card might be a 19 percent discount.

But even with that confusion, Mr. Speaker, it gets worse because one card might cover your blood pressure medicine but not your heart medicine; the discounts published in the brochure you read, the 12 percent, the 14 percent, the 16 percent, the discounts you might read could be out of date by the time you get to the drug store.

In other words, under this Rube Goldberg kind of plan, you pick one of these, in Ohio, 53 cards, you pick one of these cards, you pay $30, you are stuck with that card the whole year. Yet, the card maker, the card seller can change the discount, can change the drugs that are covered anytime during that 52 weeks. Mr. Speaker, that is not Medicare. This is Medicare. It is simple. It is reliable. It is universal.

The new program is having such problems that even one of its most widely accepted provisions is having trouble signing people up. The new law provides annual subsidies of up to $600, a good idea, on drug purchases for some, unfortunately too limited, number of low-income seniors.

□ 1515

But even that provision did not reach its target audience. Secretary Tommy Thompson says he is somewhat concerned that low-income seniors are not signing up. A lot of us are concerned in this House that they are not signing up.

The gentleman from Michigan (Mr. DINGELL), the gentleman from California (Mr. STARK), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from California (Mr. WAXMAN), and I have introduced a bill that would automatically enroll all seniors in the new low-income subsidies program.

Like Medicare itself, our proposal is simple; it is universal and reliable. Unfortunately, because it violates the Republican privatization way of doing things, they do not want to do it. So instead of actually fixing the problem by saying all seniors who are eligible get the $600 automatically, the Bush administration's going to spend another $4 million to advertise to try to encourage people to sign up. They have already spent up to $80 million to tell seniors that this program is a good idea overall. Now they want to spend another $4 million doing something that we ought to do to reach out to those seniors that need the drug benefit.

Earlier last year when the HHS auditors said the Republican bill would cost $134 billion more than the White House said, the White House suppressed the estimate and gagged the auditor. When the initial reaction from seniors was less than enthusiastic, the Bush administration announced plans to spend, as I said earlier, $80 million of our taxpayer dollars to educate seniors on why this bill is not really this bad after all. When news coverage of the program was not favorable enough, the Bush administration was undaunted. They just rolled out their own news stories, at taxpayers' expense, complete with fake anchor, phony interviewer, bogus reporter. It is not about substance; it is about image.

I think we can show that we can do better. House Republican leadership should pass the Dingell bill this week. It would begin to enroll those people who are eligible for the $600 drug benefit, those lower-income seniors. We could pass it and get it over to the other body in plenty of time to have it on President Bush's desk by next week. I would love that to happen.

The choice, Mr. Speaker, again should be do we want one Medicare card that can give good drug discounts using the 40 million beneficiaries to negotiate a 40, 50, 60 percent discount for all seniors on this one card, or do we want to issue this privatized kind of Medicare with 53 cards, with 53 different plans, sold by private insurance, too confusing, too bureaucratic, and, frankly, a benefit that is barely worth it?

ORDER OF BUSINESS

Mr. PAUL. Mr. Speaker, I ask unanimous consent to take my 5 minutes at this time.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Is there objection to the request of the gentleman from Texas?

There was no objection.

SAME OLD, SAME OLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the more things change, the more they stay the same. Our allegiances to our allies and friends change constantly. For decades, exiled Iraqi Ahmed Chalabi was our chosen leader to be in the new Iraq. Championed by Pentagon neocons and objected to by the State Department, Mr. Chalabi received more than $100 million U.S. taxpayer dollars as our man designated to be the leader of a new Iraqi government.

But something happened on the way to the coronation. The State Department finally won out in its struggle with the Pentagon to dump Chalabi and his Iraqi National Congress, delivering Iraq to a competing exiled group.

What a mess. No one should be surprised. Regime changes, whether by the CIA or by preemptive war, almost always go badly. American involvement in installing the Shah of Iran in the 1950s, killing Diem in South Vietnam in the 1960s, helping Osama bin Laden against the Soviets in the 1980s, assisting Saddam Hussein against Iran in the 1980s, propping up dictators in many Arab countries, and supporting the destruction of the Palestinian people all have had serious repercussions on American interests including the loss of American life. We have wasted hundreds of billions of dollars while the wounds in the Middle East continue to fester.

How many times have our friends become our enemies and our enemies our friends, making it difficult to determine which is which? Our new relationship with Qaddafi in Libya is an example of the silliness of this policy. Long-term interference in the internal affairs of other nations does not help us or those we support.

The invisible economic costs are enormous, but generally ignored. A policy of militarism and constant war has huge dollar costs, which contributes to the huge deficits, higher interest rates, inflation and economic dislocations. War cannot raise the standard of living for the average American. Participants in the military industrial complex do benefit, however.

The clear failure of the policy of foreign interventionism followed by our leaders for more than a hundred years should prompt a reassessment of our philosophy. Tactical changes, or relying on the U.N., will not solve these problems. Either way, the burden will fall on the American taxpayer and the American soldier.

The day is fast approaching when we no longer will be able to afford this burden. Currently, foreign governments are willing to loan us the money needed to finance our current account deficit and, indirectly, the cost of our

worldwide military operations. It may seem possible now because we have been afforded the historically unique privilege of printing the world's reserve currency.

Foreigners so far have been only too willing to take our depreciating dollars for their goods. Economic law eventually will limit our ability to live off others by credit creation; and trust in the dollar will be diminished, if not destroyed. Those who hold these trillion-plus dollars can hold us hostage if it ever becomes in their interest. It may be that economic law and the hostility toward the United States will combine to precipitate an emotionally charged rejection of the dollar.

That is when the true wealth of the country will become self-evident, and we will no longer be able to afford the extravagant expense of pursuing an American empire. No nation has ever been able to finance excessive foreign entanglements and domestic entitlements through printing-press money and borrowing from abroad.

It is time we reconsider the advice of the Founding Fathers and the guidelines of the Constitution, which counsels a foreign policy of nonintervention and strategic independence. Setting a good example is a far better way to spread American ideals than through force of arms. Trading with nations, without interference by international government regulators, is superior to sanctions and tariffs that too often plant the seeds of war.

The principle of self-determination should be permitted for all nations and all demographically defined groups. The world tolerated the breakup of the ruthless Soviet and Yugoslavian systems rather well, even as certain national and ethnic groups demanded self-determination and independence.

This principle is the source of the solution for Iraq.

Instead of the incessant chant about us forcing democracy on others, why not read our history and see how 13 nations joined together to form a loose-knit republic with emphasis on local self-government. Part of the problem with our effort to reorder Iraq is that the best solution is something we have essentially rejected here in the United States. It would make a lot more sense to concentrate on rebuilding our Republic, emphasizing the principles of private property, free markets, trade and personal liberty here at home rather than pursuing war abroad. If this were done, we would not be a militaristic state spending ourselves into bankruptcy, and government benefits to the untold thousands of corporations and special interests would be denied.

True defense is diminished when money and energy are consumed by activities outside the scope of specifically protecting our national interests. Diverting resources away from defense and the protection of our borders, while antagonizing so many around the world, would actually serve to expose us to greater danger from more determined enemies.

A policy of nonintervention and strategic independence is the course we should take if we are serious about peace and prosperity. Liberty works.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to take the gentleman from Oregon's (Mr. DEFAZIO) time.

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

There was no objection.

THE INCOMPETENCE MUST STOP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, sadly I am here to talk about what we cannot ignore: the sad, sad chronicle of incompetence and blunder which marks this administration's conduct of national security policy.

I do not think in the history of the United States there has been a major national security effort handled so badly. I voted against the war in Iraq. I voted for the war in Afghanistan, and I am glad I did. I voted against the war in Iraq because I did not think it was justified, and I feel vindicated in that judgment; but even for those who thought it was justified, I do not understand how they can fail to join in the criticism of the shambles this administration has made of the policy.

I will insert in the RECORD here, Mr. Speaker, an article by Elisabeth Bumiller from the May 29 New York Times, and the headline is ''Conservative Allies Take Chalabi Case to the White House.''

[From the New York Times, May 29, 2004]

CONSERVATIVE ALLIES TAKE CHALABI CASE TO THE WHITE HOUSE

(By Elisabeth Bumiller)

WASHINGTON, May 28—Influential outside advisers to the Bush administration who support the Iraqi exile leader Ahmad Chalabi are pressing the White House to stop what one has called a ''smear campaign,'' against Mr. Chalabi, whose Baghdad home and offices were ransacked last week in an American-supported raid.

Last Saturday, several of these Chalabi supporters said, a small delegation of them marched into the West Wing office of Condoleezza Rice, the national security adviser, to complain about the administration's abrupt change of heart about Mr. Chalabi and to register their concerns about the course of the war in Iraq. The group included Richard N. Perle, the former chairman of a Pentagon advisory group, and R. James Woolsey, director of central intelligence under President Bill Clinton.

Members of the group, who had requested the meeting, told Ms. Rice that they were incensed at what they view as the vilification of Mr. Chalabi, a favorite of conservatives who is now central to an F.B.I. investigation into who in the American government might have given him highly classified information that he is suspected of turning over to Iran.

Mr. Chalabi has denied that he provided Iran with any classified information.

The session with Ms. Rice was one sign of the turmoil that Mr. Chalabi's travails have produced within an influential corner of Washington, where Mr. Chalabi is still seen as a potential leader of Iraq.

''There is a smear campaign under way, and it is being perpetrated by the C.I.A. and the D.I.A. and a gaggle of former intelligence officers who have succeeded in planting these stories, which are accepted with hardly any scrutiny,'' Mr. Perle, a leading conservative, said in an interview.

Mr. Perle, referring to both the Central Intelligence Agency and the Defense Intelligence Agency, said the campaign against Mr. Chalabi was ''an outrageous abuse of power'' by United States government officials in Washington and Baghdad.

''I'm talking about Jerry Bremer, for one,'' Mr. Perle said, referring to L. Paul Bremer III, the top American administrator of the Coalition Provisional Authority in charge of the occupation of Iraq. ''I don't know who gave these orders, but there is no question that the C.P.A. was involved.''

In Baghdad, coalition authorities vigorously denied Mr. Perle's assertion. ''Jerry Bremer didn't initiate the investigation,'' Dan Senor, the spokesman for the Coalition Provisional Authority, said in a telephone interview.

Similarly, Mark Mansfield, a C.I.A. spokesman, called Mr. Perle's accusation that the agency was smearing Mr. Chalabi ''absurd.'' A Defense Department official who asked not to be named said that Mr. Perle's accusations against the D.I.A. had no foundation.

Mr. Chalabi has been a divisive figure for years in Washington, where top Pentagon officials favored him as a future leader of Iraq and top State Department officials distrusted him as unreliable. Either way, Mr. Chalabi and his exile group, the Iraqi National Congress, fed intelligence to the Bush administration about Iraq's unconventional weapons that helped drive the administration toward war.

Intelligence officials now argue that some of the intelligence was fabricated, and that Mr. Chalabi's motives were to push the United States into toppling Saddam Hussein and pave the way for his installation as Iraqi's new leader.

Although Mr. Chalabi's supporters outside the administration have been caustic in their comments about his treatment, there has been relative silence so far from Mr. Chalabi's supporters within the administration. Deputy Defense Secretary Paul D. Wolfowitz, who favored going to war in Iraq and was a patron of Mr. Chalabi, did not respond to numerous requests this week for an interview.

Mr. Wolfowitz's spokesman, Charley Cooper, said in an e-mail message that Mr. Wolfowitz believed that Mr. Chalabi and the Iraqi National Congress ''have provided valuable operational intelligence to our military forces in Iraq, which has helped save American lives.'' Mr. Cooper added in the message that ''Secretary Wolfowitz hopes that the events of the last few weeks haven't undermined that.''

The current views of Vice President Dick Cheney and his chief of staff, I. Lewis Libby,

are not known. Both strongly supported Mr. Chalabi before and during the war in Iraq.

Last Saturday, participants in the meeting with Ms. Rice and her deputy, Stephen Hadley, said Ms. Rice told them she appreciated that they had made their views known. But she gave no hint of her own opinion, participants said, and made no concessions to their point of view.

Newt Gingrich, the former speaker of the House of Representatives, also attended the meeting. A larger meeting later that day, with Mr. Hadley alone, included Danielle Pletka, a vice president of the American Enterprise Institute, a research institution in Washington.

In an interview, Ms. Pletka said that Mr. Chalabi had been ''shoddily'' treated and that C.I.A. and State Department people had been fighting ''a rear guard'' action against him.

''They've been out to get him for a long time,'' Ms. Pletka said. ''And to be fair, he has done things and the people around him have done things that have made it easier for them. He is a prickly, difficult person and he drives them crazy. He never takes no for an answer, even when he should.''

Ms. Pletka added: ''There are questionable people around him—I don't know how close—who have been involved in questionable activities in Iraq. He is close to the Iranian government. And so all of these things have lent credence to the accusations against him.''

Mr. Perle said the action against Mr. Chalabi would burnish his anti-American credentials in Iraq and possibly help him to be elected to political office. ''In that regard, this clumsy and outrageous assault on him will only improve his prospects,'' Mr. Perle said.

Mr. Perle said that he had no business dealings with Mr. Chalabi, but that he believed the C.I.A. and D.I.A. were spreading false information that he did. He also said that Mr. Chalabi was not alone in supplying intelligence to the United States government that turned out to be false.

''I know of no inaccurate information that was supplied uniquely by anyone brought to us by the Iraqi National Congress,'' Mr. Perle said.

Mr. Speaker, Mr. Chalabi, if I am pronouncing it right, people will remember, is the man who we had thought was someone the President approved of, whom the President now tells us he cannot quite remember.

I do think, Mr. Speaker, as an aside, that probably we should be investigating Chamber security here because apparently at the last State of the Union address a man largely unknown to the President managed to seat himself next to the First Lady. Mr. Chalabi was seated next to Laura Bush. Now the President has no idea or only a vague idea who this man is; and when a stranger, apparently a stranger of some disrepute, if we listen to the White House, is allowed to seat himself next to Laura Bush, then I begin to feel nervous. In general, I think the people who run security do a very good job, I do not know, and this point probably was not their fault. They may have been misled by somebody in the Defense Department, but we better look into it.

We now go back to the spectacle of this administration's internal warfare. We read recently that the Secretary of State was very angry at the CIA because he now acknowledges that they gave him misinformation. I do not know if that is one of the reasons that the director of the CIA resigned. He is the man who, of course, told the President that it was a slam dunk that there were weapons of mass destruction. Apparently, he slammed when he should have dunked, and he is no longer with us, but the chaos continues.

Here we have in this story the conservative allies, according to Mr. Richard Perle, who is a close adviser to the Defense Department, and according to this article last Saturday, several of these Chalabi supporters said a small delegation of them marched into the West Wing of Condoleezza Rice, the national security adviser, to complain about the administration. For some of these people, who have been consistent advocates of war, marching into Condoleezza Rice, it was the only marching they ever did because certainly they have not been in uniform to march in any wartime conditions, but we have them denouncing the Bush administration, Bush advisers denouncing Bush advisers.

Mr. Powell was quoted in the New York Times last Sunday, well, big surprise, ''we disagree with each other.'' That is not the problem. It is not a problem that the President's advisers disagree with each other. The problem is that the President appears to agree with each of them who disagree with each other. The President does not solve these problems. We have had this ongoing dispute. It is extraordinary to have someone being paid $40 million or more by the American Government, supported by the Defense Department, Mr. Chalabi, then overthrown by the State Department or the CIA.

Here is Mr. Perle, again, a close ally of the Defense Department, remember the Defense Advisory Board, saying there is a smear campaign under way being perpetrated by the CIA and the Defense Intelligence Agency. This is Mr. Perle, and then he denounces Mr. Bremer. We are told you, Democrats, do not be critical of the people in Iraq who are running our policy, you will undermine them.

I am nicer than Mr. Perle to these people. Mr. Perle is being much more vitriolic, and he has even managed, Mr. Perle, because he is the epitome of niceness, to find a way to defend Mr. Chalabi who we are now told by this government may have leaked important information to the Iranians.

Here is Mr. Perle's defense of Mr. Chalabi, and Mr. Perle is a man who chooses his words carefully. I wish he chose his friends as carefully as he chose his words, but he does choose his words carefully; and here is what he said about Mr. Chalabi's organization, the Iraqi National Congress, from the New York Times of last Saturday: '' 'I know of no inaccurate information that was supplied uniquely by anyone brought to us by the Iraqi National Congress,' Mr. Perle said.''

In other words, he does not deny that Mr. Chalabi lied to us. He does not deny that Mr. Chalabi in effect boasted he gave us misinformation and does not mind that it could help us go to war. His point is that Mr. Chalabi was not the only one who lied to us. I do not think it is much of a defense of Mr. Chalabi to say he is the only one who lied to us, nor does it say much for this administration that they listened to so many liars. The incompetence must stop.

□ 1530

GRAVE SHORTFALLS IN NATO'S INTERNATIONAL SECURITY ASSISTANCE FORCE IN AFGHANISTAN

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises to inform our colleagues about grave shortfalls in NATO's International Security Assistance Force, ISAF, in Afghanistan and about efforts to ensure the mission has the resources needed for success.

This Member returned to Washington yesterday from Bratislava, Slovakia, where the spring session of the NATO Parliamentary Assembly was held. This Member serves as the President of the Assembly, which for the last 50 years has served as the parliamentary adviser and support organization for the North Atlantic Treaty Organization, or NATO.

The inability of the Alliance to meet its commitments in Afghanistan was the most important issue we discussed in Bratislava. This Member cannot overstate how critical the next few weeks will be for the future of Afghanistan and for the credibility of NATO.

Several members of the NATO Parliamentary Assembly visited Afghanistan on behalf of the Assembly 2 weeks ago. They were unanimous in their praise for the professionalism of our soldiers but were equally convinced that, without additional resources, the Alliance faces failure in Afghanistan and risks losing all that it has currently invested.

The problems, as noted by those members, relate to the unwillingness of Alliance member countries to provide the personnel and the key air assets required to deploy additional provincial reconstruction teams, or PRTs, to provide security beyond Kabul and the surrounding environs.

In addition, the allies must provide ISAF with the extra forces needed to give the forthcoming elections the best chance of success. This is a matter of great urgency. If our allies do not commit more forces and the support assets to sustain them in the next 4 to 6 weeks, the September elections in Afghanistan will likely do little more than to legitimatize the warlords and drug traffickers who are increasingly controlling much of the country.

In Bratislava, Alliance legislators urged our respective governments to examine carefully what further assets they can individually commit. We recognize, of course, that many NATO countries, like our own, already deploy substantial numbers of forces in Afghanistan and elsewhere. The United States currently has about 13,500 military personnel in and around Afghanistan, most in conjunction with Operation Enduring Freedom, the separate mission to fight the Taliban and al Qaeda in southeastern Afghan. Germany and Canada are the two largest contributors to ISAF, with about 1,800 troops each. But Canada's year-long commitment ends in August, and its forces must be replaced from elsewhere.

Compared with the total resources the Alliance can call on, the numbers needed now are not great. Their likely impact, however, is crucial. Time is not on our side. Excuses will not suffice. We must secure those assets now. To fail to do so will place in jeopardy all we have achieved thus far in improving stability in this crucial region.

Actually, this is a failure of political will, pure and simple. Make no mistake about it, this is a failure that jeopardizes the success of our mission in Afghanistan and jeopardizes the very credibility of the Alliance.

We often say that failure is not an option. Mr. Speaker, in Afghanistan, failure is a distinct possibility. And unless allied leaders in the next few weeks demonstrate the political will to deploy the necessary assets in Afghanistan, failure gradually will become a reality.

Drastic shortfalls exist despite the fact there are more than 2 million military personnel in the active and reserve forces of the European NATO allies. Less than 2 percent of those forces are deployed in missions in the Balkans and Afghanistan.

Jaap de Hoop Scheffer, the Secretary General of NATO, has stated repeatedly that the credibility of the Alliance is at stake in Afghanistan and so, it should be emphasized, is the future of the Afghan people.

Recognizing this reality, the leaders of all 26 NATO allies' parliamentary delegations to the Parliamentary Assembly, in an extraordinary, unprecedented step, authorized this Member to send a letter to all the heads of government of the NATO countries forthrightly expressing the concerns of the Assembly.

That letter strongly urges governments to provide the necessary resources for the NATO missions in Afghanistan and the fervent hope that effective action can be taken quickly and the necessary forces provided.

In addition, we agreed to raise this concern in our respective national legislatures in order to generate the widest possible parliamentary support for the required resources to be made available.

NATO already has made remarkable progress in Afghanistan and, with a little more effort, our goal of bringing peace and stability to that troubled country is achievable.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE 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.)

HONORING OUR NATION'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to introduce two pieces of legislation in this House that recognizes and honors the service and sacrifice of members of the United States Armed Forces throughout the history of our great Nation.

The first bill is H.R. 4425, called the Honor Our Fallen Prisoners of War Act. Currently, prisoners of war who die during their imprisonment of wounds inflicted in war are eligible for a posthumous Purple Heart recognition. However, those who die of starvation, for example, or beatings or freezing to death are causes which are not eligible for the Purple Heart.

Can this be right? There should be no false distinction indicating more courage or more sacrifice by some who died and less by others. All POWs who died in service to our Nation should be eligible for this Purple Heart recognition, and H.R. 4425 will allow all members of our armed forces who die while a prisoner of war, regardless of the cause of death, to be awarded this honor. This will apply to all wars, past and present.

I am indebted to Rick and Brenda Morgan Tavares of Campo, California, and to Wilbert ''Shorty'' Estabrook of Murrieta, California, who brought this issue to my attention. Shorty survived the Tiger Camp death march during the Korean War and was imprisoned for over 3 years. Brenda's uncle, Corporal Melvin Morgan, died of starvation and beatings he suffered in 1950 at the age of 20 in Korea. Surely Corporal Morgan is deserving of a Purple Heart.

I am also introducing H. Con. Res. 434, a resolution to commend all persons who were inducted for service in the United States Armed Forces during World War II. I repeat, inducted into service. This is a particularly fitting time for such recognition. We all witnessed last Saturday the World War II Memorial on the Mall in Washington, DC, being dedicated as a lasting symbol of our Nation's appreciation of these veterans. We are also approaching the 60th anniversary of D-Day on June 6, 2004, when tens of thousands of inductees, or draftees as they are usually called, were among the Allied Forces invaded Normandy, France.

To provide a bit of history, the Selective Training and Service Act of 1940 was enacted 1 year after Germany invaded Poland, and the number of men to be inducted into the Armed Forces was increased 5 days after the United States entered World War II in December of 1941. Of the over 16 million uniformed personnel serving during World War II, 10 million were draftees. They distinguished themselves in war and peace, as we know, and Tom Brokaw has called them ''America's Greatest Generation.''

The Blinded Veterans Association of San Diego, California, and its President William Montgomery have asked for my help in gaining national recognition for the draftees in our Armed Forces, and I am honored to do so today. H. Con. Res. 434 commends the millions who were inducted during World War II and who served with great courage to advance the cause of freedom throughout this world.

Taken together, these two pieces of legislation remind us of the gift of freedom that we have been given through the service and sacrifice of men and women who came before us. I urge my colleagues to support both H.R. 4425 and H. Con. Res. 434.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON THE RETIREMENT OF BRIGADIER GENERAL MICHAEL F. GJEDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I rise today to commend Brigadier General Michael F. Gjede on his service to the United States of America. After more than 35 years in the Air Force, General Gjede will be retiring, and we in northeast Ohio have been very privileged to have him as the Commander of the Air Force Reserve 910th Airlift Wing at Youngstown Air Reserve Station in Vienna, Ohio.

A graduate of Northeastern University in Boston, General Gjede earned his commission through the Air Force Officer Training School program in 1968. Once he had earned his wings, he served two tours in Vietnam flying B–52s and logging over 140 combat missions.

General Gjede has held numerous command positions in the Air Force,

and the 910th is the second flying wing that has had the opportunity to have him as their commanding officer. As our wing commander at the Youngstown Air Reserve Station, General Gjede's personal involvement, his encouragement, and intuitiveness have produced an overwhelming response, as recognized in the achievements of the wing's members.

The 910th's functional areas performed flawlessly, despite a stressful and turbulent atmosphere caused by the events of September 11, 2001. His superior leadership was the driving force that kept all personnel properly focused, allowing them to consistently meet and exceed requirements. Despite the challenges of the most aggressive reserve operations tempo in history, the 910th immediately responded to the homeland defense initiatives in support of Operation Noble Eagle and the worldwide requirements for Operations Enduring Freedom and Iraqi Freedom.

General Gjede's continual involvement in base renovation and new construction projects, operation and maintenance facilities, and quality of life projects will produce benefits far into the future. The accomplishments of General Gjede culminate a long and distinguished career in the service of his country and reflect great credit upon himself and the United States Air Force.

On a personal note, one of the unique experiences I have had with General Gjede was an opportunity to participate in the Youngstown Air Reserve parachute program. It is not really a program. It is a simulation of parachuting. General Gjede gave me an opportunity to put on the suit, strap myself in, and look down and do the virtual reality and try to land on a carrier. Well, needless to say, I had my suit pants on, so General Gjede got to see me with suit pants, a tie, and the equipment necessary for parachuting dangling from the ceiling at the air base and missing the boat completely and going directly into the water. I do not even believe I got the parachute out in time. So General Gjede has seen his Congressman in some very compromising positions. Luckily, there was no one in there with a camera to take any pictures.

So that was a good experience I have had, among many, with General Gjede; and he is going to be sorely missed.

But I would also like to say that behind every great man is a great woman. He has a phenomenal wife, Jerylynn, who we have had the opportunity, my wife Julie and I have had the opportunity to get to know. She is a tremendous, tremendous woman. She is a great First Lady for the 910th. She has an enormous amount of class and composure and brought a lot of elegance to the air base, and we will sorely miss her as well.

So on behalf of the people of the 17th Congressional District, I want to thank you, General Gjede and your wife, and wish you and your family the best.

On a personal note, I have enjoyed our time together, our dinners together, and hope that in the future there will be many, many, many more. We are definitely wishing and hoping that you will stick around in our community after your retirement, because our community certainly is a better place and a stronger place with you and Jerylynn in it, and we will not just miss the General and his wife but we will miss our friends.

So I wish you the best of luck and hope that we get to see you in our community and look forward to many, many, many further experiences together on behalf of the air base.

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE CHALABI DEBACLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I stand here today beside this picture. On the right is President George W. Bush and on the left of the picture is a man by the name of Chalabi, Mr. Chalabi. We have heard a lot about Chalabi in recent days. The President, apparently, indicated recently that he did not know him well, that he may have met him at a rope line. But the fact is that Mr. Chalabi was in this Chamber as the honored guest of the President of the United States, seated right up there near the President's wife, Laura Bush. He was applauded by those gathered in this Chamber.

We now know that Mr. Chalabi, who we have reason to believe was paid some $40 million by this government, until just recently, those payments were finally, belatedly, cut off, but Mr. Chalabi was supposed to be providing intelligence to this administration. He is especially, apparently, close to Vice President CHENEY and to others within this administration.

□ 1545

Based in part on intelligence data that came from Mr. Chalabi, this administration made a decision to go to war. Think about that. What have we learned in recent days about Mr. Chalabi. Well, according to news reports, not only was the information that he gave us distorted, false, and in some cases apparently made up; but we now have news reports, credible news reports that Mr. Chalabi was cooperating with one of the axis of evil nations, that nation being Iran.

According to news reports, this government had broken the code that enabled us to intercept communications from the nation of Iran and that Mr. Chalabi told Iran that our government had in fact broken their code. News reports say that Mr. Chalabi further informed the Iranian Government that he received that information from someone within the United States Government who was drunk at the time.

If these reports are accurate, it means that our troops and our national security have been placed at greater risk because this administration put its confidence in this man. Not only did we give him our national resources in terms of about $40 million, not only was he invited to the State of the Union, allowed to sit near the First Lady and receive the adulation of this body, not only was he given these millions of dollars in this recognition, but we depended upon the information coming from this man; and now it appears that our national security may have been compromised.

Mr. Speaker, there needs to be a thorough investigation of what has happened here. We need to find out if our young men and women have been put in harm's way because of the actions of this man; and the President needs to explain to us why he now indicates he knows little about Mr. Chalabi, when he is here in this picture, he was invited to this Chamber for the State of the Union address, and this government invested more than $40 million into this man.

This is something that cries out for explanation and investigation, and it is my hope that the President will accept the responsibility of making sure that the news reports of the last few hours are thoroughly investigated, that all those responsible for the possible leaks regarding national security issues are identified and are thoroughly, utterly, totally discredited.

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMEMORATING NATIONAL HUNGER AWARENESS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, on March 16, 1964, President Lyndon Johnson declared a war on poverty. Yet today, 40 years later, millions of Americans continue to face poverty and hunger. It's unconscionable that in the 21st century, in the richest and most prosperous country in the world, nearly 35 million Americans—13 million of them children—go hungry every day.

Today is National Hunger Awareness Day. This initiative, sponsored by America's Second Harvest, is designed to help raise public

awareness about hunger and the problems faced by millions of people who are having trouble feeding themselves and their families. Today, thousands of hunger relief advocates and volunteers will work with food banks, food-rescue organizations and agencies to help raise awareness about hunger in their communities.

Madam Speaker, the statistics are astounding. Nearly 35 million Americans go hungry each year. 13 million are children. In 2002, over 34 million Americans and 7.2 million American families lived in poverty. The problem of hunger is getting worse, not better. The percentage of households experiencing food insecurity increased from 10.7 percent in 2001 to 11.1 percent in 2002.

Hunger and food insecurity don't fit the old stereotypes of the poor and uneducated. Not only are more working families relying on food banks for help to feed their children, but over 62 percent of recipients of food from food banks have at least a high school diploma. This is intolerable. As a nation, we should not and can not continue to have lower-income families struggle to earn enough money to put food on the table. Poverty and hunger are directly related—if you don't have money, you can't buy food. It's that simple.

This year's theme for Hunger Awareness Day is ''One Big Table.'' Hundreds of events are taking place around the country, and I would like to highlight one taking place in my district.

Today, the Worcester County Food Bank is holding a ''Picnic and Food Drive Kick-Off.'' The Worcester County Food Bank, together with Sovereign Bank, Shaw's Supermarkets, the Worcester Telegram & Gazette, WSRS/WTAG Radio and Curry Printing, are kicking-off the 2nd Annual County-wide Grocery Bag Food Drive. Held at the Worcestrer County Food Bank, the event includes food drive sponsors, partner agencies, volunteers and staff enjoying a picnic lunch prepared by Community Kitchen student chefs. It will feature on-air radio interviews with the sponsors and agencies to raise awareness of the local hunger problem and promote the upcoming food drive.

Madam Speaker, National Hunger Awareness Day is just one day out of the year when individuals, companies, organizations, and faith-based groups can participate, but the reality is that hunger is a political problem. There is no justification for hunger to exist in this country, or around the world, for that matter. We have the food, the money, and the manpower to end hunger in the United States. What we can't seem to find is the political will to do so.

Earlier this year, this body approved bipartisan legislation reauthorizing the child nutrition programs. It's a good bill that, sadly, doesn't go far enough. For example, over 22 million low-income children participate in the free and reduced-price school breakfast and lunch program. However, only 4.7 million children receive these same lunches in the summer—a 78.8 percent drop in participation. And it's not for lack of need. No, Madam Speaker, it's from the lack of commitment by this Congress.

In another example, Madam Speaker, the Child Nutrition Reauthorization Act rightly ends the requirement that many families must pay a reduced price for breakfasts and lunches. But instead of ending this required payment now, the House-passed bill phases it out over five years.

Madam Speaker, we must do better. The Education and Workforce Committee crafted a good, bipartisan bill. It's a good start, but it must be improved. The programs to end hunger are in place. They don't need to be recreated; they just need to be fully funded. The American people deserve better, and, on National Hunger Awareness Day, I urge my colleagues in the other body to pass a broader, more inclusive Child Nutrition Reauthorization Act.

Madam Speaker, let me close by commending America's Second Harvest, the food banks around the country, the corporations, faith-based groups, volunteers and other anti-hunger advocates for their hard work and dedication to end hunger in the U.S. Today is National Hunger Awareness Day. But these individuals and groups work to end hunger every day. Food bank participation continues to rise. The need for anti-hunger programs is clear. I, for one, am grateful for America's Second Harvest's commitment to ending hunger in America. I urge my colleagues to make every day Hunger Awareness Day, to commit themselves to ending hunger in any way they can, and to find the political will to end the scourge of hunger here at home and around the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GENERAL LEAVE

Mr. CULBERSON. Madam 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 subject of my Special Order today.

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

There was no objection.

ADVANCING FRONTIERS OF SCIENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. CULBERSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. CULBERSON. Madam Speaker, it is my privilege to appear here on the House floor today to join with the majority leader and Members of Congress who will be with me here today to express our strong support for maintaining America's leadership role in the exploration of outer space, and our leadership role in advancing the frontiers of science, to demonstrate through the examples we will give today and the presentations that we have of the many, many tangible ways in which the mission of NASA, our leadership in the exploration of space, and America's leadership in the advancement of the frontiers of science have touched and changed the lives of Americans individually, and advanced the freedom and prosperity of the Nation and the world as a whole.

Madam Speaker, it is my privilege to recognize the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I rise today to support NASA's new vision for our continued exploration of the universe. Forty-three years ago, President John F. Kennedy laid out a vision of space exploration that became a reality 8 years later when Neil Armstrong stepped onto the Moon. With the Apollo missions, America led the world in space exploration and propelled decades of technological and biological research that continue to benefit us to this day.

Four decades later, President George W. Bush offered the Nation another bold and challenging vision of space exploration that will keep America economically, technologically, and militarily strong. Congress needs to support this mission so we can work with NASA to achieve the goal of returning Americans to the Moon and sending astronauts to Mars and beyond.

NASA's new space exploration vision comes at a time when America faces increased competition from other nations. Aside from Russia, the People's Republic of China now has an ambitious space flight program. China has already launched a spacecraft into low-Earth orbit and is intent on developing a manned aerospace and lunar exploration program.

We need to return the Space Shuttle to flight, complete the International Space Station, and extend our presence across the solar system by developing a new crew exploration vehicle.

Space exploration not only advances the Nation's vision. It provides jobs, growth and opportunity to millions of American workers. Being the leader in space flight also makes America the leader in commercial research and development. The end of the last century witnessed rapid advances in science and technology that could only have been accomplished by astronauts conducting research in space. Microgravity experiments on the Space Shuttle and the International Space Station led to the creation of next-generation silicon computer chips and laser communication. Experiments on the Shuttle in the early 1990s fostered the development of a manufacturing process known as liquid phase centering that is now being used to produce over $20 billion worth of products in the United States.

Human space flight stimulates our economy and increases our global competitiveness. A new vision must be launched if we are to maintain our lead in space and ensure our viability as a Nation for decades to come. Like it or not, other nations are sending their citizens into space and seeking to reap the rewards of those journeys.

In an ever-changing and more unpredictable world, we cannot afford to cede our leadership role in space. We have come too far and paid too high a price to turn our backs on the future. Supporting NASA's new space exploration vision and a reasonable investment in NASA's budget this year will keep us on a path toward our nation's destiny.

Mr. CULBERSON. Madam Speaker, I thank the gentleman from California (Mr. CALVERT). It is important that he mentioned that the nation of China has an aggressive space program. They have set a goal of going to the Moon. It reminds me that centuries ago, the Chinese had one of the greatest fleets in the world. The emperor who built that great fleet, composed of ships, I understand, that any one of which could have sailed up the Thames River prior to Columbus' discovery of America and conquered all of England because of their superiority in fire power and the maneuverability of the ships. That emperor who built that fleet died, and the succeeding emperor decided to keep China focused on itself and burned the fleet at the docks in order to keep the Chinese focused inward. As a result, the Chinese lost that great advantage they had in the exploration of the seas, and ceded not only control, they basically lagged far behind the rest of the world in technology, exploration, and freedom.

Mr. CALVERT. The gentleman is correct. Not only did the aforementioned emperor burn the fleet, if I remember correctly, he was the one that first ordered the construction of the wall to insulate themselves from the rest of the world. That insulation stayed for some centuries, and they put themselves way back in the pecking order of the world. The Chinese now are trying to catch up. They are putting a lot of their national treasure and expertise into outer space.

Mr. CULBERSON. Madam Speaker, the Chinese recognize the importance of reaching outward to the nations in not only exploration, but of the tremendous technological benefits to the nation as a whole, and of commerce with other nations. The American people understand that the advancement of exploration of space, the advancement of the frontiers of science bring benefits to us individually and promote the cause of freedom.

Mr. CALVERT. In the 1950s, it was the Russians that first went into outer space with Sputnik. That launched a new generation of young people to go into engineering, science, and technology. Those folks were the backbone of what was the Gemini and the Apollo programs. It was a great part of our history as we went to the Moon and did some wonderful things in outer space.

As the gentleman well knows, in recent times we have starved our science budget. We are not doing as good a job as we should be doing in space exploration, which helped us bring along the personal computer, the types of equipment that we see in our cars that can tell us where we are at any moment, all of these amazing technologies that we just count on. The gentleman is correct, if we do not continue this investment, we are going to be behind in the world, and other nations are going to be ahead of us.

Mr. CULBERSON. It is truly only the Federal Government with the resources we have available to pour into scientific research, much of the work that scientists do, much of the work that NASA does, the Jet Propulsion Laboratory, the magnificent discoveries that have been made at JPL in California, a part of NASA, have been as a result of the dedicated support of this Congress and of the United States to put the resources, the commitment necessary to run down a lot of the rabbit trails that are necessary. There may be some dead ends there. There are going to be failures and setbacks. Exploration is dangerous; it is hard. Pushing the frontiers of knowledge is hard and requires a commitment that each and every American shares in their heart and they are counting on us to be there, to give the people at NASA, at JPL, and our scientists the support that they need.

Mr. CALVERT. We are a Nation of pioneers. We are a Nation that explores the unknown, and science gives us the ability to go to outer space. Really, outside of the oceans of our Earth, which we continue to explore, space is the next frontier that has unlimited exploration and unlimited discoveries that can help us on this Earth and make us literally the leader of the world for many centuries to come.

Mr. CULBERSON. I know the gentleman has seen partnerships in California, as we have in Texas, between NASA and our universities. The research that is done between NASA and our universities has yielded tangible benefits in medical technology and in so many different ways.

We are going to be on this floor talking about those benefits which have touched the lives of individual Americans, particularly in the area of medicine, which the gentleman from Florida (Mr. WELDON) who has just joined us, is so familiar with.

Madam Speaker, I yield to the gentleman from Florida (Mr. WELDON) to join us in this colloquy to lay out the benefits individually and collectively as a Nation that have come to us from the exploration of space and the work that NASA is doing.

Mr. WELDON of Florida. Madam Speaker, I am pleased to be here and join the gentleman from Texas (Mr. CULBERSON) and the gentleman from California (Mr. CALVERT).

Space is important to the future of our country. We are a Nation of pioneers. We are a Nation of explorers. We lead the world in science and technology. Everywhere I go as I travel around the United States, I see images at schools, at universities, and in airports of our space program. Frequently I will see pictures or images of the Shuttle or of our Apollo pioneers; and the reason for that I think is obvious. It is in our blood, it is in our nature.

Indeed, the gentleman mentioned I am a physician and practiced medicine for 15 years before I was elected, and I still see patients once a month at the VA clinic in my congressional district; and I always marvel at the daily application of space technology, spin-off technologies directly from our Shuttle program, from our Apollo program, even from some of our unmanned probes.

□ 1600

I have a contractor in my congressional district who has taken the NASA coolant technology used to cool the systems in these planetary probes that we use and has placed it in car and home air conditioner units and believes he can improve the efficiency of these air conditioner units by as much as 15 percent. The potential savings in electricity demand from a product like that, if it is able to yield its full potential, could be in the order of hundreds of billions of dollars over a period of just a few years. As a matter of fact, if this product proved to be as useful as he believes it may be, it could potentially pay for the space program several times over.

Of course, as I was referring to earlier, as a physician we use space technology in many of our imaging modalities, like MRI scanning and CAT scanning. We use space technology in a lot of our pacemaker capabilities, these implantable defibrillators. Indeed, even the prosthetic devices, such as artificial limbs, some of the materials science that goes into those devices are actually spin-off benefits of the space program.

So I rise today to join my colleagues in speaking out in support of the national space initiative that I think President Bush so eloquently laid out in his speech at NASA headquarters several months ago.

It is really critical that we move ahead with this agenda, because one of the problems that I found within NASA from virtually the moment of my arrival is there was not really a clear agenda of where NASA was going. NASA had a very clear agenda when John F. Kennedy originally articulated it, I believe he was at Rice University, if I am not mistaken, in his famous speech, ''We go to the moon not because it is easy, but because it is hard,'' and NASA had a clear agenda of getting a man on the moon. But since that time it has been a little unclear.

Now the President has laid out very clearly an agenda, and I want to underscore for all my colleagues in the

House of Representatives and the other body, this is an affordable agenda. Some people have ridiculed this as costing $1 trillion and being impossible to do.

But with the tragic loss of *Columbia*, I think it has been clear and obvious to everyone that, for our manned space flight program to continue, we need to come up with a replacement for the space shuttle in the years ahead. We cannot continue to rely on this system. It has been a great system, but it is down now, it could go down again in the future, and when it goes down, we are dependent on the Russians for the support and service of the Space Station.

So the President has laid out I think an affordable initiative to come up with a replacement vehicle for the space shuttle, but this vehicle would not just go and from low earth orbit, like the space shuttle does, but it would have the flexibility to be able to go back to the moon, to go on to Mars, and it can support the Space Station in the years ahead.

Importantly included in this vision as well is the priority of reorienting the Space Station research. There have been a lot of people who have questioned what the purpose of the Space Station is, and the President has clearly put forward in his national initiative the vision of saying that we are going to focus the Space Station research on answering a lot of these questions about biological sciences in terms of how people live and work in space.

As a physician, I know a fair amount about this. If you look at people who go up to the Space Station and spend 3 or 6 months there, when they come back, they frequently have problems standing up in the gravitational field of the Earth, they have problems with anemia, there are problems with bone loss, there are problems with blood loss, actually, something called the hemoglobin hematocrit decline in the setting of a prolonged space exposure. So we need a better understanding of that if we are ever to go to Mars and if we are ever to go beyond Mars and if we are going to create a permanent presence in space, such as on the moon.

Now, the President's vision does call for going back to the moon and going on to Mars, but he lays out an initiative I think in a way that calls for international cooperation, so that this would be something that is affordable.

The most important thing that I want to say tonight in this dialogue with my colleagues here is that some Members of the House of Representatives have criticized the budget request from the President as it relates to NASA and feel that we should not go to Mars, and therefore we need to reduce this budget request. But I just want to underscore the bulk of the President's request is to get the shuttle flying again and to complete construction of the Space Station.

To say we want to cut NASA now is to basically to say, well, we do not want to fly the shuttle again, and we do not want to complete the Space Station construction. I do not think in any way there is a majority of colleagues here in this body who are saying that we do not want to do those things.

So we need to put the resources behind NASA, I think, so that they can move ahead with getting the shuttle flying again safely and getting the Space Station completed. We have international partners.

Mr. CULBERSON. Madam Speaker, reclaiming my time, if we could have a little colloquy, it is important to point out to the American people and to the fellow Members of Congress that the President's vision which he laid out so eloquently and so clearly for the future of space exploration in this Nation is simply moving money largely within NASA's budget, preprogramming $11 billion within NASA's existing, projected budget to achieve this vision. The vision itself only calls for an additional $1 billion over the next 5 years in spending above the fiscal year 2004 budget.

It is important to keep in perspective, as the gentleman from Florida (Mr. WELDON) so correctly pointed out, that at the time of Apollo, the Nation committed 4 percent of our budget, 4 percent of the Federal budget, was committed to the Apollo program. Yet today what the President is asking for is simply less than 1 percent of the Federal budget to be invested in the exploration of space and pushing the frontiers of science.

Mr. CALVERT. As my friend from Texas understands also, this is about transformation. This is a time of transformation in the military. It is a time of transformation for NASA, to become refocused upon their primary mission; and their primary mission, I think we all agree, is the exploration of outer space. This is a great opportunity for this country to once again get back to our national dream of space exploration.

As the gentleman from Florida mentioned, whether or not we can afford this, I would say we cannot afford not to. The type of technologies that we have been able to share with this country that have come out of the space program are irreplaceable.

Look what we are doing with energy. The gentleman mentioned energy. Solar. We look at solar as a renewable resource. I cannot think of many folks that have done more work on solar research than NASA, because of what we use solar for today, to help get the energy that is necessary to keep the station going.

The fuel cell technology really started with NASA. Hydrogen technology, fuel cell technology, that gives us a clean source of energy, some people really believe the next generation of energy that will sustain this country as we move away from an oil-based economy.

Communications, where would we be without our cell phones? Sometimes I wonder. But it is those satellites up there that keep us communicating with one another.

All of the types of technologies that come from this fantastic investment, and I say ''investment'' in the true sense, the return on this, I do not think of many things we do in government that we get a higher return than what we do with the money we put in this.

Mr. WELDON of Florida. If the gentleman would yield on that, there is another interesting aspect of that, and I think it is really an unmeasurable return on the investment.

One of the things I have been most intrigued by when I talk to teachers, and I have had conversations with teachers from all over this country on this issue, as many people know, we have a problem with not enough young people going into math and sciences. If you go to many of our colleges and universities, the bulk of the graduate students are foreigners.

If you talk to our teachers in our schools, they will tell you the thing that gets people most motivated to study math and science, young kids, what excites young kids in the third grade and the fourth grade and the sixth grade to really hunker down and study math and science, more than any other subject, it is the space program. When you take the science teaching, math teaching, and apply it to the space program, the teachers tell me it gets them excited.

How do you put a price tag on that? How do you measure that? You are talking about our competitiveness. Where are we creating jobs? We are creating jobs in the technology arenas. But if we are losing ground on technology because our young people are not studying those fields, then that can affect our whole economy. And how do you put a dollar value on that?

I think the gentleman is absolutely right, and he said it best, we cannot afford not to invest in NASA. It is one of the wisest investments that we can make in this body, because it is an investment in our future.

I would be very happy to yield to the majority leader. I am so pleased for the support the gentleman has supplied NASA over the years. It is great to have the gentleman with us.

Mr. DELAY. Madam Speaker, I appreciate the gentleman yielding, and I really appreciate his holding this special order, because it is so important to continue this debate on the President's vision, and this is a perfect way to do that, and I appreciate the gentleman from California and the gentleman from Texas and their comments.

If I could just make my comments, for four decades the men and women of NASA have done the impossible. Whether conquering Earth's gravity, or shooting the moon, or studying the vast expanse of space or just beyond our atmosphere, NASA has taken on every challenge put to it and succeeded. We owe them our thanks, and we owe them our loyalty.

But as valuable as the research NASA has conducted over the last two decades has been, both in its application in space and here on Earth, the time has come for NASA to once again dare mighty things. The President's vision asks them to do just that, to return the space shuttle to flight, to complete the International Space Station, to return to the moon and ultimately launch a manned mission to Mars.

The President's vision is bold, practical and consistent with America's tradition of leading mankind's journey into the unknown.

Now the only way this Nation could in good conscience walk away from our historic legacy in space, from the legacy of John Glenn, Allen Sheppard and Neil Armstrong, is if we determine that space exploration is no longer worth it, not worth America's expense, not worth America's risk, not worth America's time.

If the time had indeed come when mankind, and specifically the United States of America, had gotten out of space everything it could hope for, then I would be the first in line to declare victory over the unknown and move on to something else. But, of course, nothing of the sort is true. America's space program is not merely a choice but a mission in our national interests and in the interests of all nations.

Not worth the expense? Consider the value of the satellite technologies that we use to communicate which have become the basis of our national defense of this Nation; of touch tone and cellular phones; of global positioning technologies now employed in Iraq and Afghanistan to win the war on terror; of magnetic resonance imaging, which has revolutionized medicine; the automatic insulin pump, which has saved and improved millions of lives; or the portable X-ray machine.

Madam Speaker, our economy, our national defense and our ability to communicate with each other and the world, for that matter, would simply be unrecognizable to us without the expensive space travel paid for by previous generations of Americans.

Not worth the risk? Exploration, mankind's inherent curiosity and will to discover the truth, not worth the risk? Such thinking, Madam Speaker would have left Columbus in Spain, Magellan in Portugal and Lewis and Clark in Virginia.

The history of mankind is not a matter of advance despite the risks, but advance, in a sense, because of them. Of course, space travel is risky. It is the most dangerous enterprise in history but also the greatest adventure.

If space travel were easy, everyone would be doing it. We are lucky, lucky despite the hardships and tragedies that we have endured, to have been chosen by history and providence to live in a nation with the collective wealth and courage to meet such harrowing challenges, to live such an adventure. And no one knows this more than our astronauts, all of whom would gladly take on those challenges, and many more, for the opportunity to serve this Nation and all mankind in this endeavor.

Now I concede that space travel is risky, but so is anything worth doing, and the risk involved in turning our backs on space far outweigh the risk of advancing further into it, which is why questions about the President's timing are the least viable. We are at war, we are told, and facing a budget crunch. Come back when times are rosier, and then we can look at space again.

□ 1615

But, Madam Speaker, the President's assertion that the time is now for America to reestablish its space program is not only correct; it is urgent. We are at war, just as we were when Neil Armstrong walked on the Moon.

The budget is constricted; but for 4 decades, America's mission in space has been one of the surest economic investments the Federal Government has made. Rocketry, satellite technology, cellular telephony, the MRI, all of these were direct benefits of the space program, solutions to problems found in space. And they are just the tip of the iceberg of the knowledge that we have discovered and a subtle foreshadowing of what we will learn.

There is simply no telling what new innovations await our Nation, our economy, our health care, our national defense, when NASA's engineers begin staring down even larger problems of long-term space flight. What will a fully constructed international space station discover during its intensive research on bioastronautics? What engineering and medical miracles will be created to compensate for an astronaut's prolonged exposure to radiation and microgravity? What new materials and devices will be forged in the development of a new crew exploration vehicle? And what applications will these discoveries have to our life on Earth?

We cannot answer these questions without first having the courage to allow our scientists and engineers at NASA to have at them.

The President's vision is a bold challenge to each and every one of them, and to each and every one of us, to do it again. And when they do, Americans of all ages, from seniors who remember a time before NASA, to children who never saw an Apollo landing, will come together one night in the future, look up in the sky, see that tiny red dot 50 million miles away, and know that somewhere up there Americans are doing the impossible.

The President's vision is a vision of that night. It is a vision that will fulfill the promise of the Mercury Seven and inspire the dreams of their grandchildren.

Generations of scientists and engineers were drawn into their fields by the awesome images and historic competition of the space race. It is time to reignite the torch of knowledge and push deeper into the darkness. Thousands of years to get to Kitty Hawk, and only 66 more to get to the Moon.

The time has come, Madam Speaker, for our Nation to strap itself in for the next leg of that journey. We have come too far as a Nation and as a world to turn back now. Even as we fight to liberate mankind from the oppression of tyranny and terror, we have an opportunity, and I believe a calling, to liberate mankind from the ancient oppression of ignorance of the unknown that continues to hold us back.

The answers are a long and difficult road away, but despite the costs, risks, and hardship, we can get there from here. Back to space, back to the Moon, and on to Mars.

Mr. CULBERSON. Mr. Speaker, I thank the majority leader, who has so eloquently and forcefully set forth the benefits in so many ways to this Nation of the President's vision for outer space, of space exploration. Because the best evidence I could give in support of what the leader has just told us of the value of what the President has set forth is to quote Thomas Jefferson in his charge to the Lewis and Clark expedition. Two hundred years ago, President Jefferson set forth very simply to Meriwether Lewis: ''The object of your mission is to explore the Missouri River.'' And that simple charge, that simple direction from the President of the United States to explore the Missouri River has led to the expansion of the United States to the Pacific Ocean and the innumerable benefits that flowed from that.

Madam Speaker, I am happy to yield to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, just in closing, I would like to point out that in this very building, we were in a conflict between the States and the President at that time. Abraham Lincoln made a determination that the business of the Union would go forward, and the dome of this very building was completed during the Civil War. The business of this Nation moves forward. As a matter of fact, the underpinnings of the great railroad that bound this Nation together was done while Abraham Lincoln was President of the United States while the Civil War was raging across this Nation, but the business of the Republic moved forward.

So to say that we should stop the exploration of outer space for whatever reason is not a good reason, and I thank the gentleman for holding this Special Order.

Mr. CULBERSON. Madam Speaker, as the majority leader said, the exploration of space is hard; it is a difficult task. Pushing the frontiers of science forward is also. The support of NASA is a cause that knows no political boundaries.

I am pleased to be joined by my colleague and neighbor, the gentlewoman from Texas (Ms. JACKSON-LEE); and I

am pleased to yield to her at this time so that she may express in her own words her view of the importance of the mission of the National Aeronautics and Space Administration's mission to maintain America's leadership role in outer space.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Texas, and I am very glad that it is acknowledged that the idea of exploration, the idea of being a pioneer is not only Texan, but it is American and it is bipartisan. So I am delighted to be able to join my colleague not only in support, but also in raising the probative questions that need to be raised as we look at the vision that has been put forward in going to Mars and to the Moon.

First of all, it is exciting to see the amount of energy that has been generated by many of our advocates and supporters, particularly the entities that are engaged in research and space exploration as to the kind of thinking that is going on, the kind of vehicle that would be appropriate. I believe that it is important to note that our astronauts class is still one of the most sought-after opportunities, educational opportunities. In fact, I just met 2 days ago the first Puerto Rican astronaut who will be joining us in Houston sometime in August. That class was recently graduated, and I believe there are 600 or more that applied and only a few were able to obtain that particular high honor.

So I come to the floor today to indicate that the mission as evidenced by the administration is a bold new mission for NASA and that it only ensures a new life. I know that we are compelled to think about the issues of the day, whether it is Iraq or Afghanistan, whether or not it is the choices we have to make in the appropriations and budgeting process; but I have confidence in the American will and desire and in this Congress. I for one would hope that we would recognize that choices have to be made that require us to invest. As my good friend knows, we may have different opinions on tax cuts and other uses of our resources, but I hope that we will not couch this effort as borrowing from Peter to pay Paul. I hope that we will recognize that these goals are particularly important, as it provides opportunities for our young people in math and science, as it provides opportunity for reaching man's limits, and as well, it provides opportunity for the research that has been helpful to us in the past.

When I came to this Congress, we found it very difficult to pass the NASA budget, but we began to turn our attention to the American people. We began to educate and visit the schools and highlight the value of NASA and space exploration, and I like to call it the National Aeronautics Space Agency; but, more importantly, most of us know Johnson or Marshall or Kennedy, anyone who has had the privilege of seeing a launching of one of our very fine human space shuttles, they know the excitement and the exhilaration that comes with it, but more importantly, they know how it impacts our lives. We have seen a decided improvement in cancer research, HIV research, stroke and heart disease because of our ability to go into space.

We also know that man has pushed our own human limits, men and women, because of the ability to live on the international space station. The international space station has been one of our greatest accomplishments where people are actually living in space. So the idea of stopping off at the international space station and then going on to the Moon and Mars is something that is both understandable and achievable.

Might I say to my good friends, however, that there are certain elements that we must have a bipartisan expression of, and that, of course, is the idea of making sure that we have the resources to invest in this plan. We need to have the administration delineate for us the precise dollars that we will utilize; and, of course, we want to know, which is one of the difficulties, I say to my good friend from Texas, that we are facing is people have their advocacies, whether it is basic research, whether it is unmanned space exploration. We have to ensure that NASA remains whole and that again, we do not implode the department and take from them, but to foster the space exploration, so we must work together in a bipartisan way to ensure that.

The other thing that we must do is the question of safety. I am looking forward to very productive hearings, bipartisan hearings, that will make sure that we have the T's crossed and the I's dotted, and that we look in a combined way at space safety legislation to make sure that when we send people into space that we can assure the American people that every single I is dotted and every T is crossed.

I know that the commission that has just met in New York is going to give us a 10-point report. I hope that we do not kill the messenger, that we will look at this 10-point report and be able to go down one by one and step by step to ensure that it is followed.

Let me also say that the people going to space are heroes. How many of us remember John Glenn, growing up with him? We do not want to tell our ages, but how many remember growing up with John Glenn? How many remember the challenge that President John Fitzgerald Kennedy gave to us: the stars in our eyes, the stars in the eyes of children to come? How many of us have ever had the chance to meet an astronaut, as I have, having them come into my congressional district? And do my colleagues know that at my annual Christmas party, the astronauts are more famous and popular than Santa Claus? How about that? So we realize that they can provide an impetus of excitement.

Might I just say that I want to thank you and a number of Members who provided me with 320 cosponsors, as an aside, to honor those heroes who went into space on Columbia Seven. Let their heroism be not a sign or a statement to close down the space exploration; but as their family members have said, let it be a challenge, if you will, to continue it in a more safe and positive way.

I look forward to us generating the kind of space vehicle and the kind of space power, if you will, of the kinds of humans trained to go to Mars and to the Moon, to do it in a unique and very special way. But I remind my colleagues that we must as well work with the administration on an agenda that will give us the kind of roadmap that will take us through this process.

So I am delighted to be able to come not only to provide support, but to ask the hard questions and to make sure that most are aware that we are going to ask the hard questions of budget, of investment, making sure that we do not take from needed programs that I know that the gentleman supports along with many others, such as housing and education and health care, but that this investment is one that puts America just where it needs to be: at the front of the line, on the cutting-edge of science and research that will ultimately open not only the doors and minds of future mathematicians and scientists, but also it will open the doors to physicians and cardiologists and those dealing with kidney disease, because we will be able to do the kind of research there that may open the doors to better health for America, as well as a better quality of life for all Americans.

I thank the distinguished gentleman for holding this Special Order, and I hope that when we see each other next, we will be working on a definitive space exploration program that all of our colleagues will find virtue in and will be able to support in a bipartisan manner.

Mr. Speaker, thank you for calling this hearing to discuss the future of NASA's mission in space, and to understand how the President's new budget fits in that picture. NASA is at a great turning point. Our work here today, and in the upcoming months, could determine if in a century, our kids' kids' kids will be exploring Mars, or if they will be walking through a museum, learning about how long, long ago Americans used to boldly explore the heavens.

I would like to join you in welcoming Dr. Marburger and Administrator O'Keefe. I commend them for their work so far, in keeping us informed on the President's new initiative for human-space flight. Successfully crafting the new mission for NASA will take unprecedented cooperation between the Administration, and Congress, and the private sector, and the American people. I thank the gentlemen for coming today. We must keep this dialogue going.

First, I would like to commend the President for articulating his bold new vision for NASA's future. We have much work to do to ensure that we fine tune that plan, to make sure it fits our goals scientifically, meets our responsibilities, and works within our means in a tough

economy. Unfortunately, we are in a time of tight budgets, due to horrible financial mismanagement by this Administration over the past three years. But space exploration is not about FY05, or even about 5-year projections. It is about an ongoing quest that captures people's minds and hearts, drives our technology to the cutting edge, and pushes our economy forward. We cannot afford to abandon progress in space every time we fall on challenging times. If we allow NASA to follow a boom-bust cycle, it will never have a committed workforce with the expertise and experience necessary to do great things.

So, I feel we must move forward boldly, but not so boldly that we allow the program to collapse under its own weight. We must be safe, and we must be prudent in making methodical steps, to the moon, to Mars, and beyond.

For example, it is exciting to think of building the next generation vehicle, and to retire the space shuttle. But if we are on schedule to decommission the shuttle in 2010, and then fall behind on the schedule to replace it due to shifting budget priorities, we could be caught in a very tough place. We may lose access to the International Space Station that we have invested so much in. We could start losing quality NASA employees to the private sector or to retirement, and lose their institutional memory as well. That could make it very difficult to restart a viable program in the future.

Of course, I am especially interested in how this new mission will affect Johnson Space Center near my district in Houston. As the hub of the manned space program over the years, Houston has so much to offer this new mission. However, instability as old programs give way to new, could be detrimental to the space community and the city as a whole.

And finally I am concerned about safety. Since the *Columbia* tragedy, we are all working together to re-focus on safety—improving the NASA safety "culture" as some call it. We still have much work to do on that. We need to make substantial improvement before we turn all of our thoughts to new things. However, space exploration is good and needed, and I am looking forward to a clear road map from the administration.

Mr. CULBERSON. Mr. Speaker, I thank my colleague from Texas, because support of NASA, the Jet Propulsion Laboratory, America's exploration of space, and keeping our leadership in space is indeed something that we can work on in a bipartisan way, because this is truly an American and Texan endeavor, to be at the frontiers of exploration.

My colleague is right about the popularity and importance of NASA's exploration to the average American. The NASA Web site, in fact, has had more hits on it than any Web site in history in a shorter period of time. NASA is now at over 10 billion hits on their Web site, in large part due to the spectacular success of the Mars exploration Rover program and the scientists at NASA. JPL, Steve Squires, all deserve our thanks and our sincere congratulations for their magnificent achievement in pulling together this extraordinary complicated mission of landing two rovers in completely separate parts of Mars to bring that program together in such a short period of time, to have it achieve such spectacular success so flawlessly. They deserve our congratulations and our admiration for what they have achieved. They are indeed a great inspiration to the Nation, to young people here in America and all over the world who recognize the value of not only exploring space, but pushing the frontiers of science.

□ 1630

As the majority leader so eloquently said and as my colleague from Texas (Ms. JACKSON-LEE) has pointed out, there are so many different technologies that have spun off from NASA that are important.

It occurred to me as I was listening to the majority leader's very eloquent remarks, and my colleague, my neighbor just to the east, the gentlewoman from Texas (Ms. JACKSON-LEE) pointing out NASA's many successes, I am reminded of a book we were just reading, my wife and I, to our daughter, Caroline Virginia, who is fascinated with Harry Houdini, the magician. We were reading a book to Caroline about Houdini, and it pointed out Houdini had a hard time succeeding when he began as a magician until someone pointed out to him that he was making it look too easy. He was so good at what he did that he made it look easy. The audience could not really appreciate how difficult it was, what he was doing. Houdini took that to heart and began to make his act look more difficult.

I do not want NASA to make it look more difficult, but I think NASA's great success at making it look easy at overcoming the spectacular hurdles that confront them has been in part perhaps one of the reasons that people take NASA's work for granted.

I would be happy to yield to my colleague.

Ms. JACKSON-LEE of Texas. Mr. Speaker, my colleague makes a very good point. I wanted to say that is why those of us on the Committee on Science, and certainly he has been working with us, and we have worked with the gentleman from Texas (Mr. LAMPSON), the ranking member on the Subcommittee on Space and Aeronautics, and before him, of course, the gentleman from Texas (Mr. HALL), but there are a number of Texans who have been engaged, the gentleman from Texas (Mr. BELL), on that committee and have had special advocacies. But what we have said is that, in addition to what you have been able to announce for us, is that NASA also has taken a hard look at safety.

I think it is important to say to the American people that we are not reckless in suggesting that we go to Mars or the moon. We know that we will bring about great research and great opportunities, but we also realize that it is important, our obligation as the United States Congress, to ensure that this is a safe process.

And might I just also say that we are fortunate that presidents, starting, of course, with John F. Kennedy and then Lyndon Baines Johnson, have been supportive of the effort in space. We are very lucky that it has been an American issue. And that carried forth with William Jefferson Clinton and other previous presidents. But, because of that, I hope that this Congress takes seriously the idea that we cannot shut it down. We must continue it, looking to make it better, but we must continue it because it is something that belongs to all of America.

Mr. CULBERSON. Mr. Speaker, certainly no better, if I may, no better expression of the importance of the mission of NASA and maintaining America's leadership role in space, what better expression of that than to have my colleague and me here, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. CULBERSON) in complete agreement on that.

I would challenge any Member of the House to show someone with a stronger fiscally conservative record than I, looking carefully at the dollars we always together, my colleague and I, have been there to support NASA, as has the majority leader, who is also our neighbor from Houston. There are no political parties, there are no political divisions, I think, between us in helping NASA and the jet propulsion laboratory and the pride that we feel in their magnificent achievements and acknowledging and congratulating them for their spectacular success with the Mars Rover and recognizing in less than 1 month that NASA's Casini mission will go into orbit around Saturn and shortly thereafter, the first of the year, NASA will be landing a European-built lander on the surface of Titan, the only other planet in the solar system, a moon of Saturn, that has an atmosphere as dense as that of the earth.

We, both of us, in representing Houston recognize the importance of the Texas Medical Center and the work that they do with NASA in so many ways has saved lives.

If I could point out something that I am sure my colleague is familiar with, the work that Dr. Michael DeBakey has done using space shuttle technology. The shuttle has these huge turbo pumps that are required to empty the spacecraft's external tanks of more than 525,000 gallons of liquid hydrogen and oxygen in less than 8.5 minutes. Dr. DeBakey got together with NASA, with a private team as well, and developed the MicroMed-DeBakey ventricular assist device using NASA's shuttle technology to pump hydrogen and oxygen out of those fuel tanks, to miniaturize that into a device that has kept people alive so they could have heart transplants, that have helped people's hearts heal so they could avoid a transplant.

As Dr. Rosenbaum pointed out, the heart pump, the MicroMed-DeBakey ventricular assist device, is a perfect blend of NASA engineering and medicine. The same laws of physics that

apply to building and flying a spacecraft apply to building and operating a heart pump.

As Dr. DeBakey said, when you have got intense research going on like this, new knowledge is bound to flow from it. I know my colleague has seen that benefit as well.

Ms. JACKSON-LEE of Texas. Absolutely. We are very fortunate that we have two giants in Texas, both Dr. Benton Cooley and Dr. DeBakey, who have established outstanding hospitals, but we know that Dr. DeBakey is the founder and originator of MASH, of the MASH unit in World War II.

But it speaks to the idea of the distinguished gentleman from Texas that we are still living and learning, and the ability to be able to do this in space or do this kind of research in space gives us a greater opportunity to extend the lives of Americans and people around the world.

I think it would be important now just to note for our colleagues that this mission is on a timeline that is very crucial. And that is, of course, 2008 the crew exploration vehicle which will carry astronauts to the moon, we are looking to have scheduled and to make its first unmanned test flight. In 2008, the robotic craft will start flying to the moon to prepare for human expeditions.

The reason why I say this is because I understand that you had a distinguished gentleman from California on the floor of the House. I already mentioned the gentleman from Texas (Mr. LAMPSON) and his leadership, the gentleman from Texas (Mr. BELL) and his leadership, mentioned the gentleman from Texas (Mr. HALL). A number of them have been on the Subcommittee on Space and Aeronautics, the distinguished gentleman from Tennessee. But the reason why I mention the diversity of States and the distinguished gentleman from Florida is because this should not be looked upon as a sole purview of the great State of Texas. But, in fact, there will be opportunities for many, many people to be engaged.

The robotic craft starts flying, as I said, in 2008; 2014 the crew exploration vehicle makes its first manned flight; and then 2015 to 2020 astronauts return to the moon. So we are gradually having a wide-reaching impact.

My colleague mentioned it earlier, but I do not know if Americans realize one of our greatest international relation efforts has been space. China, India, Israel, some of our countries in South America, France, and others have been engaged in this process; and we have found commonality around space. It is crucial.

The other thing that I think it does for those of us who represent very diverse districts, it provides the teaching tools and the incentives so that not only your daughter is excited about what happens in space but that we find children who are in inner city schools, African Americans and Hispanics and Asians and others, that may not view this as an opportunity for them, people from rural America, people from Appalachia, if you will, that have not had opportunities to be exposed.

We want their children to be the next pool of astronauts and scientists and mathematicians. The only way one does that is you have something for them to do. We do not have anything for them to do. We cannot expect that they will be engaged in these disciplines, biology, chemistry, being doctors like Dr. DeBakey, as my colleague mentioned, Dr. Cooley.

Mr. CULBERSON. Mr. Speaker, if I might, ignite that spark in their heart to know that the United States, the country they are so privileged to live in, is a leader in the exploration of space, in pushing the frontiers of science, to light that spark in the heart of a young person is one of the greatest things that we can do. NASA has certainly done that.

I am probably the most fiscally conservative Member of this House. My good friend from Houston knows how carefully I examine every single request to spend money that is presented to me as an appropriator. I am working diligently to balance the Federal budget. I am a co-author of the Balanced Budget Amendment. I want to thank the majority leader, the gentleman from Texas (Mr. DELAY), and the lead author of the amendment, the gentleman from Oklahoma (Mr. ISTOOK), for bringing the balanced budget amendment to the floor of this House.

We need to pay off the national debt, balance the Federal budget. When it comes to investing in scientific research and maintaining America's leadership role in outer space, both of us, I think between the two of us we pretty much cover the political spectrum, recognize that NASA, JPL, and scientific research is our national insurance policy for the future, prosperity of the country, and it will ignite that spark in the hearts of young people. I know my colleague has seen that in her district.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would not disagree with my colleague at all on that and what that leads to. And I know that I can encourage my good friend, in spite of or alongside of his fiscal posture that he takes, and do know that he is very staunch in his review, as I am very staunch in ensuring the domestic needs of our Nation with respect to health and education and housing are as well invested in.

But as we look at space it would be important for our colleagues to know that as we fund this effort it sort of generates or springs forth opportunities in education, investing in math and science for our young people so that we can create the kinds of research experts that will be part of this program that my good friend is talking about.

So there are benefits beyond just a few going into space. It generates a whole industry, a whole chemistry between industry and between the government in creating jobs that will provide for a very strong core of people who understand the very technical aspects, the very sophisticated aspects of science and math and chemistry and physics which are so very important.

We never want to lose the cutting edge of being at the very top of having that kind of discipline and expertise in our Nation. We never want to be a Nation that does not produce something, does not manufacture something, is not brilliant enough to create new science. That is what NASA provides, that opportunity.

I would only say, in your wisdom of your own political stand on being fiscally responsible, I would also charge you as being a man that has a great understanding that America has to invest in order to have returns. So we have to make choices. Hopefully, the choice of NASA and space exploration does not eliminate our opportunities to invest our education and health and other resources.

So I thank the distinguished gentleman again for bringing us all together. I think it is extremely important that our colleagues know that we do not stand here only as Texans, that my colleague had Floridians and he had Californians and maybe some others that were here before me and there are people from Tennessee and individuals from New York, our chairman, and so we have people from all over that I hope will rally around the idea of space being valuable and having us be at the cutting edge of this very valuable program.

Mr. CULBERSON. Mr. Speaker, I thank my colleague from Texas and look forward to working with her to ensure that NASA gets the support it needs, that the President's vision that he has laid out so clearly and so eloquently for the future of NASA and for the future of scientific research in this country, that we give the President's vision the support that it deserves.

As the majority leader so eloquently pointed out earlier, the exploration of space is indeed a difficult task; and it will require the efforts of every Member of this Congress working together from every part of the political spectrum.

I am so pleased to have the majority leader's leadership on this effort, to have the full support of the gentleman from Texas (Mr. DELAY) there, here in the House of Representatives. He understands the importance of scientific research, the importance of NASA, the Johnson Space Center now being located, of course, in Houston.

The unity that has been shown here on this floor, between my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), and myself and the majority leader in supporting NASA I think speaks volumes of the kind of support that I think we will see from this Congress when the time comes to get behind NASA.

Every American out there needs to, I think, express themselves to their

elected officials, to their Members of Congress, just as they have done in all the hits they have made on the NASA Web site.

I would conclude by pointing out that we will continue to be here on a regular basis pointing out the benefits of NASA's work over the years, the importance of the President's vision, supporting what he has laid out for NASA, for the jet propulsion laboratory.

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I would also like to conclude by quoting my hero, Thomas Jefferson, who pointed out perhaps the greatest benefit of our investment in science. Mr. Jefferson was fond of saying, and it is so very true, that the first-born child of science is always freedom.

With that, I close, Mr. Speaker.

Mr. HALL. Mr. Speaker, I rise today in strong support of the Vision for Space Exploration. Since 1969, America has led the world into space and it is time to renew that vision. Our ventures into space not only keep America at the forefront of exploration and innovation, but they also are vital to our economy and our national security. This new National Vision sets America on a course toward the Moon and Mars, and we should embrace this dream and work to make it a reality.

In my mind, the first step of this new journey back to the Moon, Mars, and beyond, is to return the space shuttle to flight. I say this for several important reasons. First, our country made a commitment to our international partners that we would complete the construction of the International Space Station. Only the space shuttle is capable of completing this all-important task. Second, as the preeminent leader in human space flight, we cannot afford to sit idle and let other nations reap the rewards of our hard work, research, and sacrifice. We know that the People's Republic of China has developed a human space flight program that encompasses everything from low earth orbit to exploring the Moon and Mars. To let our space shuttle fleet, the most sophisticated and advanced space craft the world has ever seen, sit idle while other nations pass us by would be counter-productive to our space program. We must, however temper this thrust to Mars with economic realism. While people are more interested today in being able to make a trip to the grocery store than go to Mars—we agree that this is the time to initiate a sensible, stepping-stone, approach to investment in planning and carrying out our long-term mission.

It is, however, incumbent on us to do all we can to return astronauts to space safely. Last year's *Columbia* disaster underscored the sad reality that we have not done enough to ensure crew safety. I authored an amendment that was included in last year's NASA funding bill that calls for $15 million to be used to solicit the best concepts from the aerospace industry and elsewhere to improve shuttle crew survivability. It is critical that the Space Shuttle Program continue to improve survivability for its remaining service life—including making modifications for the crew, such as cabin thermal/structural hardening, improved flight suits, and search and rescue capability.

Meanwhile, as NASA develops the new crew exploration vehicle for human space flight, we need to make sure that a viable crew escape system for our astronauts is incorporated into the design of the spacecraft. I would suggest that if NASA can find the money for a multibillion-dollar probe to Jupiter, then it can find the funds to make crew survivability a priority. As we implement the new space vision, I will work to ensure that NASA fulfills this priority and minimizes the risks for our brave men and women who fly our space missions. Our hopes and dreams ride with them, and we must do all we can, at whatever cost is necessary, to ensure their safety.

America's space program continues to be an engine for our national economy. Exploration brings jobs and technological growth to America. Last year, space exploration brought over $3.7 billion in funds to universities and businesses in Texas alone. Nearly every State in the union benefits from the development of technologies needed to propel our space mission. At a time when we are all concerned about jobs leaving the United States, supporting NASA makes sense because we are providing good jobs for Americans.

The money that we put into NASA grows exponentially when we consider the scientific and technological spinoffs that space exploration provides. Experiments conducted on the space shuttle and International Space Station expand health research and move us toward cures for some of our most threatening diseases. Microgravity experiments in the 1990s led to advances in antibiotics to fight infections. These experiments also unlocked secrets to protein growth that produced medicines to treat patients who have suffered from strokes and to prepare them for open-heart surgery. Americans suffering from osteoporosis also benefit from bone-density experiments conducted on the International Space Station in microgravity environments. These tests accelerated the clinical trials of a drug that is expected to be on the market soon. From the development of MRI technology to microchips, the scientific partnerships between NASA and American universities and companies ensure our Nation's viability, increase our Nation's competitiveness, and help drive our economy.

On January 14, 2004, we were pointed toward a new vision for space exploration and a renewed commitment to the American dream of reaching for new frontiers. For the first time in 40 years, our Nation once again has a vision. We owe it to future generations of Americans and the men and women who have kept the space mission alive for four decades to continue to forge ahead. Congress should approve the modest 5.6-percent increase in NASA funds this year so that we can continue this journey, secure our national interest, and fulfill America's destiny in space.

Mr. CRAMER. Mr. Speaker, I rise in support of our Nation's new vision for space exploration.

I represent north Alabama, which is home to NASA's Marshall Space Flight Center. Space exploration holds a special place in the hearts of my constituents. Marshall and its team designed and developed the Saturn launch vehicles which sent our Nation on its last inspiring journey to the Moon. I remember that journey—it was an exciting time for north Alabama, and it was an exciting time for our Nation.

Last year, I was one of 101 House Members who wrote a bipartisan letter to the President, urging him to focus NASA on an inspiring mission. On January 14 of this year, we received a reply.

NASA was given a bold, new path—which will take our Nation on a journey of exploration and discovery that is affordable, achievable, and exciting.

The first element of the vision includes returning the space shuttle to flight, and completing the International Space Station. In fact, the bulk of the increase in NASA's requested FY05 budget is for getting the shuttle fleet off the ground, and continued ISS construction. The ISS will be used to learn how to extend human presence in the hostile environment of space.

The vision includes implementing a sustained human and robotic program to explore the solar system and beyond. Not one or the other, but both human and robotic exploration, using the strengths of each to expand their frontiers of our knowledge.

The vision includes a goal of returning humans to the Moon by year 2020, and using this as a stepping stone for human exploration of Mars and other destinations.

Along the way, this journey of exploration will require the development of innovative technologies, key knowledge, and enabling infrastructures. This vision will further U.S. scientific, security, and economic interests, and it also promotes international and commercial participation in exploration.

Mr. Speaker, this vision is affordable to our nation. NASA's requested budget includes modest increases for an agency that has been essentially level-funded, in constant dollars, for the past 10 years. The FY05 budget request for NASA represents 0.7 percent of the Federal budget, compared to 1 percent in 1994, and a peak of 4 percent during Apollo. Between 1993 and 2002, the Federal Government's discretionary spending grew in purchasing power by more than 25 percent. But NASA's funding profile over this same decade resulted in a loss in purchasing power of 13 percent. I recognize that our Nation has many other worthy demands on the Federal budget at this time—but this is something that only a great nation such as ours can do.

This vision is also achievable. The plan is not a race to the Moon or Mars, but a continuation of the spirit of exploration that is such an important part of America's heritage. And it is based on a spiral-development philosophy where you build on your accomplishments, learning from your successes—and your failures—along the way. We know that this approach can work—it already has, as Project Apollo built on the amazing achievements and occasional setbacks of Project Mercury and Project Gemini.

Mr. Speaker, I know that there are some who say that NASA has not yet provided enough details about their exploration plan. They are working hard to provide us with the details. But we can all be assured that this body will have regular opportunities during the journey for strong congressional oversight.

We have a bold new vision for our Nation's space program laid out in front of us. This vision will help secure America's national security. This vision will help assure America's economic prosperity. And it will help strengthen America's technological competitiveness. Like the successes of Apollo, the benefits of this vision of exploration and discovery will be felt over generations.

Mr. Speaker, at the beginning of the 21st century, our Nation's space program is at a

crossroads. I urge my colleagues to grasp this historic opportunity, and join me in support of this vision that will reinvigorate our Nation's space program.

Mr. SMITH of Texas. Mr. Speaker, I support NASA's new space exploration vision. Americans might ask: What is that vision? It means we are committed to these goals—

Return the space shuttle to flight;

Complete the International Space Station;

Develop the Crew Exploration Vehicle;

Go back to the Moon;

Go to Mars;

Increase NASA funding by almost 6 percent.

This new space exploration vision is a turning point for NASA.

We know there are inherent risks that come with space exploration, which is the pursuit of new knowledge and new worlds. Skepticism and doubt are often linked to NASA and its goals. But history provides the answers to those concerns.

The *Mercury, Gemini* and *Apollo* programs culminated in a great achievement: landing an astronaut on the moon.

In the past 45 years, NASA's explorations and scientific experiments have led to technological breakthroughs that have changed our lives. They include a heart pump implant system that prolongs lives, smoke detectors that have saved thousands from death and shape memory metal used in eyeglasses and golf clubs that make them bendable. Advancements have also included the unexpected, such as a new line of shock-absorbing athletic shoes.

I believe the new space exploration vision is affordable and achievable. To succeed it requires congressional support, leadership from the White House, and an unwavering belief that the impossible can one day become the possible.

Mr. Speaker, NASA has inspired the public since the *Mercury 7* astronauts had ''the right stuff'' to launch our space exploration program. Their legacy is secure.

Our challenge today is to honor the legacy and build upon it with a new vision. I believe we can. America still has the right stuff to make other giant leaps for mankind.

HOUR OF MEETING ON TUESDAY, JUNE 8, 2004

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that when the House adjourn tomorrow, it adjourn to meet at 12:30 p.m. on Tuesday, June 8, 2004, for morning hour debate.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

30–SOMETHING DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is always a pleasure to address the House of Representatives and also the American people on issues of importance. A part of our democracy is being able to provide information to the American people so that they can make the right decisions at the right time when they are given the opportunity. Also, to hopefully have an opportunity to speak to our colleagues about some of the issues that are facing this Congress and the American people, that they can also make the right decision at the right opportunity and at the right time.

We have more opportunities, the American people do, to make major decisions. They get an opportunity every couple of years as it relates to the House of Representatives, and in many cases every 6 years as it relates to the other body. But every 4 years they get an opportunity to vote for the leader of the free world, the President of the United States; and it is important that we understand exactly what is going on in our country, what is going on in the world.

This is an hour, Mr. Speaker, that the minority leader, the gentlewoman from California (Ms. PELOSI), has put together for our 30-something Caucus that we have on the Democratic side on the aisle. The gentleman from Ohio (Mr. RYAN) is my co-chair as it relates to our working group.

We have a number of members, some 14 Members of this House, that take time out every week to come to the floor. We have an opportunity to talk about issues that are facing young Americans and also middle-aged Americans and older Americans, because when we start talking about education, we start talking about health care, we start talking about jobs.

I think it is important we talk about Iraq. It is also important to all Americans, but we try to make sure that we be able to give voice to those individuals that are young parents and those individuals that are going into college and even young people that are looking to go to college to make sure that they have a great opportunity to do what they have to do.

I am so glad that my good friend from Ohio (Mr. RYAN) is here with me, who is just an outstanding gentleman. We both serve on the Committee on Armed Services together, and we sit next to each other, almost next to each other, but we are there on the same level on the bottom row.

I thank the gentleman for being here.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman very much.

Over the past week, we had a break. We normally are doing our 30-something event on Tuesday nights, but we are here on Thursday night tonight, and we are going to take a little different twist here. Normally, we talk about issues that are facing young students, young people trying to make their way in the workforce.

Mr. MEEK of Florida. Can I just, when the gentleman mentioned that, because we need to get into what we are getting ready to discuss right now, but I know the gentleman has a couple of e-mails. If we can just take 5 minutes and talk about this voter suppression issue.

As you know, over the last couple of weeks we have been getting phone calls and e-mails about students throughout the country going to supervisor of elections offices and being told that they cannot register to vote there. Those students that are now in summer school, students that would like to go into the fall and be able to have the opportunity to vote in the primary elections in many States and also in the general election. They are being told that they can not register to vote in that State because they are not a permanent resident. But, as you know, in 1975 the Supreme Court said you can register. It is legal.

So we got a response back from a number of people saying this has happened to me, and we asked them to go to rockthevote.com.

Mr. RYAN of Ohio. Rockthevote.com to help with voter suppression across the country. It will inform you about whatever your situation may be locally.

I just brought a couple of these that I wanted to read, because we are going to, obviously, move to another topic. We received a couple of e-mails that we pulled out here, one from a Luther Lowe from the College of William and Mary in Williamsburg, Virginia, and one also from Alleyn Harned from Columbus, Ohio, who lives in Delaware. I am going to read a couple of paragraphs out of the e-mail we got, because most adults will say why are kids not participating and being active in the process? There is youth voter apathy.

I just want to read these. This is Luther Lowe from William and Mary. ''Rather than sit and watch our local representatives make laws which are unfair to young people, I decided to participate in my local democracy. I applied to register to vote at Williamsburg which required I also fill out a detailed two-page questionnaire in addition to the normal form. One week later, I received a notification of my registration denial. The reasons? I was claimed on my parents' income taxes. I drove a car owned by my mom who lives in Arkansas. According to the local registrar, I should have been voting in my parents' hometown. The problem with that is I have never voted in my parents' hometown. I voted for Al Gore from my boarding school in high school. I spend less than 2 months a year in Arkansas, so why should I be participating in local elections there? With the help of a local attorney from the ACLU, I fought back. It was only after two lawsuits that I was able to register on a technicality that I am a member of the Virginia National Guard and Governor Mark Warner is my primary commander in chief.''

Give me a break. Here is a kid that wants to participate in the system, and he has got to hire a lawyer from the ACLU to get a right to vote from the university.

Mr. MEEK of Florida. And he is a National Guardsman.

Mr. RYAN of Ohio. And he is a National Guardsman. The kid loves his country, loves the State of Virginia, has not been in Arkansas all that much, and they are trying to limit his right to vote.

I think that is the perfect example of why we are doing this, why we want to keep doing this, and slowly, over time, allow us to at least communicate to the young people of this country that sometimes it is a little bit of a fight. It should not be, but let them know that there are people here working on this for them.

Mr. MEEK of Florida. It is just amazing that you have to sue. I mean, it is amazing that you have to sue to participate in democracy.

Mr. RYAN of Ohio. It would be funny if it was not so sad.

Mr. MEEK of Florida. And the level of insight that went into the letter he received from an official office of saying not only do we think you do not reside in this State but you have your mom's car, and the last time you voted you were in another State. It is very, very important that Americans understand that we have to fight day in and day out, even within the borders of our own country, to make sure that our voices are heard. And young people they are getting it handed to them right now not only by the Federal Government but the State has to do the same thing because we have cut our commitment to them.

We will talk about spending money and spending irresponsibly. But I cut the gentleman off. He was about to head down a path that we are fully prepared to talk about this afternoon. But I want to encourage our listeners and watchers to go to rockthevote.com. I understand we are going to do some things in the 30-something Caucus to make sure that does not continue to happen.

Mr. RYAN of Ohio. We will move on a little bit to the topic that we have been talking about a lot in the Committee on Armed Services and also been talking about a lot in Congress; and, obviously, the President of the United States has been talking about this a great deal.

Notice the picture that I have next to me. The gentleman on my far right, on the gentleman's far left, is President George Bush II. And on my near right here is Mr. Chalabi, who was the main informant, the main intelligence gatherer for the United States of America in leading to the war in Iraq.

The reason why we are going to talk about this is because some people may be asking, what are two 30-somethings that primarily have been focused on long-term debt for the country, increase in the deficit, annual deficits that we have in this country, student loans and college debt for students, debt for the country, debt for students, job access, outsourcing, we have talked about a lot of these issues, why are we going to talk about the war?

I think, and I know the gentleman knows this, that there has been nothing that has damaged this country fiscally or with our political bank account more than the latest war in Iraq. I was against the war, as I am for full disclosure for the American people, for a lot of reasons that we are talking about today.

And I see that there are some young students that are up in the gallery now, so we actually have a live audience here. Why should they care about what is going on in Iraq?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members not to make references to visitors in the gallery.

Mr. RYAN of Ohio. Why should we talk about Mr. Chalabi? Why should we talk about his relationship to President Bush? Why should we talk about his relationship to Vice President CHENEY?

This gentleman stood up in the gallery during the State of the Union address as a friend of the President of the United States; and now we see in the paper today, from CNN's Inside Politics, Condoleezza Rice is now downplaying the relationship that this administration had with Mr. Chalabi. And she says, we had a relationship with Mr. Chalabi's Iraqi National Congress just like we have relationships with a number of Iraqi organizations devoted to the overthrow of Saddam Hussein.

That is not true. It is not just like every other relationship they had, because this gentleman was sitting in this gallery during the President's State of the Union address which, as we know, it is an honor to be recognized here in this Chamber, whether it is legally or illegally acknowledged. But he was acknowledged as a friend of the administration.

Mr. MEEK of Florida. Well, obviously, he has represented himself as a friend of the United States. But there is a big discussion about him giving away the fact that we had Iran's secret codes and to be able to get intelligence on what they are doing inside Iran. Now that is major. That is major. That is just another investigation that is going on.

But how much did we pay him a month? Does the gentleman remember that number? Was it like $365,000 a month? I believe that that was the number that they had. And if I can, I pulled my credit card out last time. I pulled it out of my wallet, and my wife said, do not pull that credit card out. And I told her I was using it as a prop.

But with a little help from my graphics people, when we start looking at this we are looking at really $477 billion, which is $4.7 trillion dollars in debt right now. And this is, of course, the U.S. Treasury that this money is coming out of.

So not only did we pay for a double spy to be able to share information with Iran, had a relationship, a very close relationship and family ties to Iran, which I must say that day in and day out we are trying to do what we can to make sure that we play down the nuclear threat in the region, but we paid him. We paid him almost $400,000 to provide this information.

Mr. RYAN of Ohio. $400,000 a month.

Mr. MEEK of Florida. Almost $400,000 a month. It is between 375 and 400. But when you are dealing with a $4.7 trillion deficit, it seems like individuals that are in control of this House or the White House, they are not really concerned, or the Pentagon.

Now, I must say that it is important for us to remember that our credibility is at stake and American troops' lives are at stake. Any time we say that some folks stand behind our troops, we stand with our troops. And I will tell you right now that it is important that this information, that is bad information that we are getting from this gentleman, and also he is turning around and sharing our secrets with Iran. This is serious business, and this is nothing to play around with.

Just because we point these issues out, some may say, they are just being political. Let me tell you something. The lives that will be lost because of the information that has been shared with Iran and the information that we need to be able to fight the effort against terrorism, when it puts our troops' lives at stake, no one stops them, insurgents do not stop them and say, hey, let me ask you a question before we explode this improvised bomb here. Are you a Republican, Democrat or Independent?

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Are you a male or a female or are you black or are you Hispanic or what have you? Are you partisan or Christian? Are you a Jew? They do not ask that question. They just carry out the act.

So we have decisions that are being made in the Pentagon, and I must say we have got to get to the whole resignation of the CIA Director, Mr. Tenet, and also what is not happening as it relates to Mr. Rumsfeld, who is kind of hard to find these days; but at the same time some of the bad decisions are still being made at the highest levels of the Pentagon. Everyone wants to get to the bottom of things, but no one wants to get to the top of it.

Mr. RYAN of Ohio. Mr. Speaker, I know the gentleman is passionate about this. I think your performance on our committee has been a passionate performance, and I think it is important for the young people who are watching it or the C–SPAN viewers who are watching this to understand at how much of a disadvantage the next generation is going to be because of the acts of today, the amount of credibility that we lost in the world, the amount of negotiating power that we have lost in the world; and I am going to give a couple of examples and tie this into something that we were talking about before a few weeks ago.

We were talking a lot about China stealing our manufacturing in the

United States of America, how we are losing the manufacturing base in this country, and the majority of these jobs and companies are moving to China, exploiting the labor and human rights and everything else. How does that tie into this?

Because of the political capital that we have been expending on Iraq, we cannot deal with a greater threat, which is North Korea, which has increased their nuclear arsenal by 400 percent in the last 3 years. So because we are so bogged down in the Middle East right now, we have to ask China to deal with North Korea for us, and therefore, we cannot play tough with China on manufacturing. So this has helped us not to be able to deal with the erosion of the manufacturing base. It is the same with the oil prices.

OPEC is now saying they are going to turn the spigots on. We are not sure. We will believe it when we see it, but we have to ask Saudi Arabia to help us with our problems in the Middle East and Iraq, and we cannot talk tough with Saudi Arabia for the gasoline prices. So we have put ourselves at a weak bargaining position with China, weak bargaining position with the Saudis to deal with the oil crisis and the gas crisis in this country.

I want the American people who work two jobs and deal with their grandparents and their parents and people are sick and they are sending their kids to school, who do not have time to digest all of this, and I want them to understand that we have made bad political moves, and we hire Presidents and hire Members of Congress to put us in good political positions.

I heard many Members on the other side talk about Thomas Jefferson. Well, we bought the Louisiana territory. That was a good political position. It put the country in a good position. NASA put the country in a good position. For us to just sit here and watch our country be put in a weak position, a weak bargaining position, a weak negotiating position, all in the process of pulling out the credit card and dropping $200 billion in the Middle East, which now we have to stay and win, no one's arguing that, we have to support our troops, and I know we both voted for the Defense authorization bill. So this is not pacifist. We do not want any war ever, and we are going to support the Defense spending in this country, the Defense appropriations. We both have voted for that.

All we are saying is bad decisions have been made and they have been made because we have been taking advice from a con man who has conned everybody for the last 25 or 30 years in the world, who was found guilty of 30-some counts in Jordan, fraud, embezzlement, has been running around the Middle East and running around Europe over the past years. Everyone knew the reputation of this man; and he just told this administration what they wanted to hear, and they bought it hook, line and sinker; and now we are stuck.

Mr. MEEK of Florida. Mr. Speaker, let me just say this. I saw our con man on ''Nightline'' with Ted Koppel, and he said that he wanted to come before the Congress and address the Congress. He was willing to come to a congressional hearing. I am to the point that I will send him a ticket because I really want to see this one.

Mr. RYAN of Ohio. We will pay for the bus fare.

Mr. MEEK of Florida. Mr. Speaker, as you know, some of our troops secured the perimeter while Iraqi police went in and raided his office. This is the man we just cut payment off to in the last 30 days.

Also you mentioned outsourcing, and I just want, as it relates to this war and as it relates to the fight that we have tried to put on in the Committee on Armed Services, of making sure that our troops still get the things that they should have gotten when they first went in, armor, up-armoring Humvees, making sure that they have the things that they need to have so they do not have to write home and say, Mom, Honey, can you send me some equipment, can you send me a bulletproof vest. I mean, all of these things that the U.S. military is supposed to provide but did not have on hand because we went at this war in haste.

You mentioned something about outsourcing, and I want to tell you, I think maybe at this juncture, maybe 4 years into the business of trying to run the country, that one would understand past mistakes. Well, it seems like the White House is at it again.

The White House announced yesterday, led by President Bush, that they just gave the largest technology contract for passport screening, the largest contract in the history of the Department of Homeland Security to a Bermuda company, a company that has turned in its U.S. passport, moved to Bermuda to skirt paying Federal corporate taxes to be able to help this country run. Those jobs have also been encouraged and will continue to stay offshore of the United States of America to be able to provide the very jobs that individuals are looking for.

I must be able to share with you that unless some amazing magic trick happens in the next 5 months, this President will be the first President in a very, very, very long time that has not gained not one net job, one-plus net job for U.S. citizens or individuals that are here in the United States of America. I just want to make sure that we understand. The American taxpayers are paying $10 billion, okay, that is with a capital B, for the passport inspections to a company that has turned its own U.S. passports in and their bank account is offshore.

Yes, I am a Democrat; but you know something, there has to be a change, and when I said in the opening that the American people have to make a decision on when they get the opportunity, it is up to us to make sure they have good information. This is not the gentleman from Ohio (Mr. RYAN) and the gentleman from Florida (Mr. MEEK) saying, hey, what can we write to make it seem like we are right. This is straight out of the White House, and this was yesterday. It is not last week.

I encourage Americans, if you can, I do not have any stock in Time Warner, but please get this Time magazine that I am holding here, and I encourage Members of the Congress to grab a copy of this Time magazine.

I get Time in my office, and of course, the issue on obesity in America, I need to read that story, too, because I need to put down a few things. But there are a number of issues that we have been talking about in the Committee on Armed Services that I would like to talk about if we would have a public hearing for a change to be able to share with the American people about what is happening to our troops, what is happening for our troops and to be able to share with the rest of the world that we do care about the good, bad, and ugly that goes on in America, and we are able to address it.

I will tell you, I will continue and with your voice and other folks' voices, and I am so glad I was on this morning on the Washington Journal, on C–SPAN, with one of our Republican colleagues who concurs that we should have hearings about what is going on in Guantanamo Bay, Cuba, our base where we are detaining insurgents, the al Qaeda individuals that are providing us the very information that we need to be able to save American troops' lives. I want to talk about the drug issue in Afghanistan that is also putting American troops' lives at risk.

So we cannot sit here and say, well, let us pass another resolution supporting the troops. No, we should not pass another resolution supporting the troops. The troops already know that we support them. We support them. There is no question. There is no great mystery in the Congress about who does not and who does support the troops. Everyone does.

The 5-year-old kids that are walking around in this building, if you ask them do they care about our military, I guarantee you nine times out of 10 and 99.9 percent, you are doggone right, I do. I look up to them. They are heroes and sheroes. They are in the community; they serve. They are Reservists that have been in Afghanistan and Iraq and other areas and the Horn of Africa where we are fighting the issue of terrorism.

Let me share with you a few things in the Time magazine this month. This is very interesting. It has a picture in here of children that are playing in front of a painting of the famous picture in Abu Ghraib prison where the individual has the wires hooked up to him, and I think it is important for the Committee on Armed Services and this House of Representatives, to the majority, that not only we get to the bottom of it, I am sick and tired of looking at sergeants and privates. We are

going to hold them accountable. We are going to court-martial. We are going to put them in jail, but how do we get to the culture of how the individuals felt comfortable in doing this? By us addressing the issue all the way up to the top, okay, and it is important that we do that.

I am talking about the Secretary of Defense, Donald Rumsfeld, who I did in committee thank him for his service to the country. He was a Member of this Congress, a two-term Secretary, serving his second term as Defense Secretary, but there becomes a point when you say, you know something, maybe I need to allow someone else to lead at this point, when we gave inaccurate information about weapons of mass destruction; when we gave inaccurate information as it relates to what is going to happen after the shock-and-awe campaign that was misleading; when we gave information of the fact that we were ready equipment-wise to go into Iraq for a year and 15 months, going on 2 years, all of our troops would have what they need.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, and that intelligence was based on information that they were getting from Chalabi, who is a known criminal. I mean, you are taking the country to war on intelligence, none has been true yet. We repeatedly hear: Saddam's ties to 9/11, treated as liberators, the whole list, use the oil revenue, whole list. All of that intelligence was wasted on information that we were getting from this guy. That is what is frustrating to me.

Mr. MEEK of Florida. Mr. Speaker, let me just share with you a bid-for by the Defense Department, some $360,000 on a monthly basis.

I tell you the reason why we will not have hearings here in the House, public hearings, about what is going on in this war is that no one has the right answers for what has actually happened today. Forget about the argument of yesterday. Let us talk about today.

There was a point when the Secretary of Defense could not answer in a straight way how many U.S. troops we had on the ground. Mr. Secretary, well, we have maybe, the indicators say maybe, you know, the rotation. We do not need to hear that. The American people need to know more about what is going on with this war.

Also, in Time magazine, I must add, Halliburton. So after all, now this e-mail appears because the cream will rise to the top, or the truth will, that Vice President DICK CHENEY did have something to do with the no-bid contract and Halliburton. It is not the gentleman from Florida (Mr. MEEK) report. Check out Time magazine, and here it is in black and white, an unclassified letter that was sent to the highest levels.

Secretary Paul Wolfowitz said, one of his superiors said it is fine, go ahead, move on it, it is being coordinated by the Vice President's office.

Let me share something with you. This is not small stuff. It is huge. The whole outing of the CIA agent. This is huge. We had a young lady in harm's way, and in this White House somewhere she was outed, and then the President goes and talks to an attorney. It is not a good sign.

So I want to say that the American people have to really pay attention to what is going on. We are far beyond Democrat and Republican right now. We are far beyond that. American lives are at stake, and by the fact of us having these hearings, letting not only the world but the American people know that we are going to address prisoner abuse and that we are not going to allow it to happen because, guess what, we are not them. We are not the terrorists. We are not the insurgents. We are not individuals that are parking cars in front of buildings waiting on those cars to explode.

□ 1715

We do not gun down innocent people. We are the United States of America. We have to uphold the history and the integrity that our veterans have put forth in foreign lands and in this country of being men and women of honor and integrity. For individuals in shirts and ties to make decisions and then anyone that questions their decisions is considered helping the terrorists or being on the other side is really far beyond anything that I can remember. So I think it is important that the American people pick up that magazine.

Also, there is an article here talking about how we are in full retreat on our Iraq policy. But I think it is important that we understand that outsourcing in the White House is still going on, some of the bad decisions that are going on in the Pentagon, decisions that are being made and putting America's troops' lives at stake so that this Congress has to rise up. The chairman of the Committee on Armed Services in the other body is being criticized by his colleagues, Republican colleagues, for having open hearings about what is happening wrong in Iraq. Something is fundamentally wrong with that. His having those hearings may help save American lives.

So I think it is important we have this open government. No one wants to give away secrets, but it is important to share this information with the people and the world to protect America's interests.

Mr. RYAN of Ohio. Mr. Speaker, one of the things I think we need to add on to what my colleague just said, as we welcome our good friend from the great State of Alabama here with us, is that after 9/11, and we all have agreed that 9/11 was an intelligence failure. Everyone has agreed on that, regardless of party. So if you are in a position of power where you are about to go to war and you know that your intelligence apparatus has just failed the country completely, you would think that you would ask a million more questions. Not a hundred thousand, a million. And you would think you would be shaking the intelligence community left and right to try to get accurate information. Instead, we were relying on a con man to get the information that we wanted to hear.

So what I do not understand is why, after a major intelligence failure, you do not try to rectify that problem by having and assuring that you have good intelligence. Not to make a minor decision, but to go to war and to send 140,000 troops to war. Why are you not making sure we have good intelligence?

I think that is something that maybe in many ways Members of Congress did not ask enough questions, the media did not ask enough questions, that we were not confrontational enough as to what the Iraqi policy was going to be.

We have been talking here for a while, so I would like to yield to my colleague, the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman from Ohio, and I am always glad to see my friends from Florida and Ohio with all the promise that you all represent for this institution.

Let me just share an anecdote with you and then talk about that for a moment. I was in rural Alabama, in my home district, about close to exactly a year ago now. It was mid-June of 2003. And I had the honor of being the commencement Speaker at Judson College in Perry County, Alabama.

I remember a woman walked up to me after I had done the commencement speech, and she had tears in her eyes. I made the reasonable assumption that she was tearful because her child had graduated that day and they were tears of happiness. She walked up to me and said something that has stuck in my mind for the last year.

She said, ''Mr. DAVIS, I have a husband who is in Iraq right now as a member of the Alabama National Guard, and our daughter did graduate today. My husband, her father, could not be here because he is serving our country.'' And then she went on to say, and she said it brokenly, in the midst of her tears, she went on to say, ''Every morning I get up and I turn my television on CNN and I see the little crawler at the bottom of the screen, two Americans killed, three Americans killed.'' And she said, ''Every morning, when I see that, something just jumps up from my stomach to my throat, and I remember that they always notify the next of kin before they make a release of the names. And that gives me relief for a moment. But until I see those names, I always have the lingering sense of dread.''

That is what she said to me. Mind you, that was a year ago. That was before what has happened in April, it was before what has happened in May of this year, it was before Fallujah, it was before another 300 some Americans had lost their lives. That woman still gets up every morning, and I suspect if I ran into her tomorrow it would be the same conversation.

When you talk about Alabama, when you talk about one of the conservative States in this country, there is a myth in this city that people have made up their minds about the war. There is a myth in this city that people who live in the Alabamas of the world have made up their minds. Let me tell you, people in my State and I think people all around the south are searching for some wisdom. They are searching for some guidance. They want enough humility from this city and from the institutions of power in this city to recognize that we are struggling and we are trying to find our way.

These are not easy questions by any stretch of the imagination. We know the basics. We know that we have a significant investment of forces in a faraway land and that we are losing our men and women. We know that we have made a commitment, and we know that we are not a country that shirks from commitments once we make them. At the same time, we know that there are so many uncertainties. On June 30, there will be a transfer of power. We do not know what that transfer of power will beget.

As I have told so many people who live in my district, there should be no expectation on July 1 that soldiers will be drawn down, that large numbers of soldiers will leave. We do not know what will happen if this new government of 33 people is attacked or falls under siege in the next 6 months. We do not know what will happen if Iraq has elections and they elect a government that is hostile to the United States and we are invited to leave. What would we do at that point? What are our interests at this point in Iraq? Or to put it more basically, under what circumstances will we stay and under what circumstances will we begin to think about going?

Those are the questions that the people that you represent in south Florida and the people you represent in central Ohio and the people I represent in west and central Alabama are wondering about today. They are searching for a little bit of humility and a little bit of guidance.

There are two labels that get tossed around in this town a lot, pro-war and anti-war; and it strikes me that this, of all conflicts, this, of all foreign policy crises, may be a little too subtle for those simple terms.

Like you two gentlemen, and almost all of our colleagues, I spent Monday attending Memorial Day events. And on Monday morning in Tuscaloosa, Alabama, I had a chance to stand as close as I am to you right now in proximity to the widow of a gentleman who died in Iraq. His whole family was there. And something occurred to me. What do you say to a woman in that circumstance?

She really did not want to hear from me about politics. She really did not want to hear about Bush or Rumsfeld or Tenet. I do not know if she wanted to hear anything about policy or matters of state at all. But I do know that she wanted a little bit of comfort, a little bit of solace, a little bit of understanding.

There are so many families like that. That is what they want from us. They want some sense that we empathize with their pain.

And we do. There is not a one of us who sits in this institution who does not 100 percent support the men and women who are fighting there. Because at this point they are not fighting for a policy. They are fighting for survival. They do not pick up The New York Times to see if Bush is up or KERRY is up. They are simply trying to stay alive for a few more hours. And a lot of them, by the way, are younger than we are. We are three of the youngest people in this institution. A lot of these people are far younger than we are.

So the terms pro-war and anti-war, what do they mean? We have questions in this country, and what we need right now is a little bit of candor, and what we need is a little bit of direction. We have to get past this obsessive focus on personalities.

I, like most of you this afternoon, watched the news reports on George Tenet. I do not know the outgoing CIA Director. I do not know if you all do or not, but I do not know him. This does not seem to me to be about George Tenet. It did not seem to me to be about Condoleeza Rice when my fellow Alabaman testified before the 9/11 Commission. It did not seem to me to be about even Don Rumsfeld when we saw the excesses that happened at those prison camps. It is about something larger: What kind of country are we? What kind of values do we have? And how do we operate our institutions to reflect those values? Those are questions that are deeper and more abiding than anything that we are debating from day to day in the halls of public opinion and in the halls of this Congress.

So I would just say that what the people need from the President of the United States is enough humility to acknowledge that even the President does not know all the answers.

We are close to the 60th anniversary of Normandy, and I do not know how many of my colleagues know the story of the letter General Eisenhower wrote. General Eisenhower, as he was contemplating sending thousands of young men to their fate, wrote a letter that was meant to address a failure, a failure that he personally might not have survived. And the letter said something to the effect that this is my responsibility alone. If there is an error that has been made, it is my error.

That seems like more than 60 years ago. It seems like light years ago, sometimes, in this town. Because as you two know very well, sometimes we occupy a town where ''I am sorry'' is the last thing people will say. ''I am responsible'' is the last thing people will say. Or, at best, ''I take responsibility'' is what you say and not what you do.

So I think as we move deeper into this election year, as we contemplate the loss of life in Iraq, we all need to find some way to appeal to the better angels in our nature and some way to be true to our spirit and our values. And if we do that, we will find our way home, literally and figuratively. We will find our way to a policy that works for our country, a policy that is oriented in the best of our instincts.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the comments of my colleague.

The gentleman brought up General Eisenhower and spurred thoughts in my mind of the gentlemen of that day, of the Churchills and the Roosevelts and the Eisenhowers and the larger-than-life figures that participated in the greatest conflict. You just cannot help but to compare them to what the behavior is today. However, it just cannot be compared.

If we look at how Roosevelt handled himself and when we look at how Churchill not only stood up and gave his great Nation an enormous amount of confidence at a time when no one thought England would be able to stand tall, the big contrast I can recognize with Churchill and President Bush is in the preparation that Churchill gave and the leadership that London gave their people before anything was happening. This is going to be a long struggle, but in the end it will be our finest hour. We are not going to surrender. Churchill just kept saying, we are not going to surrender. If you take it, you are going to take it by us being knocked senseless onto the ground, was one of the great Churchill quotes. The preparation.

In this country, I think it was the exact opposite. We are going to be greeted as liberators. It is going to be great. Do not worry. It will be a drive-by war. We will use their oil. They are going to love us and hand us roses.

Yet when you look at the monumental figures of that era, who, like the gentleman said, kind of raised everybody's eyes up and tried to put the institutions in line with the values of the country, I really did not see that during this.

Mr. DAVIS of Alabama. And the difference is, if the gentleman will continue to yield, Mr. Speaker, it strikes me that in the 1930s and the 1940s the leaders of the world had a fair amount of confidence in the people that they served. Winston Churchill and Franklin Roosevelt had a certain belief that the people they served were capable of rising to the occasion and that they would respond to candor and common sense.

□ 1730

Sometimes in this television soundbite era that we live in, we do not have enough confidence in the people of our country. We have a mind-set that we cannot tell the people in our country full information, and that we cannot let them know a commitment may be a

long one because they may not have faith. We cannot let them know the money is going to be three times what we say it is because they may not have faith. We cannot let them know all of these uncertainties because we fear they may not have faith.

I have spent a fair amount of time in my life trying cases before juries, and I have won them and I have lost them; but I can confidently tell Members that every jury that I have ever appeared in front of I felt did the right thing in terms of what the facts were, whether it was what I advocated or not. I have that same kind of faith in the American people, that if we tell the American people the facts, I have confidence in our ability to apply those facts to policy and to apply our values to those policies; and maybe we need more of a sense of confidence. Maybe if the administration had had more confidence in the quality of our people, we would have had a clearer, more accurate path painted on where we are going in Iraq.

We all know from the work both of you do, we know there is a reason why certain facts were not emphasized. What was the old saying from the movie, you cannot handle the truth, a movie back in the 1990s, there was a feeling and fear that maybe the people just could not handle the truth. I do not know about other Members, but I think they can.

Mr. MEEK of Florida. Mr. Speaker, it is always a pleasure hearing the gentleman from Alabama (Mr. DAVIS) and what the gentleman brings to the table as it relates to philosophy and history. Part of our democracy is making sure we level with the American people, the good, bad and ugly. They need to know because they need to be able to prepare themselves.

The President recently asked Americans to make the sacrifice that they made in World War II, make the sacrifice that they made in World War I and other conflicts, some of the great wars that have taken place; but it was a different approach to those wars. We planned; we made sure that individuals had equipment. We made sure that we had a strategy going in and coming out.

There was a Senator from Missouri, a junior Senator during World War II. His name was Harry S Truman. He had a select committee that was dealing with contracting, dealing with the needs of World War II at that particular time; and he did what he had to do during a time of war. During the time of World War II, they had a number of hearings to make sure that the troops had what they needed and they were able to respond real-time to issues that were coming up during that war.

For us to say, well, we do not have time to do that, we should not question the Pentagon about things that they are doing, we are muzzled as a Congress. Not to clear my conscience, not to say this needs to be said, but when the annals of history are reflected upon, I want to make sure that those of us on this side of the aisle, that we did everything that we could to give the facts as we see them printed in documents.

A Pentagon report recently released said 25 percent-plus lives could have been saved if we had the right equipment at the right time.

Mr. DAVIS of Alabama. Mr. Speaker, that sparks another thought I had which I think is worth noting. There was another principle that those leaders had, and it was the principle of sacrifice. They had the moral authority and the willingness to say to this country this cause is so mighty, we have to sacrifice.

Contrast that with about a year ago. We were here when all three of us very strongly felt if we were going to continue to have to pay the cost of the war in Iraq and have to bear that burden, maybe it was time to suspend the tax cut for just the top 1 percent of Americans, or maybe just for people earning more than $1 million, and pay for the war and occupation with that money. Now that is sacrifice. It is proportionate sacrifice. It is going to those most able to bear it instead of those least able to bear it, and you are saying that our cause is so strong and righteous we are going to come to the American people and ask them to forgo something. It would have meant something a year ago if the President had done that. If the President had come to the body and said, I care so deeply about this cause, I am willing to abandon one of my own programs, I am willing to walk away from this tax cut for people earning a million dollars a year or more, not because I want to, but because this is a time of sacrifice.

That kind of inspiration I think would have moved this country and would have produced an overwhelming response from people on both sides of the aisle. But somehow we have entered a zone where we talk the language of sacrifice at Memorial Day events and events around the country, and we will talk the language again on the Normandy anniversary on June 6; we talk the language of sacrifice, but we run from the substance of sacrifice.

Mr. MEEK of Florida. Mr. Speaker, I just want to make sure, because I was on the floor last night with the gentleman from Maryland (Mr. CUMMINGS) and the Congressional Black Caucus, and I shared that I was at the World War II memorial with my mother and uncle, who is a Korean War veteran. They asked for all of the veterans to stand up. A number of them stood up. Those individuals that could not stand up, they put their hands up. I could not help but think ''America the Beautiful'' playing in the background, planes flying over, what was going to be their reality on Tuesday, when they go to the VA to try to receive services, the reality of calling for help and having to wait 6 months to see an eye doctor.

When we start looking at how we treat our veterans and how we respond to them, the gentleman mentioned the deficit, and I am going to say we had this credit card made up. This is the U.S. Treasury credit card, Republican Congress. That is a big number, $477 billion. That is a lot of money. That is an awful lot of money. And we look at, hopefully, the expiration date is good through 11/04 so we can get a new majority in here to be able to do something truly about the deficit. I appreciate the gentleman's work on that committee and on the Committee on the Budget to talk about true fiscal responsibility. And I will say it is important on the Committee on Armed Services, on behalf of troops and what the gentleman from Alabama (Mr. DAVIS) has just shared with us, families, we watch the news without even worrying about a family member, will their name scroll across the screen. Will they become a picture in the wall in the backdrop of a newscast. We have that privilege of not worrying, but we have individuals not based on the troop decisions, and many of the individuals on the ground, but the decisions that are made right here in Washington, D.C. that are endangering the lives of American troops.

We are going to support them, and we want to make sure that they have the equipment that they need to have; but if we do not do our job here in this Congress in giving voice to the voices, giving voice to that Reservist and that family that the gentleman from Alabama (Mr. DAVIS) talked about where the father could not see the graduation of his own daughter, but he is fighting for the very freedom she is celebrating right now.

Do Members know why the President would not say, I am going to sacrifice one of my own programs? Because, guess what, he is never wrong. I am sorry to say it, he is never wrong. He never says, hey, I am wrong. The only thing he says, and we need to watch this word, and I need the gentleman from Ohio (Mr. RYAN) to share some of the things we discussed earlier, but when we hear that somebody is doing a superb job, watch out.

The President today said, George Tenet, and I must say after the President stood up here in the well and said we believe that Iraq has received the necessary materials they need to make a nuclear weapon, and then once we found out that was inaccurate information, he was prepared to throw George Tenet under the bus, and now he said he has done a superb job. That sounds like the same thing he said about his Secretary of Defense. It is not a personal thing, but it is an issue of decisions. Especially when you are appointed and not elected, you have to make the decision if the leader does not take the prerogative to make the right decision and say, you know something, thank you for your service. In an honorable way, we will give you a gold watch and we appreciate your service. But he is saying nothing at all. That is what inflames insurgence on American troops.

I will leave it at that.

Mr. DAVIS of Alabama. Mr. Speaker, there is another historical point worth making. None of us were here, we were all too young, but we have all read about the Bay of Pigs in 1961 in Cuba. For some of the younger people listening that do not know what the Bay of Pigs was, it was a failed effort to invade Cuba back in 1961. Lives were lost, and it was seen as a dismal policy mistake. John Kennedy had every reason politically to say this was a plan conceived by the previous President. He had every reason to say that this was something my CIA director foisted on me, this was something I did not want to do, and the military pushed it down my throat. He could have fired a number of people.

President Kennedy said something that is worth repeating. He said, ''I am the responsible officer of the government. Defeat is an orphan, victory has a thousand fathers.'' That rings across the last 43 years. Defeat is always an orphan. It is something that happened. I did not do it; it happened. It is always something that no one wants to claim. Whereas victory, everyone wants to share in that and say, I did my part, you did your part.

We come back again to the same place. What I think so many of our people want is enough humility from up high, enough humility from the throne that we can conceive the possibility of error.

World War II is a wonderful analogy. We got some things wrong in World War II. The greatest President of all time, in my opinion, Franklin Roosevelt, signed the order that led to the internment of Japanese Americans. A Supreme Court that consisted of some of the finest jurists we have ever had approved that internment of Japanese Americans. We all know that was perfectly wrong now.

If men as great as Franklin Roosevelt and Robert Jackson and Hugo Black could be that wrong, maybe it should occur to us today that some of the individuals who sit in circles in power today could be wrong. Again, there is a lesson about humility to be learned there.

Mr. RYAN of Ohio. Mr. Speaker, I was just enjoying listening to the gentlemen talk. I want to clean up a couple of things that were mentioned. The gentleman from Florida (Mr. MEEK) mentioned that now we want to make sure that our soldiers have the equipment that they need, we want to make sure that the vehicles are up-armored and they have the vests and the plates to go into the vests and everything else.

We have gotten so caught up in the fact that we want to get it to them, we forget to ask, you are telling me we went to war and we did not have our troops properly equipped? Lack of preparation.

In the Defense appropriations bill that we just passed out of the House, we reimbursed parents or whoever for people, parents who paid for vests for their kids. I mean, you have to be kidding me. We had to reimburse parents that paid for their protective vests for soldiers in Iraq.

The general that testified about the prison abuse said that there were a couple of problems, major problems. One, lack of training. One, lack of supervision. To me, after almost 2 years on the Committee on Armed Services and a layman, civilian, lack of training and lack of supervision to me means we do not have enough troops there. If you are not training them properly, you do not have enough people to train; and if you are not supervising them properly, you do not have enough people to supervise. I think that is basic common sense to say this group has not prepared us for this war.

One other thing I would like to say because some young people are probably sitting at home listening to this, remember as soon as President Clinton got in office, there were always investigations, investigating this, Travelgate, Nannygate, this gate and that gate. They were always investigating the man. Why? The House and the Senate were Republican. The White House was Democrat. We are now in a one-party rule system. The House is controlled by the Republicans, the Senate is controlled by the Republicans, the White House is controlled by Republicans. I am not saying that they are always wrong, and I am not saying that we are always right. All I am saying is when there is one-party rule, we cannot subpoena people out of this House because the gentleman from California (Mr. WAXMAN) from the Committee on Government Reform is not the chairman of the committee.

□ 1745

If he was the Chair of the committee, we could subpoena some of these people who wear the suits and bring them before committees in the House and have them sit and tell us what happened and why and make sure we are starting to hold people responsible for their actions.

That is just what I want to say to the American people, is you cannot have one party rule the whole government. It is unhealthy for the institutions; it is unhealthy for the country.

There is no balance right now. There is no one overseeing what is going on. We get fed a line from somebody like this, and no one can stand up and question it. That is not a good way to run your country. This country was founded on all the different aspects, the branches and everything else, in order to bring some balance to these institutions we have.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FEENEY). Members are reminded to address their remarks to the Chair and not to the television audience, and to refer to other Members in debate only in the third person, by State designation.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 8, 2004

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

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2004.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 8, 2004.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

THE CASE FOR A SPECIAL RELATIONSHIP WITH CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes.

Mr. KIRK. Mr. Speaker, ''China is a sleeping giant. Let her lie and sleep, for when she awakens, she will astonish the world,'' wrote Napoleon Bonaparte. I would like to title this speech ''The Case for a Special Relationship With China.''

Great nations almost always miss important changes outside their world. Such errors threaten their future in ways they never dreamed. History also has examples of leaders who saw challenges early and responded well.

The leaders of Great Britain's late empire entirely missed the rise of the United States. Britain suffered years of combat in World Wars I and II before their American allies joined the fight. During both wars, the British Empire teetered in the balance. Conversely, President Truman wisely perceived his challenge in the Soviet Union and responded well. His actions contributed mightily to the winning of the Cold War.

In the 19th century, not everyone missed the rise of the United States. As early as 1835, Alexander de Tocqueville saw in the future clearly when he wrote, ''Americans are already able to make their flag respected. In a few years, they will be able to make it feared.''

Looking from Westminster across the Thames River in 1870, the British Empire's leaders did not share de Tocqueville's view. It was an easy mistake for them to make. Queen Victoria presided over the largest economic block on Earth. In the glare of an empire where the sun never set, her ministers largely ignored the significance of their American cousins.

Well-schooled leaders of the Foreign and Commonwealth Office were distracted by a number of small wars at

the fringe of their empire, Abyssinia, South Africa, Egypt and Sudan, to name a few. In 1868, The Illustrated London News warned, ''We can ill afford a perpetual succession of little wars,'' but few took notice. European continental leaders were equally unaware of the American change that was under way in their century. German Chancellor Bismarck discounted the United States when he wrote, ''There is a providence that protects fools, drunkards, children and the United States of America.''

After only one single Victorian generation, America's economy grew to be twice the size of Britain's. By 1900, many of the British Empire's leaders dimly perceived the threat from Germany but remained unaware of how their world had changed across the Atlantic. It was hard for many leaders to take America seriously when Belgium's Armed Forces outnumbered the U.S. Army.

As a result of their ignorance, England's leaders entered the First World War without the backing of the American arsenal. In 3 short years, from 1914 to 1917, they exhausted the wealth of the empire. Finally, America joined the allies of World War I, but only on President Wilson's terms. It took British leaders two generations of conflict to understand how important America had become to them.

Today, London's policy towards the United States is rightfully called the ''special relationship.'' Are there changes under way which call for American attention? Could the leaders of America's foreign policy make a similar mistake? In our vision of America's future, are there any countries deserving another special relationship?

Our history is filled with examples of countries where economic growth rapidly turned into political and military power. The rise of Japan, Germany and even some Gulf states show that economic expansion has an inevitable political and military impact. For the United States to be effective in foreign policy, the President needs advisers who see the world not just as it is but as it will become. When the White House advisers fail to outline strategic change, they doom our President to using short-term expedience to cope with a long-term threat.

With a clear strategic view, the advisers of President Truman served our country well. Writing his famous long telegram from the rubble of 1946 Moscow, U.S. Foreign Service Officer George Kennan correctly outlined the emerging threat from the Soviet Union. By removing President Roosevelt's friendly ''Uncle Joe'' veneer from Stalin, George Kennan warned his President clearly about the coming Cold War. The Soviet Union, in his view, was becoming a colossus, demanding more than short-term American expedience. The struggle between East and West could only be won with a strategic plan by the West.

Truman's answer to the challenge of the Cold War was massive. He backed his short-term military defense of South Korea with a long-term set of new institutions: the Marshall Plan, the Central Intelligence Agency, the North Atlantic Treaty Organization, the World Bank, the Strategic Air Command, the United Nations and the Voice of America, to name a few.

After four decades of struggle, the East abandoned the Berlin Wall. In the heady days after communism's fall, many felt the U.S. stood unopposed at the dawn of a new Pax Americana. Francis Fujiyama asked in the Washington Post, ''is this the end of history?''

History hardly ended, but the idea of American supremacy is now strong. America's Armed Forces won stunning victories: 1991 in Kuwait, 1995 in Bosnia, 1999 in Kosovo and 2003 in Iraq. Who can challenge America?

Despite our ascendency, we must ask the question, is there a major change in the world for which the U.S. should prepare? As Truman did in the 1940s, should the United States create institutions that respond to this change?

The American view of foreign policy has more to do with our European past than our Asian present. By a two-to-one margin, Americans believe that our policy towards Europe is more important than Asia, but our trade with Asia surpassed Europe a generation ago. Today, American trade with Asia totals 50 percent more than our trade with Europe. The U.S. State Department has just 579 full-time Americans stationed in Asia, compared to over 1,300 in Europe and the countries of the former Soviet Union. Asian economies are both larger and growing faster than Europe. Beyond the Asian Tigers of South Korea, Taiwan, Hong Kong and Singapore, the growth rates of China and India clearly show that most of our history in the 21st century will be written in Asia.

One country looms large across the future of the United States, China. China's absence from the first rank of world powers is a historical anomaly. Throughout recorded history, the Chinese people were responsible for many of the advances of modern society: paper, gunpowder, even spaghetti.

Seventy years before Columbus, China's famous explorer, Admiral Cheng Ho, mapped much of the Arab world from a ship that was twice the size of the Santa Maria. But for the Emperor's decision to recall the fleet, China would have discovered Europe, not the other way around.

As recently as the 1830s, China produced one-third of the Earth's wealth. Most of her advances and talent were squandered by corrupt governments, wars and a Chinese dictatorship. Despite a massive population and storied culture, China declined into socialist poverty. Under Mao, the Chinese people lost two generations of progress and were home to the worst famine of the 20th century. But following Mao Zedong's death, Deng Xiaoping led a Chinese economic reform of historic proportions. It is very difficult for many Americans today to understand the breadth and scope of this historic change.

When we accurately look at today's China, we note it produces more steel than the United States, consumes twice the grain of the United States, has built highways twice the length of Germany and France combined, graduates three times the number of engineers as India, and is home to over 200 million cable TV subscribers. It replaced Mexico as America's number two trading partner, and it replaced America as Japan's number one trading partner. There are 200 cities with populations over 1 million, and the economy doubles every 8 years. We now estimate that its economy will be larger than the United States in the next decade.

China is not only growing year to year, it has sustained a growth rate of over 9 percent annually for a generation. Given the difference in price of many domestic goods in China, economists now debate how to measure the size of the Chinese economy, using a traditional gross domestic product or a more up-to-date purchasing power parity to take into account the lower cost of Chinese domestic goods.

Either way, the effect of China's sustained growth has profound proportions. Under a GDP measurement, the United States economy now stands at $11 trillion, whereas China's economy stands at only $1.5 trillion; but using purchasing power parities, our $11 trillion economy stands next to China's $7 trillion economy.

Using purchasing power measurements, the International Monetary Fund projects China will be home to the world's largest economy as early as 2007, during the next American President's administration. Koishi Ishiyama recently wrote that China's rise can be compared to the Shock and Awe operation in Iraq.

Foreign direct investment did not significantly exist in China before 1980, and while such investment in all other developing countries fell in 2002, it rose by 15 percent in China, netting $52 billion in new investments.

The pace of China's growth is also accelerating. In the next 10 years, the City of Beijing will double its supply of housing. The Chinese highway system and the number of cable TV subscribers will also double in size. While this change is dimly seen in official Washington, it is having a profound effect on the Chinese people.

China's hosting of the 2008 Olympic games will be one of many upcoming international events in China. China last year became the third country on Earth to orbit a human in one of its own space vehicles.

□ 1800

Next year, China plans to orbit a two-man vehicle, the *Shenzhou VI*, on its way to building its own space station and lunar rover.

China's progress can be overstated. Over 200 million Chinese still live on less than $1 a day. There is a great gap now opening between the poorer western provinces of China and the newfound wealth of China's east coast. Environmental challenges also loom, including over 100 of China's cities with air pollution exceeding the World Health Organization's guidelines for sulfur dioxide.

The World Bank's World Development Report still ranks China at number 76 out of 129 countries measured for personal income; and despite progress, the World Bank estimates that Chinese per capita income totals just $1,000 per year.

Such low numbers, though, hide profound progress. Between 1978 and 1998, the World Bank estimates the number of poor people in the world fell by 8 million. The number of people who were poor outside China actually rose by 82 million. But the world's total numbers were compensated by the profound reduction in Chinese poverty. From 1978 to 1999, Chinese adult illiteracy fell from 37 percent to 17 percent, while infant mortality dropped from 41 per live births in 1978 to 30 in 1999.

Changes in China had an impact on Americans as well. Motorola now employs over 10,000 people in China and owns the country's best-recognized trademark. By last year, over 1,500 U.S. firms invested $25 billion in China. One U.S. corporate executive advised the Congress that his top three issues in Washington were China, China, and China.

The story of Wal-Mart shows the profound change that is under way both in China and in the United States. Unlike traditional retailers such as Sears Roebuck or J.C. Penney, Sam Walton recognized the importance of China and the advantage of its lower-cost merchandise. Relying heavily on Chinese suppliers, Wal-Mart grew to become America's largest employer. Selling in nearly every town in America, Wal-Mart doubled its purchases of Chinese goods to $12 billion per year. And last year, Wal-Mart sold 10 percent of everything that China made. In many ways, the face of all-American Wal-Mart is really the face of China, Incorporated.

There are many examples of how China's transformation influenced America's private sector. Like British merchant bankers who understood America's rise and bankrolled the Union Pacific Railroad, companies like Boeing, General Electric, Baker MacKenzie, and hundreds of other U.S. private sector interests understand what is happening and are risking a great deal to capitalize on the opportunities presented by the rise of China.

But this understanding is not well understood by America's government. Like their British Government forefathers that missed America's rise, there is little evidence that the Federal Government perceives or is moving to realign the world to the rise of China. Many European powers discounted turn-of the-century America and its puny Armed Forces. Many Americans likewise dismissed the capabilities of the People's Liberation Army and its potential to change the course of Asian history. By China's own plan, military modernization ranks fourth in their list of four modernizations.

Following the recent victories of America's Armed Forces, the raw size of a country's army is no longer evidence of its future prowess in battle. The People's Liberation Army, numbering 2.4 million, still stands as the world's largest; but it looks anachronistic and unable to enforce the will of China's leaders very far from its borders.

A Council on Foreign Relations Task Force under former Secretary of Defense Harold Brown estimated last year that China was ''at least 2 decades behind the United States in terms of military technology and capability.'' According to the Pentagon, Chinese military leaders closely studied NATO's operation over Kosovo and described it as the first ''no-contact'' war.

In the post-Cold War world, Deng Xiaoping gave a key directive to the Chinese security establishment based on his ''24-character strategy'' and that was, ''keep cool-headed to observe. Be composed to make reactions. Stand firmly. Hide our capabilities. Bide our time. Never try to take the lead, and be able to accomplish something.''

While seeking short-term opportunities with the United States, the Pentagon reported, ''China's leaders assert the United States seeks to maintain a dominant strategic position while containing the growth of Chinese power, ultimately dividing and Westernizing China.''

Much of China's military budget and plans were influenced by scenes of conflict in the Balkans and Iraq played out on televisions tuned to the 24-hour news channels. After the U.S. victory in Kosovo, China's leaders seriously considered upgrading the fourth-ranked priority they attach to their military. The army developed a new response doctrine called the ''Three Attack and Three Defenses,'' focusing on attacking stealth aircraft, cruise missiles and helicopters, while defending against precision strikes, electronic warfare, and enemy reconnaissance. Chinese Air Force chief of staff Lieutenant General Zheng Shenxia noted that without adopting a preemptive doctrine, the chances of a PLA victory are limited.

In November 2002, China overhauled its Politburo Standing Committee, the center of the Chinese Government decision-making. Every member of the politburo was replaced except Hu Jintao. Following this shakeup, senior leaders reaffirmed their emphasis on economic growth, but did increase funding for military modernization. Acknowledging its weakness in the face of such complete U.S. victories, Chinese leaders tempered their sense of vulnerability, knowing that unlike Kosovo, China is a nuclear power. Its 2002 defense White Paper, in contrast to its 2000 White Paper, did not explicitly criticize U.S. deployments in Asia.

The main mission of the Chinese military is to fight and win a conflict over Taiwan. In March 2002, Chinese Finance Minister Xiang Huaicheng announced a 17.5 percent increase in its official defense spending. While China reports an official defense budget of approximately $20 billion, its actual spending ranges to twice or three times that level, totaling $45 billion to $67 billion annually. The Department of Defense and the Council on Foreign Relations both estimate that annual spending in real terms could increase three to four-fold over the levels I just quoted by 2020. Most defense modernization spending occurs outside the public defense budget.

Chinese military spending in this range roughly equals the $65 billion spent by Russia and dramatically exceeds the $43 billion Japanese defense budget or the $38 billion British military budget. A three-fold increase in spending by China would put their military budget above all other nations, except the United States.

China's rising military budget masks a structural problem in its military. Since large armies no longer guarantee success, China has cut the size of her armed forces from 1997 to 2000 by reducing 500,000 men, including 11 percent of her naval personnel, 12 percent of her air force personnel, and 18 percent of her army personnel. Sixty of 100 maneuver divisions were collapsed into the remaining structure of 40 divisions and 40 brigades. The air force retired older aircraft, dropping from over 5,000 aircraft at the end of the 1990s to 3,500 now. Of the remaining aircraft, only 150 are modern fourth-generation fighters. China still regards its military as too ''infantry-heavy'' with an army so large as to ''impede rapid deployment and equipment modernization.''

By reducing the size of the armed forces, China provided funding dedicated to military modernization. The air force is adding advanced SU–30MKK fourth-generation fighter aircraft, AA–12/ADDER active-radar guided air-to-air missiles, and a new SU–30 naval variant capable of carrying air-launched, anti-shipping cruise missiles. The Navy added four SOVREMENNYY-class guided missile destroyers and produced its own new design SONG-class diesel-electric submarines, the first with quieter skewed propellers. It took delivery of four quiet KILO-class diesel-electric submarines and has another eight submarines under contract, all equipped with a new 3M–54E Novator Alpha anti-shipping cruise missile. Given the sum of investment and rapid modernization, China did forgo one important upgrade, and her navy has now shelved plans for its own aircraft carrier.

The pace of development accelerated for China's army. The land forces are developing a light tank, an amphibious tank, and an amphibious-armored personnel carrier, all added to over 1,500 type-96 main battle tanks that are already delivered. This kind of new equipment is now flowing to China's revamped three airborne and two marine brigades.

The Ministry of Defense now emphasizes recruitment, retention, and more training for officers and key NCOs. Training now emphasizes small-scale specialized maneuvers under the new doctrine of fighting a limited war under high-tech conditions. All infantry divisions now have armor, up from only half in 1997.

Since 1989, China has been cut off from most U.S. and European military technology. Its defense establishment cannot innovate as fast as it could if it had access to foreign equipment. China's leaders responded with a foreign policy emphasizing cooperation and good relations with the United States. Over time, such a strategy could reopen their access to key Western technologies, even in the military field.

The transformation of China's new military power is clearest in its missile force. China maintains a limited force, including 20 nuclear missiles capable of hitting targets in the United States. A number of U.S. Government agencies project that this rise in the missile force will lift by a factor of three to over 60 missiles capable of striking the United States, using the new CSS–4 Mod 2 ICBM. This Chinese force will be augmented by the brand-new solid-fuel DF–31 ICBM and an entirely new generation of Chinese nuclear submarines, the 094-class, carrying a naval variant of the DF–31. China is also developing two other classes of solid-fuel intercontinental ballistic missiles. It is also developing a heavy-lift space launch vehicle, capable of lifting 25 tons into low orbit by 2007.

These developments pale when compared to China's expanding arsenal of medium-range missiles all aimed at Taiwan. China currently has a force of 450 such missiles and is adding 75 each year. Beyond large nuclear additions to China's armed forces, China places a very high priority on information warfare. The PLA believes that the U.S. Department of Defense is too dependent on networks that are vulnerable to attack. By attacking these systems, planners in China's army believe the U.S. forces could be degraded ''anonymously.''

The anonymity of information attacks could play a key role even now. The House of Representatives recently reported regular attempts by computer systems located in China to enter the main computer server of the House Committee on Armed Services. The Pentagon may have referred to this when it recently reported that China ''places unusual emphasis on a host of new information warfare forces instead of information superiority and the system of systems approaches popular in the United States.''

□ 1815

There have been several official references about leveraging China's growing presence on the Internet, including references to a ''people's war'' in ''net warfare'', suggesting a stronger role in nationalist hacking.

China also has a commitment to electronic warfare equaled only by the United States. Unlike many countries now totally dependent on U.S. leadership in this exotic field, China is developing electronic jamming aircraft for several variants and may have several programs to develop escort jammers on transports, tactical aircraft and unmanned aerial vehicle platforms. It has equipped the Su-30 with anti-radiation missiles that work on the same principle of U.S. weapons that were so crucial to our own victories. China's anti-radiation missile, the FT–2000, is described in their sales brochures as an ''AWACS killer.'' The PLA is also producing state-of-the-art technology to improve intercept, direction finding and jamming. It may also be producing jammers for use against America's most successful weapon, the satellite-guided JDAM munition that so accurately uses the U.S. Global Positioning System.

Their efforts also include producing laser weapons, such as the man-portable ZM–87, advertised for blinding human vision and electro-optical sensors, radio-frequency weapons and possibly a ground-based anti-satellite weapon. They have also invested considerably in developing short- and medium-range unmanned aerial vehicles, including an unmanned combat aerial vehicle.

According to the Chinese military publication Junshi Wenzhai, China has already produced an ''Assassin's Mace'' or trump card to counter U.S. superiority in the Western Pacific. One article identifies five major, quote, Assassin's Maces, unquote, including fighter bombers, submarines, anti-ship missiles, torpedoes and mines designed to destroy foreign aircraft carriers. These systems would be backed by new research by China on other technologies, including kinetic energy and low-observable platforms.

This research can be accelerated by acquiring foreign technologies such as the recent activities of two Chinese students at universities collecting information on Terfenol-D, an invention of the U.S. Department of Energy's Ames laboratory.

These developments show that China's growing economic power may already be translating into military power. It is clear that most large American companies already perceive the size and importance of China. What is not clear is if the U.S. Government has made a similar intellectual leap to understand the new geography of the 21st century.

In 2002, the U.S. State Department conducted a major study of the needs of the U.S. Government in China. The Beyond China 2000 Action Plan cut 55 people from permanent U.S. Government desks in China. The State Department's Bureau of East Asian and Pacific Affairs noted the decision reflected, quote, hard-nosed decisions, unquote. Congress recently ordered the State Department to review the future needs of the U.S. Government in China by 2010. In its February report, it is difficult to see what measures the State Department used to justify reducing the size of the U.S. Government in China.

In 1975, the new U.S. liaison officer in Beijing under Ambassador George Herbert Walker Bush, who later became president, processed 651 non-immigrant visas to the United States. In 2003, U.S. consular officers handled 320,000 such applications. From a handful, the number of Chinese students rose to over 60,000 in the U.S. last year.

Only 38 Americans registered with the Beijing liaison office in 1975. Today, over 3,600 Americans are registered in addition to over 1 million American tourists visiting China each year. The State Department admitted to Congress noting that staffing in the U.S. embassy in Beijing and the Consulates General is currently inadequate to the growing workload.

The workload of the U.S. Government in China is growing for other reasons. In 2001 alone, China joined the international coalition against terrorism, the World Trade Organization, hosted the Asian-Pacific Economic Conference, and won the bidding of the 2008 Olympic games. These issues came in addition to key concerns regarding nuclear nonproliferation, human rights, intellectual property, and religious freedom.

The State Department projects that the number of U.S. Government agencies wishing to station personnel permanently in China will rise from 12 agencies to over 20 by 2010. Several agencies, including the Bureau of Alcohol, Tobacco and Firearms, developed but then halted plans to deploy in China. The United States broke new ground on a new embassy complex last February. With the new embassy, the State Department plans only a modest increase in official Americans stationed in China from 960 to 1,200.

Plans to expand America's eyes and ears in China do not depend only on the size of our embassy in Beijing. They also depend on increasing the number of Americans in the diplomatic service who can master a very difficult language. In 2000, the State Department launched its China 2000 Initiative. The mission of the Initiative was to develop infrastructure to meet the projected physical and human needs, including language. This Initiative is very small, modestly increasing the number of Chinese students in the State Department annually from only five to only 15. The Initiative also includes some advanced training for just five students in Beijing and a mail program for lessons to

only 30 other students to maintain Chinese language proficiency.

Such efforts appear grossly inadequate compared to China's central role in the 21st century. With the largest trade surplus, the largest economy, the largest military budget outside the United States, China deserves a special relationship with the United States.

In November, 2002, a task force under Japan's Prime Minister Koizumi released their report designating China as Japan's top foreign policy priority for the future. The decision makes sense for Japan but, given China's growth, its position on the U.N. Security Council, and the future size of its economy, it may make sense for the United States to do this as well.

Our country has been the home of the world's largest economy for 130 years, but that is about to change; and this change will be one of the most profound shifts of the new century. There was a time early in the history of the United States when our national income was not at the top of the international heap. Today, under our Pax Americana, it may be difficult for us to reconnect with our forefathers and mothers who were forced to depend only on diplomacy in the face of very long odds.

Avidly, we retell parts of U.S. history, the Revolution, the Civil War, and the victories of World War I and II, all to stoke American pride; and these examples are used to confirm the superiority of our own ideals. But American history has less-well-known examples of when we struggled without our traditional advantage in material and money.

I put this question to the House, when was the last time that U.S. Armed Forces faced a military from a country whose economy was larger than our own? One summer day in August, 1814, comes to mind. British soldiers and marines marched on in Washington in one of the last acts of the War of 1812. U.S. forces met them in what we now call the Battle of Bladensburg. The battle went so badly for the Americans that British called it the ''Bladensburg races'' because U.S. forces ran away so quickly. Britain's 85th Foot Regiment still displays eagle-flagged standards of two American regiments captured that day. The following day British forces burned the Capitol and Executive Mansion to the ground.

History reminds us that the United States has not and will not always be the Nation on Earth with the largest economy. With an America of unquestioned commercial dominance, we can afford to make diplomatic mistakes. In a world where America holds fewer cards, we cannot afford miscalculation.

We are quickly nearing a world in which China will play a central role in the diplomatic life of the United States. British diplomats before the world wars would have scoffed at the notion of their American cousins playing a central role in world politics. Let us hope that the new American diplomats of the 21st century understand how quickly the post Cold War world has changed.

Our President Truman set the record of his time for being an unpopular president. In 1946, he stood at just 32 percent in the polls. Thankfully, he steeled his heart and made the tough decisions needed to design a successful campaign through the Cold War against the Soviet Union. America and freedom won the Cold War without fighting World War III.

When we look towards the 21st century and China's coming role in its history, will our leaders lay the foundation for America's diplomatic success? I ask that question to the House tonight.

And I thank Reed Bundy of my staff for helping me prepare these remarks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Ms. PELOSI) for today on account of a family medical reason.

Mr. BURTON of Indiana (at the request of Mr. DELAY) for today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, June 9.

Mr. BEREUTER, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, June 9.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1721. An act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes, to the Committee on Resources.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. Res. 28. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

ADJOURNMENT

Mr. KIRK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 4, 2004, at 12 p.m.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

STEPHANIE HERSETH, South Dakota At Large.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael

Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8358. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 04-07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8359. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on International Relations.

8360. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, as expanded in scope in Executive Order 13315 of August 28, 2003; to the Committee on International Relations.

8361. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 535 Division D of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2004 (Pub. L. 108–199); to the Committee on International Relations.

8362. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8363. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8364. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8365. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8366. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8367. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8368. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8369. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8370. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8371. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8372. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule–Federal Acquisition Regulation; Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns [FAC 2001–23; FAR Case 2004–002] (RIN: 9000–AJ92) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8373. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled, ''Outer Continental Shelf Lease Sales: Evaluation of Bidding Results'' for Fiscal Year 2003, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

8374. A letter from the Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Extension of Amended Special Regulations for the Preble's Meadow Jumping Mouse (RIN: 1018–AJ26) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8375. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule To Designate Critical Habitat for the Santa Ana Sucker (Catostomus santaanae) (RIN: 1018–AT57) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8376. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Astragalus pycnostachyus var. lanisissimus (Ventura Marsh milk-vetch) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8377. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program; Correction — received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8378. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Withdrawal of Regulations Governing Incidental Take Permit Revocation (RIN: 1018–AT64) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8379. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Skates Management in the Groundfish Fisheries of the Gulf of Alaska [Docket No. 031218322–4137–02; I.D. 111903A] (RIN: 0648–AR73) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8380. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications; Pacific Whiting [Docket No. 031216314–4118–03; I.D. 112803A] (RIN: 0648–AR54) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8381. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 040209049–4117–02; I.D. 012204B] (RIN: 0648–AR83) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8382. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments [Docket No. 031216314; 3314–01; I.D. 050704A] (RIN: 0648–AR54) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8383. A letter from the Assistant Attorney General, Department of Justice, transmitting notification that during FY 2003, no claim was paid from the Victims Compensation Fund established by the Witness Security Reform Act of 1984, Pub. L. 98–473 because no claims were filed, pursuant to 18. U.S.C. 3525(b); to the Committee on the Judiciary.

8384. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212 Series Airplanes [Docket No. 2002–NM–262–AD; Amendment 39–13561; AD 2004–07–17] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8385. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes [Docket No. 2001–NM–226–AD; Amendment 39–13556; AD 2004–07–12] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8386. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2002-NM-174-AD; Amendment 39–13483; AD 2004–04–03] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8387. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, C4–605R Variant F, and F4-600R (Collectively Called A300–600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2004–NM–57–AD; Amendment 39–13590; AD 2004–09–01] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8388. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747–400 and -400D Series Airplanes [Docket No. 2004–NM–42–AD; Amendment 39–13593; AD 2004–09–04] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8389. A communication from the President of the United States, transmitting a recommendation to continue in effect a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Vietnam for a further 12-month period and a determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and the reasons for such a determination, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108–191); to the Committee on Ways and Means and ordered to be printed.

8390. A communication from the President of the United States, transmitting notification of his determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Turkmenistan will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108–189); to the Committee on Ways and Means and ordered to be printed.

8391. A communication from the President of the United States, transmitting notification of his determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108–190); to the Committee on Ways and Means and ordered to be printed.

8392. A letter from the Vice Chairman, Federal Election Commission, transmitting the Commission's FY 2005 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

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. POMBO: Committee on Resources. H.R. 4114. A bill to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes; with an amendment (Rept. 108–520). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2909. A bill to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces; with an amendment (Rept. 108–521). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2619. A bill to provide for the expansion of Kilauea Point National Wildlife Refuge; with an amendment (Rept. 108–522). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1146. An act to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota (Rept. 108–523 Pt. 1). Ordered to be printed.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4175. A bill to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; with an amendment (Rept. 108–524).

Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker.

H.R. 3266. Referral to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended for a period ending not later than June 14, 2004.

S. 1146. Referral to the Committee on Energy and Commerce extended for a period ending not later than July 9, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASTLE (for himself, Mr. BOEHNER, and Mr. WILSON of South Carolina):

H.R. 4496. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act; to the Committee on Education and the Workforce.

By Mr. KIND (for himself, Mr. HINCHEY, Ms. LOFGREN, Mr. OWENS, and Mr. SIMMONS):

H.R. 4497. A bill to establish or expand prekindergarten early learning programs; to the Committee on Education and the Workforce.

By Mr. KIND (for himself, Mr. JOHN, Mr. ANDREWS, Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. SMITH of Washington, and Mr. VAN HOLLEN):

H.R. 4498. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. SAM JOHNSON of Texas (for himself and Mr. CARTER):

H.R. 4499. A bill to amend the National Labor Relations Act to ensure that certain prevailing parties receive attorneys' fees; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mrs. BIGGERT):

H.R. 4500. A bill to provide for energy research and development; to the Committee on Science, and in addition to the Committees on Resources, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. MARKEY, Mr. BARTON of Texas, and Mr. DINGELL):

H.R. 4501. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TERRY (for himself, Mr. PAUL, Mr. NORWOOD, Mr. FEENEY, Mr. PETERSON of Minnesota, Mrs. NORTHUP, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. MCHUGH, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4502. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. BARTON of Texas:

H.R. 4503. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Resources, Education and the Workforce, Transportation and Infrastructure, Financial Services, Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself, Mr. HERGER, Mr. CRAMER, Ms. PRYCE of Ohio, Mrs. JOHNSON of Connecticut, Mr. CAMP, Mr. LEWIS of Kentucky, Mr. TOM DAVIS of Virginia, Mr. CARDOZA, Mr. MURPHY, and Ms. NORTON):

H.R. 4504. A bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes; to the Committee on Ways and Means.

By Mr. GILLMOR:

H.R. 4505. A bill to improve the governance and regulation of mutual funds under the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Mr. WEXLER, Mr. FOLEY, Mr. SHAW, and Mr. DEUTSCH):

H.R. 4506. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance for areas that experience a disaster that results in major damage to or destruction of 100 homes or fewer; to the Committee on Transportation and Infrastructure.

By Mr. LOBIONDO (for himself and Mr. LAMPSON):

H.R. 4507. A bill to ensure the continuation and improvement of coastal restoration; to the Committee on Transportation and Infrastructure.

By Mr. NUNES:

H.R. 4508. A bill to amend the National Parks and Recreation Act of 1978 to require the Secretary to permit continued use and occupancy of certain privately owned cabins in the Mineral King Valley in the Sequoia National Park; to the Committee on Resources.

By Mr. REGULA (for himself, Mr. SAM JOHNSON of Texas, and Mr. MATSUI):

H.R. 4509. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona; to the Committee on House Administration.

By Ms. SCHAKOWSKY (for herself and Mr. WAXMAN):

H.R. 4510. A bill to require the Secretary of Defense to provide to Congress copies and descriptions of contracts and task orders in excess of $1,000,000 for work to be performed in Iraq and Afghanistan; to the Committee on Armed Services.

By Ms. WATERS (for herself, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. BACHUS, and Ms. LEE):

H.R. 4511. A bill to provide for the cancellation of debts owed to the International Monetary Fund by poor countries, and for other purposes; to the Committee on Financial Services.

By Mr. WU:

H.R. 4512. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs and to eliminate the gap in coverage of Medicare prescription drug benefits, to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; 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. LANTOS (for himself, Mr. THOMAS, Mr. KING of New York, Mr. BURTON of Indiana, Mr. SNYDER, Mr. MCGOVERN, Ms. BERKLEY, Mr. EVANS, Ms. MCCOLLUM, Ms. LEE, Mr. HOEFFEL, Mr. PENCE, Mr. CHANDLER, Mr. BERMAN, Mr. DEFAZIO, Mr. BROWN of Ohio, Mr. KIRK, Mr. WEXLER, Mr. KUCINICH, Mr. SHERMAN, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. PITTS, Mr. DELAHUNT, Mr. BLUMENAUER, Mrs. MALONEY, Mr. ENGEL, Mr. LEVIN, Mr. ANDREWS, Ms. DELAURO, Mr. CROWLEY, Mr. ACKERMAN, Mr. ROHRABACHER, Ms. WATSON, Mr. SOUDER, Mr. TANCREDO, Mr. FORD, Ms. ROS-LEHTINEN, and Mr. SMITH of New Jersey):

H.J. Res. 97. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself and Mr. SPRATT):

H. Con. Res. 441. Concurrent resolution recognizing the essential role of nuclear power in the national energy policy of the United States and supporting the increased use of nuclear power and the construction and development of new and improved nuclear power generating plants; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM:

H. Con. Res. 442. Concurrent resolution recognizing the 75th anniversary of Amtrak's Empire Builder rail line; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. MANZULLO, and Mr. KING of Iowa):

H. Con. Res. 443. Concurrent resolution expressing the sense of the Congress that the United States should formally withdraw its membership from the United Nations Educational, Scientific, and Cultural Organization (UNESCO); to the Committee on International Relations.

By Mr. MENENDEZ:

H. Res. 661. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. SENSENBRENNER:

H. Res. 662. A resolution recognizing that Flag Day originated in Ozaukee County, Wisconsin; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Mr. WYNN.

H.R. 299: Mr. BISHOP of New York, Mrs. MCCARTHY of New York, and Mr. QUINN.

H.R. 303: Ms. VELAZQUEZ.
H.R. 586: Mr. BROWN of Ohio.
H.R. 677: Mr. CARDOZA.
H.R. 814: Mr. DAVIS of Illinois.
H.R. 839: Mrs. JO ANN DAVIS of Virginia, Mr. CHANDLER, Mr. OWENS, Mr. BURTON of Indiana, Mr. SOUDER, Mr. BILIRAKIS, Mr. HOEKSTRA, Mr. MCDERMOTT, Ms. DELAURO, Ms. NORTON, and Mr. BROWN of South Carolina.
H.R. 852: Mr. ALLEN.
H.R. 962: Mr. CHANDLER.
H.R. 967: Ms. LINDA T. SANCHEZ of California.
H.R. 976: Mr. VAN HOLLEN.
H.R. 1083: Mr. VAN HOLLEN.
H.R. 1149: Ms. BORDALLO and Mr. HINCHEY.
H.R. 1160: Mr. DEUTSCH.
H.R. 1214: Mr. FROST and Mr. UDALL of New Mexico.
H.R. 1258: Mr. FATTAH and Mrs. JONES of Ohio.
H.R. 1322: Mr. EVANS.
H.R. 1336: Mr. HUNTER, Mr. ADERHOLT, Mr. FATTAH, Mr. SMITH of Texas, and Mr. CRAMER.
H.R. 1355: Mr. DEFAZIO, Mr. KILDEE, and Mr. BERRY.
H.R. 1523: Mr. CLAY and Mr. ALEXANDER.
H.R. 1565: Mr. SERRANO.
H.R. 1776: Mr. ADERHOLT and Mr. HOSTETTLER.
H.R. 1910: Mr. LATHAM.
H.R. 2037: Mr. STRICKLAND.
H.R. 2157: Mr. ROTHMAN.
H.R. 2181: Mr. PETRI.
H.R. 2217: Ms. SOLIS.
H.R. 2260: Mr. UDALL of Colorado.
H.R. 2598: Mr. SHUSTER, Mrs. MALONEY, Mr. WALSH, Mr. KANJORSKI, Mr. ACKERMAN, Mr. HOLT, Mr. GILLMOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WAXMAN, Mr. WALDEN of Oregon, Mr. KENNEDY of Rhode Island, and Mr. FILNER.
H.R. 2674: Mr. HINCHEY and Mr. DAVIS of Illinois.
H.R. 2683: Mr. MENENDEZ, Mr. MARKEY, Mr. MARSHALL, Mr. ETHERIDGE, Mr. HASTINGS of Florida, Mr. CRAMER, and Mrs. MALONEY.
H.R. 2711: Mr. JOHNSON of Connecticut.
H.R. 2949: Mr. SMITH of Washington.
H.R. 2968: Mr. GORDON and Mr. FILNER.
H.R. 3180: Mr. STARK.
H.R. 3184: Mr. WEINER.
H.R. 3193: Mr. KENNEDY of Minnesota and Mr. LATOURETTE.
H.R. 3246: Mr. BARRETT of South Carolina.
H.R. 3266: Mr. STENHOLM and Mr. TURNER of Texas.
H.R. 3292: Mr. CROWLEY.
H.R. 3359: Mr. CUMMINGS.
H.R. 3360: Mr. TOM DAVIS of Virginia and Mr. SMITH of New Jersey.
H.R. 3361: Mr. MOORE, Mr. SIMMONS, Mr. OWENS, Mr. EHLERS, Mr. ROTHMAN, Mr. CAPUANO, and Mr. DOGGETT.
H.R. 3422: Ms. ESHOO.
H.R. 3476: Ms. LORETTA SANCHEZ of California and Mr. UDALL of New Mexico.
H.R. 3480: Mr. PASTOR.
H.R. 3539: Mr. MATSUI.
H.R. 3574: Mr. PRICE of North Carolina.
H.R. 3602: Mr. VAN HOLLEN.
H.R. 3615: Mr. MCDERMOTT, Mr. CHANDLER, Mr. KUCINICH, and Mr. STRICKLAND.
H.R. 3619: Mr. JOHN.
H.R. 3634: Mr. CAPUANO.
H.R. 3684: Mr. INSLEE and Mr. RYAN of Wisconsin.
H.R. 3804: Mr. PAUL.
H.R. 3809: Mr. PRICE of North Carolina.
H.R. 3831: Mr. KING of New York.
H.R. 3834: Mr. FROST.
H.R. 3953: Mr. DAVIS of Illinois and Mr. KELLER.
H.R. 3965: Mr. PRICE of North Carolina.
H.R. 3968: Mr. DAVIS of Illinois.
H.R. 3988: Mr. BERMAN, Mr. ETHERIDGE, Mr. FILNER, Mr. GRIJALVA, and Mrs. JONES of Ohio.
H.R. 4016: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4022: Mr. RANGEL, Mr. DINGELL, Mr. OWENS, and Ms. HART.
H.R. 4052: Mr. EMANUEL.
H.R. 4094: Mrs. BONO.
H.R. 4097: Mr. ORTIZ.
H.R. 4103: Mr. BERMAN.
H.R. 4107: Mr. BRADLEY of New Hampshire and Mr. CASE.
H.R. 4116: Mrs. BONO and Mrs. MILLER of Michigan.
H.R. 4130: Mr. DEUTSCH.
H.R. 4131: Mr. DAVIS of Illinois and Mr. ENGLISH.
H.R. 4132: Mr. DAVIS of Illinois and Mr. ENGLISH.
H.R. 4133: Mr. DAVIS of Illinois and Mr. ENGLISH.
H.R. 4155: Mr. TIERNEY.
H.R. 4169: Mr. KUCINICH, Mr. KILDEE, Mr. HINCHEY, and Mr. PRICE of North Carolina.
H.R. 4188: Mr. PAYNE.
H.R. 4192: Mr. MATSUI, Mr. LANTOS, and Mr. KUCINICH.
H.R. 4194: Mr. MARSHALL.
H.R. 4230: Mr. EVANS and Mr. MARSHALL.
H.R. 4264: Mr. CHOCOLA.
H.R. 4290: Mr. STARK.
H.R. 4341: Mr. BOEHLERT, Mr. FRANK of Massachusetts and Ms. SLAUGHTER.
H.R. 4356: Mr. LARSEN of Washington and Mrs. LOWEY.
H.R. 4358: Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mrs. MILLER of Michigan, Mr. UPTON, Mr. MCCOTTER, Mr. EHLERS, Mr. COBLE, Mr. GILLMOR, Ms. KAPTUR, Mr. BALLENGER, and Ms. HART.
H.R. 4363: Mr. SMITH of Washington.
H.R. 4370: Mr. BROWN of South Carolina, Mr. DAVIS of Illinois, and Mr. BACA.
H.R. 4380: Mr. WEXLER, Mr. DEUTSCH, Mr. CRENSHAW, Mr. PUTNAM and Mr. MEEK of Florida.
H.R. 4391: Mr. HULSHOF.
H.R. 4392: Mrs. KELLY and Mr. GORDON.
H.R. 4413: Mr. RENZI and Mr. ENGLISH.
H.R. 4420: Mr. JONES of North Carolina and Mr. GARRETT of New Jersey.
H.R. 4435: Ms. LOFGREN and Mr. FROST.
H.R. 4449: Mr. PAYNE, Mr. MARSHALL, Ms. CORRINE BROWN of Florida, and Mr. FROST.
H.R. 4463: Mrs. LOWEY, Mr. FARR, Mr. KUCINICH, and Mr. MCDERMOTT.
H.R. 4471: Mr. NEY.
H. Con. Res. 366: Mr. LUCAS of Kentucky.
H. Con. Res. 375: Mr. BROWN of Ohio, Ms. ESHOO, and Mr. STENHOLM.
H. Con. Res. 390: Mr. CHANDLER.
H. Con. Res. 396: Mr. FILNER.
H. Con. Res. 418: Mr. EVANS and Mr. PITTS.
H. Con. Res. 427: Mr. RANGEL and Mr. CUMMINGS.
H. Res. 38: Mr. DICKS, Ms. LEE, and Mr. GRIJALVA.
H. Res. 140: Mr. ANDREWS.
H. Res. 267: Mr. HINOJOSA.
H. Res. 596: Ms. ESHOO.
H. Res. 621: Mr. RANGEL and Mr. PALLONE.
H. Res. 633: Mr. FROST.
H. Res. 646: Mr. HOEFFEL, Mr. KILDEE, and Ms. BALDWIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 857: Mr. PICKERING.

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PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Steven D. Rice, First Lutheran Church, Miles City, MT.

PRAYER

The guest chaplain offered the following prayer:

In quiet moments of this Senate Chamber, the footfalls and voices of patriots past can still be heard, O God.

This forum of liberty set upon a hill cannot be hid.

Grant that the clamor of today's business not drown out distant and hallowed echoes of our heritage. Rather, grant the wisdom of the ages be present in the work of this day, that the divine genius of liberty might continue to enlighten the path of these United States.

During times of conflict and crisis, give our Senators wisdom and courage; during hours of solitude, grant them serenity and peace.

So it is, upon the work of this day, upon our heritage of freedom, upon this Senate now in session, we invoke Your name, O Lord God.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, we will have a 60-minute period of morning business, with the first half under the control of the majority and second half under the control of the minority.

Following that hour for statements, we will resume consideration of the Defense authorization bill. Under the order, we will vote on the pending amendments offered by Senators CRAPO and GRAHAM. Those amendments should be adopted by voice vote and will not require rollcalls.

Senator CANTWELL will then offer her alternative on nuclear waste, and there will be up to 4 hours for debate relative to that amendment. I hope we do not need all of that time and that some may be yielded back.

When debate is completed on the Cantwell amendment, we will proceed with four consecutive votes, first in relation to the nuclear waste amendment, to be followed by votes on the confirmation of three district judge nominations. Following those votes, we will continue consideration of the amendments to the Defense authorization bill.

There are a number of important scheduling commitments late this afternoon on both sides of the aisle. We will determine the voting schedule for the remainder of the day as we get closer to the scheduled vote series. Although we will not be voting in the evening, I expect we can continue our work and Members will remain available for other Defense amendments on the list.

Again, I will have more to say about the schedule this afternoon, as well as the schedule for tomorrow and Monday.

THE ECONOMY

Mr. FRIST. Mr. President, I want to take a few moments and comment on our economy. It was just over a year ago that the Senate passed and the President signed into law $350 billion in tax relief. That was the third largest tax cut in history. By so doing, we brought the tax burden to the lowest level in 37 years. We cut taxes across the board for 136 million hard-working, taxpaying Americans. For America's families, we increased the child tax credit from $600 to $1,000 per child, and we made those rebate checks available immediately, and they were sent out immediately.

Combined with tax cuts of 2001, which were signed into law almost 3 years ago today, this year 111 million individuals and families will receive an average tax cut of over $1,500.

If you are married, you are 1 of 49 million married couples who will have an average tax cut of $2,600. For those families with children, you are 1 of the 43 million families with children who will receive an average tax cut of $2,000.

We have 14 million elderly individuals who will see their taxes go down on average by nearly $1,900. That is $1,900 more that senior will be able to have to spend, to invest, or to use however they want.

If you are a small business owner, you are 1 of 25 million small business owners who will receive an average tax cut of $3,000. In my home State of Tennessee, more than 2 million Tennesseans will have lower tax rates this year.

President Bush's tax cuts are working. Not only are the tax relief packages, the tax cuts putting more money back in workers' pockets, they are boosting the economy, and we are seeing the results today. Since we passed the tax cuts last year, over 1 million new jobs have been created. The unemployment rate has fallen to 5.6 percent, lower than the average unemployment rates for the past three decades. The number of working Americans has reached an all-time high. In particular, manufacturing employment has done especially well. It is at the highest level in almost 20 years.

Real gross domestic product grew at its fastest pace in more than 20 years.

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Real disposable personal income—meaning how much money families and individuals have—is up. Household wealth is at an all-time high. Home ownership is at a record high. Consumer confidence is up. The stock market has risen from 7,000 to 10,000. Business confidence is higher than it has been in 20 years, and business spending and investing is booming.

Four years ago, President Bush inherited an economy that was in recession. Now because of his firm fiscal and tax leadership, the economy is booming. American families feel better off today because they are better off today.

The optimism shows up in national polls. A Harris poll released this week finds a clear majority of Americans feel their situation has improved since the last administration left office. Over two-thirds expect their personal situation to improve over the next 5 years. African Americans and Hispanics are particularly hopeful. A remarkable 86 percent in each group expect their lives to improve in the next 5 years.

It is imperative we keep up the pace. We can only do that by making the tax cuts permanent. My constituents have written to me again and again pleading to preserve the tax cuts. Yet there are some who would like for those tax cuts to expire. Worse yet, others are calling for immediate repeal. Not only would that be the largest tax hike in history, it would cut short America's new economic recovery.

The tax cuts are working. We need more, not less. We need to keep America moving forward, and we need to keep passing appropriate legislation that stokes the fires of the world's largest and most dynamic economy.

I urge my colleagues to continue to support these progrowth, projob policies that create opportunity for every American. Everyone who wants a job should be able to find one.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time which has not been used is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now 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 majority leader or his designee, and the second half of the time under the control of the minority leader or his designee.

Who yields time? The Senator from Kentucky.

ECONOMIC RECOVERY

Mr. MCCONNELL. Mr. President, this week marks the 1-year anniversary of the Jobs and Growth Act of 2003, a bill signed into law on May 28 last year. And now, a year later, we see by every conceivable economic measure of prosperity and well-being the Bush recovery is roaring ahead.

The Bush recovery has American families on the right course. The Bush recovery has American businesses, services, manufacturing, and exports all moving ahead at full steam.

The Bush recovery has workers' income rising, their job opportunities expanding, and their take-home pay increasing. A record number of workers are working. The Bush recovery is broad, it is growing, it is substantial, and it is a record of achievement of which any President would be justly proud. But the remarkable aspect of the Bush recovery is not what it has obtained but what it has overcome.

Go back to January 2000, when President Bush was still Governor Bush. The Dow Jones industrial average peaked at 11,723. That was the peak in January of 2000. The Dow Jones industrial average peaked at 11,723. Two months later, it lost one-fifth of its total value. A couple of months later, in March of that year, Nasdaq peaked. But by the end of 2000, tech stocks had lost more than half of their value. By the fall of 2000, the economy had slipped into recession.

Again, this all occurred while President Bush was still Governor Bush of Texas.

President Bush took office with an economy already stalled, a stock market tanking, and 8 months later America suffered an unprecedented terrorist attack, on September 11. We are all aware of the toll of lives from that tragic day, but few appreciate the full effect on our freedom and on our prosperity. Planes were grounded for days, and new, expensive security measures were imposed. Business in America came to a screeching halt, each one collectively seeking to reassess the risk and the opportunity of all their endeavors, not only here but overseas. Average Americans took stock of the threats and warnings out there and acted cautiously for the sake of their loved ones.

As our freedom to act without fear was diminished, so, too, was the economic activity that is a reflection of that freedom. A new world of uncertainty was created by 9/11, and while many have completely forgotten the attacks even occurred, their full ramifications are felt today, not only militarily and politically but economically as well.

Despite all that, America is back and stronger than ever, and much of that strength can be traced back to the Jobs and Growth Act of 2003. By letting workers, families, and businesses keep more of their own money, that legislation, along with the President's 2001 tax relief, laid the foundation for economic growth and job creation, not only now but for years to come.

Mr. President, 111 million individuals and families will receive an average tax cut of $1,586; 49 million married couples will have an average tax cut of $2,602; 43 million families with children will receive an average tax cut of $2,090; 14 million elderly individuals will see their taxes fall on average by $1,883, and 25 million small business owners will receive an average tax cut of $3,001.

This tax relief has prompted the growth of a surging, vital economy. Since the President signed that bill, the stock market is up 18 percent, increasing America's capital base by more than $2 trillion. Real business investment in equipment and software is up 14 percent annually, the fastest third-quarter increase since the late 1990s. More manufacturers have been reporting increased activities and new orders than any other time in the last 20 years, and real GDP grew at a 5.6-percent annual rate, the fastest in nearly 20 years.

As tax relief has prompted a surging economy, families have benefited in the last year. Real disposable personal income rose at an average annual rate of 3.9 percent, household wealth hit a record high of $44 trillion, and home ownership has risen .4 percentage points to a record high of 68.6 percent.

With families stronger and businesses growing, the Bush recovery is building strong momentum in the jobs market. In just the last year, over 1 million new jobs have been created for America's workers. The unemployment rate fell from 6.1 percent to 5.6 percent. That is lower than the average unemployment rates in the 1970s, the 1980s, and the 1990s. If that were not enough, State unemployment rates fell in 47 out of 50 States.

America is headed in the right direction. Looking at this chart, since President Bush signed the Jobs and Growth Tax Relief Act last May, the 5.6-percent increase in GDP is the best in 20 years; 1.1 million new jobs since last May; 800,000 new jobs this calendar year alone; the stock market rebound, up 18 percent since the President signed the tax relief bill. Home ownership is up to 68.6 percent, an alltime high since the President signed the tax bill. Disposable income is up 3.9 percent—more take-home pay. All of this has occurred since President Bush signed the Jobs and Growth Tax Relief Act last May.

We have had an extraordinary period of economic growth. Some say the economy should be growing faster, but their solution is to lock up the brakes and whip a u-turn. That is what an agenda of more taxes, more regulation, and more Government spending would do.

Under President Bush's leadership, America is finally headed in the right direction. The economy is picking up steam, and families, businesses, and workers across America are reaping the benefits. This is not the time to turn backward.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The minority leader is recognized.

EDUCATION OF INDIAN CHILDREN

Mr. DASCHLE. I will use my leader time this morning.

This is the cover of a recent Parade magazine. The man in this photograph is the great-great-great-grandson of Sitting Bull, one of the most extraordinary leaders America has ever produced.

His name is Ron. His horse is Thunder. He is part of the new generation of American Indian leaders. He is a lawyer by training, but education is his life's work. He is president of the Sitting Bull College in Fort Yates, ND, on the Standing Rock Sioux Reservation, and chairman of the President's Board of Advisors on Tribal Colleges and Universities.

The subtitle of this article expresses a fundamental truth that Sitting Bull taught and that people I talk with throughout Indian Country still believe today: Education is the key to a better future for the American Indian people. Education, more than anything else, gives a person the power to determine his or her own destiny. It is the most effective tool there is to relieve the grinding poverty that exists today in too many tribal communities throughout America.

When Native Americans surrendered their lands more than a century and a quarter ago, the United States Government promised to provide the descendants of Sitting Bull and all Native Americans, free education, health care and other basic necessities of life, forever. That is one reason I am disturbed by the results of two new audits by the Interior Department's inspector general.

The first audit reveals that, over a 3-year period, the BIA's Office of Indian Education Programs used at least $5 million from a contingency fund for non-emergency purposes, including staff retreats, bean bag chairs, televisions and puppets. This misuse of contingency funds shortchanged Indian schools of money they need for emergencies.

The second audit, which concerns the BIA school construction program, also documents numerous examples of poor management and lack of accountability. It found that Indian children are being forced to try to learn, and their teachers are trying to teach, in schools that put them at undue risk of injury because ''no one in BIA ensures that school buildings are not occupied'' until hazards are corrected. That is shameful.

This second report also found that 30 percent of the school construction and repair projects it reviewed failed to meet the BIA's own goal of completing design and construction within 3 years.

The IG made nine recommendations that it said could strengthen the BIA school construction program and increase the program's benefits for Native Americans. Those nine recommendations were included in a draft copy of the report the IG gave to BIA officials for comment.

Incredibly, despite being given an extended deadline, Bureau officials failed to respond to the draft. As a result, when the report was released publicly, it noted that ''all nine recommendations are considered unresolved.''

I do not know why the BIA failed to even acknowledge those nine recommendations for improving the Indian school construction program; I do not know if it was arrogance, indifference, incompetence or simply a result of being overwhelmed. But I know that it is unacceptable.

The BIA operates or funds 187 schools in 23 States, including South Dakota. Most of these schools were built in the 1940s or 1950s. Many are decades older than that. Few are equipped to support computer labs or other sorts of modern equipment that are now considered essential in most school districts.

I have visited BIA schools where children had to place trash cans beneath the holes in the roofs to catch the rain. I have been to BIA schools in which cold winds whipped through broken windows. I visited a school, which has since been replaced, in which neither the furnace nor the bathroom plumbing worked. That is not keeping our promise to educate Indian children. That is a disgrace.

The Cheyenne Eagle Butte School and dormitories on the Cheyenne River Sioux Reservation in South Dakota were built by the BIA around 1960. The floor tiles in both the school and the dormitory contain asbestos, a known cause of lung cancer and emphysema.

To date, the BIA's remediation efforts consist of recommending that the school ''keep the boiler room door shut'' and keep the floors waxed so the tiles will not chip and flake.

Three years ago, the Cheyenne Eagle Butte School was first on the BIA's priority list for school replacement. Then the BIA changed its criteria, and the school dropped down on the list. Today, the tribe has no idea when the school will be replaced.

Several weeks ago, I spoke on this floor about the Crow Creek Tribal Schools in Stephan, SD.

Two years ago, Crow Creek's middle school was condemned and replaced with modular trailers. The elementary school and high school still need to be replaced. Throughout the high school, crumbling walls are supported by steel braces; one can see exposed electrical wires.

The Crow Creek Council has been lobbying for money to fix the schools on the reservation for 25 years. Recently, the Crow Creek school superintendent received this letter from the South Dakota state fire marshal. I have had it reprinted and enlarged here. I will quote:

[T]he buildings are dangerous and represent a threat to life.

The State fire marshal ''strongly recommends discontinued use of both'' the elementary and high schools.

Two weekends ago was graduation weekend at Crow Creek Tribal Schools. The school had originally planned to hold the graduation ceremony outside because the gym has been condemned—but it rained on graduation day. So 1,500 people—the graduates, their families and friends—crowded into a condemned gymnasium that threatened to fall down around them.

I ask you, what other group of children would we allow to be treated this way?

The BIA has committed to replace the Crow Creek gym—but it is unclear when. Tribal officials had thought students would be playing basketball in the new gym this fall, but the construction funds have once again been delayed.

In the last several months, Crow Creek schools have experienced a crisis of suicides among students. Mental health experts call such episodes ''cluster suicides.'' Six young people on the Crow Creek Reservation have killed themselves in the last 6 months—and many more have tried. In April, there were 21 suicide attempts; the month before, 28. Last month, a 14-year-old girl tried to hang herself behind the elementary school. She was discovered and cut down just in time. The most recent suicide was a 19-year-old young man who had dropped out of school. Had he stayed, he would have graduated last month.

Clearly, the suicide crisis at Crow Creek schools is not caused only by crumbling schools. This is a complex crisis with very deep roots. It involves public health issues and myriad other issues.

But what message does it send to young people when they are forced to try to learn in a condemned building?

There are school buildings like the Crow Creek Tribal Schools throughout the BIA system. All told, the BIA school construction backlog is estimated at $1 billion. At the current funding levels, it would take decades to get through that backlog.

In 2000, when he was running for President, then-Governor Bush met with tribal leaders in New Mexico and promised to invest $1 billion to fix crumbling BIA schools. Yet, the President's proposed budget for next year cuts funding for Indian school replacement for the second year in a row. That is wrong.

America's commitment to build new schools for children in Iraq and Afghanistan is admirable, but it does not erase our treaty obligations to provide good schools for Indian children in this country.

The JOBS bill the Senate just passed last month includes a promising program that was first suggested by tribal educators in my State. The program would allow tribal governments to issue school construction bonds; the Federal Government would pay the interest and the principal on the bonds.

The BIA school construction bond program would increase by about half the number of BIA schools that are currently being replaced or repaired each year.

Yesterday evening, I met with two officials from the Porcupine school board on the Pine Ridge Sioux Reservation. Those two gentlemen are with us this morning.

The grade school in Porcupine is 40 years old and overcrowded. The foundation is unstable. The boiler is unreliable. There is no cafeteria; the children eat their meals in the hallways.

The Porcupine elementary school is number two on the BIA's school construction replacement list. School board officials say they have been told that construction on a new school could start in July—not this year, not next year, not the year after that, but in 2008—more than 4 years from now.

The new Indian school bonding program would enable us to replace and renovate more schools faster.

For the sake of the children at the Porcupine elementary school, and all the children in crumbling and inadequate BIA schools throughout America, Congress needs to get the JOBS bill—with the BIA school construction plan—to the President and get this important program up and running as soon as possible.

Once the law is signed, we are going to insist that the BIA report regularly to Congress on how the BIA school construction program is being implemented and managed. We expect progress and results. We will not tolerate the lack of accountability that is documented in the two recent audits of the BIA's Office of Indian Education Programs.

This chart says it so poetically and prophetically. More than a century ago it was said the first time. Sitting Bull implored representatives of the Federal Government:

Let us put our minds together and see what life we can make for our children.

In that same spirit, we must now put our minds together and hold our Government accountable to keep the promises it made in trusts and treaties and laws to Native Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

THE ECONOMY

Mr. COLEMAN. Madam President, I rise today to talk about continued progress for the American economy, especially back home in Minnesota.

I have been coming down to the Senate floor now from time to time to talk about how the policies of President Bush and a Republican majority, working across the aisle with some like-minded Democratic friends in the Congress, are putting America's economy back on track and Americans back to work.

I remember back in October when I came down to the floor and talked about early signs of economic growth that would set the stage for the job creation we have been witnessing in the last 8 months. Right after I spoke, my friend the assistant Democratic leader challenged me a bit, questioning whether my prediction for a brighter economy were not a little premature.

As the saying goes, ''There is nothing more horrible than the murder of beautiful theory by a brutal gang of facts.''

What may have been a trickle of good economic news last October has cascaded into a steady stream of good news. Even that most persistent critics of the President's economic program must now concede. The economic engine of America is humming. Job growth is a reality.

Two weeks ago, I talked about a Minneapolis Star Tribune article appropriately entitled, ''Minnesota Jobs Roar Ahead,'' which reported that Minnesota broke all kinds of jobs records in April when Minnesota experienced the largest one-month drop ever in its unemployment rate and more manufacturing jobs were created at a record pace as well.

Today, I want to talk a little about an article in my home town paper, the Saint Paul Pioneer Press, entitled ''Factories on a Roll.'' The article highlights that U.S. Manufacturing activity expanded for the 12th consecutive month last month, and factories boosted employment to meet strong demand for their products.

This is true back home in Minnesota. A regional survey by Creighton University economists found that Minnesota's ''Business Conditions Index'' rose to a 10-year high.

Also, Minnesota enjoyed its best month-to-month gain in jobs in April since October of 1999. The progress of the last few months has led number of economists to describe Minnesota's economy as ''spectacular'' and ''breathless,'' and indicates that employment opportunity in the manufacturing sector will continue to improve.

I stand by what I said in October. The President's commonsense tax relief has played the crucial role in helping the economy to rebound from the recession that began during the final months of the Clinton presidency.

More than 1.9 million Minnesota taxpayers saw their taxes decline this year under the President's tax relief. More than 1.2 million couples in Minnesota will benefit from the reduced marriage penalty and more than 475,000 couples and single parents will see an increase in their child tax credit.

I wonder if some folks on the other side of the aisle would still prefer I hold my tongue while we wait for more evidence. If so, I would suggest that perhaps ''irrational exuberance'' has given way to ''unreasonable pessimism.''

I would even go so far to say that one of the economy's chief risk factors today is those who continue to talk it down. And why? Could it be perhaps that for some, economic good news might be political bad news? Much of the howling about the economy has fallen silent. But where is the consistency? If the President was to blame for the economy before, isn't he to be praised for its performance now? I can't wait to see how this one is spun.

The economy has overcome great obstacles and is firing on all cylinders in Minnesota and elsewhere. No, we have not died and gone to economic heaven; problems remain. There is good and bad in every economic period. But considering where we are and what we have come through, this is solid, broad-based and even historic progress.

I was optimistic last October. Why? Because this is what always happens when you give people control of more of their own paychecks.

Federal programs are not the engine of economic growth: Regular folks who save, invest and consume are. But that doesn't mean there aren't things we can do right now to help.

For the sake of working families across the country, we need to focus on maintaining that economic growth and jobs creation through a forward looking legislative agenda. We need to pass an energy bill, a highway bill, and important legal reforms that alone would create 3.5 million new, and good paying jobs.

We need to make permanent the President's tax code in enforcing this economic growth. We need to keep the economy going down the track it is on.

The optimist sees the light at the end of the tunnel. The pessimist assumes it is an oncoming train. With all the evidence in hand, it is time to doubt the doubters and call them to account.

Although we saw the signs last fall for the economic growth and jobs creation that was beginning to unfold, some folks had doubt. But, as President Franklin Roosevelt put it better than a half century ago, ''The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith.'' Hopefully this continued good news from Minnesota and across America will help the doubting Thomas's still among us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I rise today to join with my colleagues in celebrating this anniversary. In 2001 and again in 2003, Congress had the wisdom to pass two bold tax cut plans. I firmly believe they were the key to turning around this economy.

When the President came to office, the economy was already taking a turn for the worse. Job growth was slowing down, the stock markets were moving in the wrong direction. A dose of strong medicine was needed. Our President came up with a bold plan for tax relief, to get more money out of Washington and put it back into the pockets of workers and the small business owners who earned it.

President Bush knows, as President Kennedy knew, and as President

Reagan knew, the best way to jumpstart the economy is to leave more money in the hands of the American people.

When people and businesses can keep more of their own money in their own pockets instead of having to send it to the ''National Center for Income Redistribution on the Potomac,'' it follows they will spend more and they will invest more and they will expand their businesses more. When that happens, the result is new jobs and a growing economy. That is exactly what has happened.

I was proud to be a cosponsor of those tax relief plans which lowered the tax bills for 111 million taxpayers, including 25 million small business owners. Americans have been using this extra money to pay their bills, get the kids in new clothes, or start a saving plans for themselves. Small businesses are investing in new equipment and expanding their operations. Workers are opening their 401(k) statements to see the numbers are going up instead of down.

As a result, our economy is on the upswing. We have had 10 consecutive quarters of economic growth. In the last 3 quarters, the economy has been stronger than any 3 consecutive quarters in nearly 20 years. Jobs are coming back, too. More than 1.1 million jobs have been created since last August and more are on the way. Manufacturing activity is picking up, and the business community is more confident than ever that they feel this turnaround taking root.

President Bush has done an outstanding job shepherding our economy through these tough times. I have one wish as we celebrate this anniversary. I wish this Congress would take one more step with these tax cuts. I wish we would do what we should have done in the first place, make these tax cuts permanent.

I have asked this question before and I will ask it again: How can anyone, how can any business, make any long-range plans for a business or for a family with a ''here today, gone tomorrow'' tax cut, a tax policy that has a perishable date on it, like a quart of milk?

The fastest way to show our taxpayers we are serious about tax relief, the fastest way to ensure this economic growth continues, is to make the tax cuts permanent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I compliment my colleague, Senator MILLER from Georgia, for his statement, but also for his courage last year in not only supporting this package but cosponsoring this package with me. Every once in a while we do something in Congress that makes a difference. Last year, Senator MILLER helped pass a budget that enabled the Senate to pass a tax bill.

The tax bill we passed we called the economic growth package 2003. It did a lot of things. It accelerated some tax cuts that were already passed in 2001 that were being phased in very slowly. We accelerated those. We made the maximum tax rate 35 percent. It accelerated tax changes for families, moved tax credits for children from $700 to $1,000. It gave marriage penalty relief. It meant married couples would pay 15 percent on taxable income up to $58,000. It expanded the 10-percent tax bracket. It cut capital gains tax rate from 20 percent to 15 percent. It cut the tax rate on corporate dividends. We tax the distribution of dividends from corporations higher in the United States than any other country in the world. It cut that tax by more than half. It cut it from ordinary rates to 15 percent.

It would not have happened if it were not for Senator MILLER. He cosponsored the bill. He made it possible. By passing a budget, we passed a bill. We passed it with the Vice President breaking a tie. The net result is we have had economic growth, very significant economic growth as a result of that tax bill, as a result of the budget we passed last year.

The proof is in the pudding. We have now seen the results. Both sides, Democrats and Republicans, said, We need to do something to stimulate the economy. We did. We passed the package. The President signed it a little over a year ago, May 28 of last year. Now we can look at the results. The results are outstanding. So we ought to acknowledge it.

We have had the most rapid expansion of gross domestic product in 20 years. The last 4 quarters averaged 4-point-some-odd percent: 3 percent, 8 percent, 4.1 percent, 4.5 percent—the highest in 20 years. That has happened since we passed our package a little over a year ago.

The results in the stock market have been dramatic. The Dow Jones industrial average, when we introduced this bill, I believe it was in February of last year, was less than 8,000. It is over 10,000 now—an increase of 27 percent from when we introduced the President's budget and introduced his bill. That is dramatic. I remember telling my colleagues, if we eliminate double taxation on dividends, we might have a Dow Jones industrial average above 10,000. That is the way we passed it in the Senate, but the way it came back from conference, we said the tax on dividends would be 15 percent. That is a big improvement over ordinary tax. Corporations have to pay 35 percent on their corporate profits. Then we pay individual tax of 15 percent. But as a result, we now have a Dow Jones industrial average that has risen 27 percent. The NASDAQ is actually up even more than that. It surged from about 1350 in March to today almost 2000. That is a 47-percent increase since February. That is very significant. That means the market cap has increased by trillions of dollars.

People ask, what does that mean? It means the value in your 401(k) funds has risen from $11 trillion to over 15 some trillion, an increase of about $4.5 trillion. That is phenomenal growth, that is phenomenal wealth creation, due in large part to the tax bill we passed last year because we tax corporate profits differently, because we allowed corporations to have a bonus depreciation up to 50 percent.

We made tax changes and there are consequences to those changes we made, positive changes. There are positive changes on employment and the unemployment rate. The unemployment rate has declined dramatically from over 6.3 percent in June of last year. Keep in mind, we introduced this bill in February when the unemployment rate was about 5.9 percent. It went all the way up to 6.4 percent. And now, today, we are looking at an unemployment rate of about 5.6 percent—a very significant reduction in the unemployment rate. So that is positive.

Payroll growth has increased dramatically. That is usually a lagging indicator. The stock market moved up earlier, and now payrolls are starting to increase, with over 1.1 million jobs in the last 8 months alone. You can see the growth trend is very positive. We had a decline in jobs for some time. We were experiencing significant job losses. We said: We need to do something to stimulate the economy. We did. We introduced the tax cut bill in February. We passed the bill in late May. Now you can see it is really starting to take off. We have had very significant job growth as a result of that.

Even in manufacturing—if you look at the trend in manufacturing over the last 40 years, it has been on a decline. Because of some of the changes we implemented—primarily the bonus depreciation, and, again, a change in the way we tax dividend distribution—you are now seeing investments in manufacturing plants and facilities. Investments are up in manufacturing, and investments in companies, dramatically. Now we are seeing growth in manufacturing output, which has been significant. We have had very significant manufacturing output.

We are also seeing, for the first time in a long time, actual growth in manufacturing employment. I used to be a manufacturer. That is good news. That is reversing a trend that has been on the books and, frankly, in progress for a long time.

The point I am making is a year ago we passed a bill. The bill was a big change in tax policy, a big change I think that has had very positive economic results. Senator MILLER said: Well, there is one thing we should do. This bill was passed, and it was passed under reconciliation, which means, by law or definition, it had to be for a set period of time. It sunsets. We need to make it permanent. We want these growth trends to continue. We want the growth in the number of jobs to continue. We want to see manufacturing continue to increase. We want to see GDP continue to increase.

Some people have said: Well, no, we want to take away some of those tax cuts. We want to take away some of the tax cuts for the upper 1 or 2 percent. I will tell you, that will not work. I was one of the architects of that plan. I was the principal sponsor, with Senator MILLER, to cut taxes on capital gains and dividends. If you try to do that and say, ''We will leave the rate at 15 percent for everybody in America except for the upper 1 or 2 percent,'' that will not work.

To tell everybody in America, ''Your capital gains rate is going to be 15 percent, unless you make over $200,000, and your rate is going to be 25 percent higher,'' that is a real disincentive. Or to tell corporations, ''We are going to tax proceeds on corporate dividends at 15 percent, and, oh, if you have income over $200,000, we are going to tax yours at 35 percent''—and under some proposals it would be much higher than that; they want to increase maximum rates maybe well beyond 39.6 percent—that is distorted, and it will undermine the whole idea of saying: Wait a minute; let's not tax corporate dividends twice.

If you tax some corporate dividends at 39.6 percent on the corporate side, and have a corporate rate of 35 percent on top of it, you are taxing corporate dividend distributions of 75 percent plus, and you are discouraging people from making investments in corporations and distributing those proceeds to their owners. Therefore, it would be very counterproductive.

So those who are making those recommendations have not thought them through. I do not think they will work. Or if they did work, it would be very counterproductive, and you would see GDP declining; you would see jobs declining, and you would see a very stalled or stagnated economy.

I think we can be proud of the fact we passed the tax bill last year. The President signed it, and it has had a positive impact. Those are the facts, just the facts. I compliment my colleagues, and particularly Senator MILLER, who made it happen.

Madam President, I yield the floor.

Mr. REID. Madam President, how much time is left on the majority side?

The PRESIDING OFFICER. There is 2 minutes remaining on the majority side.

Mr. REID. We will wait until their time expires.

Madam President, how much time is remaining on the majority side?

The PRESIDING OFFICER. There is 10 seconds.

The Senator from Nevada.

BUDGET DEFICITS

Mr. REID. Madam President, I am going to yield in a minute to my friend, the distinguished Senator from New Jersey. But I would hope everyone who has heard all these speeches understands the country has a deep problem with these huge deficits. The largest deficit in the history of the world, the history of our country, was last year. This year we will exceed that.

I hope everyone understands there is spending going on like a bunch of drunken sailors here, and the spending is being paid for with borrowed money.

Madam President, I yield 15 minutes to my distinguished friend from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

ECONOMIC DISTRIBUTION

Mr. CORZINE. Madam President, I thank my distinguished colleague from Nevada. I very much appreciate him pointing out one of the great flaws in the discussion I am hearing on the floor. It seems we only want to focus on a very short period of time and a very limited measurement or metric on how well the economy is doing.

I have been on the floor over the last 6 or 8 weeks trying to address issues on the budget, taxes, and growth in our economy. I feel very strongly that we need to have this debate. I am glad it is happening because the American people, I think, actually understand what is happening in their pocketbook and their own sense of where we are in the economy. It is a lot different than this tsunami of good news that is being quoted and cited.

People like to talk about statistics. We need to deal with what is actually going on in people's lives. That is why a whole series of us have come down and asked that question Ronald Reagan asked in the 1980 Presidential campaign: Are you better off than you were 4 years ago?

Remember, 4 years ago, we had come through a period of creating 22.5 million jobs. This is an administration that has overseen the loss of 1.8 million jobs. So we have had the loss of 1.8 million jobs, after creating 22.5 million jobs, when we saw real income growing every single year. Now we are asked to say: Wow, isn't it wonderful we have seen such a change in the last 2 or 3 or 4 months? And at what cost has that come?

As the Senator from Nevada said, we have the largest deficits in the history of mankind. You can always spend yourself into economic growth. Maybe that is what we are doing, but it is coming at a huge cost to this generation and future generations.

But that is not what I wanted to talk about today. I want to talk about who is better off than they were 4 years ago. There is a clear, commonsensical view among people, at least in the State of New Jersey, whom I live with every day, that things are not so well in their home, in their bank accounts, in their financial condition.

I will go through some of the data. Are they better off? We have had flat wages for the last 3 and a half years. To be absolutely accurate, average weekly earnings have grown 1 percent over 4 years. College tuition costs, on the other hand, are up 28 percent at the same time; up 13 percent in New Jersey last year at State schools. Gas prices are over $2 a gallon, up 34 percent in a 4-year period. Family health care premiums are up 36 percent. These are expenses people have to pay every day out of their budgets.

Some cite macrostatistics such as the GDP is growing. What is happening is, individual average weekly earnings are up 1 percent. Health care costs are up 36 percent. Gas prices are over $2 a gallon, and there has been a 28-percent increase in college tuition. It is off the charts.

State and local taxes in almost every State in the country have gone up in the last 4 years. In New Jersey, the average property tax has gone up 7 percent each year because the Federal Government is not picking up its responsibilities, such as Leave No Child Behind, and with other mandates we have put on them for which we then don't provide the money. Now we are hearing we are going to be cutting back on some of that.

There is a case for middle-class Americans to say things are not so great. Average weekly earnings are up 1 percent. We have everything else in our budget going off the charts.

It is possible, though, when we look at this picture of middle-class America getting squeezed, that there are people who are actually doing well in this world. That is what I want to talk about because there are some people who are better off than they were 4 years ago. It comes from the concept that there is a ladder in America. People like to get on that ladder and climb up and have great opportunity. This is a country that has aspirations that are a part of people's lives.

But we seemingly want to make sure the people at the top of the ladder are doing really well and we are squeezing the folks at the bottom. Average weekly earnings, as I said, had relatively flat growth. But HMO profits are up 50 percent. There is a correlation between that 38-percent increase in family health premiums to HMO profits. I used to be a CEO so I can talk about this with some knowledge. Compensation for people who are leading corporations is up 61 percent during the same period—one percent or zero-percent average weekly earnings growth for middle-class Americans, while CEO compensation is up 61 percent.

To give a little perspective, back in 1980 the average CEO made 31 times the lowest average worker in a corporation. Today it is over 500 times. It grew 61 percent last year. Somebody is better off, aren't they?

It strikes me that the numbers are working. Somebody is getting it and somebody is not. As I said, it is most visible when you compare HMO profits versus what is going on with health care costs for average Americans. It is tough to argue that things are a lot better when we are seeing growth in

HMO profits and growth in CEO compensation, and you wonder who is better off than they were 4 years ago.

Another way to look at this is to focus on the oil companies. Are they better off or not? In New Jersey, we have the average cost of gasoline at $2.04 cents a gallon. We see over $40-a-barrel oil. We could think about supply and demand conditions and maybe tap into the Strategic Oil Reserve, but that is a story for another day.

The fact is, middle-class Americans are paying the freight, $2.04 a gallon, and somebody is benefiting from that. Are the people paying the $2.04 better off or are the oil companies that have seen their profits soar as the price of a barrel of oil has gone up enormously right in front of our eyes? British Petroleum's earnings are up 165 percent, year over year; Chevron-Texaco, 294 percent; Conoco only got 44 percent; and Exxon is up 125 percent.

Thirty-four percent was the increase in the cost of gasoline for Americans. That is middle-class folks going in, pulling up to the gas pump, putting it in, paying for it. That is coming out of their pocket. Remember, those are the people who are getting a 1-percent increase in weekly earnings. And Chevron-Texaco has a 294-percent increase in profitability.

I am not against profitability. We want people to be profitable. But there needs to be some balance in how the economic pie is actually working for folks in America. It is very troubling that some are huge winners and other people are getting the scraps, with a zero-percent to 1-percent increase in real weekly earnings.

There is another group besides HMOs and CEOs and oil companies. There is the issue of those who actually despoil our environment. It sort of goes at the oil company topic. Instead of debating how we are going to get the price of oil down, House Republicans are now insisting on giving oil companies immunity in cases where they have contaminated ground water with MTBE. In New Jersey, there is a serious problem because we have MTBE all over the State, and it is increasingly thought to cause all kinds of health problems. We are proposing to give a break to the oil companies—the ones making 294 percent higher profits this year than they did last year—a $29 billion break in damages in 43 States around the country.

Who is better off today than they were 4 years ago? Is it the oil companies or the people potentially exposed to MTBE? By the way, I could go on to ''polluter pays'' taxes; who is paying, who is not paying, for clean air. You could go through a whole series of environmental applications and ask, who is winning, who is losing.

This is not about class warfare. This is about who is winning and who is losing: a 294-percent profit increase, or are we actually going to deal with MTBE? Are we going to have the resources to clean it up? Or are we going to take the $29 billion in damages and lay it on the shoulders of working Americans? Are we going to pass it along?

Let me talk about another issue. This gets at some of the tax discussion I hear so much about as being so beneficial to everyone in the world. You could talk about where the tax breaks go. Those making $1 million or more are getting $123,000. Those in the top 1 percent are getting about a $34,000 tax break, almost $35,000. If you do the analysis, the middle 20 percent of Americans is getting about $647. That is the average.

Anybody can talk about statistics. They can pick it out different ways. They can mush all this together. They can put the 7 footer with the 5′4″ person and come with an average height that sounds as if you are 6'2''. But the fact is, so much of the tax break is actually going to the people who make $1 million or more, the top 1 percent, and very little is going to middle-class Americans.

But that fits. We are only getting a 1-percent increase in mean weekly earnings to the middle class. We are creating tax breaks that primarily go to those who are already doing well. Again, the aspiration of Americans to try to work their way up the ladder is perfectly acceptable. That is the American dream. I know a little bit about it because I know how it happened in my life. But when you get the ladder down and you put it up, why roll it down?

That is what we are doing here. We are giving tax breaks to people who could always use them. Everybody could always use a tax break. But how are we going to fund Leave No Child Behind? How are we going to deal with making sure special education is properly funded? When are we going to get it that we need to make sure we share the benefits in this society? This makes almost no sense.

It is not an issue of class warfare. It is how do we make sure every American has an opportunity to have access to the American dream.

It is incredible to hear some of the discussions that go on. By the way, I want to take this one step further. One of the reasons this number is so high and this is so low is so much of that income comes in the form of capital—capital gains, dividends—and people with capital gains and dividends are paying 15 percent. But if you are working and you are up in the $40,000, $50,000, $60,000 area, you are paying 28 percent; your marginal rate is significantly higher.

We are charging more for working people's earnings than we are for capital. I don't think that is right. I don't think it is right that we turn around and allow situations where somebody pays a 15-percent marginal rate against some kind of income—i.e., capital income—and we charge much higher rates for the poor guy who has to go to work every day. Why are we advantaging capital over wages? It makes no sense and we end up with a distribution like this.

Again, there is nothing wrong with getting good returns on capital or with people working their way up the ladder and being successful. But we have a lot of choices in this country, and we are making them so that these guys up here are ending up with most of the benefits—unless you are one of those oil companies that get an MTBE break and huge growth in profits. But the wages are not growing. The cost of living is going up, as is health care, college tuition, and State and local taxes, and there is so much need that I don't understand why we are turning around and skewing everything the way we have.

That is why I think it is fair to ask who is better off in 2004 versus 2000. Is it the people who were at the top of that chart, the top of the ladder or is it the people in the middle of the ladder, who are aspiring to get up the ladder? Who is benefiting from this $400 billion or $450 billion budget deficit? I think it is a very hard case to make.

As the chief economist from Merril Lynch said, ''We've had a redistribution of income [in this country] to the corporate sector.'' It is through this capital gains distribution of dividends and cutting of the marginal tax rates. It is very clear that somebody is winning, but somebody is getting a little less of that break. I think it is very hard to answer the question ''who is better off today'' without going back through those HMOs, CEOs, oil companies, and a lot of the folks who are gaining their income from capital as opposed to wages.

I believe that is a tough way to argue to the American people that things are going really well in the economy. I think we have an answer to the question. We have seen someone do better, and it is those who have had that redistribution to them through the tax system. That is something we need to debate on the Senate floor, we need to debate it among the American people, and we need to come to a conclusion about who really deserves to have the fair benefits as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I direct a question to my friend from New Jersey. Would my friend agree that these huge deficits that are piling up at unprecedented rates are also, long term, very damaging to our economy?

Mr. CORZINE. The Senator from Nevada asks a particularly appropriate question. Anytime the Federal Government is competing for money in the capital markets, instead of us having that money go into the private sector, instead of being invested in the kinds of growth you see in Nevada or what we hope will happen in New Jersey, it undermines the economic health of the country, and we have fewer jobs, wages are less, and you get a negative cycle. It is absolutely dangerous to the longrun health of this country.

Mr. REID. Would the Senator also agree that during the last 3 years of

the Clinton administration, we were actually spending less money as a Federal Government than we were taking in—meaning we were paying down the debt? Was that not a good sign for the economy, to the rest of the world, and to our own taxpayers?

Mr. CORZINE. The Senator from Nevada is leading the witness because at that point in time we were in the process of creating 22.5 million jobs over that 4 years—10 million in the last sector. People would earn money and spend money, and it would multiply through the economic system. We were creating wealth in the greatest single period of time, when the Federal Government was running from the pulling down of capital and stayed out of the capital markets and put money where it was most efficient.

What we are doing right now is setting up a dynamic that will reverse that. We are going to see less investment over a period of time because the Federal Government has taken up all the dough and it is going to show lower growth in jobs, lower creation of wealth, and nobody will argue that the longrun deficits at the level we are running them now make any sense for this country. I don't think anybody would argue that—with the kinds of policies we have now, our taxes are about 15.5 percent of GDP. They were about 18 percent when this administration came in. But we have grown spending under this administration and the Congress, led by the other side of the aisle, up to about 21 percent. President Clinton's administration cut that to about 18 percent—a little lower, because we were running surpluses. The track we are on is absolutely a potion for disaster.

Mr. REID. Madam President, everybody within the sound of my voice should understand that the distinguished Senator from New Jersey is a person who understands the business world. Before coming to the Senate, he was one of the Nation's leading economic advisers, a person who had been so distinguished in the economic world that he was known all over the United States and in many parts of the world. When the Senator from New Jersey speaks about aspects of our economy, people should really listen.

THE HIGHWAY BILL

Mr. REID. Madam President, today many people in the Chamber came to work extremely early. The reason is they wanted to avoid being stuck in traffic. They got up early in the morning. They came to work earlier than they were required to come to work because they were afraid of being late for work because of the traffic jams in the Washington, DC, area. You may say, well, Washington is a unique place. But it is the same in Las Vegas, Reno, or anyplace else in our country. We have traffic jams, highway problems, too few mass transit systems, and those we do have need renovation and replenishment.

To mention a road in Las Vegas or here on the capital beltway as being a place to stay away from during rush hour, certainly everybody understands that. Is there going to be an accident in the morning? Maybe there was an accident. Maybe it is just routine congestion that creates difficult problems. People sit, losing precious time they could be spending with their families or getting to work and getting things done. But they are stuck in traffic.

As the Senator from New Jersey and I have talked about on the floor of the Senate a lot of times, the price of gasoline is tremendous. You sit there with your car idling, wasting precious fuel. In Nevada, there are places now where you are paying $2.70 a gallon for gasoline. People are locked in these traffic jams that are unbelievably difficult. They keep us away from our families and our work, and that also adds to the stress of the individual involved.

But while Americans are stuck in traffic all over America, a bill to get America moving again is stuck in Congress. The highway bill is stuck in Congress. Why? Where is it stuck? It is across this great Capitol in the House of Representatives. They have refused to appoint conferees so that we can go to conference.

We were able to work out an arrangement in the Senate where we appointed very good conferees. The Republicans have 11 and the Democrats have 10. They are anxious to go to work and do something about the comprehensive 6-year surface transportation bill on which we have to work.

The House passed a version. The Senate passed a version. We like ours better, but they are both bills on which we need to work out the differences.

During the Memorial Day recess, staffs held bicameral meetings to begin a dialog between the two bodies. But because the House has not appointed conferees, these meetings mostly dealt with procedural matters. In effect, we did not do much.

I cannot imagine why the House is taking so much time to appoint conferees. We are losing weeks of valuable time. Before we can get to the meat of this bill and sit down with members of the conference to take votes on issues, staffs have to spend weeks going over this very complicated bill. It is a 6-year bill. It is a bill of hundreds of pages dealing with problems we have with our highways and problems we have with our transit systems all over America. We need to have something done yesterday. We need to meet this country's growing transportation needs which are improving safety and relieving congestion.

In 2003, the last year for which we have statistics, more than 43,000 people in America lost their lives on our roads, the highest number of fatalities since 1990. In addition to the personal tragedy associated with these accidents, they cost an estimated $137 billion each year in property losses, productivity, and medical costs. There is not an amount you can put on the loss of a life. In addition, we have a situation where we talk about 43,000 people—more than 43,000 people—being killed, but hundreds of thousands of people are injured. People become paralyzed. People lose eyes. I have visited a facility in Las Vegas where they deal with head trauma. The vast majority of people in that facility are the result of automobile accidents.

This year, Americans will lose more than 3.6 billion hours to traffic congestion. That is 3.6 billion hours they will not be able to spend with their families, their friends, or at work. The cost of wasted fuel will be about $70 billion.

The bipartisan Senate bill—and it was bipartisan, led by the distinguished chairman of the committee, Senator INHOFE, and the ranking member, Senator JEFFORDS—this bipartisan Senate bill invests $318 billion over 6 years, allowing States to improve safety and reduce congestion on roads.

Even this big bill is only an effort to keep a level playing field. We do not make any advancements, as we probably should, but at least it allows us to tread water in most places to keep from drowning with the problems we have with traffic in our country. The $318 billion represents an investment in our transportation infrastructure, protects our economy and quality of life, and it creates hundreds of thousands of jobs. Why the President would pick this vehicle to flex his muscles is something I do not understand. There have been other issues that have come out of this Congress that maybe he should have taken a look at, but certainly not the highway bill. It creates hundreds of thousands of jobs.

We need to move forward on this legislation. I think we need to let everyone know that the House of Representatives is the cause of our not moving forward on this bill. If the House appointed conferees today, we might be able to complete this conference by the end of the Congress, but it is going to be a close call. There is so much work to do, and we need the House to work with us, not against us.

There are some reports that the chairman of the full committee in the House—and I have not talked with him; he is my friend—does not want a bill; that he is so disappointed with what has happened with the White House that he just says: I don't want a bill.

I hope that is wrong. I am confident the Members of the Senate and the House can work out the differences on this legislation, and we will do it with the number that will be appropriate to take care of the needs of this country. I think $318 billion is a good figure. If the President vetoes the bill, it will just be overridden. I have spoken with the leadership in both the House and the Senate, and they acknowledge that would happen. But please let the Members vote to do this.

Again, all the Senators who have come to me and asked what is happening to the highway bill, I say we

have done everything we can in the Senate. It is now up to the House to appoint conferees. Once that is done, we will move as quickly as possible to solve the differences we have with the House of Representatives and move forward on this bill.

I yield my time back and urge we move to the legislation. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The assistant 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400 which the clerk will report.

The legislative clerk read as follows:

A bill (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, and for other purposes.

Pending:

Graham of South Carolina amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo amendment No. 3226 (to amendment No. 3170), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding, under the order that is before the Senate, the first order of business would be two voice votes on two amendments pending. Is that right?

The PRESIDING OFFICER. Two amendments were to be disposed of.

Mr. REID. Mr. President, if I could take a minute.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. In our conversations before the Senate was called back into session, the Senator from Idaho indicated he would like to speak for 5 minutes prior to those two voice votes and that time would be credited against the 2 hours the majority has on the underlying Cantwell amendment. I understand he is going to make that request.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that I be allowed 5 minutes taken out of our side of the time that is allocated during this morning's debate to discuss an issue and make a unanimous consent request.

Mr. REID. Mr. President, if I could be heard, reserving the right to object, it is my further understanding this would have no bearing on our voting in 5 minutes on the two amendments. Is that right?

Mr. CRAPO. That is correct, Mr. President.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I therefore ask unanimous consent that it be made in order that I be allowed to amend my amendment in the form of amendments that are at the desk at this time. The purpose of this request is that there has been some question raised in regard to the South Carolina language, as to whether it creates any precedential value in regard to other States which are dealing with radioactive materials and the handling of them. We do not believe there is such a precedential effect and we believe it is very clear there is not, but because some have raised that question, we would like to simply amend the legislation that is before us today to make it perfectly clear there is no precedential effect of this language on any State other than South Carolina.

For that reason, I ask unanimous consent that I be allowed to amend my own amendment, which is at the desk, in the form of an amendment which we have presented to the other side.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I ask for regular order.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Has the 5 minutes been used that the Senator requested for debate?

The PRESIDING OFFICER. There was an objection to the Senator's 5-minute request.

Mr. REID. Regular order.

Mr. CRAIG. I ask to speak for up to 2 minutes.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to amendment No. 3226.

The amendment (No. 3226) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3170, as amended.

The amendment (No. 3170) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is now my understanding the Cantwell amendment will be reported. It has not been reported yet, is that true?

The PRESIDING OFFICER. Under the previous order, the Senator from Washington, Ms. CANTWELL, is recognized to offer her amendment.

AMENDMENT NO. 3261

Ms. CANTWELL. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself, Mr. HOLLINGS, Mrs. MURRAY, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER, proposes an amendment numbered 3261.

Ms. CANTWELL. 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 ensure adequate funding for, and the continuation of activities related to, the treatment by the Department of Energy of high level radioactive waste)

Beginning on page 384, strike line 3 and all that follows through page 391, line 7, and insert the following:

SEC. 3117. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

(a) ANNUAL REPORT REQUIRED.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

''SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

''The Secretary of Energy shall submit to Congress each year, in the budget justification materials submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted under section 1105(a) of title 31, United States Code), the following:

''(1) A detailed description and accounting of the proposed obligations and expenditures by the Department of Energy for safeguards and security in carrying out programs necessary for the national security for the fiscal year covered by such budget, including any technologies on safeguards and security proposed to be deployed or implemented during such fiscal year.

''(2) With respect to the fiscal year ending in the year before the year in which such budget is submitted, a detailed description and accounting of—

''(A) the policy on safeguards and security, including any modifications in such policy adopted or implemented during such fiscal year;

''(B) any initiatives on safeguards and security in effect or implemented during such fiscal year;

''(C) the amount obligated and expended for safeguards and security during such fiscal year, set forth by total amount, by amount per program, and by amount per facility; and

''(D) the technologies on safeguards and security deployed or implemented during such fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 4731 the following new item:

''Sec. 4732. Annual report on expenditures for safeguards and security.''.

SEC. 3118. AUTHORITY TO CONSOLIDATE COUNTERINTELLIGENCE OFFICES OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORITY.—The Secretary of Energy may consolidate the counterintelligence programs and functions referred to in subsection (b) within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and provide for their discharge by that Office.

(b) COVERED PROGRAMS AND FUNCTIONS.—The programs and functions referred to in this subsection are as follows:

(1) The functions and programs of the Office of Counterintelligence of the Department of Energy under section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b).

(2) The functions and programs of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration under section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 2422), including the counterintelligence programs under section 3233 of that Act (50 U.S.C. 2423).

(c) ESTABLISHMENT OF POLICY.—The Secretary shall have the responsibility to establish policy for the discharge of the counterintelligence programs and functions consolidated within the National Nuclear Security Administration under subsection (a) as provided for under section 213 of the Department of Energy Organization Act (42 U.S.C. 7144).

(d) PRESERVATION OF COUNTERINTELLIGENCE CAPABILITY.—In consolidating counterintelligence programs and functions within the National Nuclear Security Administration under subsection (a), the Secretary shall ensure that the counterintelligence capabilities of the Department of Energy and the National Nuclear Security Administration are in no way degraded or compromised.

(e) REPORT ON EXERCISE OF AUTHORITY.—In the event the Secretary exercises the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report on the exercise of the authority. The report shall include—

(1) a description of the manner in which the counterintelligence programs and functions referred to in subsection (b) shall be consolidated within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and discharged by that Office;

(2) a notice of the date on which that Office shall commence the discharge of such programs and functions, as so consolidated; and

(3) a proposal for such legislative action as the Secretary considers appropriate to effectuate the discharge of such programs and functions, as so consolidated, by that Office.

(f) DEADLINE FOR EXERCISE OF AUTHORITY.—The authority in subsection (a) may be exercised, if at all, not later than one year after the date of the enactment of this Act.

SEC. 3119. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, and separation of tank wastes currently managed as high level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) TOf the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).''.

(c) SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho.

(2) The Savannah River Site, Aiken, South Carolina.

(3) The Hanford Site, Richland, Washington.

The PRESIDING OFFICER. Under the previous order, there will be 4 hours of debate equally divided on the amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I will take but a few moments because the Senator from Washington is on the floor to debate her amendment. It is an important and serious amendment she brings, but what she has refused to allow Idaho to do this morning, by objecting to the unanimous consent request of Senator CRAPO, is to deny Idaho and Washington the right to assure that the legislation that was passed is not precedent setting to the agreements Idaho and Washington now have.

In 1995, Idaho's Governor Phil Batt, with my assistance, negotiated a milestone agreement with the Department of Energy on the cleanup and removal of nuclear waste in Idaho. After that agreement was in place, I teamed with the then-Senator, now Governor, Dirk Kempthorne, to codify that agreement into law as a provision in an annual Department of Defense authorization. What Senator GRAHAM of South Carolina has done Idaho did in 1995. That became the basis for Idaho to operate and in large part then for Washington to proceed to begin the cleanup of a very serious problem the State of Washington has at Hanford.

Certainly, the Senator from Washington and I, and my colleague from Idaho, recognize the complexity and the seriousness of this problem. That is not in dispute. When DOE then asked to change and modify some of those relationships, a judge said, no, you cannot do that without a rulemaking process. DOE has determined to go ahead with that, but up until then they have said, their attorneys have said and the attorneys at OMB have said, you do not have a clear path forward to cleanup. Idaho disagrees and Washington disagrees.

At the same time, DOE does not plan to spend the money, denying us the cleanup we expect and we believe is under the milestone agreement crafted by Idaho, accepted by DOE, and accepted by this Senate in 1995.

What the Senator from Idaho tried to do, and the Senator from Washington refused to allow him to do, which is very frustrating to understand, is to assure any action taken today that South Carolina would want to take, that their Governor, their attorney general and their environmental agencies want to take, is no way precedent setting against the court agreement or against the Idaho relationship and agreement Governor Batt crafted and that the State of Washington has.

Is that confusing to anyone? Well, it should not be. There are fairly clear lines out there. I do not understand why we are not allowed to clarify that at this moment. If we cannot, then we will clarify it in other ways over the course of the action on this bill.

There are a variety of vehicles we can take because it is paramount that we, as we think we have, assure our State agreement is in place, and most importantly that DOE can move forward in this fiscal year to spend some $97 million in cleanup they are now saying they cannot do because the advice from their attorneys and the advice from OMB is not to spend; they do not have a clear path forward.

We believe the legislation offered by Senator CRAPO offers that clear path forward, and clearly that is the direction we want to go, to assure Idaho's agreement, to assure Washington is on firm ground but, most importantly that we do not lose 12 or 14 months of cleanup and that the $97 million slated to head to Idaho drifts off and is spent somewhere else, along with the cleanup money for Washington being spent somewhere else.

We want it on the ground at Hanford. We want it on the ground at the INEEL in Idaho Falls doing what DOE and Idaho and Washington are proceeding to do. At the same time, I cannot, nor will I, step in front of a State that has worked its way through its process and believes it is on safe ground to move forward with its cleanup.

There are some five tanks in South Carolina to be cleaned up. Others are being cleaned up now. I am sure South Carolina wants that process to go forward. We all know in a rulemaking process, and the vetting that goes forward in a rulemaking process, we may well be 24 months away from that kind of a decision once the rule is made, once it is tested, once it is aired in the public and, I am quite confident, once two or three lawsuits are filed against it. Idaho does not have that kind of time, nor does the State of Washington, nor does the State of South Carolina. We want cleanup. We want cleanup now. And we want it to meet the standards under the Nuclear Waste Policy Act. We believe what we are doing offers that, profoundly.

Now we are here to debate what the Senator from Washington and I believe is a disagreement between the two of us. I don't disagree with all of her bill. I certainly support parts of it. But what I do disagree with is that the State of Washington or Idaho or South Carolina or any one of the sovereign 50 States of our Nation cannot sit down with a Federal agency, under Federal law, and craft an agreement that gets them to the appropriate cleanup, acceptable by the environmental community in South Carolina, by their Governor, by their attorney general. That is exactly what Idaho did in 1995, exactly what Idaho's Senators, myself and then-Senator Dirk Kempthorne, brought to this Senate floor and brought to the Defense authorization bill—and this Senate passed it.

Why should we deny or refuse those kinds of State relationships? Does the Federal Government in all instances totally dominate as long as the State is within the construct of the law, the Federal law that governs nuclear waste, because that is within the sole jurisdiction of the Federal Government. We all understand that. I don't

think so. I think South Carolina did what they felt they needed to do. DOE agrees with them. Now, by action, a voice vote of this Senate, the Senate agrees with them. Let's affirm that, protect the State of Washington and protect the State of Idaho, make sure their agreements are what we want them to be, and move forward. The Idaho Governor and the Idaho congressional delegation stand united in that position and in that opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington. The Senator from Washington controls the time.

Ms. CANTWELL. Mr. President, I am going to start this debate on the Cantwell amendment, which is the pending amendment before us, and take 15 minutes or so, if the Chair will give me recognition of that time being up. Then, depending on how we organize the debate, I would like to defer to Senator HOLLINGS of South Carolina because this impacts him.

We are here today to talk about whether we as a body want to change the Nuclear Waste Policy Act and redefine high-level waste as something other than waste that should be taken out of tanks in Savannah River, out of Washington State Hanford tanks to be stored in a permanent repository, or whether we are going to leave some of that in the tanks in the ground and have ground water continue to be contaminated.

What my colleagues on the other side of the aisle have done is put into the Defense authorization bill a change to nuclear waste policy. It is a change in 30 years of science and policy in this country that says that spent nuclear fuel from reactors is highly radioactive, high-level waste, and should be reprocessed into glassified logs, vitrified logs, and taken to a permanent storage site.

DOE is now trying to say some of that we can leave in the tanks. We don't know how much. We would like to just say it is generally up to our discretion and leave some of that in the tanks and thereby not be clear with the Congress about what level. That is a change to the Nuclear Waste Policy Act. The Nuclear Waste Policy Act in 1982 set the standard. If my colleagues want to have a debate about changing the Nuclear Waste Policy Act, this Senator is more than willing to have that debate, have the proper hearings, have the proper process, and have the debate.

The actual jurisdiction for that is the Energy Committee, and that is what the Parliamentarian has ruled, that the DOD authorization bill through the Senate Armed Services Committee was not the appropriate authority for changing the Nuclear Waste Policy Act, the language that conflicts with that within the underlying Graham amendment that we just modified—the underlying bill language which was just modified by the Graham amendment.

Why are we in this predicament? Why are the American people waking up on this day finding out that a national debate is about to ensue about changing the definition of high-level waste? And that affects every State in this country. If you are going to allow one State and the DOE to negotiate and change the definition of high-level waste, why not just change the definition of transuranic waste or other kinds of waste and then, obviously, have that definition apply to States on transportation issues, on storage issues, and many other issues?

Let's review where we are and why I am so concerned, because it impacts Washington State. The Hanford Reservation in Washington State has 50 million gallons of highly radioactive nuclear waste that is already leaking into the ground water. You can see the Hanford Reservation site here, and the Columbia River. Imagine my concern about tanks leaking into the ground and the fact that leakage contaminates ground water, and that affects the Columbia River, a major tributary through the Northwest. It affects the vitality of our economy in many ways—in fishing, in tourism, in energy generation. No one in the region wants to believe that somehow radionuclides are now in the Columbia River—which, in fact, they are—and that it is going to grow to an amount where we cannot protect humans, fish, and safe drinking water. But that is where we are heading if we don't clean up this nuclear waste.

What does it really look like at Hanford today? I point out to my colleagues, because the Hanford site, which is on the map here—you can see this is the entire Hanford site. This is the picture showing the Columbia River. This red spot here is the contaminated ground water that is already leaking into the ground from tanks at Hanford. It is an 80-square-mile area. That is a plume of various chemicals that have already leaked out of the tank at Hanford. Similar leakage is happening at Savannah river. How this is going to be cleaned up given that the leakage is already starting to affect the Columbia River is a major issue for the Northwest.

So we don't take lightly the fact that DOE has now snuck into the Defense authorization bill a change in the Nuclear Waste Policy Act that would reclassify this waste and say some of it is low level and we can simply grout it. By that they mean they can pour cement and sand on top of it and say that it is now fixed.

I ask the question of my colleagues, If DOE and the State of South Carolina had the authority to make a decision on this and work together, why don't they just do it? If they are not trying to change existing law, why don't they just come together and make an agreement on cleanup? They are not because they are trying to change existing law. They are trying to change the definition of what is high-level waste. They are trying to do that without having the proper hearings, without going through the proper committees of jurisdiction, without giving people enough time and enough notice on this issue.

We could continue this debate for many days and not clearly give the American people the insight to 30 years of history of nuclear waste policy. But let's look at the various definitions of nuclear waste because it is an immense framework, that 50 years of disposal law, and what is high-level waste and its definition. It is under the Nuclear Waste Policy Act. What is spent nuclear fuel? It is a definition under the Nuclear Waste Policy Act. That is what this underlying bill tries to change, the Nuclear Waste Policy Act definition of ''nuclear high-level waste'' and how spent nuclear fuel can be treated. That is being done without a full debate and hearings in the proper committees of jurisdiction. What DOE and South Carolina are trying to do is change that definition so they can leave some of that storage in the tanks.

My colleagues would like to say this does not set a precedent. I can tell you that is not the way it is being viewed around the country. It certainly is setting a precedent. In fact, the Minneapolis Star Tribune said this provision:

> . . . would also set a troubling precedent for waste handling in other states. . . . If shortcuts can be taken at Savannah River, why not at Prairie Island?

In their site? Why not Idaho, in their facility? Why not as you deal with transuranic waste in New Mexico, in Arizona, or in other States? Because if you are going to give States and DOE the ability to just negotiate definitions and change them, why are we stopping here with tank waste?

Why aren't we considering other things? This is an issue that needs the full attention of this Congress. It needs the full attention not only of the Members who come from States where we have ground water leaking and contamination. Members should realize this vote is about changing a Federal policy that has been 30 years on the books without the debate and without the science. This is an inappropriate time to be changing this policy.

What about the waste we have in these States? One report I will read for some of my colleagues before I turn it over to the Senator from South Carolina who wants to make a few points about this, the ground water contamination at Savannah River is just as serious as it is in Washington State. Yes, they have fewer tanks than we do in Washington State, but it is some of the most contaminated waste that exists.

I am very concerned that we actually do something to clean up the ground water. This report entitled ''Nuclear Dumps By The Riverside: Threats to the Savannah River from Radioactive Contamination at the Savannah River Site,'' which was done in March of this

year, says that the contamination in the ground water and surface water often greatly exceeded safe drinking water limits in both radioactive and nonradioactive toxic materials. This material threatens the Savannah River and possibly other resources in the region and comes from the radioactive hazardous waste being dumped in trenches, contaminated soil, and from the high-level waste tanks that are not being retrieved.

This is a report saying it is leaking into the ground water at Savannah River, that it is causing an impact; it is contaminating that ground water; it is causing pollution in the Savannah River. I find that very much a concern.

In Washington State, along the Columbia River, this stretch of the Columbia River has one of the largest bedding grounds for salmon in our State. Now those fish are being contaminated in a similar way if we do not come up with an effective cleanup plan.

What is the tritium and drinking water standard at Savannah River? Water that is tritium-tainted is far more dangerous to children and developing fetuses than to adults. Recent research indicates the current safe drinking water standards for tritium are not adequate to protect developing fetuses to the level comparable for that of nonpregnant adults.

What are we saying to people at Savannah River? Do not go fishing in the Savannah River? Do not provide some sort of safety for consumers who are depending on that?

The report goes on and talks about subsistence fishing in the Savannah River. We have many tribes in the Northwest that fish out of the Columbia River, too. We are not going to protect them because the level of contamination that is already in the water now is starting to show very dangerous signs for both ground water standards and subsistence fishing?

We need to do our job and clean this up. For 30 years the policy has been to take the waste out of the tanks, move it, glassify it, and put it in a permanent storage. We are changing that with very little debate in the Senate today.

Obviously, I urge my colleagues to support the Cantwell amendment which would strike this reclassification and say to DOE: Here is the cleanup money for the States of Washington, Idaho, and for Georgia, and the money should be spent on this cleanup effort.

It continues the process of cleaning up the tanks that have been classified as high-level waste, and it makes the cleanup process continue to move forward.

We took the language from Governor Kempthorne. Governor Kempthorne said to many people, including my colleagues from Idaho, that he had concern with the current underlying bill. In fact, Governor Kempthorne, like our Governor in Washington, has had to deal with this in a major way. This is what he said about the legislation:

[I]t would be a huge step backward, reinforcing public fears about our nation walking away from nuclear cleanup obligations.

I ask unanimous consent to have printed an article from the Idaho Statesman in which former Governors Cecil Andrus and Phil Batt said the same thing, that to adopt this legislation could jeopardize the full implementation and agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Idaho Statesman, June 3, 2004]

FORMER GOVERNORS RAISE CONCERN ABOUT DOE BILL ON NUCLEAR WASTE

Two former Idaho governors urged Idaho's senators Wednesday to defend a 1995 nuclear waste agreement as they vote today on two Department of Energy issues.

Former Gov. Cecil Andrus and Phil Batt raised concerns about an amendment to the $450 billion annual defense budget bill, which would allow DOE to leave some radioactive waste in the ground in South Carolina.

Critics say the bill threatens the agreement Batt negotiated for removal of nuclear waste from the Idaho National Engineering and Environmental Laboratory. Idaho's two Republican senators say it doesn't.

''We caution our congressmen not to adopt legislation which would in any way alter or jeopardize the full implementation of the agreement,'' Andrus and Batt said in a joint statement.

Idaho's Republican U.S. Sens. Mike Crapo and Larry Craig say they agree with Batt and Andrus, but believe the bill doesn't threaten Batt's agreement. They say a second amendment they sponsor, which also is up for a vote today, would restore $95 million to the budget to ensure DOE keeps its commitment to Idaho.

''We are working overtime now, not only to honor those commitments, but to secure the necessary monies to allow the cleanup to continue at the INEEL,'' Craig said.

Craig and Crapo find themselves at odds with Idaho Gov. Dirk Kempthorne and Idaho's two Republican U.S. Reps. Mike Simpson and C.L. ''Butch'' Otter, who oppose the plan to reclassify South Carolina's nuclear waste. They argue that passing the bill sets a precedent threatening to undercut an Idaho victory in federal court last year that stopped DOE from reclassifying waste sludge in buried tanks from high-level to low-level waste.

''This legislation would be a huge step backward, reinforcing public fears about our nation walking away from nuclear cleanup obligations,'' Kempthorne said recently.

Crapo disagrees. DOE had tried to get he and Craig and Washington senators to sign on to the reclassified definition of waste, which would allow the government to clean up Cold-War era sites like the INEEL at far lower costs. But they refused.

They agreed, however, with Republican Sen. Lindsey O. Graham of South Carolina, that states ought to be able to negotiate separate waste deals that would reclassify the waste differently than elsewhere, Crapo said.

''Each state has different needs and circumstances,'' Crapo said.

Democratic Sen. Maria Cantwell of Washington has introduced an amendment that would pull Graham's agreement out of the defense bill. She has criticized Graham, Crapo and Craig for proposing the reclassification in South Carolina without a public hearing and national debate.

''If somebody thinks this is an issue that affects the state of Washington, or affects just Idaho, or affects South Carolina—it doesn't,'' she said. ''There are bodies of water, with the potential of nuclear waste in them, that flow through many parts of our country.''

Crapo said he and Craig are willing to strengthen the language in Graham's amendment to ensure it doesn't threaten Idaho, if necessary. Under the 1995 agreement, the federal government is required to remove specific nuclear waste at the INEEL to certain specifications and under deadlines, or face monetary penalties.

If DOE doesn't respect the deal, shipment of spent nuclear fuels to the INEEL from Navy reactors would have to stop.

''All I'm saying is leave our agreement alone,'' Batt said.

Ms. CANTWELL. Obviously, we want to move forward with the language that Kempthorne's office and others in our State of Washington and others say to DOE, to move ahead on your cleanup plans under the current law, which says that hazardous nuclear fuel, spent nuclear fuel, needs to be taken out of tanks, glassified, and put into a permanent repository. That is what we have been working toward.

This is not a debate we should be having in one afternoon on the Senate floor. It is far more complex than that. This Senator certainly did not want to have this complex debate on the Senate floor. This Senator wanted this policy to go through the normal channels for discussion.

This Senator did not fill the amendment tree last week with a process in which this Senator had to object just to get a vote. So now we are having a debate which gets a time limit on my amendment. But this Senator was not the person who set this process in motion. I will stand here and debate the policy that is before the Senate.

Mr. ALLARD. Will the Senator yield?

Ms. CANTWELL. I yield.

Mr. ALLARD. We did have a committee hearing on February 25, 2004. We had the committee hearing and Mr. Roberson testified in front of that committee. On March 23, 2004, there was a committee hearing on the very same issue. Those two previous committees were within my subcommittee on Armed Services. On March 31, 2004, Senator DOMENICI in his committee had this debate. It has been going on in the Environment and Public Works Committee back to 2000. We have testimony from there. There has already been a lot of discussion about this subject and the proper way of disposing it.

This is the same kind of procedure we have used in Colorado to clean up Rocky Flats where we have had an expedited procedure. The people of Colorado are delighted because now we have closure and we have it ahead of time and under budget, so far. Hopefully, we can get this to apply to other areas.

Ms. CANTWELL. Does the Senator have a question? I don't know that I heard the question, but let me say the underlying Graham language was never debated by the Energy Committee. The underlying Graham language was never seen prior to the Energy Committee—before this bill came out of the SASC Committee. In fact, the ranking member of the Energy Committee sent a

letter saying that this SASC Committee did not have jurisdiction over this issue.

So the Graham language in this bill has not been before the Energy Committee regarding its exact language and the impact of that language.

Now, broad concepts about whether DOE has the right to reclassify waste, yes, have been a big subject of debate. In fact, that is why I believe the courts basically said the Department of Energy does not have jurisdiction over this issue and that they have to change the Nuclear Waste Policy Act if they want to have this authority.

Mr. ALLARD. If the Senator will yield, I would like to clarify that it was not the Energy Committee, it was the Appropriations Energy and Water Development Subcommittee. Make that clear for the RECORD.

The PRESIDING OFFICER. The Senator has used her 15 minutes.

Ms. CANTWELL. I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Washington, Senator CANTWELL, and my colleague from Michigan, Senator LEVIN. They have been carrying the ball for a national policy particularly as it affects my State of South Carolina.

The truth is, I just heard that the Appropriations Energy and Water Development Subcommittee, upon which I serve, had hearings about Savannah River. I had never heard of the hearings. I know they did not have hearings in the Armed Services Committee and they did not consider it in the Armed Services Committee.

Now, right to the distinguished request made by my wonderful colleague from Idaho, they seem to think there is sort of a States rights.

Mr. ALLARD. Will the Senator yield?

Mr. HOLLINGS. I will get through my thought and I will yield.

They seem to think there is sort of a States rights to high-level radioactive nuclear waste. I can tell you, I have the distinction of standing at the desk of John C. Calhoun, the grandfather of States rights. But there are no States rights when it comes to high-level radioactive waste.

I am having a hard time getting a logical grasp to this particular problem because I want to be super cautious and understanding of my colleague, Senator GRAHAM. He is a wonderful Senator. He and I work together on everything, but we differ on this one. It is not a political difference; it is a matter of policy.

I have been involved with nuclear policy over some 50 years. Forty-nine years ago, as Lieutenant Governor of the State of South Carolina, I was chairman of the Regional Advisory Council on Nuclear Energy. It was a compact of some 17 States. We were talking about the high-level radioactivity waste. At that particular time we were cautioned by the experts in nuclear fission that the Savannah River was not a place for permanent storage, whatever, in that we had the Tuscaloosa aquifer, which is the water supply going into the Savannah River that now furnishes Savannah, Augusta, and other cities along that river their water supply.

Otherwise, it is on the very edge of an earthquake fault. The earthquake fault comes right through from Calhoun County to Orangeburg County over to Aiken County. I had hearings about the San Andreas earthquake fault out in California in the Commerce Committee some 30 years ago. I know how dangerous this is.

We are all familiar about the dangerous nature of trying to store high-level radioactive waste in the Savannah River site. We were told at that time: Don't worry they will only be there for 2 years. And now, as I stand on the Senate floor, the 2 years has become 4, the 4 has become 8, the 8 has become 16, the 16 has become 32; and now it is almost 50-some years and we are still dealing with this problem.

It is a complex problem, but it has been dealt with nationally with the Atomic Energy Act of 1954 and the Nuclear Waste Policy Act of 1982. They ascribed to the Department of Energy the administration of high-level radioactive waste.

Along came the State of Kentucky, along with this so-called scheme that is afoot—the Kentucky case against the United States—and Kentucky tried to redefine high-level radioactive waste.

In the Kentucky decision, under the exclusionary clause, the court found they could not do that; that is, States were only relegated to solid waste, not radioactive or high-level waste.

So under that particular decision, citing, of course, the Resource Conservation and Recovery Act of 1976, they said the States could, yes, deal with the solid waste but not with the high-level radioactive waste. And we had subscribed. That is what is confusing to this Senator and the Senators from Idaho and California and the State of Washington and everywhere else, because under that exclusionary clause of the 1954 Act, you cannot just come around with a little State amendment, and try to redefine high-level radioactive waste for the other 49 States or the other 48 States.

That is why, if it were able to be handled just at the State level, the Senators from Idaho or the Senators from Georgia or the Senators from South Carolina could handle it on their own. It would just be handled on their own. That is the dilemma we are in. Because my distinguished colleague has not only put in what the New York Times has called a stealth amendment, with no hearings and no consideration whatsoever, and gone around to his colleagues, obviously, over on the other side of the aisle, because he has been looking for assistance from Georgia and Idaho and Washington and all the other States that could be affected, and he said: Now this only affects my State. My Governor is for it and I am for it. I have talked to the Energy Department, and this is how to get moving and accelerate the removal of this waste. And what I am interested in is the removal of this waste.

Well, I am interested in the removal of the waste just as expeditiously and as safely as possibly can be done. Let me emphasize—and it will show in an affidavit by David E. Wilson, the Assistant Bureau Chief for Land and Waste Management of the Department of Health and Environmental Control of South Carolina. I ask unanimous consent to have printed in the RECORD the entire affidavit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CASE NO. CV–01–413–S–BLW—AFFIDAVIT OF DAVID E. WILSON, JR., P.E.

Carlisle Roberts, Jr., General Counsel; Samuel L. Finklea, III, Chief Counsel for Environmental Quality Control, Office of General Counsel, SC Department of Health and Environmental Control, Columbia, SC.

United States District Court for the District of Idaho, Natural Resources Defense Council, Inc.; Snake River Alliance, Petitioners, vs. Spencer Abraham, Secretary, Department of Energy; United States of America, Respondents.

David E. Wilson, Jr., P.E., being duly sworn upon oath deposes and says:

1. The U.S. Department of Energy (DOE) owns the Savannah River Site (SRS) located in South Carolina.

2. Reprocessing of nuclear fuel at the Savannah River Site (SRS), reprocessing occurred at the F and H-Area Chemical Separations Facilities, otherwise known as the F and H–Area Canyons.

3. Each facility used different suites of chemicals to derive preferred radioactive isotopes, including, but not limited to plutonium, uranium, and neptunium.

4. Although different suits of chemicals were used in reprocessing, the general process was the same; irradiated nuclear fuel and targets were first dissolved in corrosive chemicals, then other chemicals were added to separate the preferred radioactive isotopes from the fission and activation products in the fuel and targets.

5. The preferred isotopes were then used for weapons manufacture and other uses, and the separated fission and activation products, along with the chemicals they were suspended in (first and second cycle raffinate streams), were disposed of in under ground tanks.

6. During the course of reprocessing at SRS, approximately 37 million gallons of liquid wastes were generated containing approximately 426 million curies of radioactivity.

7. The waste placed in these tanks over the years have settled and precipitated out solid materials in a layer of sludge at the bottom of the tanks.

8. There are 3 million gallons of this sludge (8% of the volume) containing 226 million curies of radioactivity (55% of the curies).

9. The material above the sludge layer consists of concentrated supernate liquids and post-evaporation salt cake.

10. There are approximately 34 million gallons (92% of the volume) of supernate and salt cake containing 200 million curies of radioactivity (45% of the curies).

11. The reprocessing wastes were placed in 51 underground tanks at SRS, ranging in size from 750,000 gallons to over 1,300,000 gallons.

12. Twenty-four (24) of the 51 tanks are constructed of carbon steel inside concrete containment vaults and do not have fully secondary containment.

13. The remainder of the tanks have full secondary containment.

14. All 24 tanks that do not have full secondary containment tanks are well beyond their design lives and 9 of the 24 have had known leaks to their secondary containment.

15. Two of these tanks have been closed through a process approved by the State of South Carolina.

16. To date, the Defense Waste Processing Facility (DWPF) has treated approximately one million gallons of liquid waste containing 30 million curies radioactivity.

Further your affiant sayeth naught. David E. Wilson, Jr., P.E.

March 24, 2003, Columbia, SC.

SWORN TO before me this 24th day of March, 2003.

Notary Public for South Carolina.

My commission expires 12/5/05.

Mr. HOLLINGS. Let me just state at the outset that South Carolina has 70 percent of all of the Nation's defense-related radioactivity. Under section 8 of Mr. WILSON's affidavit, there are 3 million gallons of this sludge containing 226 million curies of radioactivity, 55 percent of the curies. That is over half of the radioactivity. You are not dealing with just little remains and harmless sludge that we can pour sand over and then seal with concrete.

Incidentally, it is not going to leak from the top. The only thing that leaks from the top is the Ship of State. That is the White House. We all know that. These containers ship and leak from the bottom. We have three types of containers: the one single wall, the second type is the single wall with a saucer underneath, and then they made the double wall.

We have found, from a recent report by the Alliance for Nuclear Accountability, the type 1s and 2s have leak sites. The third type tank has small amounts of ground water that have leaked into the tanks, and so forth.

So we are dealing with fire, and we are dealing with it on a national basis. Heaven knows, I have worked with it on an international basis.

In earlier years, they had a plane that, unfortunately, let go of a hydrogen bomb into the Mediterranean. If anybody wants to travel to the Cote d'Azur or the Mediterranean, all they have to do is come to Aiken, SC, because they loaded up the marsh and the sand all where this bomb had been dropped in the Mediterranean, put it in 55-gallon drums, brought it across the harbor there at Charleston, carried it up and buried it in Aiken, SC.

I have worked with the 5-year compacts, and that is why I was astounded and aghast at this idea that somehow this is a little problem for South Carolina and it would be easily handled. It is not that easily handled.

This is what the amendment says, and this is, I think, the intent of the distinguished colleague from South Carolina, because we have to sign off on it.

Well, under the Kentucky case, there is not any signoff on it. Now, of course, the Department of Energy—and they are all friendly with the distinguished Secretary Abraham. But I do not trust them—not honest-wise. I know Senator Abraham is as honest as the day is long, but I do not trust his disposition with respect to nuclear. In fact, I had to stand on the floor when he was trying to abolish the Department of Commerce and Energy. President Bush's Secretary of Energy wanted to abolish his Department before he became Secretary.

This particular amendment has been put on the Armed Services bill, without hearings, without us knowing anything about it, and certainly without the Attorney General knowing about it. I called two members of the South Carolina Department of Health and Environmental Control, and they did not know anything about it.

They were appalled and aghast. It says:

Notwithstanding any other provision of Law with respect to materials stored at a Department of Energy site at which activities are regulated by the State—

''At which activities are regulated by the State.'' Now, that goes to that 1976 act, which says that the States under that particular provision regulate solid waste but not radioactive. That is why we have had this difference. One lawyer would say, reading that: Why, it starts off ''at which activities are regulated by the State,'' and that could only relate to solid waste, not radioactive waste. It doesn't amend the Nuclear Waste Policy Act of 1954 which exclusively relegates to the Congress and to all 50 States the designation of high-level waste.

But then he goes on to add this language:

High level radioactive waste does not include radioactive material resulting from the reprocessing of spent nuclear fuel that the Secretary of Energy determines is in deep geological repository and has, to the maximum extent practical, in accordance been removed.

And you get into these fancy words ''to the maximum extent practical.'' Now, why do I say what I do? On the one hand, you know what the intent is. The intent of Senator GRAHAM of South Carolina is the same intent of Senator HOLLINGS of South Carolina: to protect South Carolina from this high-level radioactive waste. But that doesn't happen that way because of the Kentucky case and everything else of that kind.

You can go and read the Kentucky decision. I don't want to take up all of the time. In other words, it isn't the intent. And if I was seated as a judge on a court saying, well, let's try to find out what the congressional intent was, the congressional intent was not to redefine high-level radioactive waste; it was just to allow an agreement with the State of South Carolina and the Department of Energy to work out how to remove that sludge. But it didn't go to the basic law. That would be one argument.

Another argument would say: Wait a minute; with the State of South Carolina, we can do whatever we want, and we could give permission to the Department of Energy, the right to reclassify high-level radioactive waste.

So you have this duplicity in this particular amendment, particularly as you see how it is drawn. Section D of the amendment says: Defined in this section, the term ''State'' means the State of South Carolina.

So all you have to do is run around to the colleagues and work the amendment and legislation in the same way. I don't fault my colleague, but I think he is making a grievous error in the sense that he is saying this just applies to the State of South Carolina, and we can protect the State.

The Governor of South Carolina, Mark Sanford, has been strong on the environment. I knew he wouldn't approve it. Now I have his letter purportedly approving it.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA,
Columbia, SC, May 20, 2004.

Hon. LINDSEY O. GRAHAM,
United States Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to support Section 3116, Defense Site Acceleration Completion, in the FY 2005 Department of Defense Authorization bill, S. 2400. More specifically, this section of the bill will allow for an accelerated clean up of the Savannah River Site in South Carolina.

This Administration is concerned about the prospect of long-term storage of radioactive waste in aging tanks at the Savannah River Site. Under the current Nuclear Waste Policy Act, the cleanup process could leave the waste in those storage tanks for an additional 30 years.

However, the amendment allows the U.S. Department of Energy, working with the South Carolina Department of Health and Environmental Control, to move more quickly to clean up the Savannah River Site. In fact, the estimated cleanup time will be reduced by 23 years, at a savings of $16 billion to the taxpayers.

Most important is ensuring that the State of South Carolina will be able to retain an oversight role in the cleanup process. According to analysis by the South Carolina Department of Health and Environmental Control, the state's environmental regulatory agency, the clean up process will still require an equal partnership with the State.

As you move through the legislative process, we urge you and your colleagues to retain two very important goals for South Carolina: 1. allow for a more accelerated clean up process, and 2. provide strong language to protect the State's sovereignty within the process of accelerated cleanup.

Thank you for your leadership in the United States. I look forward to working with you on this and many other matters of importance to our State.

Sincerely,

MARK SANFORD,
Governor.

Mr. HOLLINGS. This is on May 20. He addresses it to Senator GRAHAM and says: I am writing about this section to allow an accelerated cleanup. The administration is concerned—he is talking about the prospect of long-term

storage at Savannah River. However, the amendment allows the Department of Energy, working with the State of South Carolina Department of Health and Environmental Control, to move more quickly to clean up the Savannah River site.

He doesn't say to reclassify high-level waste. And in fact, the estimated cleanup time will be reduced. Here is the key paragraph of this particular letter:

Most important is ensuring that the State of South Carolina will be able to retain an oversight to the cleanup process.

No. Under the exclusionary clause, there is no oversight by the State of South Carolina, the State of Idaho, the State of Colorado, the State of Michigan, the State of Washington. There is no oversight to that particular provision because you have the categorical law under the Nuclear Waste Policy Act where the Congress alone defines it and not by agreement between the health and environmental department of a particular State and the U.S. Department of Energy.

So you can see that the Governor thinks he has something. But then he cancels it out. It reminds me when we had the reorganization of our insurance department. The Capital Life Insurance Company was reorganizing and looking for a slogan. And the winning slogan was by Sam B. King. He said: Fritz, do you know what the new slogan is? Capital Life will surely pay if the small print on the back don't take it away.

So you have a similar kind of situation here in this amendment and in this letter and in this understanding and this intent. You have to go to congressional intent. He says: It ensures that the State of South Carolina will be able to retain an oversight. You don't retain an oversight over the exclusionary clause of the definition of high-level waste by an agreement between a DEHC department and the Department of Energy. Come on. That is exactly what we have in play here.

The House of Representatives over on the congressional side, they considered this and said: Wait a minute; if we are going to redefine high-level radioactive waste in America, let's go to the National Academy of Sciences and get an expert. Don't listen to Senator HOLLINGS or Senator GRAHAM or any other Senators or any other Secretary that is trying to save money because they have been engaged in this over the years. Let's go to the National Academy of Sciences. Let's have hearings. Let's get the expert opinion. And if there is a redefinition of high-level radioactive waste, we will have it. But let's not do it this way.

I have many an authority here with respect to it, but the most recent authority is the State itself. You can get a letter from the Governor, but here is the amicus brief in the National Resources Defense Council v. Spencer Abraham whereby in Idaho they have already lost the case. The council brought it in the State of Idaho. The State of Idaho joined with them and everything else like that, and they lost at the district level.

Then on appeal, we have a brief signed by Samuel L. Finklea, the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC, dated 23 March. So as of March 23, the State of South Carolina on appeal said: No way; we are with Idaho. We are with the decision. We are not redefining high-level radioactive waste.

And yet you have the State of South Carolina's Governor writing this letter but saying, provided further that the State has a sign-off, which legally it can't. You can't designate to the State under the exclusionary clause one State sign off to the thing. That is what has caused the confusion here and the misunderstanding between the particular colleagues.

I am going to cut it short because I know everybody wants to move today. I think I have made our position clear. I have letters here. I ask unanimous consent that letters and citations from the South Carolina Wildlife Federation, the Sierra Club, and various other organizations that I will enumerate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA
WILDLIFE FEDERATION,
Columbia, SC, June 2, 2004.

Senator FRITZ HOLLINGS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: Today I am writing you because we at the South Carolina Wildlife Federation are concerned and appalled at the effort to reclassify certain categories of nuclear waste at the Savannah River Site (SRS). Merely changing the name of the waste from high-level with the wave of a magic wand does not make the risk to the environment any less. On the contrary, it means that an unnecessary and unacceptable risk will be inflicted upon the citizens and wildlife of South Carolina, Georgia and the country as a whole.

The South Carolina Wildlife Federation opposes the proposed changes to the Defense Authorization bill to reclassify these high-level wastes as ''incidental'' thereby lowering the standard for cleanup.

The 1982 Nuclear Waste Policy Act is specific in its policy regarding the disposal of nuclear waste as it clearly states for this waste to be buried deep underground in a repository chosen for disposal of this waste. The Department of Energy (DOE) has made several attempts in the past to shirk its responsibility and the courts have soundly rejected its reclassification attempts.

Failing to clean up the tanks and remove the waste can lead to serious long-lasting pollution of the Savannah River and the groundwater resources of South Carolina, resources that provide water for drinking, industry, and agriculture. The Savannah River is also an extremely important recreational resource for boating and fishing, and it provides critical wildlife habitat for diverse fishery, waterfowl and other species.

Thank you for once again coming to the rescue of the environment through your cosponsorship of the Cantwell-Hollings Amendment to the Defense Authorization Bill, S. 2400. Your amendment would remove the reclassification language from the Defense Authorization bill. We fully support you in this effort.

Such an important change in the nuclear waste storage policy should only be given serious consideration in a stand-alone bill where it can be put forth for full debate in the light of day, not bobtailed onto a spending bill. Thank you.

Sincerely yours,

ANGELA VINEY,
Executive Director.

SIERRA CLUB
SOUTH CAROLINA CHAPTER,
Columbia, SC, June 2, 2004.

Re: S. 2400 Defense Authorization

Senator ERNEST HOLLINGS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: The South Carolina Chapter of the Sierra Club thanks you for the Cantwell-Hollings Amendment to S. 2400, the Defense Authorization Bill.

Senator Lindsay Graham has decided that the best way to eliminate an environmental hazard is to redefine it. We find this unacceptable.

When Department of Energy Secretary Abraham visited the Savannah River Site (SRS) recently he named SRS a national laboratory specializing in nuclear waste cleanup. For a moment we rejoiced in thinking that both the environment and economic development would benefit simultaneously.

That thought did not last long. Senator Graham said we do not need to make every effort to clean-up highly radioactive waste. According to him it can be abandoned on the site permanently with an amendment to the Defense Authorization Bill.

Congress is needlessly debating whether to lower our standards for protecting our water supplies from radioactive waste leaking from nuclear weapons production sites. We appreciate you being on the right side of this issue.

The SRS complex houses approximately 37 million gallons of high-level radioactive waste, much of it in the form of liquid sludge. That is enough radioactive waste to fill every bathtub in Richland, Lexington and Aiken counties in South Carolina.

When SRS was built in the 1950's, the plan was to move out the waste from nuclear weapons production within 10 years. The deadly waste is still there 50 years later. If Graham's amendment passes, South Carolina will be stuck with it forever.

This dangerous waste is stored in old tanks that have been known to leak. The tanks sit in the water table in one of the largest and most important watersheds in the Southeast. The Savannah River and the entire watershed serve agriculture, industry, fishing, and recreational activities. Failing to clean up the tanks will lead to a serious and long-lasting pollution threat that is detrimental to the entire nation.

Graham proposes mixing the radioactive sludge with grout and using the tanks as permanent waste depositories. This action was declared illegal by a federal judge in Idaho. That is why Graham has introduced his amendments, to make what is now illegal, legal.

Before jumping into this risky method of waste storage, most studies need to be done on the potential for water supply contamination by waste leaching out of the grout. This method of storing the waste may actually make it more difficult to retrieve it in the event of a leak.

State Attorney General Henry McMaster has filed an amicus brief on behalf of South Carolina agreeing with the National Resources Defense Council, the environmental

group that initiated the lawsuit, that the waste not remain in its current location.

Another concern about Senator Graham's provision is that it would allow DOE sole discretion in deciding what constitutes high-level radioactive waste in South Carolina, severely limiting the state's voice on such matters. The state would no longer be the final say on what defines high-level waste in our own backyard and the state would have limited or no power to halt DOE from abandoning this highly radioactive waste. So much for ''states rights'' and ''checks and balances.''

The Sierra Club urges the deletion of sections 3116 and 3119 of the Defense Authorization Act. Please do not allow the abandonment of high-level radioactive waste at SRS.

Again, Senator Fritz Hollings, thank you for standing up for South Carolina and safeguarding the welfare of our future generations by opposing the Graham amendment.

Sincerely,

DELL ISHAM,
SC Chapter Director,
Sierra Club.

Mr. HOLLINGS. The South Carolina Wildlife Federation; South Carolina Sierra Club; South Carolina Coastal Conservation League; Carolina Peace Resource Center; Environmentalists, Inc.; the mayor of Savannah; Action For a Clean Environment; Atlanta Women's Action for a New Direction; Center for Environmental Justice; Coosa River Basin Initiative; Georgia Conservation Voters; Georgia Peace and Justice Coalition; Physicians for Social Responsibility in Atlanta; Southern Alliance for Clean Energy; Alliance for Nuclear Accountability; National Council of Churches; Sierra Club; National Resources Defense Council; Public Citizen; Episcopal Church; United Methodist Church; American Rivers; League of Conservation Voters; Church Women United; GreenPeace; a number of Native American tribes; and the Idaho Conservation League.

Incidentally, Mr. President, this particular editorial that appeared timely this morning, ''Shortcut on Nuclear Waste,'' in the New York Times, outlines the particular problem. It emphasizes why we don't have States' rights with respect to high-level radioactive waste. We are playing with fire here on the Armed Services bill. This is a stealth amendment with no hearings and no consideration. I know my State as well as anybody. In the majority of the State, everybody is against this.

I ask unanimous consent that the New York Times editorial be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHORTCUT ON NUCLEAR WASTE

The Senate may consider today whether to allow the Energy Department to reclassify certain nuclear wastes at a weapons plant in South Carolina so they can be disposed of faster and cheaper than if the department complied with current law. Although many senators may be tempted to skim over this issue as a matter of parochial concern to South Carolina, they need to consider this matter carefully lest they set a terrible precedent. The Energy Department has a notoriously poor record in handling environmental issues. It should not be granted such unbridled power to define its waste problems away with the stroke of a pen.

The Savannah River site in South Carolina has accumulated a huge inventory of radioactive wastes left over from weapons production, some 37 million gallons held in 51 underground tanks. Under the 1982 Nuclear Waste Policy Act, virtually all of this material is deemed high-level waste, which must be disposed of in a deep repository like the one being built at Yucca Mountain in Nevada.

For some years now, the Energy Department has been hoping to separate its wastes into two streams, reserving deep burial for only the part with high radioactivity. In the case of the South Carolina site, the department is prepared to pump most of the waste out of the tanks for disposal through deep burial. But it wants to leave a hard-to-remove residue of sludge in the tanks and bury it under grout.

Officials estimate that this approach could save $16 billion and trim 23 years from the lengthy cleanup process. But those plans were stymied when a federal judge in Idaho concluded that the scheme violated the waste-policy act.

Now Senator Lindsey Graham, Republican of South Carolina, has inserted language in a defense authorization bill that would achieve the same end. It would allow the department to reclassify the wastes in South Carolina in a way that would allow the disposal of some material on the site. Mr. Graham notes that the state's governor and its health and environmental regulators have signed off on the plan, and he says the decisions on how to handle each tank will be made collaboratively by federal and state officials.

Senator Graham's language is potentially a highly significant change in nuclear waste policy, yet it was inserted into a broad military authorization bill behind closed doors, without the benefit of hearings or open discussion. This is unacceptable, given that few areas could have more potential impact on public health for thousands of years into the future.

The Energy Department is largely empowered to set its own waste disposal policies, with only minimal oversight from the Nuclear Regulatory Commission. Before allowing the department to reclassify its waste products, the Senate should follow the lead of the House and call for an in-depth study of the approach by the National Academy of Sciences. The decision should not be left to an agency that is desperate to get past a staggeringly difficult waste disposal problem.

Mr. HOLLINGS. Mr. President, I yield the floor and thank my distinguished colleague from Washington for her leadership, and also Senator LEVIN for alerting me to this particular danger. This is a highly dangerous matter. We should not be running around with a little legislative rider on the Armed Services bill on a single State exception, even if it were legal. I don't think it is legal. But even if it were legal, it would all of a sudden indirectly, and without other States being involved, redefine high-level radioactive waste. We don't want to do that. This is no way to legislate, and no way to treat this highly dangerous element.

I thank the Chair.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time?

The Senator from Colorado is recognized.

Mr. ALLARD. In a moment, I will call on the junior Senator from South Carolina.

First of all, I want to clarify this for the RECORD. We have had three hearings this year on this very issue. Prior to this year, we have had a number of hearings dealing with the disposal of nuclear waste. I know for a fact the Environment and Public Works Committee had a hearing in 2000 on the disposal of nuclear waste.

On February 25, 2004, the Strategic Forces Subcommittee of the Armed Services Committee held a hearing on the development of an energy environmental management program, and a key witness was Jesse Roberson, and we talked about this very issue.

On March 23, 2004, in the Armed Services Committee hearing we had on the Department of Energy programs, a key witness in that particular hearing was Secretary Spencer Abraham.

On March 31, 2004, at the Appropriations Energy and Water Subcommittee hearing on environmental management, a key witness was Jesse Roberson.

Having clarified that for the RECORD, I yield 10 minutes to the junior Senator from South Carolina.

The PRESIDING OFFICER. The junior Senator from South Carolina is recognized.

Mr. GRAHAM of South Carolina. Mr. President, in terms of my senior Senator, who I respect greatly, there is no doubt in my mind that he loves his State. Secondly, this is not about who loves South Carolina. We have a policy disagreement about what is best for our State. That happens on occasion in politics. Senator HOLLINGS has been more than gracious in terms of helping me adjust to the Senate and coming to my office, and I publicly acknowledge that. I regret that we differ, but we do.

I assure my colleagues that I just did not wake up one day, as the junior Senator from South Carolina, sneaking around everybody to come up with an amendment that would change the whole national policy on nuclear waste for the heck of it. I didn't do that. I have been in Congress now for 10 years and in the Senate for a little over a year and a half. In the House, I represented the Savannah River site, our State's largest employer. It is the facility that was intricately involved in winning the cold war. We have over 50 tanks full of high-level liquid waste.

The Clinton administration and myself had a bumpy road. I think it is fair to say I did not agree with the Clinton administration a lot, but one thing that we did find common ground about in the 1997 timeframe and I think Senator ALLARD probably remembers this—is that the Clinton administration came up with a new way of looking at high-level waste, how you characterize it.

There was a hearing about this in 2000 in the Senate before I got here. During the Clinton administration, the policy was—and before the Clinton administration—that if the material started out life as high-level liquid waste, no matter what happened in the

intervening time or whatever characterization it had after being treated, it would have to be considered high-level waste—defense material, high-level waste. The Clinton administration said that is not very logical. What we need to do is look at the characterization of the waste at the end, not where it came from. There was a hearing in May of 2000 about that concept. I supported that concept then and I support it now.

In all due deference to my senior Senator, there is nothing in this amendment that changes the definition of high-level nuclear waste. The way you look at high-level nuclear waste and the way you characterize it was changed in the Clinton administration in a logical way. We have cleaned up two tanks. That has been lost in this debate. There are 50-plus tanks of high-level liquid waste. Two of them have been dried up and cleaned up. The procedures to clean up those tanks have worked. That has been several years ago. This amendment allows more money to be put on the table to clean up the rest of the tanks.

Here is what we have been able to do. We have been able to strike an agreement between the environmental regulators in South Carolina and the Department of Energy defining what ''clean'' is in terms of those tanks. All of the liquid waste will be taken out. There will be about an inch and a quarter of material left in the bottom of the tank, like the other two tanks that have already been closed. There will be a process to treat that inch and a quarter. The NRC has been consulted and has blessed this project, saying what is left in the bottom of the tank after it is treated is waste incidental to reposit.

About people and their opinions regarding what is best for the safety of my State, my senior Senator has been an advocate for my State for a very long time. I respect him. I can assure you I share his concerns about what is best for the environment of this region.

I have some letters I would like to introduce. I have a letter from the Governor of South Carolina that I think he has already introduced. Last week, when we talked about this, Senator HOLLINGS said he cannot believe the Governor would support this. He has been a great environmentalist.

Mark Sanford, our Governor, does have a very good environmental record, depending on what scorecard you want to look at. But Mark comes from the coast. I think most people would say he has been environmentally sensitive.

The letter that Senator HOLLINGS read, please do not misunderstand at all, this is an absolute total endorsement of this amendment by our Governor. I am not the type of Senator who would not tell our Governor what we are doing. The Governor was given the language a long time ago.

On April 27, we had a delegation meeting about this language. I have been shopping this language around for weeks. We have been talking about how to clean up Idaho, Washington, and South Carolina for years. We have had hearings in Senator ALLARD's committee about this very topic, where DOE came in and talked about the plan to clean up these tanks and talked about the two tanks that had already been cleaned up.

There have been negotiations going on between Idaho, Washington, and South Carolina, independent of each other, with the DOE to try to find a common ground in those States as to how to clean up this high-level liquid waste.

To my colleague in Washington, who truly is a friend, and I am sorry we got so off stripped on this, we will get over it and work together for the common good when this is over.

On January 26, 2004, Congressman HASTINGS, Senator MURRAY, and Senator CANTWELL sent a letter to Governor Locke and Secretary Abraham and asked them to work together to resolve the ongoing dispute over waste classification. They did a very good thing in that regard. I ask unanimous consent to print that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 26, 2004.

Hon. GARY LOCKE,
Governor, State of Washington, Olympia, WA.
Hon. SPENCER ABRAHAM,
Secretary, Department of Energy, Washington, DC.

DEAR GOVERNOR LOCKE AND SECRETARY ABRAHAM: We have become increasingly concerned about the lack of an agreement between the State of Washington and the Department of Energy to resolve the ongoing dispute pertaining to the classification of High Level Waste.

Our primary and overriding concern is the safe and timely cleanup of the Hanford site. We know that we share this goal with both the State of Washington and the United States Department of Energy.

We are calling on you to take the initiative to establish immediate high level discussions between the State of Washington and the Department of Energy to resolve this issue. We would like to see a commitment to continue the dialogue until such time as a mutually acceptable agreement can be reached.

We know the parties have legitimate disagreements. We would ask that such conversations take place without preconditions being set, which could serve to hinder successful negotiations.

The stakes are incredibly high and the price of failure is the continued exposure of the people and the environment to unnecessary risks, by potentially slowing the pace of cleanup activities.

We know you share our commitment to making our communities safe. We ask for your leadership to create momentum for a successful resolution of this issue.

In the past when seemingly intractable problems have faced cleanup obstacles, they have been solved by your common commitment to rise above the obstacles to reach shared objectives. We are confident that working together this outcome can be reached.

Sincerely,
Congressman DOC HASTINGS,
Senator PATTY MURRAY,
Senator MARIA CANTWELL.

Mr. GRAHAM of South Carolina. Mr. President, the letter was an effort by the legislative delegation in the State of Washington to get the DOE to come up with some classification system for Hanford.

Our distinguished Presiding Officer from the State of Idaho has been working for months now for his State to see if they could come up with a classification system for the State of Idaho. In February 2004, the Governor of Washington indicated he would designate someone to enter into discussion on behalf of the State of Washington. Governor Locke's chief of staff called the Deputy Secretary to indicate he was the Governor's designee to hold discussions with the Department of Energy. Shortly thereafter, the Department of Energy shared draft language with the State of Washington.

What has been going on here for a very long time is a collaborative process between the three States and the Department of Energy to remediate the environment when it comes to high-level waste in a manner acceptable to the State. That is the process. That has always been the process, and that must be the process.

But here is what we do not want to do as we negotiate individually. We do not want to, as my senior Senator said, have a State have the ability to define high-level waste because it is a national concern and a national issue. So we have been jealously guarding that concept. This amendment does not give the State of South Carolina the ability to define high-level waste because we would have 50 different versions. What it does do is it requires a collaborative process. We have already closed two tanks, and before those two tanks could be closed, South Carolina had to issue a permit saying: Yes, they are able to be closed. This amendment gives the State of South Carolina permitting authority over tank closure. That is exactly what Washington and Idaho are trying to pursue.

Governor Locke has been working with DOE. The difference is South Carolina has gotten there, and to my friend from Washington, there will come a day—soon, I hope—where you can negotiate classification of waste with DOE satisfactory to Washington. And there will come a day when the Governor of Washington, whoever that may be, will say: That is a good deal. And the regulators in the State will say: That is a good classification with which we can live.

The truth is, if that day ever arrives, because of the way the Nuclear Waste Policy Act is written, you are going to need legislative language to bless that agreement.

Washington has a severe problem with tank leakage. I want to tell my

friends from Washington, if that day arrives to where you can find a standard acceptable to your State—

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. GRAHAM of South Carolina. I ask for 5 more minutes.

Mr. ALLARD. I yield an additional 5 minutes.

Mr. GRAHAM of South Carolina. If that day ever arrives, the Senator from Washington is going to come to this body, and I am going to help her. I say the same to my friend from Idaho. That day has arrived in South Carolina. We have vetted this proposal with everybody I know.

I ask unanimous consent that a letter from the Speaker of the South Carolina House, David Wilkins, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA
HOUSE OF REPRESENTATIVES,
Columbia, SC, May 27, 2004.

Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: It has come to my attention that you have included language in the FY 2005 Department of Defense Authorization bill, S. 2400, which would allow for accelerated cleanup of the Savannah River Site. I write today to express my support of Section 3116.

I understand that the South Carolina Department of Health and Environmental Control has worked with you since August of last year to craft legislation that gives South Carolina ''a seat at the table'' when determining what radioactive materials will remain in South Carolina. I support that goal and the expedited cleanup of the radioactive waste tanks at the Savannah River Site.

South Carolina and the Department of Energy have had a good working relationship over the years. It is my sincere hope that your legislation will allow this partnership to continue in a mutually beneficial way which cleans up SRS more expeditiously and in a fiscally prudent manner.

I concur with Governor Sanford. This language will allow for a more accelerated cleanup process and will help protect the State's sovereignty with respect to the accelerated cleanup.

Thank you for your service to the State. I look forward to working with you on this and other issues of importance to the State and Nation.

Sincerely,

DAVID H. WILKINS,
Speaker of the House.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that a letter from the deputy commissioner of the South Carolina Environmental Quality Control, Robert King, Jr., be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,
Columbia, SC, May 18, 2004.

Hon. LINDSEY O. GRAHAM,
U.S. Senate, Washington, DC.

Re: Sec. 3116. Defense Site Acceleration Completion

DEAR SENATOR GRAHAM: The Department has reviewed the above referenced language proposed to be added to the S. 2400 National Defense Authorization Act for FY 2005. As you are aware, the Department considers the storage of high-level radioactive waste in aging tanks at the Savannah River Site to be the single most potentially hazardous condition to the environment and people of South Carolina. In fact, the Department has worked closely with the Department of Energy (DOE) to safely close two of the original fifty-one storage tanks.

It is the Department's position that the above referenced language will provide a process to close the remaining storage tanks in a similar manner. This will include removing highly radioactive radionuclides to the maximum extent possible and will also provide for public participation in the decision-making process.

As always, alternative language could be developed; however, this proposed language allows DOE to move forward with the important task of removing the high-level radioactive waste from the storage tanks while providing a decision-making framework in which the State is included.

If you have any questions or need any further information, please have your staff contact David Wilson at (803) 896–4004.

Sincerely,

ROBERT W. KING, JR.,
Deputy Commissioner, Environmental Quality Control.

Mr. GRAHAM of South Carolina. Mr. President, this letter to me says that the agreement they have achieved with DOE is environmentally sound for South Carolina; we would like to move forward with tank cleanup. Here is why this is so important to my State: It will allow $88 million to be put on the table. It will allow these tanks, now that we have reached an agreement to become dry and safe and secure and closed up, to be closed 23 years ahead of schedule. I invite everybody in this body to come to Aiken, SC, and the surrounding community to enjoy golf, leisure, and fishing. I will take you fishing in the Savannah River, if you would like to go.

I do not want 23 years to go by and the chance of the tanks leaking to grow. I do not want the problem that Washington has. I want Washington to be able to fix their problem, and I will help the State of Washington. But I have a chance to do something in my State that we have not had a chance to do in 10 years. The origin of this being done started in the Clinton administration, and we are building on what happened then.

This amendment is focused only on the agreement in South Carolina. Senator CRAPO, Senator CRAIG, and Senator ALEXANDER have an amendment to make it absolutely certain. I think it already is, but I am not here to put any other State in a bad situation. I am not here to make Washington do what we are doing in South Carolina or to prejudice Idaho at all. I am just simply asking this body to listen to the people who are responsible for the ground water who tell me this is a good agreement, it will help my State if we move forward on it, and it will safe $16 billion, for whatever that is worth.

The attorney general of South Carolina was mentioned by my distinguished senior Senator. I have a letter from him supporting this agreement. I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE OF SOUTH CAROLINA,
OFFICE OF THE ATTORNEY GENERAL,
May 18, 2004.

Re: Sec. 3116. Defense Site Acceleration Completion

Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: It is my understanding that the South Carolina Department of Health and Environmental Control supports your proposed amendment to be added to the S. 2400 National Defense Authorization Act for FY 2005.

DHEC considers the storage of high-level radioactive waste in aging tanks at the Savannah River Site to be potentially the most hazardous environmental situation in South Carolina. Your proposed amendment allows federal authorities to remove this radioactive hazardous waste, while ensuring that the State is statutorily included in the process, with ultimate ''veto'' power on removal decisions.

Please allow this letter to serve as my official statement of support for your amendment.

Thank you for all that you do on behalf of South Carolina and its grateful citizens.

Yours very truly,

HENRY MCMASTER.

Mr. GRAHAM of South Carolina. Mr. President, when we talk about people with agendas, there are all kinds of political agendas when one talks about nuclear programs. That is just politics, and that is the strength of America. There is nothing wrong with that.

I have a letter from the Aiken County, SC, legislative delegation—Democrat and Republican house members and senators—who say please approve this agreement because it will clean up these tanks ahead of schedule, and it will be a good thing for our community. The difference between them and the New York Times, which is a great paper, is they live there. The Savannah River site is located in Aiken, SC.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIKEN COUNTY,
LEGISLATIVE DELEGATION,
Aiken, South Carolina, May 25, 2004.

Hon. LINDSEY O. GRAHAM,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: We are writing to support Section 3116, Defense Site Acceleration Completion, in S. 2400. As we understand it, this section of the bill will allow The Savannah River Site to accelerate cleanup of the Site's remaining waste tanks in a manner consistent with the way Tanks 17 and 20 were closed in the late 1990s.

We believe that your language will allow the establishment of environmentally prudent regulations regarding tank waste that will allow the Department of Energy, in conjunction with the South Carolina Department of Health and Environmental Control, to move more quickly to clean up the Savannah River Site.

We especially appreciate your efforts to work with the State to ensure the State of South Carolina will have a seat at the table when determining the ultimate disposition of any materials left in the state. We concur with Governor Sanford that according to analysis by the South Carolina Department of Health and Environmental Control, the cleanup process envisioned by Section 3116 will provide ''a decision making framework in which the State is included.''

We appreciate your efforts on behalf of the Aiken Community to get this cleanup done expeditiously and your continued efforts to do it in a way that decreases the impact on the taxpayers of this nation.

Senator W. Greg Ryberg, Senator Thomas L. Moore, Senator Nikki Setzler, Representative Robert S. Perry, Jr., Representative Donald C. Smith, Representative William ''Bill'' Clyburn, Representative J. Roland Smith, Representative James ''Jim'' Stewart, Jr., Representative Ken Clark.

Mr. GRAHAM of South Carolina. Mr. President, I have another letter from the mayor of Aiken, Fred Cavanaugh, who worked at this site, supporting this agreement. In addition, I have a letter from Ronnie Young, the chairman of the Aiken County Council, where the council endorses this amendment.

I have a letter from the Chamber of Commerce, the people who have to make a living. I can assure you the Aiken County Chamber of Commerce believes this will not poison the area. It will do absolutely the opposite. It will make it more attractive.

I ask unanimous consent to print those letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF AIKEN, SC,
May 26, 2004.

Hon. LINDSEY GRAHAM,
Russell Senate Building,
Washington, DC.

DEAR SENATOR GRAHAM: I want to thank you for the positive work you are doing on behalf of the citizens of our country, South Carolina and closer to home, Aiken County. More precisely, thank you for seeking a resolution to the questions related to the definition of—radioactive waste incidental to reprocessing (WIR). As we know, radioactive waste stored in underground tanks is the greatest potential risk to public health and the environment at the Savannah River Site (SRS), and unless resolved, the WIR lawsuit and related issues will stop these critical activities. Your amendment to the Senate Armed Services Committee Authorization Bill will allow for the continued removal and disposition of the waste in a safe manner, and we believe it is critical that it be enacted into law.

Your amendment allows SRS to continue to remove waste and close tanks to the same standards and with the same diligence as in the past. It has the endorsement of SC/DHEC and the Governor of South Carolina. Under your amendment SC/DHEC will continue to oversee and approve all SRS waste removal and disposal activities thus assuring continued protection to the public and environment.

Conversely, without your amendment, activities to remove and dispose of high level radioactive waste will be stopped and wastes will remain in the less safe liquid form in fifty year old underground tanks. Instead of completing waste removal by 2018, wastes will remain in the old tanks. Equally critical will be the loss of trained and skilled SRS workers because this critical work will stop. I support your amendment as being in the best interest of the citizens of South Carolina who are interested in the safe removal and disposition of high level radioactive wastes. Please convey my position on this important matter to your colleagues in Congress.

Sincerely,

FRED B. CAVANAUGH,
Mayor.

AIKEN COUNTY COUNCIL,
Aiken, SC, May 25, 2004.

Hon. LINDSEY O. GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: This letter comes as confirmation of my support of Section 3116, Defense Site Acceleration Completion in the FY 2005 Department of Defense Authorization Bill, S. 2400. This bill will allow for an accelerated clean up of the Savannah River Site.

Aiken County is very concerned with the storage of high level radioactive waste in aging tanks at the Savannah River Site. Under the present Nuclear Waste-Policy Act, the cleanup could leave the waste in the aging storage tanks for approximately 30 additional years. This possibly is the most potentially hazardous condition to the people and environment of South Carolina.

However, with the acceptance of Section 3116, Defense Site Acceleration Completion, the Department of Energy and the South Carolina Department of Health and Environmental Control will be able to move much more quickly to cleanup the Savannah River Site, with an estimated savings of $16 billion to the taxpayers.

During the cleanup, it is of major importance to the citizens of South Carolina that we are allowed to retain an oversite role in the cleanup process.

I urge you and your fellow statesmen to allow for the accelerated cleanup process at the Savannah River Site and to provide a decision making framework in which the State of South Carolina is included.

If you have additional questions or need other information, please contact me at (803) 642–1690.

Sincerely,

RONNIE YOUNG,
Chairman, Aiken County Council.

GREATER AIKEN CHAMBER OF COMMERCE,
May 25, 2004.

Hon. LINDSEY GRAHAM,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: Let me begin by saying thank you for your efforts in seeking a resolution to the uncertainties related to the definition of radioactive waste incidental to reprocessing (WIR). Radioactive waste stored in underground tanks is the greatest potential risk to public health and the environment of the Savannah River Site, and unless resolved, the WIR lawsuit and related issues will stop those critical activities. Your amendment to the Senate Armed Services Committee authorization bill will allow for the continued removal and disposition of waste in a safe manner.

SRS has safely removed radioactive wastes from underground tanks for almost ten years and has permanently closed two tanks. These efforts were permitted by the South Carolina Department of Health and Environmental Control (SC/DHEC) with the oversight of the U.S. Environmental Protection Agency. The Nuclear Regulatory Commission has reviewed the SRS program and stated that it is comparable to commercial requirements and standards.

The Chamber supports your amendment as being in the best interest of those citizens in Aiken and South Carolina who are interested in the safe removal and disposition of high-level radioactive wastes.

Without your amendment, activities to remove and dispose of high level radioactive wastes will be stopped and wastes will remain in the less safe liquid form in fifty-year old underground tanks. Instead of completing waste removal by 2018, wastes will remain in tanks for a significantly longer period of time. Additionally, the SRS cannot afford to loose these highly trained and skilled employees.

In closing, the Greater Aiken Chamber of Commerce, representing 900 businesses and 40,000 employees within the region believes that it is critical that your amendment be enacted into law. Again, thank you for your continued support of the greater Aiken region.

Signature,

CHARLES WEISS,
President & CEO.

Mr. GRAHAM of South Carolina. Mr. President, I have letters from the mayor of Jackson, SC, which is down site; the Aiken Electric Cooperative; the Economic Development Partnership from Aiken; the Nuclear Regulatory Commission has blessed this project saying that what is left in the tank is waste incidental to reprocessing; the Defense Nuclear Facilities Safety Board has looked at this amendment; the North Augusta Chamber of Commerce, a community on the other side of the site; and the SRS Retiree Association, people who worked their whole lives out there supporting this.

Mr. President, quickly, we will have more time to talk. This is a big deal to my State. Similar efforts are ongoing in other States, and I hope they get there. I am not going to do anything to prejudice their ability to get there on their terms. I am simply asking that the deal struck between the environmental regulators and our Governor in South Carolina be approved so that we can clean up the rest of these tanks, the 49 remaining, in an economically and environmentally sound fashion.

That is all this has ever been about.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Who yields time?

The Senator from Colorado.

Mr. ALLARD. I yield 6 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank Chairman ALLARD for yielding to me at this time.

I rise today in opposition to the amendment by the Senator from Washington, but I do so by first saying that this is an extremely complex issue. I happened to be presiding one night when the Senator from Washington stood up and talked about her amendment. I respect very much the issues she has delineated. She has done a very good job of articulating the complexity of this issue and why it needs to be thought through so carefully before we vote, as we are going to do today.

After carefully reviewing the facts, I am convinced the language adopted in

the Armed Services Committee related to disposal of nuclear waste at the Savannah River Site is prudent and that this language should not be struck.

The Savannah River site is located in Aiken, SC, right on the South Carolina-Georgia border. About half the folks who work at the Savannah River site live in my State. Operations and the treatment of waste at the Savannah River Site affect my State, as well as South Carolina, because if there is any polluting, if there is any leakage, it will go into the Savannah River which is on the border of South Carolina and Georgia.

Current provisions of the Nuclear Waste Policy Act in the fiscal year 2005 funding for the Savannah River Site restrain and preclude planned risk reduction activities in the treatment and disposition of radioactive waste. Section 3116 is extremely important to the Department of Energy's environmental remediation and cleanup efforts at the Savannah River Site. It will resolve both the nuclear waste policy and funding issues and allow these risk-reduction activities to continue.

This provision will allow the cleanup of these materials 23 years earlier and at an estimated cost savings of $16 billion. Regardless of the cost savings, it is imperative that the cleanup of the Savannah River Site be completed at the earliest date possible.

The Savannah River Site is currently home to 49 tanks containing 35 million gallons of radioactive material that is divided into three types of waste: liquid, sludge, and sediment. Section 3116 will allow South Carolina and the Department of Energy to execute the agreement that has been reached on how best to treat this tank waste.

In 1997, the Savannah River Site became the first site in the Department of Energy complex to close a high-level waste tank. The language in the bill was worked out with great care between the State of South Carolina, State environmental regulators, Senators on both sides of the aisle, and the Department of Energy.

I quote from a letter sent to the Secretary of Energy from the Defense Nuclear Facility Safety Board in relation to section 3116 of the Defense bill, the section this amendment will strike.

The letter states:

> The Board believes that disposal of wastes as contemplated in Section 3116 can be accomplished safely and should enable efficient disposition of the radioactive waste.

It is true that an Idaho district court struck down the DOE rule which set procedures for nuclear waste disposal across the board. However, the court struck down this rule based not on the content of the rule but because they thought the rule exceeded DOE's jurisdiction. I agree DOE should not have unilateral ability to determine nuclear waste disposal policy. However, I believe the procedures DOE has implemented at the Savannah River Site are sound and that these procedures should be allowed to continue while the question of who has the authority to set cleanup standards and policies is resolved. In fact, the procedures which section 3116 would allow have been in place since the early 1980s.

I would also like to note, in response to those who believe the low-yield sludge should be removed in the tanks at the Savannah River Site and other facilities, that the process of removing that sludge would increase the risk to workers by sevenfold and significantly increase the risk to the environment based on the risk of extracting the tanks and transporting the additional fuel thousands of miles across country, significantly increasing the exposure to the population at large.

Section 3116 in the underlying bill will prevent substantial delays, the accompanying health and safety risks, and increases in the expense of removing and disposing of this material, a delay in expense not driven by public health and safety considerations but, in fact, contrary to public health and safety.

Without clarifying the law, the delay would likely create more serious health and safety risks to workers and members of the public by leaving the waste in tanks longer and risking leaks to ground water. Delays in increased costs will require DOE to divert resources from other efforts across the complex in a manner that would significantly distort the Department's cleanup and other priorities. There is less risk to the workers, the environment, and the communities by removing the waste from the tanks, extracting the high-level waste from the other types of waste for appropriate disposal, and stabilizing any small amount of low-level waste residues in place in the tanks using a cement grout.

Physicists, not lawyers, should determine if radioactive waste is high- or low-level waste. The physical characteristics, not the source, of radioactive waste should determine if it is high-level or low-level waste.

I hope my colleagues will join me in opposing this amendment by supporting an expeditious and safe cleanup of the nuclear waste at the Savannah River site.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Ms. CANTWELL. Mr. President, I will yield to the Senator from New Mexico, the ranking member of the Energy Committee, to give a statement, but before that I want to enter into the record a couple of documents and make a statement.

First, I have great respect for the junior Senator from South Carolina and his work on so many issues. He did a great service for many men and women in this country by leading a battle in getting health care coverage for the National Guard. There is a large percentage in our State serving in the National Guard in both Iraq and Afghanistan, and I know my State thanks him on this.

On this issue, we certainly disagree. I think it is a change in strategy, or at least a deal that has been cut behind closed doors, because I do view it as a change to the Nuclear Waste Policy Act. That is the way my State views it. That is the way 20 newspapers across the country view it. That is the legal opinion of staff, that it is a change to the definition of what is high-level waste.

I point out that South Carolina, up until the Senator's amendment, has been pretty consistent. I have an August 12, 2003, letter sent to the Secretary of Energy from the State of South Carolina, signed by the State of South Carolina saying DOE already has the tools it needs to address this issue; that it does not need to use a sledge hammer to get the job done, and goes ahead and says they should use the current definition of the law.

Also in March 2004, a couple of months ago, South Carolina said DOE cannot ignore Congress's intent by simply calling high-level waste by a different name. And later, South Carolina goes on to say this poses a threat to the citizens' health and natural resources.

So I find it very interesting that the State of South Carolina filed those documents in court, sent letters to the Secretary of Energy making those statements, and now all of a sudden South Carolina has changed its position. I don't know if they were saying they didn't believe in their case and that is why they wanted to spend the State's legal time and money filing it. I don't know if they have their cabinet officials signing letters to the Secretary of Energy that they don't believe. But I think actually the issue is the State of South Carolina has been pretty consistent. In fact, the House Members, when this issue was before the House of Representatives, said let's not put any language in changing the definition of what is high-level waste. If there needs to be a study, we are willing to study it. That is what the members of the South Carolina delegation voted on. So I think they have been pretty consistent.

While my colleague, the junior Member from South Carolina, is trying to move ahead on nuclear waste cleanup, I think we have a disagreement among ourselves and with what South Carolina's position has been consistently for several years now, and that is that DOE has the authority. What DOE wants to do is leave waste behind. They don't have the authority to do that, nor does science think that is a prudent way to deal with this issue.

I ask unanimous consent to have that material printed in the RECORD, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF ARGUMENT

NATURAL RESOURCES DEFENSE COUNCIL, ET AL. VERSUS SPENCER ABRAHAM, SECRETARY, DEPARTMENT OF ENERGY, ET AL.

In the late 1970s and early 1980s, Congress recognized that spent nuclear fuel and radioactive waste generated as a result of the reprocessing of spent nuclear fuel pose a grave, long-term threat to public health and the environment. As a consequence of this threat, Congress enacted the NWPA to ensure that this waste is permanently isolated in a deep geologic repository. In both the NWPA and the Atomic Energy Act (AEA), Congress defined ''high-level radioactive waste'' to require DOE to consider first, the source of the waste and second, the concentration of fission products in solidified wastes. The definition follows: ''(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including the liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and (B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.'' 42 U.S.C. 10101(12). The AEA incorporates this definition by reference. 42 U.S.C. 2014(dd).

By using the same definition in the NWPA and AEA, Congress made plain its intent to include spent nuclear fuel reprocessing waste resulting from defense activities within the scope of the HLW disposal scheme that Congress established in the NWPA. Congress clearly intended that the definition of HLW would apply to both commercial and defense waste and that HLW from both sources would be permanently isolated. This intent becomes even clearer when reading this definition in the context of Congress's reasons for enacting the NWPA, to wit, permanently isolating radioactive waste because of the long-term danger it poses to human health and the environment.

The evaluation method of DOE Order 435.1, however, establishes a system for reclassifying high-level radioactive waste that provides DOE unlimited discretion to determine whether a large volume of highly radioactive waste stored in or near our states is required to be disposed of in a deep geologic repository. Such unfettered discretion is not provided for in the NWPA or AEA and this Court should affirm the District Court's decision invalidating DOE's attempt, through Order 435.1, to ignore the criteria in these statutes.

AUGUST 12, 2003.

Hon. SPENCER ABRAHAM,
U.S. Department of Energy,
Washington, DC.

DEAR SECRETARY ABRAHAM: The Department of Energy and states affected by DOE facilities face technical, political, and fiscal challenges as we decide how to treat and dispose of high-level waste created by Cold War-era reprocessing. It will take our combined efforts to devise and implement responsible, effective policies that protect human health and the environment as well as respect taxpayer dollars.

We write to express concern with DOE's current strategy for addressing this key issue. DOE's recent proposal to reopen the Nuclear Waste Policy Act runs counter to our mutual interests.

Fortunately for our shared high-level waste challenge, reasonable solutions exist within the current law without undermining public trust in DOE's efforts to properly manage nuclear waste. DOE already has the tools it needs to address this issue by making internal policy changes; it doesn't need a sledgehammer to do the job.

DOE's recent statements to Congress appear to exaggerate the impacts of the recent judicial decision on high-level waste classification. The federal court decision only confirmed long-standing national policy, which requires disposal of high-level waste in a geologic repository while allowing properly treated, less radioactive wastes to be disposed elsewhere.

The court's ruling allows DOE to proceed with retrieval and treatment of liquid waste from tanks at Hanford, Savannah River and INEEL. If the wastes in question are not highly radioactive following treatment, DOE has the ability now to develop a classification strategy to qualify these wastes for management, including disposal, outside a high-level waste repository. What the court rejected was giving DOE free rein to override national policy as expressed in the Nuclear Waste Policy Act.

The States of Idaho, Oregon, South Carolina and Washington participated in the lawsuit, not as parties, but as friends of the court to protect our interests in safe, cost-effective, timely cleanup and responsible use of repository capacity. As you may know, last November the states made a concrete proposal to resolve these issues outside of litigation, outlined, the legal and practical risks associated with continuing to litigate this matter, and offered to enter into mediation with the parties. DOE rejected our efforts and choose to litigate instead.

Today we renew our offer to work with DOE to develop a waste classification strategy that ensures protective, cost-effective, and timely disposal of the nation's defense high-level radioactive waste in a manner consistent with the court's opinion.

We urge you to reconsider your strategy and to work with the states on a reasonable solution within the framework of existing law. By doing so, we can do the job right without jeopardizing progress on repository development, slowing down cleanup or undermining public trust in our efforts.

C. STEPHEN ALLRED,
Director, State of Idaho Department of Environmental Quality.

TOM FITZSIMMONS,
Director, State of Washington Department of Ecology.

R. LEWIS SHAW,
Deputy Commissioner, South Carolina Department of Health and Environmental Control.

MICHAEL W. GRAINEY,
Director, State of Oregon Department of Energy.

Ms. CANTWELL. I yield 20 minutes to the Senator from New Mexico who, as the ranking member from the Energy Committee, knows of our efforts to try to get the Senate Armed Services Committee not to deal with this issue since they didn't have jurisdiction over it. He sent a letter to the committee urging them on that and has had a great deal of history on this issue.

I yield the floor to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 20 minutes.

Mr. BINGAMAN. I thank the Senator from Washington for yielding me time to speak to her amendment to strike section 3116 and follow-on sections. Section 3116 is labeled the Defense Site Acceleration Completion. That is the name of the section. That is a fair characterization of what the provision intends to do. It does propose to hasten the day when the Department of Energy can declare its work complete.

In my view, it does not accelerate in any way the cleanup of DOE defense sites. It does accelerate the date that DOE can declare its responsibility completed. In fact, to the contrary, the provision allows the Department of Energy to abandon its commitment to clean out these sites and to walk away from them while there are substantial amounts of high-level radioactive waste still in the ground.

Section 3116 is not a model of clarity. I am told the provision no longer applies to DOE sites in Washington State, Idaho, and in New York as it once did. It now only applies to high-level radioactive waste tanks at Savannah River, S.C. There is not specific language in the provision saying that, but I am certainly willing to accept the intent of the provision.

The obvious question is, what is in the Savannah River tanks? From 1953 until the end of the cold war, the Department of Energy at Savannah River has made plutonium for our nuclear weapons. It did so by irradiating uranium fuel in five nuclear reactors on that site and it then reprocessed the spent fuel to separate the plutonium from the highly radioactive waste products. The waste material consists of a mixture of highly toxic, hazardous chemicals used in the chemical separation process—a mixture of that along with a wide variety of highly radioactive fission products and transuranic elements, formed during the nuclear reaction. Some of these fission products emit intense amounts of radiation over a short period of time. Others emit less intense amounts of radiation over a much longer period of time. Both pose a serious danger to the public health and to the environment.

The short-lived radionuclides remain dangerous for hundreds of years. The long-lived ones remain dangerous for thousands of years.

The Department of Energy has been storing this mixture in 51 steel tanks at Savannah River. The tanks each hold on average about a million gallons of waste. In other words, each is about the size of our Capitol dome. I repeat, we have 51 of those tanks, each about the size of the Capitol dome, located at Savannah River. The waste in the Savannah River tanks is, by definition, high-level radioactive waste. We have been using that term in our laws now for over 30 years. Different laws have worded the definition differently, but they have all said essentially the same thing, and that is that high-level radioactive waste is the material that results from reprocessing spent fuel, and that includes both the liquid waste produced directly in reprocessing and any solid material that settles out of the liquid or is derived from it.

There are two important legal consequences that flow from this tank waste being defined as high-level radioactive waste. The first legal consequence is that its disposal is subjected to licensing and regulation by the Nuclear Regulatory Commission. That is required under the Energy Reorganization Act of 1974, which was signed into law by President Ford.

The second legal consequence is the waste must be buried in a deep geological repository, rather than being left where it is. This is a requirement we put into law in the Nuclear Waste Policy Act of 1982 which was signed into law by President Reagan.

The Department of Energy has begun removing the liquid waste from the tanks at Savannah River and turning it into glass logs and storing the glass logs until they can be buried in a geologic repository which is expected to be built at Yucca Mountain. Removing all of the sludge that has settled to the bottom of these tanks clearly is going to prove difficult and expensive. So to sidestep that requirement, the Department of Energy would like to reclassify the waste as something other than high-level radioactive waste and leave it where it is.

Years ago the Department of Energy adopted an administrative order asserting that they had the authority to do that. Last fall a Federal judge in Idaho held the order was unlawful.

The Department is now asking Congress to change the law and to give the Department of Energy the power the court said the Department did not have. Section 3116 would do that, so far as the Savannah River tanks are concerned. The language of 3116 is very clear. It says notwithstanding all of the laws that say Savannah River wastes are high-level radioactive wastes, the Secretary of Energy, in his discretion or her discretion, can decide they are not high-level radioactive wastes.

The Secretary's discretion would not be entirely without limits. Section 3116 imposes three tests that have to be met for the Secretary to exercise this discretion, but on close examination those tests impose very few restrictions on the Secretary. Let me talk a minute about each of these three tests.

The first test is that the material ''does not require permanent isolation in a deep geologic repository.'' As I said before, the high-level radioactive waste is made up of both intensely radioactive short-lived radionuclides and less intensively radioactive long-lived radionuclides. The first step speaks to the second group of less intensely radioactive long-lived radionuclides. The need for permanent isolation correlates with the length of time the material remains radioactive. According to the Department of Energy, over 99 percent of the radioactivity now present in the high-level waste tanks is from short-lived radionuclides. These will remain dangerous for several hundred years. But because they will decay to safe levels sometime before the end of this millennium, they do not, according to the Department of Energy, require permanent isolation in the deep geologic repository.

The first test in section 3116 may look like a serious hurdle, but according to the Department of Energy, 99 percent of the radioactivity in the tanks passes that test.

The second test is no better. It requires the secretary to determine that ''highly radioactive radionuclides have been removed to the maximum extent possible.'' The second test speaks to the first proof of radionuclides, intensely radioactive, short-lived ones which DOE believe make up 99 percent of the radioactivity in the tanks.

The second test is no test at all. It does not require DOE to reduce the highly radioactive short-lived radionuclides to meet a public health and safety standard based on the maximum safe dose to the public or a maximum concentration level. It simply says do what can be done ''to the maximum extent practicable.''

That means, as the court said last summer, ''if DOE determines that it is too expensive or too difficult to remove short-lived radionuclides from the waste, DOE is free to say the waste is no longer high-level radioactive waste, even though it will remain dangerous for centuries.''

The third test is the most illusory of the three. At first glance it appears to subject the disposal of the tank wastes to State regulation. If the third test is meant to do that, it marks a major departure in the law. The courts have consistently held that the Atomic Energy Act preempts the States from regulating nuclear waste disposal. The third test confers no authority on the State to regulate nuclear waste disposal. It clearly states that South Carolina's Regulatory Authority must be ''conferred on the State outside this Act.'' So far as I am aware, there is no Federal law that gives South Carolina or any other State the authority to regulate the disposal of high-level radioactive defense waste.

The only agency with authority to regulate the disposal of high-level radioactive waste is the Nuclear Regulatory Commission. The NRC has had that authority for 30 years. Section 3116 strips it of that authority, limits its role to one of ''consultation'' and ''review'' of criteria.

My conclusion is that section 3116 is a very troubling provision. It deregulates the disposal of the Savannah River tank waste in all but name. It is essentially the legislative equivalent of the ''Mission Accomplished'' banner we saw on the aircraft carrier that allowed the Department of Energy to declare its work was done and to walk away from its obligations.

Section 3116 also sets a terrible precedent, in my view. If we agree to give DOE this authority at Savannah River in this bill this year, why not give the same authority with regard to Hanford next year and with regard to the Idaho National Engineering and Environmental Laboratory next year? And with regard to West Valley Demonstration Plant the year after that?

Enactment of section 3116 may also toll the death knell from the Civilian Nuclear Waste Program that we have had in place for many years. That program is already in serious jeopardy. It is years behind schedule. It is likely to be grossly underfunded this year. It is beset by lawsuits and serious technical challenges. Shipping nuclear waste on the public highways and railways will be extremely unpopular. Section 3116 sends the message that we do not need a deep geologic repository for Savannah River tank waste, that it is safe to leave those wastes where they are.

The obvious question is, If it is safe to leave high-level waste in the Savannah River tanks, why not leave those same kinds of wastes at Hanford and at the Idaho laboratory? If it is safe to leave defense wastes where they are, why not leave commercial powerplant wastes where they are, as well?

For all these reasons, I urge my colleagues to vote for Senator CANTWELL's amendment and to strike section 3116 from the bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. I yield myself 5 minutes.

I reiterate for the record this was a collaborative approach between the State of South Carolina and the Department of Energy. They sat down for hours and they looked at wherever jurisdiction was and said: We have a common goal. We would like to remove this waste as soon as possible. So they have worked out an agreement.

That is what this amendment is all about that Senator GRAHAM is talking about. It is good science. We have a lot of support out there. In fact, in an Environment and Public Works hearing in the year 2000, my colleague from South Carolina mentioned that particular hearing where they talked about the disposal of nuclear waste. The Natural Resources Defense Council actually said the regulation of radioactive waste should be based on its hazardous characteristics and not when it was generated.

That is what has been proposed by the Department of Energy. The Nuclear Regulatory Commission had this to say about what the Department of Energy is trying to do with the work:

> In all cases, the NRC staff found that DOE's proposed methodology and conclusions met the appropriate WIR criteria and therefore met the performance objectives and dose limits that would apply to near-surface low-level waste disposal and would protect public health and safety.

This was out of the letter sent May 18, 2004, to the Chair of the Committee on Environment and Public Works, JAMES INHOFE.

I have another letter from the Defense Nuclear Facilities Safety Board.

When it comes to safety, they are strong advocates for safety. One sentence illustrates what this letter is all about, dated May 14, 2004:

The Board believes that disposal of waste as contemplated in Section 3116 can be accomplished safely and should enable efficient disposition of the radioactive waste.

This is the agreement, again, worked out between South Carolina and the Department of Energy.

I yield back my time.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. How much time remains?

The PRESIDING OFFICER. There is 61 minutes for the Senator from Washington and 86 minutes 41 seconds for Senator ALLARD.

Ms. CANTWELL. Mr. President, I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am strongly in support of the Cantwell-Hollings amendment. To me, this debate is about process, policy, and precedent. In my view, the provision in the underlying bill that the Cantwell amendment replaces fails all three tests.

As my colleagues have explained, the reason we are in the Senate debating this issue is that the Armed Services Committee added language to the Department of Defense authorization bill, giving the Department of Energy broad new authority to reclassify nuclear waste so it can be left in place rather than disposed of according to the best technical know-how.

Along with the Presiding Officer, I am privileged to serve on the Armed Services Committee. I consider it a great honor and responsibility. However, I simply do not think we should be including a shift in nuclear waste cleanup policy in the DOD bill. Any major change to the Nuclear Waste Policy Act, which is what the underlying language represents, should be considered by the committees of jurisdiction, the Energy Committee and the Environment and Public Works Committee. Any major change in the Nuclear Waste Policy Act should be considered in open hearings where a range of views can be expressed.

Instead, a major change was made to this essential policy of our Nation in a closed markup of the Armed Services Committee. The committees of jurisdiction were not consulted about the language in the bill. We have had no hearings about this language yet here we are on the Senate floor debating it. Even some of my friends on the other side of the aisle who are supporting it have cloaked their support in lukewarm language because it is not all clear what the full implications of these changes would be.

A few years ago, the Department of Energy decided to change the definition of high-level waste by its own fiat, notwithstanding years of precedent and statutory language to the contrary.

Now, I do not have enough technical knowledge—I do not even dream of understanding all that would go into making a decision about how to define high-level nuclear waste—but people were concerned about that decision by the Department of Energy, and so they sued over the change.

When the Department of Energy lost in court, a suit on which my State of New York filed an amicus brief, in support of overturning the Department of Energy change, then, obviously, the Department of Energy chose a different route.

They first tried it on the Energy bill. But because of other conflicts over the Energy bill, they were not successful. So then they came back with the Department of Defense bill. Unfortunately, this was a closed process, and many people who would otherwise have an opinion were not able to participate.

I think this is not in the best interests of making policy on such an important issue. It may very well be that an open policy process—with hearings with the committees of jurisdiction being involved—would lead to the State of South Carolina having different options than other States. I could understand that. But that is not how this has come before us.

Certainly, on behalf of the State of New York, they are very much opposed to the underlying language in the DOD authorization. I want to express the State's opposition.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Gov. George Pataki, dated May 6, 2004, addressed to Senator LEVIN, as well as an editorial from the Buffalo News dated May 10, 2004.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
Albany, NY, May 6, 2004.

Hon. CARL LEVIN,
Ranking Member, Armed Services Committee, Washington, DC.

DEAR SENATOR LEVIN: I urge you to oppose language proposed by the Department of Energy (DOE) in the FY05 Department of Defense Authorization Act that could allow DOE to reclassify high level radioactive waste contained in underground tanks at several DOE sites across the country, including the former spent nuclear fuel reprocessing facility at West Valley, New York. In July 2003, a federal district court ruled that DOE's order permitting such reclassification violates the Nuclear Waste Policy Act. DOE has appealed that decision to the United States Circuit Court of Appeals, and the appeal remains pending. New York and the States of Washington, Oregon, Nevada, and South Carolina filed an amicus brief in that case opposing DOE's position that it has the authority to reclassify high level radioactive waste in order to shirk its responsibility to safely remove it.

The reclassification of high level radioactive waste would allow DOE to leave the high level waste in the ground where the tanks are located, instead of shipping the high level waste to a federal repository, as required under the Nuclear Waste Policy Act. This reclassification would be particularly egregious at West Valley, where DOE is proposing to close underground storage tanks containing thousands of gallons of radioactive material, and then leave it to New York State to monitor and maintain the closed tanks to protect the groundwater for thousands of years.

While I am in favor of expediting the cleanup of radioactive waste, speed should not come at the expense of completing cleanups essential to protecting public health and safety. It is my understanding that there is sufficient work for DOE to do at all of the sites in question, including West Valley, while DOE works with the states, tribes, and public health and environmental advocates to develop final cleanup solutions that are acceptable to all parties.

Very truly yours,

GEORGE E. PATAKI,
Governor.

[From the Buffalo News, May 10, 2004]

DANGEROUS GAMES—FEDERAL EFFORT TO BURY NUCLEAR WASTES AT WEST VALLEY IS UNCONSCIONABLE

The federal Department of Energy is trying to use administrative sleight of hand to avoid its responsibility in the cleanup of nuclear waste at West Valley and several other states.

This contemptible effort involves downgrading the threat of nuclear waste, thereby allowing the government to bury that dangerous material at West Valley and other sites instead of shipping it to a permanent repository as called for in a 1982 law.

Fortunately, New York Sens. Charles E. Schumer and Hillard Rodham Clinton recognized this downgrading for what it was, a threat to West Valley and surrounding areas from the possibility of future leakage of this radioactive material. After they protested the legislation, Sen. Lindsey Graham, a Republican from South Carolina who introduced the bill that would have allowed the DOE to downgrade the threat of nuclear wastes, altered his bill. It now will apply only to the waste remediation project at Savannah River, S.C.

But that doesn't remove the danger. The House, essentially led by Republican Majority Leader Tom DeLay, still has to consider the DOE legislation. That cannot be a comforting thought to residents living near West Valley.

The department argues that the wastes should be classified as ''high-level'' based only on how they originated, not what they are. But what they are is still bad, still radioactive and still a federal responsibility.

Decades of expensive cleanup progress have improved safety at West Valley, but the work is far from over. The radioactive liquid wastes from a nuclear fuels reprocessing effort have been solidified into safer glass logs, which were supposed to be stored elsewhere. But the anticipated long-term storage facility at Yucca Flats is years from completion. Tanks and residual wastes still remain at West Valley, and an underground plume of water is contaminated with radioactive strontium. Covering wastes with concrete won't help that.

The 600,000 gallons of West Valley wastes have their counterpart in nuclear weapons production wastes at other sites—53 million gallons at Hanford on the Washington-Oregon border, 34 million gallons at Savannah River near Aiken, S.C., and 900,000 gallons at the Idaho National Engineering and Environmental Laboratory.

West Valley is the only site where the state shares the cost of cleanup.

Those costs may run into the tens of billions of dollars over decades, but the mess remains a federal issue. At West Valley, the risk includes not only the site's land but water drainage that flows into Buttermilk

Creek, Cattaraugus Creek and Lake Erie. Trace amounts of that radioactivity have been tracked as far as Buffalo.

The DOE also is threatening to withhold $350 million in cleanup money from military-related cleanup efforts unless it gets a change in the definition of what constitutes high-level waste. That bit of weaseling does the department no credit. These sites were created by the federal government, and the federal government should not be allowed to walk away from them.

Acceptable cleanup at West Valley involves removal of all wastes and dismantling and removal of the contaminated structures that were used to process and store them. The government cannot be allowed to escape that responsibility through administrative trickery.

If the federal government truly could end a problem by renaming it, we'd already be at ''mission accomplished'' in Iraq.

Mrs. CLINTON. I am concerned how this is being portrayed, and I am sure it is meant to be a fix for a specific situation in South Carolina, but it is setting a precedent. That is what we do around here. We set precedents. It is hard to imagine that the Department of Energy would be satisfied only taking their new definition to one State. It would be South Carolina first, but then what would be next?

In particular, I am concerned about western New York where we have a site known as West Valley. Through the West Valley Act, the Federal Government and the State of New York agreed, decades ago, to partner to reprocess commercial nuclear waste. In many respects, this project has been a success, but in the last several years the site has been the subject of a bitter debate between the Federal Government and the State of New York. Why would that be? Because, in New York's view, the Department of Energy is not fulfilling its responsibilities for the cleanup obligations it assumed under the West Valley Act.

I bring this up because it is directly relevant, even though it is not the same act. The West Valley site has the same type of waste that the Department of Energy would be able to reclassify at Savannah River under section 3116 of the Department of Defense bill. That is no coincidence.

Rather, the language that the Department of Energy originally sought to include in both the Energy bill last year and the DOD bill this year would have provided the DOE with general authority to reclassify high-level wastes at Hanford, Savannah River, the Idaho labs, and West Valley.

Now, obviously, West Valley does not have the mind-boggling quantities that are present at other sites, but we are still talking about 600,000 gallons of waste. That is a significant amount. It is not a problem that New York State or the local governments in the area will be able to handle if the Department of Energy decides it can wash its hands literally of its responsibility.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. CLINTON. Mr. President, I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. So when the Department of Defense markup approached, New York Governor George Pataki wrote to Chairman WARNER and Ranking Member LEVIN urging them not to include DOE's language in the bill.

While the provision was changed before the markup, and it is now intended only to affect the Savannah River site, DOE's original language would have affected West Valley and the other sites I have mentioned. We know that is exactly what DOE is aiming for. That is their goal and their objective, to try to reclassify nuclear waste.

So New York State remains opposed to section 3116 of the bill. On behalf of the Governor and my State, I am supporting the Cantwell amendment, because I think we need a different process to get to the point of determining what our nuclear waste classification system should be.

It is certainly a very difficult issue. I respect the Presiding Officer's concern about the cost. I share that concern. These are incredibly expensive undertakings that go on for decades. But, in effect, we are cleaning up the mess we made. We made it for military purposes. We made it for commercial purposes. We owe it to ourselves and future generations to do it as well as it can be done. I, for one, hope we can take this issue off the floor of the Senate by passing the Cantwell amendment. Then let's have the hearings in the Energy Committee and the EPW Committee. If there is a role for the Armed Services Committee, let's do it there, also, because, for me, this is setting a precedent that is very troubling, to have a matter this important decided in such a quick consideration in a closed markup of the Armed Services Committee. I hope we will support the Cantwell amendment, and then put our heads together to determine if there are differences between Savannah River, Hanford, and West Valley that merit different classifications. If there are new advances in dealing with how we would grout over the high-level nuclear waste—we know that has not worked in the past; maybe it can work now—then we can proceed in a more sensible manner that protects the health and safety of our people and preserves the environment in the areas where this waste is stored and dispose of it appropriately.

I thank the Senator from Washington for being such a leader on this issue.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from New York for coming to the floor and speaking on this issue, and for her leadership in the Senate Armed Services Committee.

Before my colleague from Washington and I got a whiff of this plan, because the Senate Armed Services Committee met behind closed doors on this issue and the language was considered behind closed doors—I appreciate the fact that the Senator from New York was there fighting, at the very beginning, this language being put into the DOD bill. I appreciate her comments about the fact that basically we are taking a bill that is about defense authorization and now changing waste policy, and weighing down the process.

Why would we want to weigh down the process of moving something that is about supporting our troops and supporting our efforts with a change in nuclear waste policy? The House dealt with this responsibly. They said: If you want to look at this policy, let's study it and get information. So that is what the House has done.

Mr. President, I yield the Senator from Washington 15 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mrs. MURRAY. Mr. President, I rise today in support of the Cantwell amendment. I thank my colleague from Washington State for her tireless effort on this issue and her commitment to assuring the Federal Government meets its responsibility to the people of our State by fully cleaning up the Hanford site.

Today, on the Senate floor, there is an unprecedented attack on my State's ability to ensure that we clean up the nuclear waste that threatens the families I represent. I am here to fight it. I am here to send a clear message to the administration: You should be back at the table working with all the States and all of Congress instead of trying to get the Senate to bail you out of a court case that you lost.

The handwriting is on the wall. The White House wants Washington families to accept a lower cleanup standard. They are holding our funding hostage. They are fighting us in court. They are pushing misguided legislation right here on the Senate floor.

If the White House wins this attempt to leave more nuclear waste untreated, then Washington State families will lose. That is why I am on the Senate floor with my colleague from the State, Senator CANTWELL, fighting the bill's nuclear waste provisions and standing up for my State.

I know my colleague from Washington agrees that the fastest, most effective way to clean up America's contaminated nuclear sites is for the DOE to work as a partner with the States. But sadly, we are here today seeing a new attempt by the White House to overreach its authority, to circumvent a court case it lost and blackmail my State into accepting a lower cleanup standard. That threatens the families I represent, and I am not going to stand for it.

What is at stake is the cleanup of the Hanford nuclear reservation in the tricities in Washington where we developed the plutonium that helped our country win World War II and the cold war. My grandfather settled in the tricities in 1916. My dad grew up there. My dad saw how much those communities sacrificed to help our Nation

have a strong military. Our country has an obligation to make those communities whole, not leave them with high nuclear waste that has leaked from underground tanks.

Any time someone has threatened our cleanup efforts, I have taken them on, and it doesn't matter if they are Democrats or Republicans. In the 1990s, when the Clinton administration proposed inadequate budgets for the Hanford cleanup, I took them on, and I used my position in committee and on the Senate floor to get my State the funding we needed. Every time the Bush administration has tried to cut Hanford funding, it had a fight on its hands from this Senator. It is one of the reasons I joined with my colleagues in 2001 to create the Senate Nuclear Cleanup Caucus so that all communities across the country that are dealing with nuclear waste will have a strong bipartisan voice in the Senate.

Time and again I have taken on this White House when it tried to hurt the families I represent, and I have the scars to prove it. In fiscal year 2002, the Bush administration tried to cut Hanford funding by $57 million. I worked in committee and on the floor to deliver $145 million more for Hanford than the President's budget. Then in fiscal year 2003, the Bush administration tried to cut Hanford funding by $300 million. They also tried to hold our cleanup dollars hostage unless we would jump through the hoops they set out for us. With my support, the Senate rejected the White House's misguided attempts. And through my work on the Energy and Water Appropriations Subcommittee, instead of a $300 million cut, we added $433 million to the President's budget for Hanford.

Time and again I have used my position on the Budget Committee and the Energy and Water Appropriations Subcommittee to protect my State, and I have gone toe to toe with this administration over nuclear cleanup. In February of 2002, I sharply questioned the President's budget director on their plans to shortchange Hanford. In April of 2002, I chaired a hearing of the Energy and Water Appropriations Subcommittee to review the Bush administration's work at Hanford and other sites. So don't think for a minute that we in Washington State are going to accept these attacks on our ability to get a fast and thorough cleanup of the nuclear waste that is at Hanford.

For more than a year, the Department of Energy has been trying to change the ground rules so it can leave more waste untreated, declare victory, and walk away from our Nation's most contaminated nuclear sites. They tried to do it in the courts, and they lost. Today they are trying to do it on the floor of the Senate.

As my colleagues know, I have been raising warning flags about this effort by the administration for many months. I warned about it in August of last year. In September, upon passage of the energy and water bill, I once again raised concerns about this matter. But this attempt is part of a much longer and disturbing effort.

I want to take a few minutes to review the history because it shows an administration that is venturing far outside the standard practice in ways that threaten my State and many others.

Let me first offer some background on the Department of Defense bill that is before the Senate. The underlying bill contains two provisions dealing with high-level nuclear waste and the Department of Energy's authority for cleaning up nuclear waste sites in our country. One provision seeks to withhold funding from States that don't agree to give up their regulatory oversight of certain high-level waste. The second provision deals directly with the cleanup of the Savannah River site in South Carolina. But in reality, it has serious implications for every nuclear waste site in the country.

The Department of Energy is making a great deal of noise about a court case it lost. The DOE is claiming it cannot proceed with cleanup sites in Idaho, South Carolina, and Washington State until legislation is passed that essentially overturns that court's decision.

I believe it is important to look at how we came to this position today, because it clearly illustrates how DOE has refused good-faith offers to resolve this issue between the original litigants, six States, and the Department. So let me give you all a short history of how the issue developed.

In 1999, the Department of Energy issued regulations giving itself broad authority to reclassify nuclear waste. Essentially, the Department wanted to make unilateral decisions about what it needed to treat and remove from leaking underground storage tanks and what waste it could leave in the ground forever. This would be a dramatic departure from our current system where DOE must work with State and Federal regulators on such matters.

To prevent that type of game playing, the Natural Resources Defense Council brought a lawsuit against the Department of Energy in Idaho district court. Before that case went to trial, the NRDC and the States offered to settle the issue. Unfortunately, the Department of Energy did not appear to take that effort seriously, and they rejected that cooperative approach. This is an important point. When the NRDC and the States offered to work out these issues outside of the court system, DOE rejected their offer. So the case went forward and DOE lost. They lost in July of 2003.

One would expect at this point that DOE would go back to the plaintiff and the States to settle the issues. But that is not what happened. Instead, the Department appealed to the ninth circuit and immediately came running here to Congress asking for legislation to do what the Idaho court had rejected.

Shortly after that decision, the Idaho district court sent out an order asking parties to consider mediation. The NRDC and the States quickly agreed to the court's request. Amazingly, DOE rejected the court's request. I believe this is an absolutely critical point because it demonstrates the Department has never approached this issue with a mindset open to considering the States' concerns or those of the winning plaintiff. This is the second time DOE rejected offers by other interested parties to cooperatively address this issue. This was a tremendous opportunity to try and reach broad consensus, and DOE passed it up. The court's mediation offer would have had a neutral court-appointed mediator and a very good forum for resolving differences. In fact, this could still happen, and it should.

My point in walking through the history of the issue is to highlight the fact that the Department of Energy has had many opportunities to resolve this issue with the States and with the original litigants. It rejected State offers to resolve issues before litigation went forward. And more amazingly, it rejected the Idaho district court's request for parties to use mediation after it lost the case. The States and litigants accepted the court's offer. DOE rejected it, and that is inexcusable. Bluntly, to me, it appears that DOE has allowed this issue to be taken over by its legal people.

Recently environmental management Assistant Secretary Jesse Roberson testified to us that DOE and Washington State have agreed upon a plan for cleaning up the tanks, and that is largely correct. My State is very eager to work through this and for this work to proceed. The fact is DOE seems to be the only one that feels new legislation is needed. It is not. The original litigants and States want to proceed with cleanup and don't believe the Idaho district court ruling presents any obstacles.

Unfortunately, this tactic of fighting the states and trying to do an ''end run'' around the other partners in the cleanup is not new for this administration. The truth is that the fastest, most effective way to clean up these sites is for the DOE to work in partnership with the states and Federal regulators. Time and time again, however, this administration has tried to go it alone to the detriment of the residents who live near these contaminated sites.

The Department of Energy needs to get back to working in partnership with the states and federal regulators. A unilateral approach will simply cost more money and will only create further delays.

Governor Kempthorn of Idaho and Governor Locke of Washington are both opposed to the legislative language currently in the underlying bill. In fact, I have a letter last month from Governor Locke of Washington state outlining his concerns.

For years, Senators and Congressmen with these waste sites located in their states and districts have had to fight

tooth and nail to get adequate funding to ensure cleanup of these sites. Further, as a group we have had to fight back simplistic notions of erecting fences and calling the sites clean and safe. This constant struggle on behalf of our States and districts brought together bi-partisan groups of Members in both the House and Senate to fight on these issues.

The House and Senate Nuclear Waste Cleanup caucuses have made a tremendous difference in how the administration and our fellow congressional members view the cleanup program. I believe the strength of these caucuses have been our unity and commitment to protect our state and citizens interests in cleanup. We have worked together to make sure the federal government lives up to its responsibility to clean up these sites. But the language in this bill is a license for the federal government to walk away from those very responsibilities. Leaving more waste permanently in the ground is not a real cleanup.

What should be of equal concern to every member of this body is the attempt to make such a dramatic legislative end run around the Nuclear Waste Policy Act without any hearing. This is a real, substantive weakening of a carefully crafted law.

Yet, we are weakening it without any broad consensus in this body, any hearing before a Senate committee, or any mark-up before the committee of jurisdiction—the Energy and Natural Resources Committee.

I propose to my colleagues that we—remove the offensive language in the underlying bill, allow cleanup to proceed at all three sites, and then set about carefully considering any new legislation.

We need more time to address this issue in a more thoughtful manner. There is plenty of time for the Energy and Natural Resources Committee to hold a hearing on this issue and move consensus legislation if necessary. We should not give in to DOE's efforts to leverage out of Congress bad policy that gives away the legal protections our states and citizens have currently.

The blatant attempt by DOE to withhold funding and stop work should not be accepted by this Congress. Six States have filed an amicus brief opposing DOE's efforts. The Governors of Idaho and Washington object to DOE's efforts. The House has not accepted DOE's language.

I urge my colleagues to support our States and citizens, uphold the Federal Government's responsibility to full and real cleanup, and not reward DOE's unilateral approach to cleanup. This isn't just about court orders and bureaucratic agreements. This is an obligation that we have to communities in my state that produced the plutonium that helped our country win World War II and the cold war.

And there is no way that I am going to let the Bush administration or the Department of Energy or Senators from other States do things that threaten the families I represent.

I have got a message for anyone who tries to threaten my State and force us to accept a lower standard for cleanup. Don't you dare try to tie our hands as we work to protect our communities. The only way we are going to clean it up—quickly and thoroughly is through a real partnership with all of the players. I urge the Department of Energy to get back to its job of cleaning up the waste, rather than wasting valuable time seeking help from Congress over a court case that it lost.

I urge my colleagues to reject the administration's approach and support this amendment. Don't tie the hands of communities who are working hard to clean up nuclear waste. Don't reward the Department of Energy's heavy-handed tactics. Don't leave the families I represent with untreated waste that threatens their health and safety.

I urge my colleagues to support this amendment.

Mr. ALLARD. Mr. President, I yield 10 minutes to the Senator from Idaho.

Mr. CRAPO. Mr. President, I want to weigh in on this issue and try to bring clarity to what it comes down to. As has been said by virtually every speaker today, this issue was caused as a result of the outcome of a lawsuit in Idaho with regard to the authority and jurisdiction and prerogatives of the Department of Energy in managing high-level waste as a result of reprocessing.

When the court case came down the way it did, it threw into question the manner in which the Department of Energy would proceed with its cleanup operations in three States—Washington, Idaho, and South Carolina. There are people on all sides of that issue. Some say it is clear what they have to do. There are those who say it is unclear. There are those who say we can find clarity if we take some time to work it through between the States and the DOE.

The bottom line is there was an issue. As a result of this issue, the question of funding availability for the ongoing cleanup became paramount. It was the DOE's position, as taken by the Office of Management and Budget, that if we didn't have a clear path forward on these cleanups, approximately $350 million that would have been available and was authorized and appropriated for cleanup in these three States would not be available in the next year. So the first urgent hurdle that came up was we had to make clear that the cleanup had to go on while we are trying to resolve these issues.

The second issue that came up is, how do we resolve them? In that context, the Senator from South Carolina is exactly correct. Each of the three involved States—Idaho, my State; his State, South Carolina; and the State of Washington—got involved in negotiating with the Department of Energy. In fact, in the beginning, there was some concern from the States, as to whether they were going to be allowed to be engaged in these negotiations, and Senator CRAIG and I, from Idaho, and the Senator from South Carolina, Senator GRAHAM, made it clear we would take no steps that our States did not authorize and approve. We actually provided the incentive for these negotiations to take place.

As we began moving forward, a dynamic developed where it became evident that the State of South Carolina, because of differences in the State of South Carolina's issues, was going to make it through to and reach an agreement with the Department of Energy. This agreement, as has already been indicated, is one supported by the Governor of South Carolina, the attorney general, the applicable environmental regulator, and many others in the State whose input the Senator from South Carolina has brought forth as part of the record.

The States of Washington and Idaho, however, were not able to reach an agreement. Then we came forward and this bill came to the floor, and we have now found ourselves here with the State of South Carolina having an agreement, and the States of Idaho and Washington not having an agreement, and the question as to the money.

A very important issue that seems to have immediately passed in the debate today is what happened in the beginning of the debate. Today, my amendment and the amendment of the Senator from South Carolina, joined in by Senator CRAIG, were passed with a voice vote. Those amendments did a very critical and important thing. They made it clear the authorized cleanup dollars, the $350 million, were going to largely be able to be made available for continuing operations while we continue to try to work out these negotiations. I think that is a big part of the story today that needs to be made clear, because a big success for the country has been achieved already through those amendments.

Secondly, we are now dealing with the question of the South Carolina language. When you boil down the debate today, it comes down to a question we have been focusing on in Idaho. And that is, does the South Carolina language create a precedent or some kind of a pressure which would cause us to have to deal with this issue in the State of Idaho or the State of Washington any differently?

The answer to that is simply no. In fact, I think if there is any precedent in what is happening in this dynamic today, it is the opposite, because the State of Idaho, Senator CRAIG, and I made it very clear to the committee, to the Department of Energy, and to everyone—and Senator GRAHAM of South Carolina joined us in making it clear—there would be no language in this bill relating to the State of Idaho unless and until the State of Idaho agreed to such language and Idaho's Senators brought that language forward. That is why we have very clear language in the bill that says the language that deals

with South Carolina deals with South Carolina only.

Having said that, there still has been a debate promulgated around the country, and it is raging in Idaho with regard to this very issue. Is there any precedential value in the South Carolina language that would cause a threat to any other State, particularly Idaho or Washington?

Senator CRAIG and I strongly believe the answer to that is no, but there is a question about it. Idaho's Governor, Governor Kempthorne, has been quoted on this floor as raising the question. So Senator CRAIG and I, working with the Senator from South Carolina and other Senators, decided we would make it ironclad clear, if it was not so clear already.

This morning, before this whole debate began, I asked unanimous consent to bring a further amendment that would have made it crystal clear, if it is not already crystal clear, that there is no precedential value here. Let me say before I go through what this amendment is, we believe it was crystal clear already in the statutory language, and Senator GRAHAM, Senator CRAIG, and I and others have made it clear in the record developed in the debate on this bill that there is no precedential impact of this language because each State is dealing with its own circumstances and working out its own solutions with the Department of Energy.

Having said that, here is the language, frankly, we were not given unanimous consent to put into the bill this morning. The language would have said:

Nothing in this section shall alter or jeopardize the full implementation of the settlement agreement entered into by the United States with the State of Idaho. . . .

And then there is a description of that agreement.

Or the Hanford Federal facility agreement and consent order, or the Federal facility agreement with the State of Idaho.

Furthermore, nothing in this section establishes any precedent or is binding on the States of Idaho, Washington, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

We were stopped this morning from getting unanimous consent—I still do not understand why—we were stopped this morning from getting unanimous consent to put this amendment into the amendment we adopted earlier dealing with the funding stream. That is not going to stop us from moving this language in an amendment and putting it on the bill to make it very clear to anybody who still has any doubt that there is no intention here of creating any kind of precedent or pressure with regard to any other State.

I want to make it very clear we have now provided this language to the desk in the form of an amendment. That amendment will immediately follow the action on this vote with regard to the amendment of the Senator from Washington. Presuming that we still have an opportunity because of the vote, we will proceed with this amendment to make it very clear to anybody who has any lingering doubts that this Congress has no intention and this statutory language is not intended to create any precedential pressure or value, whether it be in court or in legislative negotiations, with regard to how Idaho, Washington, or, frankly, any other State will negotiate with the Department of Energy.

It should be absolutely ironclad clear already, but Senator CRAIG and I worked with our Governor, and he is supportive of this effort to resolve this issue, and we are going to make it very clear to the Nation that this debate over whether there is some precedential value here is simply a debate that is contrived to object to allowing South Carolina to reach its own solution.

It seems to me as we approach this issue, we must recognize that nothing will happen with regard to the management of radioactive material in the States of Idaho or Washington or, frankly, South Carolina, for that matter, unless and until those States agree. That is why Senator CRAIG and I have been on this floor advocating States rights and why we will continue to do so.

Senator CRAIG and I have made a very strong, a very clear position to the administration and to this Congress, which is that our Idaho agreement—which, by the way, was entered into in 1995 and ratified by this Congress—will not be weakened or altered or modified, and that no agreement will be reached on these management issues regarding radioactive materials and hazardous waste unless and until the State of Idaho agrees to that solution. Those two principles are hard rock, base positions Senator CRAIG and I have made very clear.

Like I say, if there is any question about what the precedent of these proceedings means, the precedent is that Senator CRAIG and I will not allow—we will not allow—this Congress to move forward with these kinds of issues.

The PRESIDING OFFICER. The Senator from Idaho has used 10 minutes.

Mr. CRAPO. I thank the Senator for this time. I encourage us to support the efforts to make certain these things will move forward and particularly when we bring this amendment that we were not allowed to bring this morning, we encourage the entire Senate to support it to help make this issue crystal clear to anyone who has lingering doubts.

Mr. ALLARD. Mr. President, I ask unanimous consent that the vote occur in relation to the Cantwell amendment at 2:10 p.m. today, with the remaining time until then divided so Senator CANTWELL controls her remaining time and the remaining time under the control of Senator ALLARD or his designee.

Mr. REID. Reserving the right to object, if I can ask the Chair, how much time does the Senator from Washington, Ms. CANTWELL, have?

The PRESIDING OFFICER. The Senator from Washington has 33 minutes, and the Senator from Colorado has 75½ minutes.

Mr. REID. I say to the distinguished manager of the bill, you are probably going to have about 10 minutes on your side.

Mr. ALLARD. We have one speaker remaining.

Mr. REID. No objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I yield the floor.

Mr. LEVIN. Will the Senator yield me 10 minutes?

Ms. CANTWELL. I yield the Senator from Michigan 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. LEVIN. Mr. President, the Department of Energy has over 100 million gallons of high-level radioactive waste stored in 177 underground storage tanks, many of which are leaking. The Department of Energy and its predecessors have been generating and storing this high-level radioactive waste for 50 years.

The high-level radioactive waste is stored basically at three sites—Idaho, South Carolina, and Washington. It was generated by years of reprocessing nuclear reactor fuels to recover plutonium and highly enriched uranium for use in nuclear weapons and other defense purposes.

The DOE has a small amount of highly radioactive waste stored in two tanks in New York that was generated as a result of a failed effort to process spent nuclear fuel from commercial nuclear power reactors.

At the time the Nuclear Waste Policy Act was debated, the Department of Energy wanted the ability to reclassify high-level radioactive waste, including sludge, to low-level or waste incidental to reprocessing, for example. Congress denied this authority to the Department of Energy when the Nuclear Waste Policy Act was adopted.

The high-level radioactive waste that is stored in the Department of Energy tanks is highly radioactive. According to the State of South Carolina Department of Health and Environmental Quality, the 37 million gallons of high-level radioactive waste at the Savannah River site contain 426 million curies of radioactivity.

The Department of Energy was required under its obligation to clean up the nuclear weapons complex to pump the liquid waste out of those tanks. The layer of sludge, semihard material that was generated over the years as solids in the waste that sank to the bottom of the tanks, was included. It is to be left if the DOE has its way. They would like to leave that sludge in the tanks forever. They want to cover the solids with grout and declare the tanks are cleaned up. But by law, by the Nuclear Waste Policy Act, that sludge is high-level radioactive waste and, as such, must be disposed of as high-level radioactive waste.

This sludge accounts for only 8 percent of the volume of material in the tanks, but it accounts for over half of the radioactivity. So under the DOE plan, over half of the radioactivity in the tanks at Savannah River would remain in the ground, covered by grout, presumably forever.

Again, this sludge is high-level radioactive waste as defined in the Nuclear Waste Policy Act. So for the Department of Energy to succeed in leaving the sludge at the bottom of the tanks, the waste has to somehow or another be redefined. So they issued an order to DOE under which it gave itself the authority to reclassify high-level radioactive waste. That way it could leave the sludge in the tanks.

Under that order, the Department of Energy would have reclassified the high-level radioactive waste in the tank—the sludge—either as low-level radioactive waste or as waste incidental to reprocessing activities. By issuing that order, the Department of Energy sought to give itself what Congress had previously denied it, which was the authority to reclassify high-level radioactive waste.

So the lawsuit began with the Natural Resources Defense Council suing the Department of Energy in Federal district court in Idaho, claiming that the Department of Energy did not have the authority to reclassify high-level radioactive waste and that the sludge, as high-level radioactive waste, had to be disposed of in an NRC licensed geologic depository. The States of South Carolina, New York, Washington, and Idaho, the States where the waste is stored, and other States, filed friend-of-the-court briefs on behalf of the Natural Resources Defense Council. The Federal district court in Idaho ruled in favor of the States and against the Department of Energy. The Department of Energy has appealed that decision.

The Department of Energy, in an effort to force States to accept the notion that it should be allowed to reclassify waste, has determined in its budget request to hold hostage the funds that were to be used to pump the liquid waste from the tanks until the States resolved the lawsuit in the DOE's favor or that there would be legislation giving the DOE the authority to reclassify the high-level radioactive waste.

Senator CANTWELL's amendment would strike the section in the bill that would allow the Department of Energy to ignore the law. The law says it is high-level radioactive waste.

Section 3116 in the bill has many important provisions, but there are not six more important words in this section than the words ''notwithstanding any other provision of law.'' What that means is that notwithstanding the Nuclear Waste Policy Act or perhaps a number of other environmental laws, the Department of Energy is allowed to enter into contracts and agreements such as they have with the State of South Carolina.

Now, one can quibble as to whether that is an amendment of the law. I believe it has been argued on the floor of the Senate today that this language in 3116 does not amend the Nuclear Waste Policy Act. One can perhaps argue that, but it is a quibble because the law or the section we are talking about by its very words allows the Department of Energy to ignore the Nuclear Waste Policy Act. Whether that constitutes an amendment is not the point. It is an effective amendment of the law for another law to come along and say one can ignore the first law. That is what this language does. It says:

> Notwithstanding any other provision of law, with respect to material stored at a Department of Energy site at which activities are regulated by the State pursuant to approved closure plans or permits issued by the State, high-level radioactive waste does not include radioactive material resulting from the reprocessing of spent nuclear fuel that the Secretary of Energy determines . . .

Then they go 1, 2, 3, 4, which obviously the Secretary of Energy has already determined. That is what the issue is all about. It is whether we are going to maintain language in the bill which says that the law which exists as to what constitutes high-level nuclear waste can be ignored and that the Department of Energy is authorized to spend all the money in this bill—$350 million—in carrying out activities which would be in violation of the Nuclear Waste Policy Act, except for the fact that section 3116 says, ''notwithstanding any other provision of law.''

The heart of this matter is that this language in the bill, unless it is stricken, authorizes the Department of Energy to spend all of the money we provide on activities which are inconsistent with the Nuclear Waste Policy Act. We should not be authorizing the Department of Energy to ignore the Nuclear Waste Policy Act by spending money pursuant to an agreement with South Carolina which is inconsistent with the Nuclear Waste Policy Act, activities which are not allowed by the Nuclear Waste Policy Act.

So those words, which sound awfully legalistic—and I guess they are—''notwithstanding any other provision of law,'' tell the Department of Energy they are hereby authorized to ignore the law that Congress wrote.

The Department of Energy and its predecessor tried to get the very authority that it now would have by contract if we approve that contract, notwithstanding the provision of the Nuclear Waste Policy Act which this Congress adopted and adopted very consciously to make sure that the waste—sludge—was included in high-level nuclear waste.

Finally, this language was debated quite heatedly in our markup at committee. There were a couple of close votes that were cast. In my judgment, the Senate Armed Services Committee is not the place where we either should be amending the Nuclear Waste Policy Act or authorizing the Department of Energy to ignore the Nuclear Waste Policy Act. I, therefore, support the Cantwell amendment and hope that this Senate adopts the amendment.

Mr. WARNER. Mr. President, on May 20, 2004, there was some question whether the Senate Armed Services Committee was the correct committee of jurisdiction to consider the matter of cleaning up and closing tanks filled with defense nuclear waste.

During the discussion on May 20, 2004, there were to have been printed in the RECORD materials including the President's budget request, appropriations acts, and authorization acts, which prove, irrefutably, that the funds for the cleanup and closure of the nuclear waste tanks at the Hanford Site in Washington, Idaho National Engineering and Environmental Laboratory, and the Savannah River Site in South Carolina, are appropriately within the jurisdiction of the Senate Armed Services Committee.

I will ask that this material be printed in the RECORD, today.

Additionally, I am including the pertinent portions of the Standing Rules of the Senate regarding committee jurisdiction. Listed under the section on the Committee on Armed Services it expressly includes ''the national security aspects of nuclear energy;'' under the section on the Committee on Energy and Natural Resources it expressly includes ''nonmilitary development of nuclear energy;'' and under the Committee on Environment and Public Works it expressly includes ''nonmilitary environmental regulation and control of nuclear energy.'' I believe these Rules show clearly and unambiguously that the Senate Armed Services Committee is the proper committee to consider defense nuclear waste cleanup issues.

Finally, it is worth noting that, in 1982, the portion of the Nuclear Waste Policy Act dealing with defense nuclear waste was sent to the Senate Armed Services Committee for consideration.

For all of these reasons, I assert that the Senate Armed Services Committee is the correct committee to consider cleanup and closure activities concerning defense nuclear waste.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STANDING RULES OF THE SENATE

(c)(1) Committee on Armed Services, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

2. Common defense.

3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.

4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.

5. Military research and development.

6. National security aspects of nuclear energy.

7. Naval petroleum reserves, except those in Alaska.

8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.
9. Selective service system.
10. Strategic and critical materials necessary for the common defense.
(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the common defense policy of the United States, and report thereon from time to time.
(g)(1) Committee on Energy and Natural Resources, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
1. Coal production, distribution, and utilization.
2. Energy policy.
3. Energy regulation and conservation.
4. Energy related aspects of deepwater ports.
5. Energy research and development.
6. Extraction of minerals from oceans and Outer Continental Shelf lands.
7. Hydroelectric power, irrigation, and reclamation.
8. Mining education and research.
9. Mining, mineral lands, mining claims, and mineral conservation.
10. National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest.
11. Naval petroleum reserves in Alaska.
12. Nonmilitary development of nuclear energy.
13. Oil and gas production and distribution.
14. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.
15. Solar energy systems.
16. Territorial possessions of the United States, including trusteeships.
(2) Such committee shall also study and review, on a comprehensive basis, matters relating to energy and resources development, and report thereon from time to time.
(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.
(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

DEPARTMENT OF ENERGY FY 2005 CONGRESSIONAL BUDGET REQUEST

PROPOSED APPROPRIATION LANGUAGE

For the Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities and classified activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; [$5,651,062,000] *$5,620,837,000*, to remain available until expended[; Provided that the Secretary of Energy is directed to use $1,000,000 of the funds provided for regulatory and technical assistance to the State of New Mexico, to amend the existing Waste Isolation Pilot Plant Hazardous Waste Permit to comply with the Provision of section 310 of the Act]. (Energy and Water Development Appropriations Act 2004.)

EXPLANATION OF CHANGE

None.

FUNDING PROFILE BY PROGRAM

	FY 2003 comparable appropriation	FY 2004 original appropriation	FY 2004 adjustments	FY 2004 comparable appropriation	FY 2005 request
Defense Site acceleration Completion:					
2006 Accelerated Completions	1,234,037	1,248,453	−9,435	1,239,018	1,251,799
2012 Accelerated Completions	2,102,613	2,236,252	−36,914	2,199,338	2,150,641
2035 Accelerated Completions	1,811,563	1,929,536	−11,161	1,918,375	1,893,339

This PBS supports the mission of the high-level waste program, at the Savannah River Site, to safely and efficiently treat, stabilize, and dispose of approximately 37 million gallons of legacy highly radioactive waste. This waste is stored in 49 underground storage tanks (approximately 33.1 million gallons of radioactive salt waste and 3.9 million gallons of radioactive sludge waste). In addition, the Savannah River Site will: reduce the volume of high-level waste by evaporation to ensure that storage tank space is available to receive additional legacy waste volume from on-going nuclear material stabilization and waste processing activities; pretreat the high-level waste by segregating the waste into sludge, low curie salt, low curie salt with higher actinide content, and high curie salt with higher actinide content allowing less costly treatment methods to be used on the waste containing lower curie levels (radioactivity) and shorter lived radionuclides; vitrify sludge and high curie/high actinide high-level waste into canisters and then store and ship the canisters to the Federal Repository for final disposal; treat and dispose the low-level waste fraction resulting from high-level waste pretreatment as Saltstone grout; treat and discharge evaporator overheads through the effluent treat facility; empty and permanently close in place using grout all high-level waste tanks and support systems; and ensure that risks to the environment and human health and safety from high-level waste operations are eliminated or reduced to acceptable levels.

The end-state of this project will result in the permanent disposal of all the liquid high-level waste currently stored at the Savannah River Site as well as all legacy high-level waste from planned nuclear materials stabilization activities by FY 2019. It will also result in the permanent closure of the remaining 49 underground storage tanks by FY 2020 (two of the original 51 tanks have already been closed in place in FY 1997 using grout).

Because of uncertainties associated with a recent court ruling that finds the Department's plans to reclassify some high-level waste (Waste Incidental to Reprocessing) in violation of the Nuclear Waste Policy Act, the Department believes it is inadvisable to proceed with certain planned FY 2005 activities at this time. Therefore, those activities that are impacted by the court decision are presented in the High-Level Waste Proposal under the Defense Site Acceleration Completion appropriation including both the design and initial construction of the Salt Waste Processing Facility. Funding for this project will be requested only at such time as the legal issue is resolved.

In FY 2003 and FY 2004 this PBS included appropriations of $4,842,000 and $51,196,000, respectively, for design of the Salt Waste Processing Facility under line-item 03–D–414, Project Engineering and Design. Additionally, $20,139,000 was appropriated in FY 2004 and $43,827,000 is requested in FY 2005 for the construction of the Glass Waste Storage Building #2, line-item 04–D–408.

In FY 2005, the following activities are planned to support the accelerated cleanup of the Savannah River Site.

Fill 250 canisters with vitrified waste, complete fabrication of Melter Number 3, and place procurement contracts for Melter Number 4 at the Defense Waste Processing Facility.

Continue preparation of Sludge Batch 4 with the removal of bulk waste from three High-Level Waste tanks.

In support of the High-Level Waste system, continue capacity-based operation of the H and F Tank Farm Disposition and Effluent Treatment Projects.

Continue construction of an additional high-level waste canister storage facility (Glass Waste Storage Building II) in support of accelerated Defense Waste Processing Facility production.

Metrics	FY 2003	FY 2004	FY 2005	Cumulative complete FY 2005	Life-cycle quantity	FY 2005 complete (percent)
Liquid Waste in Inventory Eliminated (thousands of gallons)	0	1,300	1,900	3,200	33,100	10
Liquid Waste Tanks Closed (Number of Tanks)	0	2	0	4	51	8
High-Level Waste Packaged for Final Disposition (Number of Containers)	115	250	250	1,952	5,060	39

Key Accomplishments (FY 2003)/Planned Milestones (FY 2004/FY 2005).

Completed installation of Tank 18 bulk waste removal equipment (FY 2003).

Completed D&R of the neutralization dike and tanks at the 2H Evaporator and returned Tank 37 to service as a concentrate receipt tank for the 3H Evaporator (FY 2003).

Completed Tank 51 receipt of americium/curium material from F-Canyon (FY 2003).

Replaced the Defense Waste Processing Facility Glass Melter, and returned the Defense Waste Processing Facility to canister production (FY 2003).

Implemented the 10 CFR 830 Documented Safety Analysis for the High-Level Waste Tank Farms (FY 2003).

Restored Building 512S to operability (FY 2003).

Produced 115 canisters of vitrified high-level waste (FY 2003).

Regulatory close two high-level waste tanks (Tanks 18 and 19), which completes the closure of the first tank grouping (September 2004).

Produce 250 canisters of vitrified high-level waste (September 2004).

Prepare and feed Sludge Batch 3 to the Defense Waste Processing Facility (September 2004).

Complete 512–S modifications necessary to support Actinide Removal Salt Processing and begin hot operations with salt solutions (September 2004).

Complete the conceptual design for an optimal scale Salt Waste Processing Facility (September 2004).

Complete the Tank II Waste Removal Project and Bulk Waste Removal from Tank II to accelerate the preparation of Sludge Batch 4 (September 2004).

Complete the dissolution of low curie salt in Tank 41 (September 2004).

Pretreat and process 1,300,000 gallons of low-level radioactive salt waste into saltstone grout (September 2004).

Initiate construction of an additional high-level waste canister storage facility (Glass Waste Storage Building II) (September 2004).

Initiate dissolution of low curie salt in Tank 29 (September 2004).

Produce 250 canisters of vitrified high-level waste (September 2005).

Begin preparing tanks 4 and 6 for bulk waste removal (September 2005).

Complete bulk waste removal in Tank 5 (September 2005).

Prepare Sludge Batch 4 and initiate preparation of Sludge Batch 5 (September 2005).

FISCAL YEAR 2005 APPENDIX OF THE U.S. GOVERNMENT—DEPARTMENT OF ENERGY

DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities, and classified activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; [$5,651,062,000] $5,620,837,000, to remain available until expended[: Provided, That the Secretary of Energy is directed to use $1,000,000 of the funds provided for regulatory and technical assistance to the State of New Mexico, to amend the existing WIPP Hazardous Waste Permit to comply with the provisions of section 310 of this Act]. (Energy and Water Development Appropriations Act, 2004.)

2006 Accelerated Completions.—Provides funding for completing cleanup and closing down facilities contaminated as a result of nuclear weapons production. This account includes all geographic sites with an accelerated cleanup plan closure date of 2006 or earlier (such as Rocky Flats, Fernald and Mound). In addition, this account provides funding for Environmental Management (EM) sites where overall site cleanup will not be complete by 2006 but cleanup projects within a site (for example, spent fuel removal, all transuranic (TRU) waste shipped off-site) will be complete by 2006.

2012 Accelerated Completions.—Provides funding for completing cleanup and closing down facilities contaminated as a result of nuclear weapons production. This account includes all geographic sites with an accelerated cleanup plan closure date of 2007 through 2012 (such as Pantex and Lawrence Livermore National Laboratory—Site 300). In addition, this account provides funding for EM sites where overall site cleanup will not be complete by 2012 but cleanup projects within a site (for example, spent fuel removal and TRU waste shipped off-site) will be complete by 2012.

2035 Accelerated Completions.—Provides funding for completing cleanup and closing down facilities contaminated as a result of nuclear weapons production. This account provides funding for site closures and site specific cleanup and closure projects that are expected to be completed after 2012. EM has established a goal of completing cleanup at all its sites by 2035.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

DEFENSE ENVIRONMENTAL MANAGEMENT (SEC. 3102)

The House bill contained a provision (sec. 3102) that would authorize $6.8 billion for the Department of Energy for defense environmental management (EM) activities for fiscal year 2004, including funds for defense site acceleration completion and defense environmental services.

The Senate amendment contained a similar provision (sec. 3102) that would authorize $6.8 billion for defense environmental activities.

The conferees agree to authorize $6.8 billion for defense environmental management, the amounts of the budget request, including $5.8 billion for defense site acceleration completion and $995.2 million for defense environmental services.

The conferees support the continuing efforts of the Department of Energy to accelerate cleanup at all of the environmental management (EM) sites, which will result in reducing risk to the environment, workers, and the community, shortening cleanup schedules, and saving tens of billions of dollars across the EM complex. The conferees also support a policy that would take funds made available due to the cleanup completion of Fernald, Mound, Rocky Flats and other sites, and roll them into the remaining EM sites to help accelerate their completion even sooner, if possible.

MAKING APPROPRIATIONS FOR ENERGY AND WATER DEVELOPMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND FOR OTHER PURPOSES—CONFERENCE REPORT—ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides a total of $6,626,877,000 for Defense Environmental Management instead of $6,748,457,000 as proposed by the House and $6,743,045,000 as proposed by the Senate. This funding is provided in two separate appropriations: $5,651,062,000 for Defense Site acceleration Completion and $991,144,000 for Defense Environmental Services, and also includes a rescission of $15,329,000 from the Defense Environmental Management Privatization account.

DEFENSE SITE ACCELERATION COMPLETION

The conference agreement provides $5,651,062,000 for defense site acceleration completion, instead of $5,758,278,000 as proposed by the House and $5,770,695,000 as proposed by the Senate.

Accelerated Completions 2006.—The conference agreement provides $1,248,453,000, an increase of $3,282,000 over the request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

Accelerated Completions 2012.—The conference agreement provides $2,236,252,000, an increase of $7,938,000 over the request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

Accelerated Completions 2035.—The conference agreement provides $1,929,536,000, a reduction of $49,061,000 from the budget request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

From within available funds, the conferees direct the Department to provide a total of $6,000,000 for worker training programs and supporting communications infrastructure, oversight, and management activities at the Hazardous Materials Management and Emergency Response Training and Education Center. The conferees direct the Department to provide $8,500,000 for the Hazardous Waste Worker Training Program from within available funds. The conference agreement provides $750,000 from within available funds to the State of Oregon for its oversight activities related to the Hanford cleanup.

The conferees direct the Department to pay its title V air permitting fees at the Idaho National Laboratory consistent with prior year levels, and to bring the Pit 9 litigation to an end as expeditiously as possible. The conference agreement includes the budget request of $1,356,000 for activities at Amchitka Island, Alaska.

Waste Isolation Pilot Plant.—The Department's activities at the Waste Isolation Pilot Plant (WIPP) are primarily funded under the Accelerated Completions 2035 subaccount within the Defense Site Acceleration Completion account. From within available funds for Accelerated Completions 2035, the conferees direct the Department to provide an additional $3,500,000 to the Carlsbad community for educational support, infrastructure improvements, and related initiatives to address the impacts of accelerated operations at WIPP and an additional $1,500,000 to consolidate at Carlsbad all record archives relevant to the operations of WIPP and the transuranic waste in WIPP.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield 8 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 8 minutes.

Mr. GRAHAM of South Carolina. I thank the Senator for yielding.

The long and short of this is that all three States—South Carolina, Idaho, and Washington—have been negotiating to define waste classification standards in their States for a long time.

On January 26, 2004, Congressman HASTINGS, Senator MURRAY, and Senator CANTWELL sent a letter to Governor Locke and Secretary Abraham that asked them to work together to resolve the ongoing dispute over waste classification. Please listen to what I

just said. There has been a process in place in Washington since January 26 to try to find a way to reach an agreement with the Department of Energy to classify waste in that State so cleanup can move forward.

The letter did not say, call LINDSEY GRAHAM from South Carolina and see if you can get his permission. It did not say, call LARRY CRAIG and MIKE CRAPO. It said, call Spence Abraham and see if you all can work together.

The Governor wrote back to the Deputy Secretary of Energy and said that the Governor's chief of staff would be the point of contact for negotiations February 12, 2004. From mid-February to April 13, they have been sending drafts back and forth about how to define cleanup and what is clean in Hanford. They have been doing the same thing in Idaho. We have been doing the same thing in South Carolina. All of us have one thing in common: We oppose the Department of Energy's efforts to unilaterally determine what ''clean'' is and walk away.

That is why we had the lawsuit. That is why South Carolina joined as a friend of the court. The letters my friend from Washington read, about South Carolina objecting to DOE's moving forward, was an objection to a unilateral process where DOE would have the final say about how to clean up the tanks and remove waste.

All of us in all three States believe we should be involved. But it has never been the policy or the process where all three States have to agree to the same standard because, Members of the Senate, that is impossible to achieve because the waste scenario and the waste stream problems in Idaho are completely different.

The film we are trying to leave behind in South Carolina, that inch and a quarter of film that will be left in South Carolina and not sent to Yucca Mountain, doesn't exist in the tanks in Idaho, and the tanks in Washington have a totally different design.

Three States have been working in the defense arena to find a common ground with DOE to make sure the States don't get left holding the bag, and we also made sure no State can take over defining ''high-level radioactive waste.'' That stays with the Federal Government. But the agreement we have achieved said the State of South Carolina has the final permitting authority and you cannot leave those tanks in a condition that will hurt South Carolina.

They are trying to do the same thing in Washington and Idaho. I hope they get there. But if they do get there, they are going to have to do the same thing I am doing today. They are going to need legislative language blessing that agreement. There will be an amendment of the Waste Policy Act. That is going to have to happen. In 1995, legislative language was brought to the Senate to bless an agreement Idaho achieved regarding another waste stream. That is going to have to happen. I hope I will be man enough, Senator enough, not to stand in the way. If the Governor of Idaho, the Governor of Washington, the attorney general, the environmental regulators, the chamber of commerce, the mayor of the Hanford community, the communities involved in Idaho—if they say we have a deal that doesn't affect or prejudice my State or change nuclear policy in any significant way, I hope I will say: Go forward; God bless you; I am glad you were able to reach an agreement to clean up your States because you fought very hard to win the cold war.

For those who are worried about the safety issue in my State, I appreciate the concern. I did not make up this scenario. I am reacting to input from my State. I have been involved in the negotiations. They called me. They drafted the language and they have told me, and sent letters—the Governor and the environmental regulators: We have a deal, LINDSEY, that we can live with. We have already closed up two tanks of the 51. So we know in South Carolina, unlike the other two sites, we can extract the liquid waste, grout the tank, and have it not affect the ground water because we have done it twice and we are trying to move forward at a faster rate.

They are telling me: LINDSEY, we have a deal that will allow us to clean up the tanks and get the liquid waste out 23 years ahead of schedule and save $16 billion.

I say to my colleagues, I cannot make that happen unless you allow it to happen. If it does happen in Idaho and it does happen in Washington, and I believe it will one day, you are going to have to do the same thing for those States.

To my friends in New York, the waste stream you are discussing and that you talked about on the floor is not remotely similar to the waste stream we are talking about here. This is defense waste.

To my friends in Maine who have spent nuclear fuel, it is covered under a whole different section. Here is what you have to understand. If you have spent fuel rods in your State, defense waste has priority in Yucca Mountain. If we are going to insist the cleanup standards be beyond what good science says and we are going to take that extra 23 years and spend that extra $23 billion, you are going to run out of space in Yucca Mountain to send your spent fuel.

I say to my friend Senator ENZI, thank you. Every State has an obligation to help where it can. South Carolina can retain the film on the bottom of these tanks in a safe and sound manner, and it is not necessary to extract it, take 23 years, and spend $16 billion to send it to Nevada. We can safely take care of it in South Carolina. We have done it twice and we want to do it more so we can get this waste out of the tanks, because the biggest threat to my State and to all the States is seepage and leakage of the waste.

Washington has a problem. Of all the States, Washington needs to reach agreement to make these tanks dry. I don't want to be a Washington. I don't want to look back 10 years from now and have this process slowed down to a crawl and my ground water get contaminated.

The NRC has said this is safe and that what is left in the tank is no longer high-level waste; it meets the definition of low-level waste. About hearings, Senators ALLARD, INHOFE, DOMENICI, have been talking about the plans to clean up the tanks in three States for well over 4 years. The Department of Energy has been working with each State with a separate cleanup plan for a long time. They have been negotiating with Washington since January. We have discussed how you would treat South Carolina, Idaho, and Washington through hearings in an exhaustive manner.

If you make us have more hearings, I am going to be right back here asking you to bless this agreement because the agreement has been a collaborative process that has been going on for 2 years and all you are going to do is throw us in chaos because if we can veto each other, then we will never clean up. If you are insisting on a standard that fits all of these sites, it will never be reached.

Mr. President, I commend to my colleagues the transcripts from the Armed Services hearing of February 25, 2004—what we talked about, the waste cleanup process; Senator DOMENICI's Energy and Water Subcommittee hearing of March 31, 2004, same topics discussed; and pages 1 through 47 of the EPW committee hearing of July 25, 2000.

My colleagues, I need your help. I want to make sure the tanks don't leak. We have a sound plan that will not affect your States. It will only help mine. I want to help you. Please help me.

The PRESIDING OFFICER (Mr. SUNUNU). Who yields time?

Mr. LEVIN. Mr. President, how much time do both sides have?

The PRESIDING OFFICER. The proponents control 22½ minutes. The opponents of the amendment control 1 minute. Who yields time? The Senator from Washington.

Ms. CANTWELL. Mr. President, I appreciate my colleague's characterization of this issue. I think we have had somewhat of a debate this morning. I think probably for most people, including my colleagues, what we have done is shown that this is a very complex issue, a very complicated issue, and that it needs more discussion than a few hours on the Senate floor, because what is at stake here is the lives of individuals who are living in these communities, whose ground water may be contaminated, whose safe drinking water in the future may be contaminated at levels that are not sustainable in these areas.

Let's recap for a second where we have been in this debate, because I will

have printed in the RECORD, for my colleagues to understand, the 1989 agreement between Washington State and DOE, and the 1995 agreement between the State of Idaho and DOE on cleanup.

Let me point out, we have agreements. We have agreements with the Department of Energy on cleanup. They are agreements that basically say: DOE, keep making progress on cleanup and please continue to follow the Federal statute. The issue at hand is that somehow my colleague from South Carolina has been persuaded by the Department of Energy—an argument the State of Washington refused to buy, I might add, an argument the State of Idaho refused to buy—that somehow cleanup means we have to reclassify waste.

So, yes, States in this country have continued to push DOE on agreement. We had agreements on the books. It is unfortunate that DOE has not been able to be trusted to get cleanup done in a timely fashion. That is why States have continued to push them.

Agreements are in place. And our State continues, as Idaho and South Carolina admit in a court filing that they do not trust DOE and that DOE should move forward and it doesn't need the sledge hammer of this legislation. That is South Carolina's own testimony in court and its own testimony to the Department of Energy in a letter.

Why are we having this discussion then? We are having this discussion because, even though agreements are already in place and DOE is failing to live up to cleanup, DOE would like to now change the rules of the game and change the definition of high-level waste.

If you think about it, the point of the Senator from South Carolina is that his State should have the right to agree with DOE to clean things up, and that he is not changing current law.

If that were the case, why are we here arguing today? The Senator from South Carolina and DOE should just go and proceed. The reason they do not is because the Senator from South Carolina knows all too well that his language is changing current law and that he needs that change if DOE wants to leave high-level waste in the ground.

The point is for all Americans to understand that nuclear waste in States such as Washington, Idaho, and South Carolina only have the authority to argue these issues about cleanup within the framework of a Federal statute. That Federal statute is the Nuclear Waste Policy Act.

What the Senator from South Carolina is doing in the underlying bill is threatening the rights of States, including his own State, to protect itself from DOE as DOE reclassifies waste. It leaves our States at jeopardy. It leaves all States where there are nuclear facilities in jeopardy because of DOE's insistence that the nuclear waste policy definition of spent nuclear fuel does not have to meet the standard of high-level waste. It leaves all of these States with a debate with DOE that DOE can say this waste is no longer high level. We can transport it. We can do whatever we want with it. We can fill tanks with grout. It is a very dangerous precedent.

The Senator is getting rid of the Federal framework. No State has the ability to negotiate on its own a Federal cleanup standard. Imagine if the State of Michigan discussed with EPA this is what the clean air standard should be for the State of Michigan? What if Florida and the EPA decided what safe drinking water standards are for the State of Florida? We have never operated that way.

The Senator from South Carolina refuses to address that his State can only deal with leaving tank waste in the ground, which he is proposing we do, by changing the Federal standard. The Department of Defense authorization bill changes the definition of high-level waste. It is changing the Federal standard. It is then leaving those States subject to DOE's whim on how much ground waste and water pollution will be there in those tanks at Hanford, at Savannah River, and in Idaho.

The Senator talks about contaminated ground water. His ground water in Savannah River is already contaminated. The ground water in Washington State at Hanford is already contaminated. There are other parts of the country with high-level contaminated waste.

The question is, What are we going to do to hold DOE's feet to the fire to make sure they get this waste cleaned up? This body, for the last 3 years, has seen various changes at this administration level try to undermine current environmental standards and environmental law. The current environmental law of the day regarding nuclear waste is the Nuclear Waste Policy Act. The Senator's language in the underlying bill threatens that language.

Washington State agreements, which have been fighting DOE to live up to the Nuclear Waste Policy Act, will no longer be able to argue that effectively, nor will Idaho, unless we pass my amendment.

My amendment specifically says we are not changing the definition of high-level waste but the Department of Energy needs to have dollars appropriated, which this bill authorizes, for $350 million of cleanup, and the DOE must spend that money on cleanup. We actually crafted that language with Senator LEVIN with the help and support of Governor Kempthorne of Idaho. We put the Kempthorne language in our amendment. Why did we do that? Because we wanted to be clear with the Kempthorne language that we were not going to be held hostage; Idaho, Washington, and even Savannah River were not going to be blackmailed by DOE to saying, they only get the cleanup dollars if, in fact, they agree to a lesser standard which allows us to leave more pollution in the ground water in your State. We refused to agree to this policy and be held hostage by DOE.

The Senators from Idaho do not need any other language. They want their State protected on this issue. They want their dollars for cleanup protected. The Cantwell amendment protects the State of Idaho. I am sure that is what the response will be from the State of Idaho and the State of Washington and others as they look at this policy. It corrects onerous activities that happened when the Defense authorization bill moved through the Senate Armed Services Committee and marked up policy changes to environmental policy of which that committee does not have oversight.

My colleagues can say we have had lots of debate about cleanup and lots of budget discussions. I don't think anyone can seriously stand in the Senate and say the change in definition of hazardous nuclear waste is the jurisdiction of the Senate Armed Services Committee. It is not. The Parliamentarian has already ruled on that. That is the jurisdiction of the Energy Committee.

My colleagues on the other side of the aisle are ignoring the hard facts. This is not about individual States having agreement; it is about changing the Federal standard for nuclear waste cleanup.

This administration and DOE ought to be embarrassed. They are trying this sneaky process behind closed doors and putting language in that now we all have to come to the Senate and fight to take out.

What Member wants to vote against the Defense authorization bill that has this language in it? What does this language have to do with troops in Afghanistan or troops in Iraq? What does it have to do with giving men and women the support they deserve to fight for our country? It is creating a controversy around change to a Federal policy that has not been debated.

There is no Lindsey Graham bill or bill by any of my other colleagues that has the Graham language in it that was brought before the Energy and Natural Resources Committee and debated. My colleagues are wrong on this.

Let's see what the rest of America is saying about this because I guarantee this debate will not end today. It is very important the third parties that have looked at this issue have validated exactly what my colleagues on this side of the aisle are saying about this issue.

In fact, the Savannah Morning News says:

> It's good for the government to save billions of dollars and to clean up nuclear waste. But a money-saving plan that does a poor job of tidying up is no bargain.

The Minneapolis Star Tribune said:

> Quicker and cheaper can be valid considerations . . . but only after the highest level of safety has been guaranteed. And those guarantees must satisfy national standards, not the terms of a side deal.

That is exactly what this is, a side deal between a State and an agency

that has neglected its cleanup responsibilities for years. The court said they needed to move forward but not by changing the definition of high-level waste that they did not have, but move forward on the plans they have in place. This is a side deal.

The Boston Globe said:

If the Senate isn't careful, it could vote this week to allow the Department of Energy to cover some of the nation's most hazardous nuclear waste with grout instead of treating it properly. . . . The Senate should strip the defense spending bill of this toxic measure.

The Oregonian, from another part of the country that is greatly impacted by this issue because of the Columbia River and the huge impact that river has, already with that plutonium leaked into the river, said:

It's remotely possible that [this] policy is worth debating, but this sneaky approach suggests the Department of Energy isn't interested in a public discussion of the issue.

What did the Seattle Times say? In our State, we have been battling DOE for years because they always want to take a shortcut. They always want to take a shortcut and say we can do it quicker. What are the Washington agreements about? The Washington agreements are about forcing DOE to live up to Federal cleanup standards. That is what the agreements are. In fact, they always try to get out of it. The Seattle Times wrote:

The Senate should slap down a sneaky ploy . . . that would give the Department of Energy the right to single-handedly change the rules about how it handles highly radioactive waste.

The Washington Post took a look at this situation and said:

. . . a situation in which states compete to reach private agreements with the Energy Department and then rush to put them into legislation is untenable.

What did the Atlanta Journal Constitution say? It is a State that is affected by the Savannah River which flows into their State. The Savannah River already has pollution problems with radionuclides affecting fish and affecting safe drinking water conditions. It said:

. . . words do matter, and some semantic contortions can be dangerous. Recent efforts by the U.S. Department of Energy to circumvent the 1982 Nuclear Waste Policy Act by slipping through a linguistic wormhole are an outrageous case in point.

What about the Omaha-World Herald? They know a little bit about this issue. They have debated the nuclear waste issue. They said:

We hope Congress will listen to commonsense views . . . and yank this terrible idea back out of the bill. It's not merely wrongheaded; it would result in a hazard to the public well-being.

And there are newspapers in my State weighing in on this issue. The Tri-City Herald, which is in the heart of this cleanup effort at Hanford, the largest tank waste cleanup in the country, where we already have 1 million gallons of tank waste leaking in a plume that is an 80-square-mile area that is going to the Columbia River, said:

Senators considering [this issue] should ask themselves this: If reclassification really is such a great and worthy idea, why isn't the Energy Department making the argument in the light of day?

If they really thought reclassifying waste was such a great idea, why don't they put a bill before this legislative body saying so, driving it through the normal channels and the normal process of legislation? They know they do not have this authority. They tried by their own executive administrative order to do it, and the courts told them they did not have the ability to do it. But instead of coming through the proper channels with a bill and legislation, they have chosen, instead, to sneak language into the Defense authorization bill—probably one of the most unpatriotic things I can think to do.

These men and women gave a serious amount of their lives to fighting in World War II and the cold war by producing plutonium and giving us a tool to win in those areas. They did that in record time. Now they expect this country, just like businesses all across America, to clean up their waste. We expect the Federal Government to clean up their waste. We do not expect a short-end process where they say you can simply grout over nuclear radioactive waste and put sand and gravel on top of it and somehow stabilize the situation.

So the Tri-City Herald said Senators should ask themselves this: If reclassification is such a great idea, why don't they make the argument in the light of day?

What did the Idaho Statesman say? The Idaho Statesman said:

The Energy Department's shameful record on this issue—

Why would a paper like the Idaho Statesman say it is a ''shameful record''? Because it is true. DOE fails to live up, time and time again, to the process of moving forward, and so States have had to enter into agreements that comply with Federal law—not circumvent Federal law, but comply with Federal law—and hold DOE's feet to the fire and say: DOE, you must meet the Federal standard and move forward. So the Idaho Statesman said:

The Energy Department's shameful record on this issue is even more troubling. Remember recent history . . . Suggesting there's no precedent—and no potential effect on Idaho—is politically naive.

That is from the Idaho Statesman.

What did the Bangor Daily News say? Well, the Bangor Daily News said:

The long-term implications of such an important change in waste-storage policy are too serious to give the issue a free ride in a spending bill.

So we have heard from over 20 newspapers across America. My colleague from New York submitted editorials from both the New York Times and the Buffalo News. I talked about the Minneapolis Star earlier and their comments on this issue.

Show me a newspaper in America that is saying this is a good policy. In the limited amount of time we have had to get this debate in front of the public, the public has basically, in these editorials and letters to the editors, raised serious questions about this policy, serious questions about why the Senate would be moving forward on this issue.

As my colleague, the senior Senator from Washington, mentioned earlier, the House of Representatives, when posed with this question, figured it out and said: Listen, if this is such a good idea, let's have a study. Let's have a study and analysis of this issue and see exactly what people can come up with as far as science. Well, that is what is in the House version of this legislation—a study—because my colleagues over there understood that this was a change to Federal policy.

So what about the underlying effects of this legislation if the Cantwell amendment is not adopted? The Cantwell amendment says two things: We are not changing the definition of what is high-level waste and the definition of spent nuclear fuel. We are leaving that the same. But we are giving the authorization and requiring that DOE spend $350 million on cleanup in Washington, in Savannah River, and in Idaho. So we are pushing them ahead. So there is no holdup on cleanup, no issue. DOE, get back to your job of taking the waste out of the tanks and putting it into a glassification and storage process. Why are we spending billions of dollars on a glassification process—that is, the process of taking this spent fuel and turning it into glass logs and moving it into storage—if we are going to leave so much of it in the ground in these tanks? Why would we be spending so much money on it?

As my colleagues are trying to paint a picture that somehow our language does not take care of the blackmail clause, we are simply not—in Washington or in Idaho—going to be blackmailed by DOE into sneaking in language or having our funds held up. As my colleague from Washington said, we have successfully, as a caucus, fought these efforts in the past and have not been peeled off by DOE, that likes to play a switch-and-run game, just because OMB or somebody says we don't have the money in the budget to do the cleanup.

Well, nuclear waste cleanup costs money. The plume in our State already has 1 million gallons of ground water leakage; I will point out to my colleagues, these tanks started leaking years ago. This is not a recent phenomenon. So the fact that these tanks were built, and that DOE knew they were leaking. We all became aware of this; I know this body changes, you have turnover in membership, but my colleagues knew these tanks were leaking. The thing we should have done is continued to push DOE, just as Washington has, just as Idaho has, and just as Savannah River has in legal documents.

I have, again, great respect for the junior Senator of South Carolina, but

he is wrong as it relates to his State's history. His State has said, on numerous occasions, that DOE is wrong on this issue. Now, I get that they have an advocate in the Senate today to make a different point for them, but why do they spend the taxpayers' money in South Carolina arguing in a Federal court case that DOE was wrong to try to change this policy and send letters to Spencer Abraham, the Secretary of Energy, saying he was dead wrong on this policy? Why did they spend the money of the taxpayers in South Carolina fighting this battle, along with Washington and along with Idaho, if they did not believe in it?

I know. Because the State of South Carolina does believe that Federal cleanup policy should be preserved, that the States can only be protected by having a Federal statute, that negotiating cleanup policy standards is not the prerogative of individual States. It is something that is designated under the Nuclear Waste Policy Act. If that law is to be changed, then it ought to be done in the broad daylight of this body and this organization.

So what are we left with today? I think some people at home, who may have been watching this debate, are asking themselves this question. I hope the Cantwell amendment is adopted because it will remove this debate from this bill that we need to move forward with to protect our troops, to continue to give them the resources they need, and move the nuclear waste debate off of something that is so important for us to get done.

But if the Cantwell amendment is not adopted, what we will leave the people with is legislation that basically says the Department of Energy can grout these tanks and can leave this waste in the ground. I do not want safe drinking water affected. I do not want ground water contamination. I want the Senate to do its job and uphold the Federal standard.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield 10 seconds to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Augusta Chronicle, which is the major newspaper at the Savannah River site, supporting my efforts with this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Augusta Chronicle, May 15, 2004]

RESCUING SRS CLEANUP

A way apparently has been found that will get the accelerated cleanup project at Savannah River Site back on track.

The project was dealt a severe setback last summer, when a federal judge ruled that the Department of Energy's plan to reclassify residual sludge in tanks at SRS and other nuclear weapons sites from high-level radioactive nuclear waste to low-level waste violated the 1982 Nuclear Waste Policy Act.

That act requires nuclear facilities to route all their high-level N-waste to the permanent storage facility approved, but not yet built, at Yucca Mountain, Nev. The energy agency is charged with removing strontium-90, plutonium, uranium and other highly radioactive wastes from tanks that have held the nuclear bomb making substances for nearly five decades during the Cold War.

That highly radioactive waste is extremely expensive and difficult to remove. Reclassifying it and treating it on site would save $16 billion in cleanup costs and shorten SRS cleanup time by 23 years, according to the energy agency that sought the reclassification.

But the federal court said no, the agency cannot arbitrarily reclassify nuclear waste to suit its convenience.

The ruling made sense, but it wreaked havoc with the accelerated cleanup plan. DOE is trying, so far unsuccessfully, to get Congress to change the law to allow the agency to reclassify the contaminated waste.

More successful is U.S. Sen. Lindsey Graham's proposal, which he got included in the defense bill approved last week by the Senate Armed Services Committee. Although the measure applies only to the Savannah River Site, it could serve as model legislation for other states concerned about residual liquid radioactive waste left in DOE facilities.

The South Carolina senator's plan would allow DOE to leave in place the highly radioactive sludge that lines the tank's sides and bottom, but it would have to be diluted with grout, thus turning it into ''low level'' nuclear waste in accordance with the state's Department of Health and Environmental Control.

The provision, said Graham, still ''allows South Carolina and DOE to define high-level waste in a very reasonable manner. There's nothing going to be left behind . . . that will not be secured through environmental remediating to protect South Carolina.''

The next move is to make sure the Graham plan stays in the defense bill as it works its way through the rest of Congress. The stakes are high. DOE was planning to withhold cleanup funds if it couldn't move ahead on its accelerated cleanup project. The Graham plan would put the agency back in business.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself the remainder of our time.

I happen to believe that the sooner you clean up a nuclear waste site the better. And you do it within the guidelines of the Nuclear Regulatory Commission. That is what we are trying to do with the WIR project. That is what the Department of Energy is trying to do. I think quicker is better because it means less seepage throughout the ground, less pollution.

And there is a cost. If we stay with the original plan that was drawn out, we do not get cleaned up until 2065. It is going to cost well over $138 billion. With rapid cleanup, we save $86 billion and we help clean up the environment quicker, which means less pollution. I think it is better for the citizens of these States.

I ask my colleagues to join Senator WARNER, myself, the Senator from Idaho, Mr. CRAPO, and the Senator from South Carolina, Mr. GRAHAM, in voting no on the Cantwell amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). The assistant Democratic leader.

Mr. REID. Mr. President, do we have 1 minute on each side between votes on the judges?

The PRESIDING OFFICER. That order has not been entered.

Mr. REID. I ask unanimous consent that prior to the judges, there be 1 minute to speak in relation to those judges.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to print in the RECORD a letter from the National Congress of American Indians. And I commend to my colleagues the 1995 Idaho settlement agreement and the Washington Tri-Party Agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, DC, June 3, 2004.

To: Members of the United States Senate.
Re Tribal Support of Cantwell-Hollings Amendment to Defense Authorization.

DEAR SENATOR: On behalf of the over 250 member tribes of the National Congress of American Indians—the oldest and largest intertribal organization in the US—I write this letter to urge you to support the Cantwell-Hollings amendment to the Defense Authorization Act that will prevent the Department of Energy (DOE) from leaving hazardous and harmful nuclear waste in underground tanks to contaminate our soil and water. The health and environmental hazards of this practice notwithstanding, many tribes believe that the Earth is our Mother, and that these leaking tanks are a wound to her that must be healed.

DOE's high-level waste (HLW) remains dangerous for hundreds or thousands of years. For this reason, they must be disposed in a geological repository along with nuclear power spent fuel. Under the NWPA, the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) regulate the geologic disposal of HLW—and decide what is (and what is not) HLW. The Graham amendment eliminates NRC and EPA legal protections and gives DOE sole authority to transform these lethal materials into ''waste incidental to reprocessing.''

These provisions establish a dangerous precedent for the country. They would allow DOE to redefine about 70 percent of the total radioactivity of all the nation's defense high level wastes stored at the Savannah River site, while preventing access to necessary funds for other states that support the existing, more protective legal framework as Washington and Oregon do for the Hanford site—which is very important to our member tribes in the Northwest.

We urge you to support efforts by Senators Cantwell and Hollings to strike these provisions. The costs of cleaning up DOE sites are expensive. However, the costs of allowing DOE to regulate itself in terms of our nation's natural resources are incalculable. The Indian people of the United States—because we are so dependent on the Earth—will suffer mightily if DOE is able to shirk its responsibilities relative to cleaning up nuclear waste sites.

Please consider NCAI's resolute support for the Cantwell-Hollings amendment as you determine how you will vote on the amendment. If you have any questions, please contact NCAI at 202.466.7767.

Thank you for your work for Indian Country, and thank you for your support on this issue.

Sincerely,

TEX HALL,
President, NCAI.

Mr. REID. Mr. President, the staff indicates we have 10 minutes prior to the vote on the judges. That should be more than enough to talk about the three judges. I ask unanimous consent that the 1 minute between the judges, which is unnecessary, be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Have the yeas and nays on the Cantwell amendment been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 3261. The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), 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 48, nays 48, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—48

Akaka	Durbin	Lincoln
Bayh	Feingold	McCain
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Nelson (NE)
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Conrad	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Smith
Dayton	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—48

Alexander	DeWine	Lugar
Allard	Dole	McConnell
Allen	Domenici	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Chafee	Grassley	Shelby
Chambliss	Gregg	Snowe
Cochran	Hagel	Stevens
Coleman	Hatch	Sununu
Collins	Hutchison	Talent
Cornyn	Inhofe	Thomas
Craig	Kyl	Voinovich
Crapo	Lott	Warner

NOT VOTING—4

Baucus	Edwards
Campbell	Kerry

The amendment (No. 3261) was rejected.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. I ask the next vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, could we make all of them 10-minute votes?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. The next vote will be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I ask unanimous consent that the next votes all be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF SANDRA L. TOWNES TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the consideration of three nominees. The clerk will report.

The assistant legislative clerk read the nomination of Sandra L. Townes, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided between the two leaders or their designees prior to three consecutive votes.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Justice Sandra Townes, who has been nominated to the United States District Court for the Eastern District of New York.

Justice Townes comes to us with an impressive record of public service and accomplishment. She left a successful teaching career to attend Syracuse University College of Law. Following her graduation, she went to work in the Onondaga County District Attorney's Office, where she had a long and successful career as prosecutor. She left the district attorney's office in 1987, when she was elected judge of the Syracuse City Court—becoming the first African American woman to do so. She made history again in 1999, when she became the first African American to be elected locally to the New York State Supreme Court. Two years later, Gov. George Pataki appointed her to associate justice of the Appellate Division of that court, where she now sits.

I applaud President Bush for his nomination of Justice Townes and am confident that she will continue her outstanding record of public service on the Federal bench in the Eastern District of New York.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate is proceeding to confirm Sandra Lynn Townes to the U.S. District Court for the Eastern District of New York. Justice Townes is currently an associate justice of the New York State Supreme Court, Appellate Division, where she has served for several years. She previously served as a judge in the Fifth Judicial District of the New York State Supreme Court. According to press reports, Justice Townes is the first African-American woman to serve on the appellate bench in New York and the first African-American Judge elected to the New York Supreme Court in the Fifth District. She was also a judge of the City Court of Syracuse from 1988 to 1999.

Her extensive record of judicial experience commends her for this lifetime appointment, and I am pleased to join her home-State Senators in support of her nomination.

Today's confirmation will make the 178th judicial nominee to be confirmed for this President. With 78 judicial confirmations in just the past year and a half alone, the Senate has confirmed more Federal judges than were confirmed during all of 1995 and 1996, when Republicans controlled the Senate and President Clinton was in the White House. It also exceeds the 2-year total for the last Congress of the Clinton administration, when Republicans were in the Senate majority. We have already exceeded the totals for the last two Congresses leading up to presidential elections.

When Democrats controlled the Senate for 17 months in 2001 and 2002, we worked diligently to confirm 100 of President Bush's judicial nominees. We are now confirming the 78th in the other 24 months that have transpired during this most divisive presidency. With 178 total judicial confirmations in 3½ years, the Senate has confirmed more lifetime judicial appointees of this President than were allowed to be confirmed in President Clinton's entire term from 1997 through 2000. We have already surpassed the number of judicial confirmations during President Reagan's entire term from 1981 through 1984, and he is acknowledged to have appointed more Federal judges than any other president in our history.

The Republican Senate leadership has again chosen to avoid debate of the nomination of J. Leon Holmes and Judge Dora Irizarry. Just so that there is no confusion, it is the choice of the Republican Senate leadership to skip those nominations.

The Holmes nomination will take some significant debate. The nomination was sent by the Judiciary Committee to the floor without recommendation, a highly unusual circumstance. That means that there was not a majority vote in committee to report the nomination favorably. The committee disserved the Senate by not doing its job of fully vetting the nomination and reaching a consensus or even a vote on the merits.

It is also the decision of the Republican leadership to skip the nomination

of Judge Irizarry, which has been pending on the Senate floor since last October. She is one of many Bush nominees with a ''not qualified'' or partial ''not qualified'' rating from the ABA. With the support of Senator SCHUMER, her nomination was considered and favorably reported by the committee. For months Democrats have been ready to vote on that district court nomination. The delay in considering her nomination since last October, a delay of 7 months, is attributable to the reluctance of the Republican Senate leadership to consider her nomination.

It is reminiscent of the way the Republican leadership treated the nomination of other Hispanics. For example, President Clinton's nomination of Judge Sonia Sotomayor to the 2nd Circuit was delayed for 16 months and was likewise stalled by Republicans on the Senate calendar for 7 months. Judge Richard Paez's nomination to the 9th Circuit was delayed for more than 4 years and was stalled by Republicans on the Senate calendar for more than 18 months alone. More recently, Republican Senate leadership even delayed Senate consideration of President Bush's nomination of Judge Edward Prado of Texas to the 5th Circuit for a month on the calendar, until we called them on it. Considering Judge Prado's nomination in a timely fashion would not have fit with the partisan political characterizations that Republicans wanted to draw of Democrats so they just left him on the shelf for a time.

The Republican leadership must be accountable for its scheduling priorities and the delays that it is causing in the consideration of the President's judicial nominations.

I congratulate Justice Townes and her family on her confirmation today.

Mr. President, I thank the Senators on both sides of the aisle who have worked with me and others in the past few weeks to get through this logjam on judges.

I yield back any remaining time.

The PRESIDING OFFICER. Is all time yielded back?

Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Sandra Townes, of New York, to be United States District Judge for the Eastern District of New York.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—95

Akaka	Dole	Lott
Alexander	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Bayh	Ensign	Mikulski
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden
Dodd	Lincoln	

NOT VOTING—5

Baucus	Edwards	Miller
Campbell	Kerry	

The nomination was confirmed.

NOMINATION OF KENNETH M. KARAS TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Kenneth M. Karas, of New York, to be United States District Judge for the Southern District of New York.

NOMINATION OF KENNETH M. KARAS

Mr. HATCH. Mr. President, I am pleased today to speak in support of Kenneth Karas, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Karas, a graduate of Columbia University School of Law, is a distinguished veteran of the U.S. Attorney's Office for the Southern District of New York, where he is co-chief of that office's unit specializing in terrorism cases. He is known among his peers as an ''al-Qaida expert,'' for his assistance in successfully prosecuting four of Osama bin Laden's followers for the 1998 embassy bombings in East Africa. He is currently the lead prosecutor in the case against alleged al-Qaida terrorist Zacarias Moussaoui.

Mr. Karas is, by all accounts, a gifted prosecutor whose familiarity with Federal trial procedure will benefit him immensely on the Federal bench.

I applaud President Bush for his nomination of Mr. Karas and am confident that he will serve on the bench with compassion, integrity and fairness.

Mr. LEAHY. Mr. President, this evening the Senate considers the nomination of Kenneth Karas to be a United States District Judge for the Southern District of New York. For the past 11 years, Mr. Karas has served as an assistant United States attorney for the Southern District of New York. He received a favorable rating from the American Bar Association and he has the support of both Senators from his home State.

In sharp contrast to so many judicial nominees of this President, apparently selected for their political viewpoint, Mr. Karas appears to be a well-qualified, moderate nominee. He has advocated for civil rights and the rights of the indigent and has served the public as an assistant U.S. attorney for 11 years.

Mr. Karas's testimony and answers to my questions have made me confident that he will treat all who appear before him with respect. The nomination of Mr. Karas is an example of how effectively Democrats and Republicans can work together when we have qualified, moderate nominees.

Mr. Karas will be the ninth of President Bush's nominees confirmed to Federal court vacancies in New York, leaving only one vacancy on the Federal judiciary in the State. The nominee to that vacancy was favorably reported by the Judiciary Committee to the Senate 7 months ago. It has been the decision of the Republican leadership not to move the nomination of Judge Dora Irizarry, a Latina nominee. Democrats have been ready to vote on Judge Irizarry's nomination.

With 79 judicial confirmations in just the past year and a half, the Senate has confirmed more Federal judges than were confirmed during either Congress leading to a presidential election with a Democratic President and Republican Senate majority in 1996 and 2000.

This marks the 179th judicial confirmation since President Bush took office. That is more than President Reagan, the acknowledged all-time champion, achieved in his entire 4-year presidential term from 1981 through 1984 working hand in hand with a Republican Senate majority. It is more than President Clinton was able to achieve in his entire 4-year presidential term from 1993 through 1996, having to work with a Republican Senate majority during 1995 and 1996.

I congratulate Mr. Karas and his family on his confirmation today.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kenneth M. Karas, of New York, to be United States District Judge for the Southern District of York?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—95

Akaka	Dole	Lott
Alexander	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Bayh	Ensign	Mikulski
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden
Dodd	Lincoln	

NOT VOTING—5

Baucus	Edwards	Miller
Campbell	Kerry	

The nomination was confirmed.

NOMINATION OF JUDITH C. HERRERA TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Judith C. Herrera, of New Mexico, to be United States District Judge for the District of New Mexico.

Mr. DOMENICI. Mr. President, I rise in support of a New Mexican named Judith Herrera to be United States District Judge for the District of New Mexico. I believe everyone knows that the administration of justice is one of the most significant pillars of good government. I think in this instance the President has sent us an extraordinary person to be a judge in the District of New Mexico.

We have a vacancy there because of a justice who took senior status. We have a tremendous overload, and I am very pleased that we finally got to the point where we could have another judge. Maybe we can begin to take care of this enormous overload. I thank everyone who worked on this nomination. Her credentials are impeccable. Every group that needed to recommended her.

Judith Herrera is a resident of Santa Fe, NM. She attended the University of New Mexico.

She then attended the Georgetown University Law Center where she earned her law degree.

We, in New Mexico, are fortunate that Judy decided to return to New Mexico upon completion of her law degree.

She began her career in public service shortly after returning to New Mexico, serving on the Santa Fe City Council from 1981 to 1986.

She continued her service by sitting on the boards of St. Vincent Hospital in Santa Fe, St. Michael's High School Foundation, also in Santa Fe, and the University of New Mexico in Albuquerque.

She has practiced law for more than 20 years in New Mexico, amassing in impressive resume and reputation in the legal community.

I am confident she will be an outstanding member of the federal judiciary.

I look forward to Judy Herrera's tenure on the bench.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I join my colleague, Senator DOMENICI, in urging the Senate to support this nomination. Judith Herrera is very qualified. I compliment the President for nominating her for this position. I compliment my colleague for recommending that nomination. She will serve us well on the district court in New Mexico.

Ms. Herrera began her career as a prosecutor, and has spent many years in private practice. Currently, she is a partner at Herrera, Long, Pound & Komer in Santa Fe, NM. She has also served on the Santa Fe City Council and on the University of New Mexico's Board of Regents. Mrs. Herrera has served with distinction in all of these positions.

I urge my fellow Senators to support her nomination.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Judith Herrera, who has been nominated to the United States District Court for the District of New Mexico.

Ms. Herrera is an exceptional nominee and has a distinguished record of service in both the private and public sectors. After graduating from Georgetown Law School, Ms. Herrera worked as an Assistant District Attorney in Santa Fe, New Mexico where she prosecuted a variety of misdemeanor and felony offenses. She later entered the private sector and practiced in the areas of education and employment law.

Ms. Herrera distinguished herself as one of the most effective advocates in New Mexico for employers defending wrongful discharge and discrimination cases. She later founded her own law firm, and currently serves as shareholder and president of that firm. Ms. Herrera has also served the local community of Santa Fe in a variety of ways. She was a member of the Santa Fe City Council, the Board of Trustees for St. Vincent Hospital, and the Board of Regents for the University of New Mexico. Ms. Herrera's broad experience as a trial attorney and her many hours of community service have prepared her for the challenges she will face as a Federal judge. I am confident that she will make a fine addition to the federal bench in the District of New Mexico.

I yield the floor.

Mr. LEAHY. Today the Senate is proceeding to confirm Judith Herrera to the U.S. District Court for the District of New Mexico. Ms. Herrera is a partner with the Santa Fe firm of Herrera, Long, Pound & Komer, which she cofounded in 1987. She appears in court frequently on behalf of employers, and their insurance companies, serving as defense counsel in employment discrimination and wrongful discharge cases. Before starting this practice, she handled education cases and also served briefly as a local prosecutor. She also previously served on the Sante Fe City Council. She has the support of both of her home-state Senators.

Democratic support for the confirmation of Ms. Herrera, an active Republican, is yet another example of our extraordinary cooperation in this Presidential election year. Today's confirmation will make the 180th judicial nominee to be confirmed since this President took office. With 80 lifetime judicial appointments confirmed in just the past year and a half alone, the Senate has confirmed more Federal judges than were confirmed during the all of 1995 and 1996, when Republicans first controlled the Senate and President Clinton was in the White House. It also exceeds the 2-year total for the last Congress of the Clinton administration, when Republicans held the Senate. This Senate has now confirmed more Federal judges than were confirmed during either Congress leading to a presidential election with a Democratic President and Republican Senate majority in 1996 and 2000.

This marks the 180th judicial confirmation since President Bush took office. That is more than President Reagan, the acknowledged all-time champion, achieved in his entire 4-year Presidential term from 1981 through 1984 working hand in hand with a Republican Senate majority. It is more than President Clinton was able to achieve in his entire 4-year Presidential term from 1993 through 1996, having to work with a Republican Senate majority during 1995 and 1996.

I have already noted that at the Republican Senate leadership has again chosen to avoid debate of the nomination of J. Leon Holmes and Judge Dora

Irizarry. These two district court nominees have been pending on the Senate floor longer than any of the other pending district court nominees. Just so that there is no confusion, that is the choice of the Republican Senate leadership to skip those nominations.

The Holmes nomination will require significant debate. It was sent by the Judiciary Committee to the floor without recommendation, a highly unusual circumstance. That means that there was not a majority vote in committee to report the nomination favorably. The committee disserved the Senate by not doing its job of fully vetting the nomination and reaching a consensus or even a vote on the merits.

With regard to Mr. Holmes, to excuse widely shared misgivings about this nomination partisan Republicans are falsely claiming that the opposition to him is based on his religion. That is a slander. Nonetheless, right wing groups like the Committee for Justice have run outrageous and false ads and propaganda against Democrats and have posted assertions that Democrats are anti-Catholic.

Ms. Herrera is, of course, another among the scores of judicial nominees we have confirmed who are active in their faith. Ms. Herrera has stated in her Senate questionnaire that she is on the Board of Directors of the St. Michael's High School Foundation, a local Catholic high school, and she is a parishioner at St. Francis Cathedral. It is wrong for Republican partisans to seek political benefit by falsely claiming that Democrats are anti-Catholic and insulting for them to claim that Catholic Democrats are somehow not Catholic enough. Senator DURBIN just released a study this week that shows that Democrats actually vote more often in agreement with the U.S. Conference of Catholic Bishops on domestic and international issues than their counterparts across the aisle. Yet the destructive Republican politics of division persist. These are unfortunate and dangerous schemes that will only further divide our people and our Nation. Anna Quindlen's recent column in Newsweek, Casting the First Stone, captures the heart of this current tendency to mix religion and politics into a concoction that some Republican strategists hope will help them at the ballot box. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, May 31, 2004]

CASTING THE FIRST STONE

(By Anna Quindlen)

It was nearly 25 years ago that Robert Drinan, a member of Congress and an outspoken Jesuit (a redundancy if there ever was one), so enraged the Vatican with his defense of abortion rights that an order came down from Rome demanding priests withdraw from politics.

It appears that someone has had a change of heart.

Or at least that's how it seems now that certain segments of the Roman Catholic hierarchy are behaving like wholly owned subsidiaries of the Republican Party, hellbent on a course that will weaken the church's moral authority and eventually deplete its membership. And all because of abortion, the issue the celibate male leadership is least equipped to personally understand.

To paraphrase a Gospel passage, my Father's house is a house of prayer, but they have made it a den of partisanship. The archbishop of St. Louis announced that if John Kerry, the Democratic candidate, showed up for mass he would be denied communion. After threats from clerics in New Jersey, the pro-choice Democratic governor saved himself the embarrassment of being turned away by saying he would no longer present himself for the sacrament; the Democratic majority leader of the state Senate responded by quitting the church and saying he will likely join the Episcopalians. And in Colorado a bishop went a step further, saying that any Catholic who supports politicians who favor abortion rights, same-sex marriage or stem-cell research should not take communion.

Surely the next step is to put ushers at the door each Sunday with a purity checklist. Adulterer? Out. Gay? Out. Tax cheat? Gossip? Condom in your pocket? Out. Out. Out. My, how empty those pews have grown. And the altar, too, where we learned that too many priests had a secret life of sexual abuse. Why were known pedophiles permitted to give communion for years, while people of conscience at odds with Vatican teaching (not church dogma) are prohibited from receiving it? It brings to mind the always topical injunction that it's he who is without sin who gets to cast the first stone.

Too many bishops seem to have missed key seminary lessons: the ones on the teachings of St. Thomas Aquinas that civil and moral law are often two different things, or those on the tradition in Catholic thought that a good law must be enforceable, not a law like one prohibiting abortion that will be so often broken that it leads to disregard for all laws. Too many bishops seem to have forgotten the notion of the individual examination of conscience. Instead they have decided to examine conscience for us, particularly if we are liberal Democrats.

Leaders of the church began a schism between pew and pulpit in 1968 with the publication of the encyclical Humanae Vitae. The majority of the members of a papal commission on contraception recommended that the church change its opposition; the minority members won out, mainly because they based their argument on the primacy of the pope. Even then, power politics overrode the well-being of the people.

But over time there was an unforeseen result of the encyclical. The use of contraception became the church prohibition millions of Catholics ignored, in part because the directive was so out of step with modern life (as the majority report suggested), in part because the issue was so private. Little by little Catholics made their peace with consulting their conscience instead of Father, especially on intimate issues. The intermediaries became increasingly irrelevant, especially when, in recent years, the full extent of priestly sexual predation became known.

These member of the church were derided by conservatives as ''cafeteria Catholics,'' picking and choosing their beliefs. Now we have cafeteria clergy, picking and choosing which prohibitions they emphasize and which politicians they damn. What of the pro-life policies of a living wage or decent housing? The church is opposed to the death penalty, yet no bishop has yet suggested he will deny the sacrament to those who support capital punishment. And sanctions for Democratic candidates have far outnumbered those for Republicans, even Republicans who favor legal abortion. The timing of all this is curious as well. It coincides with that new Catholic holy day, the feast of the first Tuesday in November, known to secularists as Election Day.

It is one thing to preach the teachings of the church, quite another to use the centerpiece of the faith selectively as a tool to influence the ballot box, that confessional of democracy. Even a member of Congress opposed to abortion complained that church leaders were ''politicizing the eucharist.'' If citizens who are Methodist, Muslim or Jewish begin to suspect that Catholic politicians are beholden first and foremost to Rome, a notion we thought was laughable and bigoted when John F. Kennedy ran for president, who could blame them? Next month American Catholic bishops meet for a retreat in Colorado. There they should speak out against grievous sin, the sin of using communion to punish by those who have not the moral authority to persuade.

Mr. LEAHY. I also want to focus briefly on how Republicans continue to delay consideration of some Hispanic judicial nominees. For some time the only Hispanic nomination of this President to the first 42 circuit court vacancies was the ill-fated nomination of a young man whose record was kept from the Senate by the Bush administration and who was opposed by the Congressional Hispanic Caucus, prominent Latino leaders of the civil rights community and by many others. This single nomination was in sharp contrast to the many Hispanic nominees sent to the Senate by President Clinton. In fact, eight of the Hispanic jurists serving on our circuit courts today were named by President Clinton, and at least three other Clinton Hispanic circuit nominees would be sitting on the bench now if they had not been denied consideration by a Republican-controlled Senate.

When Democratic Senators supported the confirmation of Judge Edward Prado, President Bush's nominee to the U.S. Court of Appeals for the Fifth Circuit, the Senate Republican leadership delayed consideration of that nomination for a month on the floor for no good reason, other than to allow us to vote on this Hispanic nominee would undercut their false charges that Democrats were anti-Hispanic. Judge Prado had a fair record, years of experience as a Federal District Court judge, and broad support from both sides of the aisle. Nonetheless, in order to get Judge Prado a vote, I had to come before the Senate on a number of occasions to urge his consideration because the Republican leadership was delaying final Senate consideration of his nomination.

Now the Republican leadership seems to be returning to its earlier ways and is again passing over Hispanic nominees without explanation. Last October, 7 months ago, the Senate Judiciary Committee favorably reported the nomination of Judge Dora Irizarry of New York to be a United States District Court Judge for the Eastern District of New York. This was not a nomination without some controversy. The

American Bar Association accorded her a majority rating of ''not qualified,'' as it has several of this President's judicial nominees. Nonetheless, the Judiciary Committee held a hearing on her nomination. The Members of the Committee examined the nomination on the merits and reached their own judgment. With the support of Senator SCHUMER of New York, the nomination was favorably reported. While Senate consideration will include some brief debate, there is no reason this matter has not been scheduled and considered in the last seven months. It could easily have been considered during the course of an extended quorum call during any one of the many days when there is no significant business taking place on the Senate floor. As I have reiterated for months, there is no Democratic hold on this nomination. It merits a brief discussion, but we are prepared to vote on it. Republican delay has prevented action on this nomination.

I do not recall this lengthy a delay in scheduling debate on a Latina nominee since the untoward Republican obstruction of Senate consideration of President Clinton's nomination of Judge Sonia Sotomayor to the U.S. Court of Appeals for the Second Circuit in 1999. That nomination of an outstanding judge, who had been appointed to the federal bench by President George H.W. Bush, was delayed for more than 400 days in all and waited 7 months on the Senate floor, before we were able to force action and a vote on her confirmation. According to some accounts, she was delayed over Republican concerns that she would be chosen by President Clinton for the Supreme Court if a vacancy arose.

Likewise, the Senate's Republican leadership has not yet scheduled a vote on the nomination of Ricardo S. Martinez to be a United States District Court Judge for the Western District of Washington or Juan R. Sanchez to be a United States District Court Judge for the Eastern District of Pennsylvania.

Despite Republican delays in the consideration of President Bush's Hispanic nominees, the Senate has already confirmed, unanimously, three of his Hispanic nominees to the circuit courts and 11 to the district courts. Ms. Herrera will be the 12th Latino district court nominee and 15th overall confirmed by the Senate.

Unfortunately this White House's commitment to diversity seems shallow when compared to its devotion to ideological purity. The President has nominated many more members of the Federalist Society than members of the nation's fastest growing ethnic group. The White House has sent over the nominations of more than 45 individuals active in the Federalist Society, which is more than twice as many Latinos as he has nominated. In fact, the President has chosen more individuals involved in the Federalist Society than Latinos, African Americans, and Asian Americans combined.

We have made significant progress over the last three years in reducing Federal judicial vacancies. As of today, there are only 43 total vacancies in the Federal court system. That stands in sharp contrast to the treatment Republicans accorded President Clinton's nominees. Indeed, under Republican leadership, from 1995 to the summer of 2001 the number of vacancies in the federal courts rose from 63 to 110. We have now made up that 67 percent increase in vacancies the Republican Senate leadership had engineered between 1995 and 2001, and we have reduced vacancies from the 1995 level by one third, to the lowest vacancy level in 14 years. In spite of the way more than 60 of President Clinton's nominees were defeated by Republicans' objections, Senate Democrats have cooperated in the consideration and confirmation of 180 of this President's judicial nominations.

We now have 16 vacancies in the circuit courts. That is the number of vacancies that existed when Republicans took majority control of the Senate in 1995. Unfortunately, through Republican obstruction of moderate nominations by President Clinton, those circuit vacancies more than doubled, rising to 33 by the time Democrats resumed Senate leadership in the summer of 2001. We steadily reduced circuit vacancies over the 17 months that Senate Democrats were in charge. Even though since 2001 an additional 15 circuit vacancies have arisen, we have done what Republicans refused to do when President Clinton was in the White House by not only keeping up with attrition but actually working to reduce vacancies. We have now reduced circuit vacancies to the lowest level since before Republican Senate leadership irresponsibly doubled those vacancies in the years 1995 through 2001.

We should recognize the progress we have made. I certainly recognize the entirely different approach to judicial nominations Republicans have taken with a Republican President's nominations in contrast to their systematic obstruction of Senate action on President Clinton's judicial nominations. I would hope that we will be able to find ways to work together without too much more delay to consider the Hispanic nominees to the federal bench who Democrats are supporting.

I congratulate Ms. Herrera and her family on her confirmation today.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Judith C. Herrera, of New Mexico, to be United States District Judge for the District of New Mexico?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—93

Akaka	Domenici	Lott
Alexander	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Murkowski
Bingaman	Feinstein	Murray
Bond	Fitzgerald	Nelson (FL)
Boxer	Frist	Nelson (NE)
Breaux	Graham (FL)	Nickles
Brownback	Graham (SC)	Pryor
Bunning	Grassley	Reed
Burns	Gregg	Reid
Byrd	Hagel	Roberts
Cantwell	Harkin	Rockefeller
Carper	Hatch	Santorum
Chafee	Hollings	Sarbanes
Chambliss	Hutchison	Schumer
Clinton	Inhofe	Sessions
Cochran	Inouye	Shelby
Coleman	Jeffords	Smith
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Cornyn	Kohl	Stabenow
Craig	Kyl	Stevens
Crapo	Landrieu	Sununu
Daschle	Lautenberg	Talent
Dayton	Leahy	Thomas
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Dole	Lincoln	Wyden

NOT VOTING—7

Baucus	Corzine	Miller
Biden	Edwards	
Campbell	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3263

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from California, Mrs. FEINSTEIN, the Senator from Rhode Island, Mr. REED, the Senator from New Jersey, Mr. LAUTENBERG, and the Senator from Wisconsin, Mr. FEINGOLD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mrs. FEINSTEIN, Mr. REED, Mr. LAUTENBERG, and Mr. FEINGOLD, proposes an amendment numbered 3263.

Mr. KENNEDY. 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 prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the Robust Nuclear Earth Penetrator (RNEP))

At the end of subtitle B of title XXXI, add the following:

SEC. 3122. PROHIBITION ON USE OF FUNDS FOR NEW NUCLEAR WEAPONS DEVELOPMENT UNDER STOCKPILE SERVICES ADVANCED CONCEPTS INITIATIVE OR FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated by section 3101(a)(1) for the National Nuclear Security Administration for weapons activities may be obligated or expended for the following:

(1) The Stockpile Services Advanced Concepts Initiative for the support of new nuclear weapons development.

(2) The Robust Nuclear Earth Penetrator (RNEP).

Mr. KENNEDY. Mr. President, I see my friend and colleague, who offered this amendment on a previous occasion, in the Chamber. We have worked closely together. Because of the necessities of time, I hope the Chair will recognize her to make remarks, and then I will try to gain recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts. I particularly thank him for being the main sponsor of this amendment.

This amendment is something about which I feel passion, and the reason I do is because the country, of which I am a part, in this bill authorizes the opening of a nuclear door to the development of new nuclear weapons.

One of the things I realized is Americans forget what a nuclear weapon does. Both Senator KENNEDY and I were very young teenagers when the first nuclear bomb was dropped. The first nuclear bomb that was dropped was 15 kilotons, and it was dropped on Hiroshima. This is what Hiroshima looked like when that bomb was dropped.

Let me show you what a 21-kiloton nuclear bomb did, because that was the second bomb that was dropped, and that was on Nagasaki. In the course of a year, between the two cities, 200,000 people died—200,000—many of them in the most horrible of ways from radiation sickness.

Radiation is a major problem whenever you look at a new nuclear weapon—where it can be contained, how it can be contained, and where it cannot be contained.

In this bill, there is authorization for a 100-kiloton nuclear bunker buster. In this bill, there is a request for authorization of $9 million for advanced nuclear weapons concepts which translates into strategic battlefield nuclear weapons under 5 kilotons—battlefield nuclear weapons.

Let me show you the depth to which a bomb has to penetrate to prevent nuclear fallout. If it is two-tenths of a kiloton, it has to go down 70 feet, to 120 feet, and then it throws off 25,000 tons of radioactive fallout.

If it is 1 kiloton, at 80 feet, it throws up 60,000 tons of radioactive fallout and would have to go down to 220 feet not to throw out any radioactive fallout. Five kilotons, if it goes down 320 feet, it will not throw off radioactive fallout, but at 130 feet, it throws out 220,000 tons of radioactive fallout. At 100 kilotons, it would have to go down to 800 to 1,000 feet not to throw off any radioactive fallout.

That is what we are talking about. That is what is authorized in this bill: a nuclear bunker buster of 100 kilotons, and there is no known way to drive a bomb 800 to 1,000 feet into the earth because there is no known casing strong enough to drive that bomb down to that depth.

So I ask the question: Why are we doing this? Why are we spending what over 5 years will be $500 million on this program? And why are we doing it when it is going to encourage the very proliferation everything about us wants to prevent?

We now know through newspaper articles that India may be looking at what is called a boutique nuclear weapon, a battlefield nuclear weapon. We lead the way. We do not want other nations to go ahead and develop this, and this country has the most sophisticated conventional military in the world.

I support this amendment which essentially would eliminate the authorization for the robust nuclear earth penetrator and the advanced nuclear weapon concept.

I want to point out when this administration came into office, they put out a document called the Nuclear Posture Review in 2002. This Nuclear Posture Review, according to press reports, actually stated the United States would countenance a first use of nuclear weapons in certain circumstances.

This document named seven countries against whom we would consider launching a nuclear first strike. Those seven countries as listed in 2002 were North Korea, Iraq, Iran, Syria, Libya, China, and Russia. It also proposed a new triad in which nuclear and conventional weapons coexist along the same continuum. This effectively blurs the distinction between nuclear and conventional weapons and suggests that they could be used as an offensive weapon.

In addition, the Nuclear Posture Review said we need to develop new types of weapons so we can use them in a wider variety of circumstances and against a wider range of targets, such as hard and deeply buried targets, or to defeat chemical or biological agents.

I have now asked Secretary Rumsfeld, as a member of the Defense Appropriations Committee 2 years running, about this. The first year he said this is just a study; that is all. This year a week ago when I asked him, he said clearly, with the amount of underground activity that exists in the world, and it is pervasive in country after country that people have tunneled underground—North Korea is a perfect example; certainly Iran is—we have found this in country after country, and the question is, If that is a problem, what might be done about it. Your first choice would be to find some obviously conventional way to do it. They have looked and looked and looked, and this additional way is at least, in my view, worth studying.

In addition, the Congressional Research Service says the fiscal year 2005 budget request seems to cast serious doubt on the assertions that the Robust Nuclear Earth Penetrator is only a study because budget projections over the next 5 years is nearly $500 million for this program. So it is more than a study. It is a real program that is underway. I think it is a huge mistake.

I indicated that there is no way today to sink a nuclear weapon deeply enough into the earth to prevent radioactive fallout. Let me show what that fallout would do. This is the predicted radioactive fallout from a 300-kiloton explosion in west Pyongyang, North Korea, using historical weather data for the month of May. We see what the fallout would be. This makes no sense. We are not going to use a weapon either on a battlefield or as a bunker buster that spews out radioactive nuclear fallout. Why reopen the nuclear door? Why have other nations look at America and say, America is going to do this; maybe we should do it? India, Pakistan, historic enemies, both nuclear capable countries, rumors are that one now is going to develop a tactical battlefield nuclear weapon. They see us doing it; therefore, it is all right for them to do it.

According to press reports, in a Nuclear Posture Review, one of the countries we might consider a first use, North Korea. We then find North Korea breaks the agreed formula. North Korea is producing a nuclear capability. It makes no sense for the strongest military on Earth, the most sophisticated conventional military on Earth, to say, once again, we must reopen the nuclear door, and we must begin a new generation of nuclear weapons.

The people of California do not want this. I do not think the people of any State want that. So I believe very strongly in this amendment. I hope to discuss it more on Tuesday. I will do everything in my power to fight every way I can the reopening of this nuclear door.

The Robust Nuclear Earth Penetrator, and Advanced Concepts Initiative are only part of a movement to expand the development of new nuclear

weapons. There are also plans to develop a modern pit facility, and that modern pit facility would provide the capacity to create up to 450 more plutonium pits per year. The plutonium pit is the shell which is effectively the trigger of a nuclear device which compresses and therefore detonates. That is not necessary to maintain the current nuclear numbers that we have. It is only necessary if you are going to build new nuclear. In addition, last year the Administration urged Congress to eliminate the Spratt-Furse provision which for the past 10 years provided that there could be no research, no development, no study of low-yield nuclear weapons.

So the evidence is there that this administration is proceeding along the lines to reopen the nuclear door to develop a new generation of nuclear weapons while at the same time preaching to the world, thou shalt not; we are opposed to nuclear proliferation. Yet we are willing to open that door and proliferate ourselves.

In my view, this is hypocrisy. In my view, this is not good public policy. In my view, this is immoral and unethical.

I represent a constituency that does not think we need a new generation of nuclear weapons. So this amendment would remove that authorization from the Defense authorization bill, and I stand in support of it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I rise in opposition to the amendment and would like to first reflect on some remarks that would have been presented by the chairman of the Armed Services Committee, Senator WARNER, were he able to be here. Then I will make a couple of comments on my own as well.

He points out that for the past 2 years, the Department of Energy has requested funding or legislation for several nuclear-weapons-related activities, including a feasibility study on the robust nuclear earth penetrator and the advanced concepts initiative.

These requests generated significant debate in the Congress, both last year and in the previous year. Last year, Congress decided to authorize research and the feasibility studies on advanced concepts and the robust nuclear earth penetrator, while ensuring that the Congress has the final say on whether more advanced development activities may proceed in the future.

So it is strictly up to Congress as to whether we would authorize anything in the future, and that has nothing to do with the bill that is before us today.

Specifically, the National Defense Authorization Act for fiscal year 2004 prohibits the Department of Energy from proceeding to the engineering/development, production or deployment phases of the robust nuclear earth penetrator, or a low-yield nuclear weapon, unless specifically authorized by Congress.

This is a prudent way to handle a very sensitive issue, which is deserving of the Congress's most careful oversight. I believe we struck a proper balance which will allow our weapons scientists, engineers, and technicians to conduct necessary research and studies to ensure that they maintain the ability to respond to any future military requirements from the Department of Defense.

We know rogue nations are increasingly developing hardened and deeply buried targets where they can conduct command, control, and communications operations, operate laboratories to produce and store weapons of mass destruction, and engage in other activities.

Pursuant to military requirements from the Department of Defense to address hardened and deeply buried targets, the National Nuclear Security Administration is doing a feasibility study to determine whether an existing nuclear weapon can be modified so that it can destroy these hardened targets—I repeat, an existing nuclear weapon, not a new nuclear weapon. The feasibility study is also trying to determine what collateral damage would result in such an event.

The need for validating this capability is well documented over several preceding administrations. Increased urgency to develop a capability to destroy hardened and deeply buried targets, both conventional and nuclear, was identified in the Quadrennial Defense Review, also in the Nuclear Posture Review, and the Hard and Deeply Buried Target Capstone Report and the HDBT report to the Congress. Advanced penetrators armed with conventional warheads have a very limited capability. They can only address relatively shallow targets whose location is known precisely.

I would parenthetically note that we also have photographs at the very beginning of the gulf war where we thought we had identified the location of Saddam Hussein. Very precise weaponry was deployed to try to penetrate the bunkers and facilities in which we thought the command and control was located. You remember the photographs of the concrete, layer upon layer upon layer, and hardened steel intermeshed with that concrete, none of which, of course, was penetrated enough to destroy the target we wanted to destroy. Only nuclear weapons can address the deeply buried targets that are protected by manmade or even hard geology. Our current nuclear penetrator, the B6–111, is only capable of penetrating a few feet of frozen soil and is incapable of attacking successfully a growing number of these hardened targets.

The feasibility study on the Robust Nuclear Earth Penetrator is focused on technical issues related to adapting an existing nuclear weapon to meet a spectrum of nuclear requirements for hardened and deeply buried targets, including survival through impact and penetration of hard geology. While the feasibility study on the Robust Nuclear Earth Penetrator will allow the Department of Energy to determine if the capability of destroying the HDBTs is possible, the current authorization will not result in a new or modified nuclear weapon.

Again I want to emphasize that the National Defense Authorization Act for the fiscal year 2004 included a provision requiring a specific authorization from the Congress before the Secretary of Energy can proceed to the engineering/development phase or subsequent phase of a Robust Nuclear Earth Penetrator or a low-yield nuclear weapon.

I support the National Nuclear Security Administration's ability to continue the feasibility study and the Advanced Concepts Initiative, and I urge my colleagues to oppose the amendment, which is, if anything, premature because of the points I have just made.

I will note in closing that it is possible to show photographs of a flattened Tokyo during World War II that was not bombed with a nuclear weapon or a burned-out Dresden, Germany. It is possible to show a lot of destruction in war caused by either nuclear or conventional weapons. But that is not what we are talking about nor are we talking about opening the nuclear door, as was mentioned. No new nuclear weapon is envisioned here. What we are talking about, again, is a feasibility study to use something we already have to destroy a target.

I would answer the question, Why would we want to do this? There are a lot of intelligence reports we cannot get into on the Senate floor that discuss the propensity for potential enemies of the United States to deeply bury what they don't want us to be able to destroy—whether it be weapons of mass destruction, production or storage or launch capability facilities or command and control or other kinds of targets we may need to deal with in a time of war. Why would we want to deny ourselves the ability to destroy those kinds of targets?

The point was mentioned that Secretary Rumsfeld testified. What did he testify to? That this was worth studying. He never said we were proceeding, because the law would prohibit that. That is all he said, that this is worth studying. Indeed it is.

Why does the 5-year budget requirement carry out a larger sum of money? Simply because that is what we require. We say to the DOE: Even though you have a 1-year number here, what would it look like if you proceeded 5 years out? And they have to tell us. But that is a hypothetical number because we have not authorized anything beyond the number we are talking about here.

The final point. Once we start talking about nuclear weaponry, a lot of very extraneous arguments get brought into the picture. I suggest we not go down that road because it is not necessary. It has nothing to do with this debate.

One of the arguments is, why would we want to begin testing nuclear weapons when we are trying to convince these other countries such as Pakistan and India, and so on, not to do so? I remind my colleagues that long after the United States imposed a moratorium on all nuclear testing, it was not just India or Pakistan but the North Koreans who were trying to develop a weapon. The French and the Chinese tested weapons after our moratorium was declared. So it is fallacious to say if only we would forego any testing of any kind, then the other countries would forego it as well. History shows that is a fallacious argument.

My point is let's not get into the scary discussion of reopening the nuclear window with an amendment that would prohibit us from continuing to study something that all of our defense people say we need to continue to study, and that is whether an existing weapon could be used to destroy a target we may need to destroy at some time in the future. As long as Congress has the ultimate say as to whether we would proceed with the development or deployment of the weapon—and we have not done that—it is absolutely not necessary for us to adopt an amendment such as this that would cripple us from even looking into the subject. That would be a Luddite position for a country like the United States with all of the responsibilities we have to take.

I urge my colleagues to vote against this amendment when we have the opportunity to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity to join with my colleague and friend, the Senator from California, offering this amendment with my other colleagues.

Just to summarize very briefly, the development of these nuclear weapons signals a dangerous direction in our nuclear policy. It weakens our ability to ask other countries to give up their nuclear programs. If we build these nuclear weapons, the costs are clear. No one will believe we are serious about nuclear nonproliferation. Developing new nuclear weapons sends a mixed message that undermines all of our calls for nonproliferation. When we criticize Iran and North Korea for their nuclear weapons development, they point back to ours.

There is little doubt that we would be starting a new arms race. Although it is too soon to tell who will follow suit, few developments in the quantity or quality of nuclear weapons have gone unmatched by other powers. To start a costly new arms race for these weapons of little utility is, I believe, a mistake.

At the same time, the benefits are not clear. Opponents will just build deeper bunkers, out of the range of new weapons. We will build weapons with deeper range and our enemies will again build deeper bunkers.

But even more compelling is the fact that conventional weapons will do the job against deeply buried targets. All bunkers must have air intakes, energy sources, and entries; and secure those through conventional means and you have essentially secured the bunker, making these new nuclear weapons programs effectively useless.

In the end, the Department of Energy would like us to buy something that we do not need, that we will never use, that endangers us by its mere existence, and that makes our important diplomatic goals much more difficult to achieve.

I hope we will have the acceptance of our amendment.

Mr. President, having outlined what I believe to be the principal reasons for the amendment, I am going to take a few moments to go into some detail now about what is at risk.

As I mentioned, we are on the threshold of a new nuclear arms race. Instead of curbing the spread and the development of nuclear arms, the Bush administration wants us to build a new generation of nuclear weapons. I believe this is a dangerous and reckless policy that will put Americans at even greater risk in an increasingly dangerous world.

The nuclear weapons the administration is developing go by such terms as ''mini-nukes'' and ''bunker busters.'' They may not possess the yield of the nuclear warheads of the cold war era, but a mushroom cloud is still a mushroom cloud. They can still cause monumental destruction, massive casualties, and long-term environmental damage to entire regions of the world. They will encourage other countries to follow our example and produce a new generation of nuclear weapons of their own. Their existence makes it even more likely that nuclear weapons could fall into the hands of terrorists.

On issue after issue, the Bush administration has arrogantly abandoned cooperation of the allies in favor of ''my way or the highway'' policies that alienate us from the world, from its rejection of the Kyoto Treaty against global warming to misguided occupation of Iraq. This administration's policies have made the world more dangerous for Americans, and the development of a new generation of nuclear arms is another such policy. These nuclear weapons programs must be stopped.

The administration requested a total of $34.2 million for the development of these new nuclear weapons. Our amendment would stop this money from going toward these new nuclear weapons and would direct the money toward other priorities such as increasing the safety of our existing stockpile, or environmental cleanup of nuclear materials.

The administration's funding request for these programs is a continuation of the dangerous new direction this administration is taking in our nuclear weapons policy.

The administration's Nuclear Posture Review acknowledged this, stating it ''puts in motion a major change in our approach to the role of nuclear''—this is in the Nuclear Posture Review, 8 January 2002. Building on the QDR—the overall review of our defense capability—the Nuclear Posture Review ''puts in motion a major change in our approach to the role of nuclear offensive forces in our deterrent strategy and presents the blueprint for transforming our strategic posture.''

Why? Because the administration intends to go ahead not only in the research but in the development of these weapons systems. We will hear from the other side: ''Oh, no, we aren't, Senator.'' All you have to do is look in the legislation itself. There it is on page 378—the limitation of availability of funds for advanced nuclear weapons concept limitation. Under the funds authorized to be appropriated this year, they may be obligated or expended for the purpose of additional or exploratory studies under an advanced nuclear weapons concept initiative until 30 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees a detailed report on the activities for such studies on the initiatives that are planned for 2005.

There it is. Is that what the administration and is that what the Senate is relying on to say they are going to have to come back here for another action in terms of the development and the testing of nuclear weapons?

Look at what the language says—until 30 days after the date on which a report goes to the committee. They can go ahead.

Let us see what they are intending. This is a pass. Those who rely on that language said, ''Senator KENNEDY, Senator FEINSTEIN, we have effectively addressed your needs.'' They cannot go ahead in terms of development or testing because we have language in there to prohibit it.

That is not accurate. That is not accurate. I have read the operative language in the Defense authorization bill for this year's funding. They can do anything they want after they give notification. That isn't any prohibition for this year.

We can ask, What do they mean? What do they intend?

Let us look at what Linton Brooks, Administrator of the National Nuclear Security Administration, says. He is the top person on nuclear weapons. He says on December 5, 2003: ''On behalf of the administration, I would like to thank you''—

This was a memoranda to the directors of some of the laboratories. I will include the page in the RECORD.

''On behalf of the administration, I would like to thank you and your staff for helping us to support this important effort. We are now free to explore a range of technical options.''

This is after Congress repealed the amendment which prohibited mini-

nukes. That was in the law. And the last Congress repealed that action. Here is the head of the National Nuclear Security Administration:

''We are now free to explore a range of technical options. We should not fail to take advantage of this opportunity.''

Look what else Linton Brooks said:

''I have a bias in favor of things that might be usable. I think that's just an inherent part of deterrence. If it is usable, they can be developed, and we ought to use it.''

You can ask, How do we know the administration is serious in pursuing the bunker buster? How do we know that? All we have to do is look at the 5-year budget the administration has submitted.

As it moves on through in the development of the bunker buster, you will find as it increases—it has a total appropriations for this whole project of some $484 million over the next 5 years. For studies? For technical research? That is for the robust nuclear penetrator. Research is $484 million and $82 million for the small nuke. If you look in their budget, that is what it has.

Look in the details of what they expect each year. And when you come to 2007, you will find it is planning development in 2007. It has the technical language.

If I am wrong, I hope those on the other side will correct me. If this language does not mean development, correct me. If applicable, RNEP will move to level 6.3 authority, given the appropriate authorization—that means effectively the development in 2007 and the testing in 2009. It is in the 5-year program. This is what they are intending to do. That is why this amendment is so important.

It is very clear what the intention of the budget proposal is from the statement of the key administration officials who are dealing with the development of nuclear weapons and by the statement of the Nuclear Posture Review in and of itself. That is the direction we are going.

We believe we should say we are not going to go in this direction. We do not want to have another nuclear arms race.

One of the great successes of Democratic and Republican Presidents over the period since the end of World War II was being able to contain the nuclear arms race. We came dangerously close during the Cuban missile crisis of a nuclear exchange. But we have been able to avoid it, and we have seen progress made with the different arms control agreements which have been signed and supported by Republicans and Democrats alike.

Why in the world, when we are trying to contain the nuclear capability of North Korea and Iran, are we going out and beginning to have another nuclear arms race when we have the most feared military in the world right now? That is the argument that must be addressed on the other side to those who want to support this particular program.

Development of these nuclear weapons is part of that ill-advised transformation. It returns us to the dangerous dynamics of the world when our nuclear scientists competed with our rivals to develop the latest technology, our arsenals were on highest alert, and we were only minutes away from nuclear attack.

The administration's nuclear posture review directs the Department of Defense to look into the possible modification to existing weapons to provide additional yield flexibility in the stockpile and improve the earth-penetrating weapons to counter the increased use of potential adversaries of hardened and deeply buried facilities, referring to the bunker buster. In addition, the nation's nuclear weapons laboratories were to look into the weapons that reduce collateral damage, the so-called mini-nukes.

Last year, the House Energy and Water Subcommittee raised serious concerns about our Nation's nuclear weapons program. They had extensive hearings on this. The Department of Energy is proposing, and this is their conclusion of the House committee report:

> The Department [of Energy] is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the last forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons.

That is what the Republican House committee concluded, after extensive hearings on this particular issue. The House Energy and Water Subcommittee thought the pursuit of a broad range of new initiatives was premature until the Department of Energy could demonstrate that it could adequately care for the nuclear weapons we already have, which makes sense.

The committee cut the funding for the mini-nukes program, refusing to ''support redirecting the management resources and attention to a series of new initiatives.''

Chairman HOBSON's criticisms ring just as true today. Our amendment would similarly cut the funding for new nuclear weapons programs.

The President's budget for fiscal year 2005 contains $9 million for the Advanced Concepts Initiative, which funds research into the programs. This is an increase of 50 percent from last year's level of $6 million.

The low-yield nuclear weapons are nuclear weapons with a yield up to 5 kilotons. But these mininukes are very deadly. A 5-kiloton bomb is half the size of the bomb we dropped on Hiroshima, capable of killing hundreds of thousands of people and making the target radioactive for decades to come.

Based on questions about their battlefield utility, Congress banned the research and development of these weapons for over 10 years. As Chairman of the Joint Chiefs of Staff during the first gulf war, Colin Powell asked for a review of options for using tactical nuclear weapons on the battlefield. He rejected all of them. Colin Powell rejected all of them because he concluded they have no usefulness on the battlefield.

Unfortunately, last year, at the administration's request, Congress repealed the ban and allowed research into these weapons to go forward. I disagreed with that action and joined with my colleague from California in an amendment to retain the ban. Many supported repealing the ban because they believed the administration would not field these new weapons. This is simply not true.

The administrator's nuclear weapons chief, Linton Brooks, says, as I mentioned: ''I have a bias in favor of the lowest useable yield because I have a bias in favor of . . . things that might be useable.''

That is a clear intention of what a leading person for the administration believes and feels about the usability of small nuclear weapons.

The administration wants these weapons because it believes our existing nuclear weapons are too large to be used. It wants to develop a generation of more useable nuclear weapons. In creating a more useable nuclear weapon, the administration is making it more likely that the United States would use such a weapon, increasing the risks of escalation and nuclear war.

This chart shows a detonation outside of Damascus. This would be a 5-kiloton bomb that was detonated in a hypothetical bunker in the Middle East, in Damascus, on a typical day. Over half a million people would be wounded or killed from such explosion, and the fallout pattern would extend from Damascus into the Mediterranean Sea. The detonation of even a 1-kiloton nuclear weapon at a depth of less than 50 feet will create a crater larger than the World Trade Center and spew a million cubic feet of radioactive dust into the atmosphere.

According to Michael May, the former Director of Lawrence Livermore Nuclear Laboratory, one of our premier research labs, ''Scientists say even a low-yield nuclear strike on a bio-warfare storage bunker will dig a large, hot crater and blast a witches's brew of weaponized germs and radioactive fallout into the air.''

This next chart gives some idea about what that might look like. We can realize the size of the hole only if we can see the observation post that allegedly can hold 20 people. They are right on the edge of that very substantial crater for the 1-kiloton bomb, with the thousands of tons of radioactive material which comes from that.

For those who argue that the advanced weapons concepts program is necessary to preserve the intellectual base of nuclear weapons scientists, one

of the prime reasons being recommended before our committee is because we want to keep occupied our nuclear scientists so they will be energized in their work.

This amendment would not stifle their ability to study nuclear weapons. There is plenty of work to be done on stockpile security, on the nuclear weapons capability of other nations. This amendment would leave the money available for research in the nuclear weapons field but would prevent it from being spent on nuclear weapons research.

The robust nuclear earth-penetrator, the so-called bunker buster, is a nuclear weapon that will burrow into the ground 10 to 50 feet before detonating. The administration is currently studying the feasibility of putting existing nuclear weapons with yields up to 300 kilotons into an earth-penetrating casing. The bunker buster is designed to strike deeply buried, hardened bunkers, which could be fortified below 100 to 300 feet of concrete.

Earth-penetrating weapons would spray millions of tons of radioactive waste into the atmosphere, creating a plume of deadly fallout, according to nuclear physicists.

Robert Peurifoy, the retired vice president of Sandia National Laboratories, another premier nuclear weapons laboratory, had this to say:

''If you can find somebody in a uniform in the Defense Department who can talk about the need for nuclear bunker busters without laughing, I'll buy him a cup of coffee. It's outlandish. It's stupid. It is an effort to maintain a payroll at the weapons labs.''

Opponents will argue that we are simply funding a study, that there is no intent to go any further. But last year Fred Celec, former Deputy Assistant Secretary of Defense for Nuclear Matters in the Bush administration, was asked about these bunker busters and he stated that if a hydrogen bomb can be successfully designed to survive a crash through hard rock or concrete and still explode, ''it will ultimately get fielded.''

In May 2003, Secretary Rumsfeld said the bunker buster ''is a study. It is nothing more and nothing less.'' This study was planned to cost $15 million for fiscal years 2003 to 2005. In fiscal year 2004, based on concerns about the program, Congress cut the appropriations to $7.5 million. But this year, the President's fiscal year 2005 budget request challenged that and the administration requested $27.6 million for the study and revealed that it planned to spend $485 million over the next 5 years.

Surely an investment of that magnitude is not just a study but a quantum leap towards deployment of this dangerous weapon. In fact, in that plan the administration stated its intent to move in a development stage.

Whatever their size, current deployed nuclear weapons must be detonated close to the ground in order to kill chemical or biological agents, creating a great deal of nuclear fallout. If the detonation is underground, all the debris becomes radioactive and disperses through the air. Fallout can be reduced by detonating the weapons at a higher altitude, but that reduces their effectiveness against chemical or biological weapons.

Bunker busters require pinpoint accuracy to hit deeply buried, hardened bunkers that may contain chemical or biological weapons. They require precise intelligence on the location of the target because even an enhanced radiation weapon has a very short range of effectiveness to neutralize a biological agent. If the bomb is even slightly off target, the detonation may cause the spread of chemical bioagents in addition to the radioactive fallout instead of vaporizing the agent.

In fact, the administration's own Nuclear Posture Review acknowledges that ''significant capability shortfalls currently exist in: finding and tracking mobile relocatable targets and WMD sites'' as well as ''locating, identifying, and characterizing hard and deeply buried targets.''

Given our current failure to locate WMD in Iraq, do we have sufficient confidence to drop a nuclear bomb on a suspected hardened, deeply buried bunker? According to noted Stanford physicist Sidney Drell, the blast effects of such a weapon ''extend beyond the area of very high temperatures and radiation they create for destroying such agents.'' The consequences of using such a weapon extend far beyond the limited area of a suspected bunker.

In the months leading up to the war in Iraq, the administration refused to rule out—isn't this interesting—in the months leading up to the war in Iraq, the administration refused to rule out the use of nuclear weapons. If we had mininukes last spring, would we have used them against suspected chemical or biological bunkers, bunkers which turned out not to have existed?

Using a low-yield nuclear weapon against a suspected bunker around Baghdad could have killed a half a million people or more. Imagine the geometric increase in the resentment of the Iraqi people to our occupation, what it would have been had we done so.

Couple the administration's interest in these weapons with its newly declared preventive war doctrine and we face the potential of a nuclear first strike against a nonnuclear nation. This would violate our obligations under the Nuclear Nonproliferation Treaty. Use of a nuclear weapon against a country preemptively would instantly transform America from the great beacon of hope in the world to a pariah.

So, as I mentioned, the development of these new weapons signals a dangerous direction in our nuclear policy. It weakens our ability to ask other countries to give up their nuclear programs. And the costs are clear. No one will believe we are serious about nuclear nonproliferation. Developing the new nuclear weapon sends a mixed message that undermines all of our calls for nonproliferation. When we criticize Iran and North Korea for their nuclear weapons development, they point back to ours. There is little doubt that we would be starting a new arms race. Though it is too soon to tell who will follow suit, few developments in the quantity or quality of nuclear weapons have gone unmatched by other powers. To start an arms race with these weapons of little utility is a mistake.

Opponents, as mentioned, will just build deeper bunkers, but even more compelling is the fact that conventional weapons will do the job against deeply buried targets. We have not heard on the Armed Services Committee testimony that we do not have the capacity or capability to deal with the deep bunkers with conventional weapons today. I will wait for those who are opposed to this amendment to justify that position.

So this is a matter of enormous importance and consequence. The materials I mentioned are here on my desk. It is quite clear the direction this administration is intending to go. It is clear not only from the statements of those who have the prime responsibility for the development of nuclear weapons, it is clear in their statement for their 5-year proposal. You cannot read that proposal and not see where they are looking for development and testing. It is all out there for everyone to see.

For those to suggest on the floor of the Senate that under the existing Defense authorization bill we have effectively prohibited that kind of conduct in terms of the testing and the development defies the language I have read previously. The only hindrance would be the fact that the Department of Defense is required to send studies here to the appropriate Defense committees and then, after 30 days, is free this year to take whatever action they want. That is not the way for us to move into another nuclear arms race. That is what this amendment is meant to address. That is why I hope it will be accepted.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, let me compliment the Senator from Massachusetts. I fully intend to support this amendment. I have spoken about this issue on the Senate floor previously. It is in my judgment that job one for this country is to attempt to stop the spread of nuclear weapons around the rest of the world, to prevent the proliferation of nuclear weapons, to make certain the nuclear weapons that do exist are protected and safeguarded, and then for this country to lead in this world to try to reduce the stockpile of nuclear weapons.

But for this country to be talking about building new nuclear weapons,

earth-penetrating, bunker-buster nuclear weapons or low-yield nuclear weapons, and have people in this administration talk about nuclear weapons as if they are just another weapon to be used in a war—drop a nuke on a cave someplace; just another weapon, that is what they are talking about—that this country should be wanting to build more, it is absurd.

There are roughly 30,000 nuclear weapons on this Earth. The stealing of one of those weapons or the acquisition of one by terrorist groups would cause an apoplectic seizure for people who live in the major cities of this country that would be targeted by the detonation of a nuclear weapon.

Our job is not to be talking about building new nuclear weapons. There are plenty of nuclear weapons on this Earth—far too many, in fact. Our job is to be a world leader in stopping the spread of nuclear weapons and to find ways to reduce the stockpile of existing nuclear weapons. That is the way we create a safer world, not talking about building more, not talking about resuming testing, not talking about bunker buster, earth penetrators, low-yield, usable nuclear weapons. That is, in my judgment, reckless talk. I intend to support this amendment.

Mr. President, I am going to be offering an amendment to this Defense authorization bill dealing with the White House plan to use a military aircraft to broadcast Television Marti to the Cuban people. I want to talk about that just for a moment.

It is almost unbelievable. When someone listens to the logic of all of this, they would say: Are you nuts? Is no one thinking at all about this?

Cuba, as we know, is a Communist government, run by Fidel Castro. He, I think, has lived now through 10 American Presidencies, with an embargo on the country of Cuba through 40-some years.

So we want to convince the Cubans that Fidel Castro is a bad deal for them. Well, I have been to Cuba. I do not think they need much convincing. They understand. They do not live in a free country. They understand that they live under the yoke of a Communist government. They would love to come to this country. If we had no immigration laws and Castro let them go, we would have an exodus to this country. So they do not need a great deal of convincing. But, nonetheless, we spend a lot of money on Television and Radio Marti.

So Radio Marti actually gets into Cuba, and people listen to it. I have been to Cuba. The dissidents and others in Cuba indicated that Radio Marti is effective, although they can also pick up the radio stations from Miami easily. All those commercial stations are available to be listened to by the folks in Cuba.

I support Radio Marti. It is fine with me. It gets into the Cuban broadcast range, the Cuban people listen to it, and I have been told by the Cubans in Cuba that it is effective. But TV Marti, broadcasting television signals into Cuba, let me talk about that for a moment.

All those television signals are blocked so the Cuban people can't see it. We broadcast it. I want to show you what we have been doing with the taxpayers' money. This is a picture of something called Fat Albert. It is a tethered dirigible or balloon that goes up, and using Fat Albert we send television signals at Cuba. Traditionally, we have done it from 3 until 7 in the morning. We broadcast 4 hours a day through Fat Albert. The Cuban Government blocks the signal. So we spend the money for nothing. We have a balloon-enhanced signal to Cuba and nobody can see the image.

In fact, here is how the television screen in Cuba looks. As you see, it is a scrambled screen. There is no TV picture.

The President announced recently that he is going to get much more aggressive on TV Marti. One would think if what we are doing is a colossal, tragic, complete, thorough waste of taxpayers' funds, you would stop it. No, not us, not now, not with Cuba. We want to spend more money. The President says it doesn't matter that they can't see it. It doesn't matter that it doesn't work. What we want to do is phase out these balloons because they are old. What we want to do is take an EC–130 special operations aircraft, under the control of the Department of Defense, and use it to transmit TV Marti broadcasts to Cuba. The broadcasts may well still be jammed, and the Cuban people still won't be able to see them. But the President and the White House are talking about $18 million to be able to send these television messages into Cuba that the Cubans can't see.

We have spent $180 million on TV Marti since 1989, $180 million on broadcast signals the Cubans haven't seen. One wonders if there is any depth to which foolishness will move in this Chamber, if we continue to do this. Is there anything that is beyond the pale? We just want to keep doing this? In fact, we want to get rid of the balloon, and we can put this aircraft up, run by a military special operations unit.

There are only six of these aircraft in the world. They are extraordinarily valuable in the Middle East. We have used these airplanes to great value in the Middle East. They broadcast important messages to support U.S. military operations in places like Afghanistan and Iraq. But they will not be used to great value in Cuba.

So if something doesn't work, the President and the White House announce we want to do more of it, and do it with more sophisticated equipment.

We want to divert this aircraft from missions in war theaters—Afghanistan, Iraq—and see if it can replace Fat Albert; put it up in the air and push television signals out the carcass of this airplane that the Cuban people probably cannot see or receive.

It is unbelievable to me that the White House is pushing this nonsense. I am going to offer an amendment that will say we will prohibit the use of EC–130 special operations aircraft and other aircraft for transmission of TV Marti broadcasts to Cuba or radio broadcasts to Cuba. We already get the radio broadcasts in. We don't need to do it with special operations aircraft. Having a special operations aircraft available probably will not get TV signals in effectively.

My point is, why waste the money? We were told yesterday that we are short of money for DOD. We were told we should have a $25 billion reserve fund. This Congress voted for it without a dissenting vote. Why? Because we are short of money. We need it, so the Congress provided it. Do we want to use scarce resources for flying a special ops airplane, of which there are only six in the entire world, so that we can send signals that will be jammed by Fidel Castro?

I don't have any use for Fidel Castro. I want the Cuban people to be free. But I want the American people to be free from this nonsense. These are taxpayers' moneys that come from the pocketbooks of the American people, and they ought not be wasted. This is a tragic waste of the taxpayers' money.

While I am at it, let me make one more point. We have folks who are in the Treasury Department in an organization called OFAC, Office of Foreign Assets Control. Their job is to track terrorist funds, the funds that support terrorists groups. Down at the Office of Foreign Assets Control, they have 21 people tracking American tourists who travel to Cuba. And they have fewer than four who are tracking assets that are supporting Osama bin Laden. That is unbelievable to me.

Recently I brought a picture of a woman named Joanie Scott to the Senate floor, a wonderful young woman who came to see me. She went to Cuba to distribute free Bibles. But she found out those fearless warriors in OFAC were not tracking Osama bin Laden. They were tracking Joanie Scott who was distributing free Bibles to the people of Cuba and slapping her with a $10,000 civil fine.

And it is not just Joanie Scott. It is a whole series of others, such as a man whose father died, and his last wish was that his ashes be buried at the church in which he ministered in Cuba. His son takes them there, and OFAC, instead of tracking Osama bin Laden's funding, is going after this guy with a civil fine for taking his dead father's ashes to bury them in Cuba. That is the kind of nonsense that is going on. It has nothing to do with sound public policy. It has everything to do with politics in Florida. This administration is playing it like a violin.

The fact is, this ought to stop. I will support the Defense authorization bill, but I hope my colleagues will agree

with me that diverting money from the Defense Department to put up a special operations EC–130 to broadcast television signals to the Cuban people who probably won't be able to see it is a waste of taxpayers' money, and it ought to stop.

REGULATORY AGENCIES

Mr. DORGAN. Mr. President, I read in the paper a story that reminded me that we have some real problems with respect to regulatory agencies these days. I happen to think there is a significant role for effective regulation in government, especially in areas where you have monopolies or the potential of abuse of consumers and citizens. That is why you have regulatory authorities, and there is a requirement for them to regulate effectively.

I noticed in the paper that ''SEC Seeks Psychologist to Boost Morale.'' It says:

Some former SEC officials find the idea of an SEC psychologist laughable.

This is a full-time position that will pay $147,000 a year, and they want to improve employee attitudes and job satisfaction, reduce burnout, conflict, and stress by hiring a psychologist.

I don't doubt there is plenty of need for psychologists in Washington, DC.

This came on the heels of a report in the newspaper about the Bureau of Indian Affairs sending a number of employees to Tony Robbins' motivational course in Chicago, IL, at a cost of tens of thousands of dollars. At a time when we don't have enough money to fund health care needs for Indian children, to fund Indian tribal colleges, to deal with the social service needs of most of these children on Indian reservations, we are sending people off to the Tony Robbins motivational course in Chicago, spending a small fortune.

As I was thinking about these things, which seemed to me to be a waste of the taxpayers' money, I was thinking about the issue of regulation.

Last evening, I saw the CBS report about what had happened in California with electricity prices. I held hearings and I chaired the subcommittee in Commerce holding hearings on the issue of the fleecing of west coast consumers who were paying prices for electricity that were outrageous a couple of years ago. We subpoenaed Kenneth Lay, former head of Enron. He came in and took the fifth amendment in front of our committee. We had Jeffrey Skilling. He actually testified. He is now under indictment. I was thinking about this issue of regulation, when I read last evening the transcript of Enron employees talking about going ahead and shutting down the electric plant.

That way, you have less supply of electricity out there. You inflate the price and we can maximize profits, manipulate the supply in order to maximize profits. They say: Well, all the money you guys stole from those poor grandmothers. The other guy says: Yes, Grandma Millie, that's Grandma Millie.

They laughed about stealing money from people by manipulating and shutting down electric plants. This all happened while we had the FERC, Federal Energy Regulatory Commission—people who are paid by the taxpayers who are supposed to regulate—sat on their hands; they did their imitation of a potted plant and did absolutely nothing.

One might ask consumers on the west coast about the $5 billion to $10 billion that was stolen from them by manipulating supply and demand and the inflating of prices by cartels, by traders who created schemes named ''get shorty,'' ''fat boy,'' ''death star,'' and ''load shift.''

These are organizations—and there is more than one—that, in my judgment, stole billions of dollars. Yes, there are some indictments, but some are still living in their gated communities and counting that money.

The Federal regulatory agency here, called FERC, did the American public an enormous disservice by deciding their job wasn't to regulate, it was to observe. If a regulatory agency is not going to regulate in cases where you have the stealing of billions of dollars, then we don't need that agency at all. We ought to dissolve it and create one that will work.

Here is another regulatory agency, the Federal Communications Commission. They are not regulating, either. They are content to just observe. They just came up with new rules on broadcast ownership. They said, oh, by the way, it will be all right with us if, in one major city in this country, the same company owns eight radio stations, three television stations, the cable company, and the major newspaper. That will be fine. That is what the FCC said.

You talk about abridging the rights of people in this country. This is a decision that means a handful of people—fewer and fewer people—will decide what the American people see, hear, and read in the future. Hundreds and hundreds of thousands of people wrote to the FCC complaining about the proposed rule. It didn't matter a bit. They went ahead and adopted it anyway. This is not a regulatory agency. At least they are not representing the interests of the American people. It is what the big interests want; let us move in that direction. It is what the big and powerful interests want—that is what we will do. That is true with FERC, with the FCC, the Surface Transportation Board, STB, and the SEC.

The Surface Transportation Board took the place of the Interstate Commerce Commission, the ICC, which I always thought was dead from the neck up. We replaced it with something called the STB. It doesn't matter. They are supposed to look after the railroads and make sure consumers are not cheated.

In North Dakota, we are overpaying rail rates by $100 million. Does the STB care about that? They don't give a whip. They are supposed to regulate and they are content to sit on their hands and observe. I met with them yesterday; same old story.

The Securities and Exchange Commission wants to hire a psychologist because of employee stress. It is interesting to me that the investment banking firms were investigated in this country and reached a settlement because they internally, some of them, were trying to sell stocks to the public that internally they called dogs. They said, we have these stocks that are real dogs, not worth anything, but let's market them to the public. They had sales people trying to sell the stocks that they described as dogs. Do you know who uncovered all that double dealing going on, the basic conflicts of interest? Was it the SEC, the ones that have hundreds of lawyers who are supposed to be doing this? No, the Securities and Exchange Commission, which wants to hire a psychologist because they have such stress on their jobs, didn't do a thing. It was the attorney general of New York State.

How about the scandal with the mutual funds? Was that the SEC, the organization that is so stressed out they want to hire a psychologist for employees? Unfortunately not. They were busy observing. The first Chairman under this administration said it would be a kinder and gentler SEC, we are probusiness. That is the message he wanted to send.

Well, that is certainly true. They have done nothing. It was Elliot Spitzer, the attorney general of New York, who unearthed both of those scandals. So much for the SEC, and so much for job stress for people who don't do anything.

The FDA is supposed to regulate as well. They seem content to represent the pharmaceutical industry. They have spent their time in recent months trying to prevent the Congress from providing for the reimportation of FDA-approved drugs from Canada. Why? Beats me. When the question is asked, whose side are you on, they come down on the side of the pharmaceutical industry, not the consumer.

We are trying to put downward pressure on prescription drug prices. They are in the wrong corner. I don't need to mention much about the FTC. When gas prices are $2.10 or $2.20 a gallon, you would hope to have an agency like the FTC that would be aggressive and active, and that you would see a cloud of dust from an investigating agency trying to find out what is happening. We know some of what is happening. There is a lot of trading and speculation going on, and a great deal of concern that consumers are being taken advantage of. Do we see much activity out of the Federal Trade Commission? Not much going on there, either. It is a great place to nap, apparently.

There is a good reason, it seems to me, for us to start asking: Is there not a requirement for a regulatory authority that regulates? I know this notion

of deregulation is wonderful. But if you deregulate in the face of monopolies, the American people, in my judgment, are going to be injured severely. Ask people in California, Oregon, and Washington, who paid sky-high rates for electricity, about the need for effective regulation. Why did they pay those rates? Because a company such as Enron, and others, I might add, got involved and found ways to cheat. They created schemes, such as ''get shorty,'' ''fat boy,'' ''death star,'' and others, by which they could cheat the ratepayers, the consumers. I think there is a time when you need effective regulation.

Going back to one more point, I mentioned all of these agencies—the SEC, FDA, Federal Communications Commission, Surface Transportation Board, and others. They are all there for a purpose. If they are not serving that purpose, maybe we don't need them at all. It is a purpose, however, that I embrace.

I believe the American people deserve someone who fights for them. When the railroad overcharges somebody, in my judgment, they ought to be able to file a complaint and find due process in a regulatory body that is not on the railroad's side, or that automatically decides for the railroads, but in a way that fairly and effectively deals with those complaints.

When the FCC is looking at what the impact is of the concentration of broadcast properties, I hope they will not come up with the conclusion that it is not a problem for the consumers if one company owns eight radio stations, three television stations, the newspaper, and the cable company in the same town.

I do not know what school you go to learn that sort of nonsense, but that is not the right thing for this country.

Incidentally, on that subject, the Senate agrees with the position I have articulated. We voted on this issue and by a wide margin the Senate voted to overturn the Federal Communications Commission's rules on broadcast ownership, but it is not going anyplace because the leaders in the House of Representatives are blocking that resolution.

My hope is as we proceed through this year and work on appropriations issues we might be able to address some of these issues with regulatory agencies. If we are going to have regulatory agencies—and I think we should in a good many areas; I do not think they need psychologists, they need leadership—they need an administration that says: Your job at the FCC, FDA, FERC, and others is to effectively represent the interests of the American people, and when you have big interests confronting small interests, you need to be the fair referee here, the one that evens the score a bit.

I mentioned many times the refrain in Bob Wills and the Texas Playboys song from the 1930s, but it applies pretty well:

Little bee sucks the blossom and the big bee gets the honey.

The little guy picks the cotton and the big guy gets the money.

With respect to Government, there ought to be a mechanism that provides protection for the smaller interests when confronted by the larger interests that want to take advantage of it. What happened on the west coast should never have happened with respect to electric grids because the Federal Energy Regulatory Commission should have stepped in immediately, but they would not; they did not. The President, in fact, when he took office bragged: There will be no price caps; we won't put any caps on prices because we want the market to work.

The market was not working. There was massive stealing and cheating going on of west coast consumers by some folks who got rich in the Enron Corporation, and others. That is not speculation on my part. We now know this as a function of criminal filings that have been made in these cases. We now know it as a result of tape recordings that were made available only under duress by the U.S. Justice Department in the last couple of days. ''Enron Traders Caught on Tape,'' ''Enron Tapes Anger Lawmakers.''

The American people deserve better. The American people deserve much better than they are getting with these regulatory agencies that decide they do not want to regulate.

I wanted to visit about these regulatory agencies. Some will not like what I have to say. Frankly, I do not like their inattention to the issues facing the American people in a manner that is not fair to many people.

I come back to where I started, the amendment I discussed earlier about prohibiting the use of special operations aircraft to broadcast TV Marti signals into Cuba. My amendment is a prohibition on the use of money for that purpose.

Radio Marti is effective. I have been to Cuba. They hear those signals. It is effective. We have spent nearly $180 million on TV Marti. It has been a tragic waste of the taxpayers' money. Those signals are not able to be seen in Cuba. They are blocked. To appropriate military aircraft for the use of sending signals that will likely still be blocked and not seen by the Cuban people seems folly to me.

I ask unanimous consent that we lay the current amendment aside so I may formally offer the amendment I have described.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Let me ask the Senator from Nevada the status of the legislation in the Senate. It is my intention to offer the amendment. Of course, I will have the opportunity. Is it the intention of the floor managers not to allow amendments the rest of the day?

Mr. REID. Yes, there may come a time when there are six or seven amendments the managers cleared. As far as setting the Kennedy amendment aside, we are not able to do that this afternoon.

Mr. DORGAN. Let me also say—I know the managers of the bill are not here—as an observation, it would make a lot of sense to move amendments. There is always the case of people coming to the floor of the Senate saying: Boy, we don't want any delays; this is taking too long. And yet on a fair number of occasions, when I have come to the floor, there is someone—in this case it is not the Senator from Nevada himself. Well, I guess it is the Senator from Nevada at this point saying someone objects.

I would prefer we offer amendments, get them to the desk, and consider them with votes in due course. If there is a decision or an objection at this point to setting aside the current amendment, which is the course that must be taken, then I will come back, I guess, on—on Monday or Tuesday, will we be open for amendments?

Mr. REID. Monday.

Mr. DORGAN. Then I will come back on Monday and offer the amendment I described and hope it may be seen by the Senate as something that represents an enhancement to this underlying Defense authorization bill.

Mr. President, I yield the floor.

Mr. REID. Mr. President, it is my understanding the distinguished Senator from North Carolina wishes to speak for 20 minutes; is that right?

Mrs. DOLE. Yes.

Mr. REID. Is that in morning business or on this amendment?

Mrs. DOLE. Morning business.

Mr. REID. I ask unanimous consent that the Senator from North Carolina be recognized for 20 minutes.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. REID. Following the Senator from North Carolina recognized in morning business, that Senator LAUTENBERG be recognized for 20 minutes to speak as in morning business. It is my understanding we have cleared amendments now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

AMENDMENT NOS. 3274, 3275, 3236, 3276, 3233, 3277, AND 3278, EN BLOC

Mrs. DOLE. Mr. President, I have a set of amendments to the Defense bill that have been cleared by both managers. Therefore, I ask unanimous consent that the amendments be considered and agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. These have been cleared by Senator LEVIN. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3274, 3275, 3236, 3276, 3233, 3277, and 3278) were agreed to, en bloc, as follows:

AMENDMENT NO. 3274

(Purpose: To provide for the conveyance of land at the Sunflower Army Ammunition Plant, Kansas)

At the end of subtitle C of title XXVIII, insert the following:

SEC. 2830. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the ''entity'' and the ''Board'', respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. The Secretary may authorize the entity to carry out, as in-kind consideration, environmental remediation activities for the property conveyed under such subsection.

(2) The Secretary shall deposit any cash received as consideration under this subsection in a special account established pursuant to section 572(b) of title 40, United States Code, to pay for environmental remediation and explosives cleanup of the property conveyed under subsection (a).

(c) CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION PLANT.—The authority in subsection (a) to make the conveyance described in that subsection is in addition to the authority under section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2712) to make the conveyance described in that section.

(d) ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.—(1) Notwithstanding any other provision of law, the Secretary may enter into a multi-year cooperative agreement or contract with the entity to undertake environmental remediation and explosives cleanup of the property, and may utilize amounts authorized to be appropriated for the Secretary for purposes of environmental remediation and explosives cleanup under the agreement.

(2) The terms of the cooperative agreement or contract may provide for advance payments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the entity or other persons to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental, and other administrative costs related to the conveyance.

(2) Amounts received under paragraph (1) shall be credited to the appropriation, fund, or account from which the costs were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account, and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey jointly satisfactory to the Secretary and the Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary and the Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a), and the environmental remediation and explosives cleanup under subsection (d), as the Secretary and the Administrator jointly consider appropriate to protect the interests of the United States.

AMENDMENT NO. 3275

(Purpose: To clarify the protection of military personnel from retaliatory action for communications made through the chain of command)

On page 280, after line 22, insert the following:

SEC. 1068. PROTECTION OF ARMED FORCES PERSONNEL FROM RETALIATORY ACTIONS FOR COMMUNICATIONS MADE THROUGH THE CHAIN OF COMMAND.

(a) PROTECTED COMMUNICATIONS.—Section 1034(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of clause (iii)''; and

(2) by striking clause (iv) and inserting the following:

''(iv) any person or organization in the chain of command; or

''(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to any unfavorable personnel action taken or threatened, and any withholding of or threat to withhold a favorable personnel action, on or after that date.

AMENDMENT NO. 3236

(Purpose: To authorize and improve Operation Hero Miles)

On page 131, between lines 17 and 18, insert the following:

SEC. 653. ACCEPTANCE OF FREQUENT TRAVELER MILES, CREDITS, AND TICKETS TO FACILITATE THE AIR OR SURFACE TRAVEL OF CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

Section 2608 of title 10, United States Code, is amended—

(1) by redesignating subsections (g) through (k) as subsections (h) through (l), respectively; and

(2) by inserting after subsection (f) the following new subsection:

''(g) OPERATION HERO MILES.—(1) The Secretary of Defense may use the authority of subsection (a) to accept the donation of frequent traveler miles, credits, and tickets for air or surface transportation issued by any air carrier or surface carrier that serves the public and that consents to such donation, and under such terms and conditions as the air or surface carrier may specify. The Secretary shall designate a single office in the Department of Defense to carry out this subsection, including the establishment of such rules and procedures as may be necessary to facilitate the acceptance of such frequent traveler miles, credits, and tickets.

''(2) Frequent traveler miles, credits, and tickets accepted under this subsection shall be used only in accordance with the rules established by the air carrier or surface carrier that is the source of the miles, credits, or tickets and shall be used only for the following purposes:

''(A) To facilitate the travel of a member of the armed forces who—

''(i) is deployed on active duty outside the United States away from the permanent duty station of the member in support of a contingency operation; and

''(ii) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member.

''(B) In the case of a member of the armed forces recuperating from an injury or illness incurred or aggravated in the line of duty during such deployment, to facilitate the travel of family members of the member to be reunited with the member.

''(3) For the use of miles, credits, or tickets under paragraph (2)(B) by family members of a member of the armed forces, the Secretary may, as the Secretary determines appropriate, limit—

''(A) eligibility to family members who, by reason of affinity, degree of consanguinity, or otherwise, are sufficiently close in relationship to the member of the armed forces to justify the travel assistance;

''(B) the number of family members who may travel; and

''(C) the number of trips that family members may take.

''(4) Notwithstanding paragraph (2), the Secretary of Defense may, in an exceptional case, authorize a person not described in subparagraph (B) of that paragraph to use frequent traveler miles, credits, or a ticket accepted under this subsection to visit a member of the armed forces described in such subparagraph if that person has a notably close relationship with the member. The frequent traveler miles, credits, or ticket may be used by such person only in accordance with such conditions and restrictions as the Secretary determines appropriate and the rules established by the air carrier or surface carrier that is the source of the miles, credits, or ticket.

''(5) The Secretary of Defense shall encourage air carriers and surface carriers to participate in, and to facilitate through minimization of restrictions and otherwise, the donation, acceptance, and use of frequent traveler miles, credits, and tickets under this section.

''(6) The Secretary of Defense may enter into an agreement with a nonprofit organization to use the services of the organization—

''(A) to promote the donation of frequent traveler miles, credits, and tickets under paragraph (1), except that amounts appropriated to the Department of Defense may not be expended for this purpose; and

''(B) to assist in administering the collection, distribution, and use of donated frequent traveler miles, credits, and tickets.

''(7) Members of the armed forces, family members, and other persons who receive air or surface transportation using frequent traveler miles, credits, or tickets donated under this subsection are deemed to recognize no income from such use. Donors of frequent traveler miles, credits, or tickets under this subsection are deemed to obtain no tax benefit from such donation.

''(8) In this subsection, the term 'family member' has the meaning given that term in section 411h(b)(1) of title 37.''.

AMENDMENT NO. 3276

(Purpose: To require a report on the training provided to members of the Armed Forces to prepare for post-conflict operations)

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON TRAINING PROVIDED TO MEMBERS OF THE ARMED FORCES TO PREPARE FOR POST-CONFLICT OPERATIONS.

(a) STUDY ON TRAINING.—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training.

(b) MATTERS TO BE INCLUDED IN STUDY.—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of the curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, including a familiarity with applicable foreign languages and foreign cultures.

(3) The training time and resources available to members and units of the Armed Forces to develop cultural awareness about ethnic backgrounds and religious beliefs of the people living in areas in which post-conflict operations are likely to occur.

(4) The adequacy of training transformation to emphasize post-conflict operations, including interagency coordination in support of combatant commanders.

(c) REPORT ON STUDY.—Not later than May 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the result of the study conducted under this section.

AMENDMENT NO. 3233

(Purpose: To express the sense of the Senate regarding the funding of the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy)

On page 35, between lines 6 and 7, insert the following:

SEC. 232. SENSE OF THE SENATE REGARDING FUNDING OF THE ADVANCED SHIPBUILDING ENTERPRISE UNDER THE NATIONAL SHIPBUILDING RESEARCH PROGRAM OF THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The budget for fiscal year 2005, as submitted to Congress by the President, provides $10,300,000 for the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency in the national technology and industrial base.

(3) The leaders of the United States shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method for exploring and collaborating on innovation in shipbuilding and ship repair that collectively benefits all components of the industry.

(b) SENSE OF THE SENATE.—It is the sense of the Senate—

(1) that the Senate—

(A) strongly supports the innovative Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program as an enterprise between the Navy and industry that has yielded new processes and techniques that reduce the cost of building and repairing ships in the United States; and

(B) is concerned that the future-years defense program of the Department of Defense that was submitted to Congress for fiscal year 2005 does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2005; and

(2) that the Secretary of Defense should continue to provide in the future-years defense program for funding the Advanced Shipbuilding Enterprise at a sustaining level in order to support additional research to further reduce the cost of designing, building, and repairing ships.

AMENDMENT NO. 3277

(Purpose: To require a study regarding promotion eligibility of retired warrant officers on active duty)

On page 79, between lines 10 and 11, insert the following:

SEC. 515. STUDY REGARDING PROMOTION ELIGIBILITY OF RETIRED WARRANT OFFICERS RECALLED TO ACTIVE DUTY.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine whether it would be equitable for retired warrant officers on active duty, but not on the active-duty list by reason of section 582(2) of title 10, United States Code, to be eligible for consideration for promotion under section 573 of such title.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study under subsection (a). The report shall include a discussion of the Secretary's determination regarding the issue covered by the study, the rationale for the Secretary's determination, and any recommended legislation that the Secretary considers appropriate regarding that issue.

AMENDMENT NO. 3278

(Purpose: To convert appropriations transfer authority in section 123 to authority for transfers of authorizations of appropriations)

Strike section 123 and insert the following:

SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF SUBMARINE ENGINEERED REFUELING OVERHAUL AND CONVERSION.

(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of engineered refueling overhauls and conversions of submarines in accordance with this section.

(b) AUTHORITY.—Under the pilot program, the Secretary of the Navy may, subject to subsection (d), transfer amounts described in subsection (c) to the authorization of appropriations for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to provide authorization of appropriations for any engineered refueling conversion or overhaul of a submarine of the Navy for which funds were initially provided on the basis of the authorization of appropriations to which transferred.

(c) AMOUNTS AVAILABLE FOR TRANSFER.—The amounts available for transfer under this section are amounts authorized to be appropriated to the Navy for any fiscal year after fiscal year 2004 and before fiscal year 2013 for the following purposes:

(1) For procurement as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) LIMITATIONS.—(1) A transfer may be made with respect to a submarine under this section only to meet either (or both) of the following requirements:

(A) An increase in the size of the workload for engineered refueling overhaul and conversion to meet existing requirements for the submarine.

(B) A new engineered refueling overhaul and conversion requirement resulting from a revision of the original baseline engineered refueling overhaul and conversion program for the submarine.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the amounts are to be transferred.

(E) Each account to which the amounts are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the submarine engineered refueling overhaul and conversion program for which the transfer is to be made.

(e) MERGER OF FUNDS.—A transfer made from one account to another with respect to the engineered refueling overhaul and conversion of a submarine under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred and shall be available for the engineered refueling overhaul and conversion of such submarine for the same period as the account to which transferred.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under this section is in addition to any other transfer authority provided in this or any other Act and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) FINAL REPORT.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) TERMINATION OF PROGRAM.—No transfer may be made under this section after September 30, 2012.

Ms. SNOWE. Mr. President, today, I rise to speak to an amendment to Section 841 of the National Defense Authorization Act for fiscal year 2005 revising the authority for the Commission on the Future of the National Technology and Industrial Base.

This amendment is intended to ensure that small business interests are represented in the membership of the commission and are considered in its studies.

I applaud Chairman WARNER and the Armed Services Committee for creating this Commission in Section 841 of this Act. This esteemed commission will be composed from persons with backgrounds in defense industry, foreign policy, trade, labor, economics, and other relevant fields. Further, this commission is charged with studying and reporting on various important issues affecting the future of the national technology and industrial base.

However, as chair of the Small Business Committee, I was surprised to find that Section 841 contains no requirement to appoint small business persons to the commission. I was also disappointed to see that the commission is not currently required to study small business issues.

There is no reasonable basis for retaining these omissions in the act. Persuasive studies from the Office of Advocacy of the Small Business Administration have shown that small businesses are crucial to job creation, economic development, and technological innovation. Further, the Small Business Act sets forth the goal of directing 23 percent of defense procurement dollars to small business prime contracts. Clearly, the commission's studies will be incomplete without taking into account small business contributions to our Nation's defense.

My amendment provides for appointment to the commission of persons with background in small business contracting. It also gives this commission the mandate to study the ways to strengthen the role of the small business sector as a vital component of our national technology and industrial base.

NATIONAL HUNGER AWARENESS DAY

Mrs. DOLE. Mr. President, 1 year ago, I shared my thoughts on the Senate floor on a matter that weighs heavily on my mind. I reserved my maiden speech for a topic I chose to make one of my top priorities as a Senator. Hunger is the silent enemy lurking within too many American homes and a tragedy I have seen firsthand far too many times throughout my life in public service.

Today, on National Hunger Awareness Day, I call once again for a hunger-free America. The battle to end hunger in our country is a campaign that cannot be won in months or even a few years, but it is a victory within reach. What we need is to help our fellow Americans understand the terrible reality of hunger and how to put a stop to it.

As Washington Post columnist David Broder said:

> America has some problems that defy solution. This one does not. It just needs caring people and a caring government working together.

We are fortunate, indeed, to have a President who strives to lead our Government and our Nation in a compassionate direction. President Bush has said poverty runs deep in this country, and we need to take the war on poverty a step further by recognizing the power and promise of faith-based and community-based groups that exist not because of Government, but because they have heard the universal call to love somebody in need.

I am curious if the majority of the American public knows how many of their fellow citizens go hungry each and every day. The number is astounding. The Census Bureau reports that in the year 2002, 34.6 million Americans were living in poverty. Within that figure, over 7 million families, families with children, young little ones fall asleep with an empty stomach. It is hard to believe that here in America, where we are desperately trying to get a handle on obesity, there are literally millions of children who do not have enough to eat.

Families in my home State of North Carolina are especially struggling. According to the most recent studies from the U.S. Department of Agriculture, we are one of the few States that has an increasing rate of food insecurity. From 1996 to 2002, food insecurity among North Carolina households rose from 9.6 percent to 12.3 percent. That means tens of thousands of families have difficulty affording food at some point each year.

A great deal of this can be attributed to the significant economic hardship we have faced over the last few years. Once-thriving towns have been decimated by the closing of furniture and textile mills. In the summer of 2003, less than 1 year ago, North Carolina experienced the largest layoff in State history when textile giant Pillowtex closed its doors forever. That day alone, 4,400 people lost their jobs, and eventually nearly 5,000 were laid off.

In eastern North Carolina, plant closures have resulted in more than 2,200 layoffs since last summer, and in the last few months, the western region of North Carolina has lost more than 1,500 jobs.

Now there are signs that the situation is improving, but even as our employment numbers rise, there are families struggling to put a balanced meal on their table. Sadly, their story is not unlike so many others across the country. There are many Americans who, after being laid off, were fortunate enough to find new employment. But in the changing climate of today's workforce, simply being able to hold down a job will not necessarily guarantee your family three square meals a day.

A recent report from the U.S. Conference of Mayors found that many of the jobs lost between the years 2001 and 2003 will be replaced by jobs paying at least 20-percent less. The face of the hungry has changed over the last 10 years. While many associate those who struggle with hunger as being unemployed Americans, the sad truth is that the number of the working poor has escalated in the last decade.

There are 43 million people in low-income families. That means millions of those lining up at soup kitchens, low-priced pantries, and other charitable organizations are men and women working anywhere from one to three jobs, raising children, and under daily pressure to make ends meet. They have been called the new poor in the editorial sections of our newspapers.

I think of families such as Danny and Shirley Palmer of rural Ohio, a State such as North Carolina that has been devastated by thousands of job losses. Danny worked for a quarter of a century at a local power company until he was let go in November 2002. After over a year of job searches, he obtained a union card as a pipefitter. He pays union dues but has yet to be tapped for a job. He works now as a Wal-Mart employee, but with bills, including a $343-a-month mortgage, their savings account is almost empty. Their frustration is not being able to find suitable employment, and that frustration is growing rapidly.

Our food banks are having a hard time finding food to feed these families. As America struggles in today's economic hardships, financial donations have dropped off or corporations have scaled back on food donations. As recent numbers have shown, many times there are just too many people and not enough food.

In the year 2003, at least 23 million Americans stood in food lines. In any given week, it is estimated that 7 million people are served at emergency feeding sites around the country. The numbers in specific parts of our country are just as disheartening.

In western North Carolina, the Manna Food Bank says over 68,000 people seek food assistance throughout the year, with over 20,000 seeking assistance each week. This means many of the same people are coming back again and again.

Since I came to Congress, I have visited homeless and hunger shelters, food distribution sites and soup kitchens. I went through the process of applying for Government assistance through the WIC Program, helping women, infants and children. As I learned more about the efforts to combat hunger, I gained a great respect for groups such as the Society of St. Andrew.

For the last 25 years, this organization has been doing yeoman's work in the area of gleaning. That is when excess crops that would otherwise be thrown out or taken from farms, packing houses, and warehouses are distributed to the needy. Gleaning also helps the farmer because he does not have to haul off or plow under crops that do not meet exact specifications of grocery chains, and certainly it helps the hungry by giving them not just any food but food that is both nutritious and fresh.

Last year, the Society of St. Andrew told me $100,000 would provide at least 10 million servings of food for hungry North Carolinians. Just before last year's National Hunger Awareness Day, I set out to raise that amount for the society. Thanks to the compassionate hearts of several individuals, companies, and organizations, we surpassed the original goal and raised $187,000 in 2 weeks. That money was enough for at least 18 million servings of food.

The Society of St. Andrew is the only comprehensive program in North Carolina that gleans available produce and then sorts, packages, processes, transports, and delivers excess food to feed the hungry. In the first few months of this year, the society hosted over 168 events, gleaning 4.2 million pounds of food. Between January and March, they gleaned 12.8 million servings.

Incredibly, it only cost one penny a serving to glean and deliver this food to those in need. All of this work is done by the hands of the 9,200 volunteers and a minimal staff.

Like any humanitarian effort, the gleaning system works because of cooperative efforts. Clearly, private organizations and individuals are doing a great job, but they are doing so with limited resources. It is up to us to make some changes on the public side and help leverage scarce dollars to feed the hungry.

Transportation is the single biggest concern for gleaners. As the numbers tell us, the food is there. The issue is simply how to transport such a large volume. I am proud to say that with the help of organizations such as the American Trucking Association and America's Second Harvest we are making progress at easing that transportation concern.

I have introduced a bill with cosponsor Senators CHRIS DODD, RICHARD LUGAR, and LAMAR ALEXANDER that will change the Tax Code to give transportation companies tax incentives for volunteering trucks to transfer gleaned food. Such tax incentives would be especially helpful to organizations such as Relief Fleet. This food distribution system is run through transportation companies who donate empty trailer space to move food donations to the proper sites.

Last fiscal year, Relief Fleet moved 16.7 million pounds of food free of charge. More than 555 truckloads traveled to 130 food banks, generating a savings of $382,000 in shipping costs.

Gleaning and transportation efforts are just some of the possible initiatives to help end hunger. There is so much more that can be done. Take, for example, child nutrition programs. There is no question that far too many of our children are going hungry each and every day. Of the 23 million Americans being fed at soup kitchens, 9 million of those are hungry children under the age of 18. This is why the School Lunch Program is so important.

In fact, recent research at Tufts University indicates that even mild undernutrition experienced by young children during critical periods of growth may affect brain development and lead to reductions in physical growth. Under the current School Lunch Program, children from families with incomes at or below 130 percent of poverty are eligible for free meals.

Additionally, children from families with incomes between 130 and 185 percent of poverty are eligible for reduced price meals, no more than 40 cents per meal. This may seem like a nominal amount, but for struggling families with several children, the costs add up. School administrators in my State tell me they hear from parents who just do not know how they will be able to pay for their child's school meals. These income eligibility guidelines are not consistent with the WIC Program and other Federal assistance.

For example, families whose incomes are at or below 185 percent of poverty are eligible for free benefits through WIC. It makes sense to harmonize these income eligibility guidelines, allowing us to clarify this bureaucratic situation. Doing so would enable us to immediately certify children from WIC families for the national school lunch and breakfast programs.

Difficulty paying the reduced price fee is an issue that is real across America. More than 500 State and local school boards have passed resolutions urging the Congress to eliminate the reduced price category, thereby expanding free lunches and breakfasts to all of those children whose families' incomes are at or below 185 percent of poverty.

In addition, the American School Food Service Association, the Association of School Business Officials, the National Association of Elementary School Principals, and the American Public Health Association have endorsed this idea. Why? Because it is the right thing to do.

I was pleased when the Senate agriculture panel went on record in the child nutrition reauthorization bill in favor of eliminating the reduced price meal program. This initiative will begin through a pilot program in five States. I thank Chairman COCHRAN, Ranking Member HARKIN, and my colleagues on the Senate Agriculture Committee for their support and assistance. Since introducing this legislation, colleagues on both sides of the aisle have joined me and two bills have been introduced in the House of Representatives. Of course, this is only the first step. There is far more to be done.

Our work to end hunger stretches outside of our own country, of course. There are more than 300 million chronically hungry children in the world. More than half of these children go to school on an empty stomach and almost as many do not attend school at all but might if food were available. I believe the distribution of food in schools is one of the most effective strategies to fight hunger and malnutrition among children. Studies have shown this encourages better school attendance which in turn improves literacy rates and helps fight poverty. This increased school attendance for students in poor countries may very well protect some children who would otherwise be susceptible to recruitment by groups that would offer them food in return for attending extremist schools or participating in terrorist training camps.

I was proud to introduce a joint resolution with Congressman JIM MCGOVERN of Massachusetts that recognizes the worldwide problem of hunger and acknowledges the vital significance of food distribution to millions of starving children. This resolution recognizes the benefits of increased school attendance due to food availability for needy children, benefits ranging from improved literacy rates and job opportunities to protection from root causes of terrorism. In short, children who attend school on a regular basis have a much brighter future. Let us build on this foundation.

On this third annual Hunger Awareness Day, I urge Americans to join me in the campaign to end hunger. As I have said before, hunger does not differentiate between Democrats and Republicans, and just as it stretches across so many ethnicities, so many areas, so must we.

Bill Shore, director of Share Our Strength, an antihunger organization, said it best.

> There are two kinds of poverty in America. There are those who don't have and there are those who don't know. The majority of Americans are fortunate not to be in the category of those who don't have. Too many have been willing to remain in the category of those who don't know. Men and women of conscience must do more than accept or reject allegations about the conditions of the society in which they live. They must find out for themselves. Those who do will learn that hunger is a serious but solvable problem. It is only as invisible as Americans allow it to be.

It is a privilege to work with colleagues from both sides of the aisle toward the goal of ending hunger.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR FRITZ HOLLINGS—A CAREER OF SUPPORTING ISRAEL AND AMERICAN JEWS

Mr. LAUTENBERG. Mr. President, I want to talk for a little while about a matter that has come up regarding one of my distinguished colleagues who, like me, served in Europe during World War II, who was a very brave and proud soldier, and who was decorated for his service there. That is Senator HOLLINGS.

Senator HOLLINGS has served for some years in this body as a junior Senator, even when he was well into 70 years of age. That was one of the more unusual circumstances, although I think I, too, bring a junior status at a fairly advanced age to my being here as a freshman.

But in the delegation that is going to go to Normandy tonight, I am one of several who served in World War II. The other names are among the bravest of all: Senator DANIEL INOUYE, who lost his arm in Italy after being struck three times by enemy fire. And, as he described it to me, in one of those incidents he had not felt any part of the wound from the bullet which apparently passed through his body—a rifle shot through his body, or a machine gun shot through his body. He was knocked down. He got up to continue to lead his platoon into a murderous battle in Italy.

Although it took some 50 years for Senator DANIEL INOUYE to get his medal, it finally arrived. Those of us who were privileged to be here were so proud of Senator INOUYE's service as

the medal was bestowed on him for the service he so bravely gave to his country.

It was noted also that even though DANIEL INOUYE, now Senator INOUYE, was volunteering for service in the U.S. Army which at first was denied, he continued to be as loyal as he could to his country, brave and courageous. We are proud of the opportunity to serve with him and to know him as a friend.

In addition to Senator INOUYE, Senator HOLLINGS, Senator WARNER—and Senator STEVENS had an illustrious military record flying in China, Burma, India—and Senator AKAKA and Senator WARNER—all of us join together in the bond we received as a result of serving in World War II and being given then the privilege to serve in this distinguished body.

I want to talk about FRITZ HOLLINGS, a good friend of mine for more than 20 years, now the senior Senator from South Carolina, a good friend to all of us, an outstanding public servant, someone who has given more years to public service than some of the people who are serving here have. He was accused of being anti-Semitic because of an op-ed piece he wrote that appeared recently in the Charleston Post and Courier.

The charge has been made on the Senate floor by the junior Senator from Virginia who apparently heads up the National Republican Senatorial Committee and serves as the chief fundraiser for Republican incumbents and candidates for the Senate.

It is very unusual. Frankly, I don't remember in almost 20 years of service that one Senator issues a press release criticizing another for something the person did in a public press release. That tells us where it was going. It was going to politics.

I also heard the junior Senator from Virginia repeat the charge again earlier this week while he was a guest on the Don Imus radio show. The charge he leveled is outrageous. I encourage the junior Senator from Virginia to cease and desist.

I am a Jewish American and fully support the American-Israeli relationship, not because I am a Jewish American but because it is good for America. It is good for us to have an ally that is as strong as she is, an ally that is the only democratic society in the entire Middle East with over 100 million of those who would declare they are the enemy of Israel and the United States. Israel is a very valuable part of our support for freedom and liberty in this world.

I have known the senior Senator from South Carolina for almost a quarter of a century. I am proud of his longstanding service to the people of this country. I treasure our friendship. Although he will be leaving this Senate in January of next year, he will be missed. I certainly will be one of those who will miss him.

He is one of the strongest Senate supporters of the State of Israel and the American Jewish community we have. He doesn't just ''talk the talk.'' As an appropriator, he has ''walked the walk.''

Israel is safer and more secure as a result of the votes Senator HOLLINGS has cast in the Appropriations Committee and on the floor of the Senate.

The senior Senator from South Carolina has a well-deserved reputation for candor. And, frankly, we could use a little bit more of that around here.

The op-ed in question is his candid assessment of why President Bush took us to war with Iraq despite the fact Iraq did not have weapons of mass destruction or links to al-Qaida.

I want to make it positively clear I don't necessarily agree with everything the senior Senator from South Carolina said in the op-ed, but I reserve the right to disagree with the best of friends on an issue. But to construe the op-ed piece or its author as representing anti-Semitism is patently unfair.

Senator HOLLINGS was critical of Paul Wolfowitz, Richard Perle, and the journalist Charles Krauthammer for being three of the architects of a dubious policy to forcibly democratize the Middle East, starting with Iraq. They believe that such policy will make Israel more secure. That is something all of us want and need.

The problem with that policy is that it is not quite working the way the architects envisioned. This may have something to do with the fact that none of them, to my knowledge, have any combat experience. People who do have experience in combat, such as former President Bush, Secretary of State Colin Powell, are a little more circumspect about what we can achieve and how we can achieve it.

I, too, have been critical of this policy which the administration swallowed hook, line, and sinker. I called for Deputy Secretary of Defense Wolfowitz and Under Secretary of Defense Douglas Feith to resign, along with Secretary of Defense Rumsfeld. Does that make me an anti-Semite? I would say not.

We are all kind of holding our breath right now as we wait to see the fallout from the resignation of Mr. Tenet, the head of the CIA, so abruptly, so quickly. We want to know what it is that caused that sudden change. He was a loyal, faithful servant. Perhaps mistakes were made. We will find out more about that very soon.

The bottom line is that these high-ranking civilian officials to whom I just referred in the Pentagon have misled America and they have let our troops down. Senator HOLLINGS' contention that Israel is less secure as a result of this misguided policy certainly cannot be dismissed.

It is time for that cadre of people who run the Pentagon to go. It has nothing to do with anti-Semitism. It has everything to do with the fact that Iraq is becoming a quagmire and has already claimed over 800 brave young American men and women.

When I heard the junior Senator from Virginia attack Senator HOLLINGS, I asked my staff to research his voting record with regard to Israel and other matters of concern to the American Jewish community.

The memo my staff prepared is 10 pages long. I could not find a single vote that could be construed as opposition to Israel or American Jews.

I will cite a few examples. In 1978, he voted against S. Con. Res. 86, a measure to disapprove the sale of jet fighters to Israel. He voted against the disapproval of the sale. The resolution was defeated 44 to 54.

In 1980, he voted to table an amendment to S. 2714, the foreign aid authorization bill, that would have withheld $150 million in aid to Israel because of the settlements being erected in the West Bank.

In 1981, he opposed President Reagan's decision to sell AWACs and other military equipment to Saudi Arabia.

In 1986, Senator HOLLINGS supported Senator BYRD's amendment to H.J. Res. 738, the continuing resolution for fiscal year 1987 to ensure that funds appropriated for aid to the Philippines did not come at the expense of aid to Israel or Egypt.

Senator HOLLINGS also supported recognizing Jerusalem as the undivided capital of Israel. As the ranking member and former chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, he has insisted that the annual appropriations bill under his jurisdiction contain the following three provisions: One, that people born in Jerusalem be allowed to list Israel as their country of origin; two, that all relevant official U.S. Government documents list Jerusalem as the capital of Jerusalem; and three, that U.S. policies treat Jerusalem as the capital of Israel.

I note that these provisions have been eliminated in conference at the insistence of House Republicans and the administration.

Does that make them anti-Semites? Absolutely not. The Senator from South Carolina is eloquent and certainly able to defend himself and his record.

But when I hear his reputation repeatedly besmirched, the reputation and integrity of a man that I know to be one of the staunchest supporters of Israel and the American Jewish community, a man who fought hard, almost gave his life to defend his country, I will not sit by and be quiet.

To paraphrase our former colleague, Lloyd Bentsen: I know FRITZ HOLLINGS. FRITZ HOLLINGS is a friend of mine. FRITZ HOLLINGS is no anti-Semite.

To state otherwise goes beyond the pale of partisan rhetoric, even by the standards of a heated election campaign.

Frankly, I think the senior Senator from South Carolina is owed an apology, not just by the junior Senator from Virginia but from Senators who believe it was an inappropriate besmirching of character and reputation

dutifully earned by years and years of service to this country and certainly to this body. Silence on the other side, in my view, is implicit approval of what was said.

I hope we hear something different in the not-too-distant future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

FTAA NEGOTIATIONS AND FLORIDA CITRUS

Mr. NELSON of Florida. Mr. President, I take this opportunity to bring to the Senate's attention to some recent news about the ongoing negotiations of the Free Trade Area of the Americas, or the FTAA. These negotiations have been going on for some period of time. I look at these with significant interest, as they dramatically affect my State of Florida.

There are many mutual benefits that will accrue to the nations of the Western Hemisphere from a Free Trade Area of the Americas agreement. I am someone who has consistently supported free and fair trade. That is why I am hopeful these negotiations are going to yield an agreement that ultimately can be supported here.

However, there is a critical issue with respect to the negotiations of the FTAA that is absolutely crucial to my State. It involves the Florida citrus industry. It involves tens of thousands of jobs, and it involves basically the production of frozen concentrate that supplies the fresh orange juice on the breakfast tables of so many Americans every morning.

Here is the news. Last week, Reuters reported that ''the United States signaled for the first time that some agriculture products would be excluded altogether from the [Free Trade Area of the Americas agreement] FTAA.

There was another publication called ''Inside U.S. Trade,'' which reported that this new proposal from the United States would ''allow for some market access negotiations to yield results other than total elimination of tariffs.''

Well, that is a significant change from what we have been told. It is, from my standpoint and my State's standpoint, clearly a step in the right direction. But while this would appear to be welcome news to Florida's citrus industry, we need some more information.

I am going to continue to fight to preserve the tariff on imported frozen concentrated orange juice and ask for a commitment from the President. I believe the President must state publicly, in clear language, that we will not negotiate any reduction of the tariff on imported orange juice. It is not only important to Florida, it is important to the consumers of orange juice all over this country.

Now, why is this so important? Let me tell you. Because if the FTAA negotiated out an elimination of the tariff, it would not be free and fair trade because Brazil would become a monopoly. Here is what happens. Right now, basically, of the world's production of frozen concentrated orange juice, you have Brazil basically producing about 60 percent and the remainder—around 40 percent—is produced by the Florida citrus industry.

Of the world's production, the Florida citrus industry basically produces the supply for the domestic orange juice market; that is, the U.S. market. Brazil supplies some of that domestic United States market, and basically the markets in the rest of the world. There are other producers, but I am simplifying it. The two big producers are the United States—mainly Florida—and Brazil.

Now, what happens? If you eliminate the tariff protecting the Florida citrus growers, and therefore the 40 percent that is produced in Florida, since Brazil has cheaper land and cheaper labor, Brazil then takes over 100 percent of the world's market for frozen concentrated orange juice. That is not free trade. That would be a monopoly. And what happens in a monopoly? In a monopoly, then, the producers can determine whatever price they want because they are the sole suppliers. And what happens to the consumer? The consumer gets it in the neck, and the price goes up.

Well, you will hear those people who say: Oh, don't worry. There is competition among the growers in Brazil. The truth is, there are about five major producers in Brazil and, in effect, they operate as a cartel with collusion among themselves. So if they took over the entire world's market, ran the Florida citrus industry out of business, they would start to set the price, and that is not free and fair trade.

I can tell you, this Senator, who is someone who is for free and fair trade, and has voted that way—is not going to stand for that because that is not in the best interests of consumers.

I might also tell you when I went to Brazil last December, I had several very pleasant meetings with members of the Brazilian Government, including the chief negotiator for the FTAA, and a number of other ministers in the Government. I visited with the Acting President, who is the Vice President of Brazil, and he becomes Acting President when the President is out of the country, as the President was in South America in a Mercosur meeting at the time.

When I told the Brazilian Vice President about this problem for Florida, his response was—half in jest, but half seriously—well, why don't you just have the Florida citrus growers move to Brazil where our land is cheaper and our labor is cheaper? That is exactly what we do not want to happen. We want to keep a vital industry alive in the United States.

Florida has 12,000 growers, many of whom operate small family-owned operations. Unlike almost all agricultural commodities, the citrus industry receives no U.S. production subsidies. The tariff on Brazilian orange juice is the only offset the industry receives. Any reduction in that tariff would simply devastate Florida's citrus industry.

This citrus industry is Florida's second largest. It is responsible for generating over $9 billion for the economy and providing nearly 90,000 jobs. It accounts for $1 billion in revenue for the State and local governments, which, of course, funds our public hospitals and our schools and our fire and our police services.

So back on Brazil, I am disappointed that Brazil reportedly does not view a proposal to exclude certain agricultural products from ''total tariff elimination'' as a constructive step. I do not think we are going to see them take that position.

Excluding the tariff on imported orange juice from the negotiations would actually represent an important step toward completing, not retarding, an FTAA agreement that will benefit all of the Western Hemisphere. And regardless of the progress of the FTAA negotiations, our industries should focus on expanding global markets for orange juice and not waste our efforts on fighting over the tariff. Greater cooperation is needed between Brazil and the United States.

On a tangential matter, I want to encourage the administration to select Miami as the U.S. candidate city to serve as the home of the FTAA secretariat. Miami's special and close relationship with our Latin American neighbors makes the city a natural choice as the city to play this important role. The administration should announce this decision soon so we can put the full efforts of the U.S. Government behind one U.S. city; and that is logically Miami.

As a matter of fact, from different destinations in Latin America, it is a lot easier to get to Miami from those locations in Latin America, in many cases, than it is to get from one location in Latin America to another.

Miami is the logical choice. It is a place of significant Hispanic culture and population. La lingua is spoken there every day on la calle, on the street. It is a place that is a logical location for the everyday transaction of business for trade in the Americas.

Miami is the gateway to Latin America. It should be the gateway for the FTAA. I believe the administration should act right now in going ahead and determining that so as they negotiate between different cities in the hemisphere, the United States will be unified behind one city it is putting forth, which should be Miami, FL.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL AND THANK YOU TO THE SENATE PAGES

Mr. DASCHLE. Mr. President, I would like to say farewell to a wonderful group of young men and women who have served as Senate pages over the last 5 months and thank them for the contributions they make to the day-to-day operations of the Senate.

This particular group of pages has served with distinction and has done a marvelous job of balancing their responsibilities to their studies and to this body. Their final day as Senate pages is tomorrow, but I hope we will see some—or all—of them back in the Senate someday, as staffers or Senators.

I suspect few people understand how hard Senate pages work. On a typical day, pages are in school by 6:15 a.m. After several hours of classes each morning, pages then report to the Capitol to prepare the Senate Chamber for the day's session. Throughout the day—and sometimes into the night—pages are called upon to perform a wide array of tasks—from obtaining copies of documents and reports for Senators to use during debate, to running errands between the Capitol and the Senate office buildings, to lending a hand at our weekly conference luncheons.

Once we finish our business here for the day—no matter what time—the pages return to the dorm and prepare for the next day's classes and Senate session and, we hope, get some much-needed sleep.

Despite this rigorous schedule, these young people continually discharge their tasks efficiently and cheerfully. In fact, as one page put it, ''We like working hard. When things get hectic, that's when we like it best.''

This page class had the good fortune to witness some historic moments.

They saw President Bush present the Congressional Gold Medal to Dorothy Height, one of the giants of the modern civil rights movement in America.

They were present for important debates in this Chamber over such critical issues as the budget and the wars in Iraq and Afghanistan.

They've seen—and had their photos taken—with celebrities, including Governor Arnold Schwarzenegger.

Just yesterday, they saw another famous visitor, the actor Mike Myers—better known to some as ''Austin Powers, International Man of Mystery.''

I hope the close-up view that these exceptional young people have had of the Senate at work these last few months has made this institution a little bit less of a mystery. Our government ''of the people, by the people, and for the people'' requires the active involvement of informed citizens to work.

I understand that many, if not most, of this semester's pages have decided to volunteer on political campaigns—both Republican and Democractic—when they return home. I'm told the campaigns run the gamut from local school board candidates to United States Senate candidates.

I am sure I speak for all Senators when I say, we applaud your continued involvement in the democratic process. We are very grateful for your outstanding service to the Senate this semester. And we wish you well in all that you choose to do in your future.

I ask unanimous consent to print in the RECORD the names and hometowns of each of the Senate pages to whom we are saying goodbye today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE PAGES—SPRING SEMESTER 2004

Andrew Blais, Rhode Island; Katherine Buck, New Hampshire; Sam Cannon, Utah; Erin Chase, South Dakota; Eric Coykendall, Arizona; Julie Cyr, Vermont; Joe Galli, Maine; Watson Hemrick, Tennessee; Jennifer Hirsch, Arkansas; Garrett Jackson, Mississippi; Kara Johnson, Illinois; Ben Kappelman, Montana; Andrew Knox, Vermont; Adam Lathan, Alabama; Betsy Lefholz, South Dakota; Brittney Moraski, Michigan; Alex Ogden, North Carolina; Jaclyn Pfaehler, Montana; Aaron Porter, Tennessee; Ingrid Price, Utah; Laura Pritchard, Virginia; Laura Refsland, Wisconsin; Ryan Smith, Kentucky; Kyra Waitley, Idaho; Nathanael Whipple, California; and Elizabeth Wright, Montana.

NATIONAL HUNGER AWARENESS DAY

Mr. SANTORUM. Mr. President, today in Palmyra, PA, volunteers at the Lebanon Valley Brethren Home will collect food and sell baked goods for the ''Great American Bake Sale'' to support their local food bank. In hundreds of small towns, suburban communities, and cities from New York to California, thousands of volunteers will help collect food, glean fields, prepare meals, and raise awareness as a part of National Hunger Awareness Day.

These dedicated volunteers and their compassionate acts represent a grassroots citizens' movement motivated to reduce hunger in America. These volunteers are the people who prepare the dinners and stock the shelves of the local charities that serve more than 9 million kids who lack basic food supplies. They are motivated by appalling statistics that show that more than 13 million children live in what the Federal Government deems ''food insecure'' households. And, of course, they are motivated by knowing the needs and faces of the vulnerable people in their communities.

Last year, an estimated 23 million low-income people—many of whom are from working families with children, are elderly, or have disabilities—received a meal or an emergency food box from one of the estimated 50,000 local hunger relief charities that dot the Nation's landscape. These charities, of which three-quarters are faith-based organizations, play an important and complementary role to State, local and Federal Government efforts to help low-income families achieve self-sufficiency. But for the family whose benefits have been exhausted, or the single mother who is waiting for the benefits to begin, or for those who simply don't want government help, these charities are the last line of defense against hunger.

Despite the selfless extraordinary work of these charities and their estimated one million volunteers, the need in many communities too often exceeds the available resources. At the same time, the United States throws away nearly 96 billion pounds of food each year.

Legislation I have sponsored, the Charity Aid, Recovery and Empowerment Act, or the CARE Act, would help close the gap between the need and available resources. The CARE Act provides farmers and ranchers, small businesses, and franchisees with a tax incentive that would allow these smaller business entities to enjoy the same tax incentives that large corporations receive when they donate food to charity. The CARE Act's food donation tax incentives will enable farmers with surplus crops to donate the food to a food bank or emergency shelter, recouping some of the cost of production and transportation—and preventing them from having to plow the crops back into the ground. The CARE Act gives a restaurant owner the incentive to donate surplus meals to a soup kitchen rather than throwing good food into a dumpster. America's Second Harvest, the Nation's food bank network, estimates that the CARE Act will help generate more than 878 million new meals for hungry people over the next 10 years.

This legislation, despite broad, bipartisan support for the food donation tax incentives and the other provisions in the act, is now stalled in the Senate, not being allowed to go to conference. The CARE Act is in jeopardy, and with its fortunes go the hopes of tens of thousands of people that serve America's most vulnerable families. We cannot allow partisan differences, unrelated to this legislation, to undo the promise that the CARE Act offers to millions of Americans. The CARE Act

should be allowed to go to a bipartisan conference and thereby ensure that no food bank, pantry or soup kitchen will have to turn away a hungry family, senior, or child because the cupboard is bare.

Mr. KENNEDY. Mr. President, today is National Hunger Awareness Day, and it is an opportunity for all of us in Congress to pledge a greater effort to deal effectively with this festering problem that shames our Nation and has grown even more serious in recent years.

The number of Americans living in hunger, or on the brink of hunger has increased every year during the current administration. It now includes 13 million children—400,000 more than when President Bush took office.

These Americans deserve higher priority by all in Congress. Day in and day out, the needs of millions of Americans living in poverty have been overlooked, and too often their voices have been silenced.

These are real people, struggling every day to get by. They are single mothers serving coffee at the local diner at 5 a.m. and cleaning houses in the afternoon, yet are still unable to afford both shelter and food. They are low-wage workers holding down two jobs, yet still forced to make impossible choices between feeding their family, paying the rent, and obtaining decent medical care. They are children who go to bed hungry every night whose parents can't afford to give them more than a single slim meal a day.

The World Food Summit in 1996 called global attention to this crisis and in response the Clinton administration pledged to begin an effort to cut hunger and food insecurity in half in the United States by 2010. In the boom of the Clinton years, we made progress toward that goal—hunger decreased steadily through 2000. We now have 6 years left to fulfill our commitment, and we must not fail.

The answer is a renewed commitment to reaching that goal. The fastest, most direct way to reduce hunger in the Nation is to improve and expand the current Federal nutrition programs. Sadly, it is difficult to persuade the current administration and the current Congress to fund important child nutrition programs such as the school breakfast and school lunch programs and the summer food program, but numerous groups throughout the Nation are doing their best to make a difference.

Project Bread in Massachusetts helps fund nearly 400 food pantries, soup kitchens, food banks and food salvage programs across the State, and also coordinates local efforts to develop effective solutions to reduce hunger.

Congress can also do better. The Senate Agriculture Committee approved a bipartisan child nutrition bill last month to strengthen and expand nutrition programs, and it deserves to be enacted into law as soon as possible.

A strong job market will also significantly reduce hunger. A major challenge in today's troubled economy is that it has been creating just one job for every three out-of-work Americans. We need an economy that works for everyone, and a job creation plan that enables every American to afford a decent quality of life.

That means jobs that pay a living wage. Right now, we are sending the wrong message to low-income workers. We are telling them that hard work does not pay. We are saying that workers who play by the rules deserve little or even nothing in return. Why can't we all agree that no one who works for a living should have to live in poverty, constantly wondering where the next meal is coming from?

For too many adults of all ages, the fight against hunger is a constant ongoing struggle. It undermines their productivity, their earning power, and even their health. It keeps their children from concentrating and learning in school.

It makes no sense to allow the gap between rich and poor to grow wider. We can not ignore the poorest in our Nation, and all those who need our help the most. National Hunger Awareness Day is our chance to rededicate ourselves in Congress to this cause, and we can't afford to miss it.

Mr. SMITH. Mr. President. I rise today to speak about a problem impacting communities across the United States and throughout the world. As many of my colleagues know, today is National Hunger Awareness Day. It is a day meant to focus our attention on our friends, coworkers, classmates, and neighbors for whom putting food on the table continues to be a daily struggle. Sadly, for the nearly 35 million Americans who are ''hungry'' or ''food insecure,'' hunger is more than a statistic, it is an insomnia within the American dream. This is a reality that the people of my home State of Oregon know far too well.

For the last several years, Oregon has been at or near the top of repeated nationwide studies of hunger and food insecurity in the United States. And I can tell you that as a member of this chamber and an Oregonian, the statistics on hunger and food insecurity continue to confound me. Despite all of our advances in agriculture technology and food distribution, children and families in my State and around the country will go to bed hungry tonight. The sad irony is that many of the communities most affected by hunger are the very ones that grow the food upon which the rest of us rely.

On the horizon, Oregon's economy appears to be brightening. While there are no quick fixes, I believe that solving hunger is within our grasp. Later today, Senator LINCOLN and I will be announcing the creation of the Senate Hunger Caucus. This caucus will serve as a forum to raise awareness and foster cooperation among business interests, community leaders, and local, State, and national non-profits to work with Congress to address hunger.

As policymakers, our job is to take the pieces of this puzzle and put them together in a way that leaves our communities whole and healthy. Government cannot act alone to solve the problem but must work in concert with those who are best able to help. I believe the creation of the Senate caucus is an important step in focusing on this problem. I look forward to working with my colleagues in Congress and groups back in Oregon to address these issues.

In Oregon, we have been blessed with a number of organizations and individuals who have taken it upon themselves to help in this effort and assist their neighbors in need. Groups such as Birch Community Services and the Oregon Food Bank have shown themselves to be true assets to their communities. As an Oregonian, I can tell you that I am especially proud of how they have responded to what has been a difficult last couple of years in our State, and I look forward to continuing to work with them in the fight against hunger.

Mrs. LINCOLN. Mr. President, I rise today to bring attention to the fact that it is National Hunger Awareness Day and to raise the visibility of issues of hunger in America.

What is the face of hunger in America? A child. A mother. A father. A single working parent. A homeless person. A grandmother raising grandchildren. A grandfather. A senior citizen living off of social security. An unemployed person. A disabled worker. A military veteran. People of all races and ethnicities.

These are the faces of the almost 35 million Americans that live in households that are food insecure. Food insecurity is not isolated to one region. These 35 million Americans live in the small towns of New England, in the large cities of New York, Boston, Chicago and Atlanta. They live in the deltas of Arkansas, Louisiana and Mississippi and the plains of the Dakotas down to Kansas. There is food insecurity and hunger in the timber regions of Washington and Oregon and on the beaches of California. Food insecurity affects the States of the four corners down into Texas and Oklahoma. No region of this country is without hunger.

Today is National Hunger Awareness Day. I have come to the Senate floor to talk about hunger in America and to raise awareness about the complex issues surrounding hunger.

When many Americans think of hunger they often think of starving people in developing countries around the world, and the number of hungry people living around the world is staggering.

Eight hundred million people, including children, are hungry and food insecure in the world today. America must continue to lead in its generosity to aid the world's food insecure. But hunger is not just a distant problem for developing countries. Hunger exists among our own citizens here in America.

Because today is National Hunger Awareness Day, I will focus my remarks on the less recognized face of

hunger and that is the face of the Americans, our neighbors, and our fellow citizens who are hungry and food insecure.

What does food insecurity mean? Food insecurity is limited or uncertain access to nutritional food. Food insecurity is not knowing from where the next meal is coming.

Food insecurity is not unique among the homeless and unemployed. On the contrary, many food insecure households in America have at least one working adult. We need only compare the national unemployment numbers with the food insecurity numbers to see that they don't match up. There are far more food insecure individuals than there are unemployed people. America's working poor are finding it difficult to make ends meet and at times provide the most basic needs for their family—nutritious food.

Perhaps our most vulnerable food insecure individuals are our children and seniors. Due to the high costs of healthcare and living expenses, many seniors often find themselves choosing between medicine and groceries because they may not be able to afford both. Programs such as Meals on Wheels and local community senior programs are so important to the health of our seniors.

Children rely on parents to provide for their basic needs. Of the 35 million people who are food insecure in America, just over 13 million are children. This is the same number of children that are receiving free lunches through the National School Lunch Program. This vital program provides many children with the most nutritious meal they will receive in a given day. We must continue to find opportunities to fill in the gaps because the National School Lunch Program only covers Monday through Friday during the school year. The traditional three months of summer vacation from school is a critical time when many children are missing essential nutrition in their diets.

One example of a successful program in my home State of Arkansas is helping feed children outside of school. The Arkansas Rice Depot's Food For Kids program provides hungry children with a quick, high-energy snack during school and then provides a backpack filled with nutritious foods children can prepare for themselves at home. The Food For Kids program is serving 329 schools and 15,000 students in Arkansas. Founded in 1995, this program is the first of its kind in the Nation and now 20 cities across the Nation have established similar programs.

Throughout my remarks I have mentioned the word nutrition. In the fight to end hunger, providing access to nutritious food is key. Many Americans are now waking up to the long-term health complications caused by obesity. It may seem strange to talk about obesity and hunger at the same time but the reality is that people with limited access to money and food typically consume the cheapest food that they can purchase in large quantities, and often these foods lack important nutrients for a balanced diet. We can fight obesity early on by educating children about nutrition and help provide opportunities for children to access nutritious foods at school and at after school programs. Additionally, through food assistance programs we must continue to encourage adults to access nutritious foods and help provide opportunities to learn about nutrition.

For Americans, hunger does not mean entire towns and villages full of starving people—people literally starving and dying because they cannot eat. Fortunately, we are able to provide the citizens most in need with access to some kind of food to meet basic needs through Federal and State assistance programs such as Food Stamps, WIC, the National School Lunch Program, and thousands of non-profit organizations, churches, faith-based groups, and dedicated individuals.

The challenges in America are to continue to find ways to provide Americans that are food insecure with access to nutritious meals and opportunities to gain skills to improve their economic situation and quality of life.

To that end, today, along with my friend from Oregon, Senator SMITH, I am pleased to announce the formation of the U.S. Senate Hunger Caucus. We are delighted that many of our colleagues are joining us in this bipartisan effort to work on national and international hunger issues. The Senate Hunger Caucus will be a vehicle through which Senators can work together to promote initiatives to help address the root causes of hunger and to help form partnerships with the many valuable organizations and programs that are committed to ending hunger.

Just a few hours ago, I was joined by my good friends, Senators SMITH and DOLE, at the D.C. Central Kitchen where we announced the formation of the Senate Hunger Caucus and discussed many of the key hunger issues in America. The D.C. Central Kitchen is located just a few blocks from the U.S. Capitol and is a nationally known food rescue organization. The D.C. Central Kitchen converts rescued or donated food into 4,000 meals each day, 365 days a year, which feed the hungry in the Washington metropolitan area. As a part of the D.C. Central Kitchen program, unemployed people are trained to gain job skills that enable them to find work in the culinary arts industry. The D.C. Central Kitchen is a great model for taking wasted food and turning it into nutritious meals and economic opportunities for people in need.

We were pleased to be joined at today's event by representatives of many of the national anti-hunger groups that we look forward to partnering with in this effort: Some of these groups include: America's Second Harvest, American School Food Service Association, Bread for the World, Congressional Hunger Center, Food Research and Action Center, Share Our Strength, the World Food Program and Heifer International.

At this time, I want to recognize many of the Arkansas groups working to fight hunger and encourage nutritious living, and they include: Arkansas Hunger Coalition, Arkansas Foodbank Network, Harvest Texarkana, Potluck, Inc., Arkansas Rice Depot, Northwest Arkansas Foodbank, Northeast Arkansas Foodbank, North Central Arkansas Foodbank, Southwest Arkansas, Food bank, Bradley County Helping Hand, Ozark Foodbank, Memphis Foodbank, Winrock, Heifer International, Arkansas School Food Service Association, Arkansas Advocates for Children and Families, Arkansas Community Action Agencies, Arkansas Farmers and Hunters Feeding the Hungry, local food pantries, churches and many others who work to feed Arkansans in need. Many of these groups are also using today as a time to talk about hunger and food insecurity.

In closing, it's easy for me to be passionate about the issue of hunger. As a farmer's daughter I was raised with an understanding of the value of having access to food—to good, safe and nutritious food. As the daughter of two compassionate, Christian parents I was taught to help others and to share my blessings with those in need. As a mother of two young boys I can empathize with the fear that a parent feels when they must answer a hungry child when there is no food to be eaten. Just the other day, one of my boys ran into the house and said ''Mom, I'm starving.'' And I replied, ''what would you like?'' Later on I thought about the mothers whose children ask the same question but they don't have food to offer, they can't just reach into the cabinet to pull out food. It was a devastating thought and my heart goes out to the mothers and fathers who at times are not sure where the next meal is coming from.

My home State of Arkansas knows hunger. With almost 600,000 Arkansans living below the national poverty line, hunger, food insecurity, obesity and limited access to nutritious foods are key issues. With a State population of 2.6 million, approximately 380,000 Arkansans live in food insecure households.

I look forward to working with my colleagues in the Senate as well as hunger non-profit organizations in my State and across the Nation to find solutions to hunger problems plaguing our nation and world. And to dream of the day when globally, working together to harness our vast resources, we can end hunger.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I 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.

David Blair, also known as Steve Perry, was found dead by the Ketchikan, AK, police department on July 26, 2001. Terry Simpson, Jr., 19, and Joshua Anderson, 20, were arrested in response to a tip in which the informant said he overhead the two men bragging that they were planning to ''beat up and rob Blair because he is a fag.''

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. By passing this legislation and changing current law, we can change hearts and minds as well.

ADVANCING MEDICAL RESEARCH

Mr. BIDEN. Mr. President, I joined 56 of my Senate colleagues and over 200 in the House of Representatives in writing the President asking that he work with the Congress toward a policy that will enable important medical research to proceed utilizing stem cells from frozen embryos that were created to treat infertility problems and which are now slated to be discarded. Continued studies using stem cell technology offer hope for a better future for millions of people afflicted with a wide range of illnesses and conditions, including Alzheimer's disease, diabetes, Parkinson's disease, cancer and others.

Presently there are estimated to be more than 400,000 in vitro fertilized embryos that were developed to enable couples to have children, but that are now not needed for that purpose. These frozen embryos are likely to be destroyed. The President could hasten the progress of this important research by modifying his present policy to permit these embryos to be donated, with the consent of the couple, for stem cell research. I look forward to working with the President toward this goal.

PARTIAL-BIRTH ABORTION RULING

Mr. BROWNBACK. Mr. President, I rise to address the alarming decision handed down earlier this week by a District Court in California on partial birth abortion.

The judge's decision was wrong on many fronts. It is wrong on the medical facts, and it is wrong in its blatant disregard of Congressional findings. Most importantly, the decision is also wrong on the law. This ruling is unconstitutional, as well as violative of fundamental human rights, because it drives a wedge between biological humanity which prenatal human offspring undeniably have, and legal personhood i.e., the right to the equal protection of the law. The repellant notion underlying Roe v. Wade—that there are ''subhuman'' members of the human species—conflicts directly with the very purposes of the thirteenth, fourteenth, and fifteenth amendments, which undid the great injustice of treating black Americans as slaves and property instead of as human beings entitled at law to full respect. I realize that the Supreme Court has not yet repudiated this holding of Roe, which it imposed upon the Nation in 1973, but this case decided by one district court in California is clearly going in a direction that contradicts everything we value about the Constitution and the principles under which this Nation and its people operate.

First, Judge Phyllis Hamilton dismisses the overwhelming medical evidence that it is never medically necessary—to save the life of the mother or any other reason—to perform the gruesome partial-birth abortion procedure—in which a young human is partially born, so that only the head remains in her mother, and then a sharp object pierces the back of the child's head and sucks the child's brain out, killing the child.

Think about that, a baby—a young human baby—is partially born, so that only her head remains in her mother's birth canal. Then an abortion-provider punctures the back of the child's head with a surgical instrument. Then the abortion provider suctions the young human's brains out, leaving the child dead, dead, dead.

There is no recourse for the young human. This is a cold-blooded murder. And if this District Court has its way, the young child will never receive justice for her gruesome murder.

Before I address Judge Hamilton's disregard of Congressional findings, I want to talk in particular about the issue of fetal pain, which Judge Hamilton alleges is ''irrelevant.''

I would submit that were we to see a puppy have its head punctured and brains sucked out, we would not consider it irrelevant. We would be moved to protect the puppy.

Yet, we are not talking about a dog; we are talking about a young human. And the judge in California says that pain is irrelevant when we are talking about a young human.

We are elected representatives. We have an obligation to defend the Constitution. This includes defending the right to life, liberty and the pursuit of happiness. First among these 3 is life. We have an obligation to defend the right to life for the most defenseless and helpless among us. Our laws should protect the sanctity and dignity of every innocent human life from the moment of conception.

Judge Hamilton notes that there is some debate within the medical community on the issue of fetal pain. Then she acknowledges that: ''the position that Congress has taken [on pain experienced by unborn children] is neither incorrect nor entirely unsupported.''

But then she disregards the Congressional finding that partial-birth abortion is never medically necessary and writes something incredibly callous: ''[Pain experienced by unborn children] is, however, irrelevant to the question of whether the Act requires a health exception, as discussed in this court's conclusions of law.''

Irrelevant? First, partial-birth abortion is never medically necessary, and since the gruesome partial-birth abortion procedure is never medically necessary, an essential reason for abolishing this dreadful form of death is the terrible pain inflicted on the unborn child.

Pain experienced by an unborn child is very relevant.

Just before the recess, I introduced the Unborn Child Pain Awareness Act, S. 2466, with nearly a quarter of the Members of this chamber as original cosponsors.

This legislation would require those who perform abortions on unborn children 20 weeks after fertilization to inform the woman seeking an abortion of the medical evidence that the unborn child feels pain.

The bill would also ensure that the woman, if she chooses to continue with the abortion procedure after being given the medical information, has the option of choosing anesthesia for the child, so that the unborn child's pain is less severe.

Women should not be kept in the dark; women have the right to know what their unborn child experiences during an abortion. Unborn children should be spared needless, deliberately-inflicted pain.

Many among us are unaware of the scientific, medical fact that unborn children can feel, but it is true. Not only can they feel, but their ability to experience pain is heightened. The highest density of pain receptors per square inch of skin in human development occurs in utero from 20 to 30 weeks gestation.

An expert report on fetal development, prepared for the partial birth abortion ban trials, notes that while unborn children are obviously incapable of verbal expressions, we know that they can experience pain based upon anatomical, functional, physiological and behavioral indicators that are correlated with pain in children and adults.

Unborn children can experience pain. This is why unborn children are often

administered anesthesia during in utero surgeries.

Think about the pain that unborn children can experience, and then think about the more gruesome abortion procedures. Of course, we have heard about partial birth abortion, but also consider the D&E abortion. During this procedure, commonly performed after 20 weeks—when there is medical evidence that the child can experience severe pain—the child is torn apart limb-from-limb. Think about how that must feel to a young human.

Pain is absolutely relevant to the subject at hand.

Oddly, one of Judge Hamilton's reasons for ruling against the partial-birth abortion ban is that: ''[Fetal pain] appears to be irrelevant to the question of whether [partial-birth abortions] should be banned, because it is undisputed that if a fetus feels pain, the amount is no less and in fact might be greater in D&E by disarticulation than with the [partial-birth abortion] method.''

Apparently, Judge Hamilton believes that fetal pain is irrelevant to the issue at hand because other abortions might be more painful. Clearly, Judge Hamilton's logic is flawed.

Judge Hamilton's decision crosses the line. What we have seen in this week's District Court decision is judicial bias and judicial activism at its extreme. Judge Hamilton egregiously reveals her own bias in favor of abortion when she writes: ''The court found all of the plaintiffs' experts not only qualified to testify as experts, but credible witnesses based largely on their vast experience in abortion practice. However, of the four government witnesses who were qualified as experts in ob/gyn, all revealed a strong objection either to abortion in general or, at a minimum, to the D&E method of abortion. The court finds that their objections to entirely legal and acceptable abortion procedures color, to some extent, their opinions on the contested intact D&E procedure.''

By her logic, those with moral objections to abortion are biased—or ''colored''—in their views against abortion, but those who perform abortions for money are not at all biased—or ''colored''—in their views favoring abortions.

Sadly, the action of this California District Court is simply the latest instance of arrogant judges riding roughshod over the democratic process and constitutional law alike in a quest to impose a radical social agenda on America—in this case abortion on demand for any reason or no reason.

We are a democracy, not a people ruled by judicial dictate.

This district court decision is yet another example of why we need to reign in an increasingly reckless judiciary one, by means of stripping courts of authority they have usurped from the people and their legislative representatives, and two, through impeachment, when necessary at both the Federal and State level.

Policy-making decisions—particularly those that have such sweeping social implications—must be made by the representatives of the people in a way that is respectful of long-established traditions and principles of our social order. When activist judges use their positions to achieve policy goals, they must be resolutely opposed.

As the partial-birth abortion ban litigation continues in Nebraska and New York, I remain hopeful that we will see much more restraint and reasonable rulings coming forth from the judiciary.

TENNESSEE VETERANS

Mr. ALEXANDER. Mr. President, I recently received an invitation to an annual reunion of Tennessee veterans who served together in the 236th Combat Engineers Battalion in Burma, India and China during World War II. Veterans of the 236th have been getting together every year for nearly 50 years, and the story of the reunions of the 236th is almost as interesting as those of the action they saw in northern Burma fighting the Japanese.

What began as a picnic at Memphis City Park in 1956 has evolved into an annual reunion of surviving members of the 236th, and their families, on the second Sunday in July in Nashville. Veterans from the 236th, who spent one of the most significant periods in history together, now sit around and reminisce about the experience that made them men, rekindle old friendships, and honor the memories of their fallen comrades. Meanwhile, their families swim, shop, and attend events together. In recent years however, only a handful of veterans of the 236th are still able to attend, so the group has elected their children to take over responsibility for holding the reunions, even after the last member of the 236th has passed on.

The 236th was created during World War II, an offspring of the 44th Engineer Combat Regiment at Camp McCoy, WI. After practicing maneuvers in Tennessee in 1943, the 236th was deployed to the China-Burma-India Theater, where they started work on the Ledo Road, a necessary allied supply route through harsh jungle terrain at the base of the Himalayan Mountains, and on the edge of Japanese-occupied territory.

Work on the Ledo Road was halted by a Japanese garrison, dug in, in the town of Myitkyina, along the path of the road. General Stillwell, Chief Commander of the China-Burma-India Theater, had tried to dislodge the Japanese from Myitkyina in mid May, 1944, and had succeeded in taking a nearby airstrip, but was repelled from the town by unexpectedly strong Japanese defenses. With these defenses and a front line force already weakened from fatigue, disease and wounds, Stillwell called up the 236th to the front lines. Men who had been used to driving trucks and operating heavy equipment were suddenly picking up a rifle and heading into battle.

The Japanese had managed to assemble nearly 2,500 soldiers in Myitkyina in the final days of May to engage the 236th and another battalion of combat engineers, the 209th. The battle for Myitkyina raged for 2 months and the engineers, fighting alongside poorly trained Chinese soldiers, bore the brunt of the Japanese forces, defending against infantry attacks as well as artillery and mortar fire. The battle resulted in victory for the allies, but at a heavy price: 56 killed in action and another 142 wounded from the 236th alone. One of these casualties was SGT Fred Coleman, who threw himself on a grenade in order to save the lives of his comrades.

The members of the 236th distinguished themselves in the battle for Myitkyina and earned the praise of their commanders. Stillwell himself was impressed with the performance of the 236th, many of whom had not picked up a rifle since basic training: ''hats off to the engineers!'' And both battalions of combat engineers received the Presidential Unit Citation for their valiant efforts in battle.

Tennessee is the Volunteer State and the spirit of Tennessee is embodied in the 236th. From the battle of King's Mountain in the Revolutionary War, through the Mexican War, the Civil War, and our great World Wars, Tennesseans have answered the call. We have honored those volunteers, and we have honored them as veterans.

We should especially honor our Tennessee sons and daughters today because so many—thousands—are serving in the war against terrorism—men and women in active duty, the National Guard, and the reserves.

This summer, as we celebrate Armed Forces Day, Memorial Day, the dedication of the new World War II Memorial and the 60th anniversary of D–Day, we should not only remember the actions and sacrifices of the great men and women who have come before us, such as those of the 236th, but what their sacrifices have ensured for us: our freedom.

The best thing we can do this summer as we pay tribute to our veterans and soldiers is this: to try to show as much respect and honor to these great volunteers as they have always shown our country.

ROBERT A. BEAN: A LIFETIME OF CONTRIBUTION

Mr. PRYOR. Mr. President, I join the Senate community in mourning the loss of a long-time friend and colleague Robert A. Bean. Throughout his life, Bob was a hard worker, devoted to public service and a man of great integrity and character. Bob began his public service career as a congressional page at the young age of 15. Many promotions and two decades later, he continued to help the U.S. Senate run smoothly. During these years, Bob

forged countless friendships with those around him and made immeasurable contributions to the community.

Each and every day, Bob went above and beyond the call of duty to help Members of Congress, staff members and Capitol visitors find their way, whether it was through complex parliamentary procedure or to the nearest elevator in the Capitol. His vast knowledge of the Senate's operations was garnered from decades of public service. Following Bob's days as a page, he served in the Democratic cloakroom, and was later promoted to deputy sergeant-at-arms, deputy assistant undersecretary of legislative affairs at the Department of the Treasury, and Democratic staff director for the Committee on House Administration. Bob retired from the Hill in 2002, having accrued enough years of service to make him eligible for retirement. Too young and active, however, Bob returned to work just months later at the Jefferson Consulting Group, where he quickly made a name for himself.

My dad, former Senator David Pryor, first met Bob during page school and saw in him the same quality as everyone else: a passion to help others. Throughout the years, they remained close friends. Bob traveled to Arkansas to campaign several times for my dad, and later he joined me in Little Rock on the campaign trail. Even with all his qualifications and prestige, no job was too small. I remember him canvassing in the Arkansas heat, stuffing envelopes and hammering yard signs into the ground. And no job was too big or difficult. Following my campaign, Bob helped me coordinate inauguration events and setup my office, and he helped orient a number of my staff members who were new to Washington and the Senate. His willingness to do anything for anybody at anytime is what made Bob loved by so many.

Jim English, a former assistant Secretary of the Senate, said Bob was ''the kind of person who would give you the shirt off his back. He was a man with loyalty to the Senate and to his friends.''

Longtime friend Bill Norton who worked with Bob in the cloakroom and earlier as a page added, ''Bob loved Congress as an institution; those were his happiest days.''

While he took his work seriously, Bob was also known to enjoy his weekends with friends and family on the *Margaret B* while fishing on the Chesapeake. It was on such a day when Captain Bob was enjoying the afternoon on his boat, having just caught a 36-inch striper, when God chose to take Bob home.

Bob was also a devoted family man. As good as a friend he was to us, Bob was an even better son, brother and uncle. I want to express my deepest condolences to the Bean family: his mother Margaret; brothers, John, Kenneth and Brian; sister-in-law Patti; niece Rachel and nephew Christian.

Bob's commitment to service provides inspiration to us all. We will miss Bob Bean. We will remember him well. We will celebrate his life, and we will try to live up to his dedication and generosity.

ADDITIONAL STATEMENTS

TRIBUTE TO FRENCHBURG JOB CORPS

• Mr. BUNNING. Mr. President, I pay tribute today to the Frenchburg Job Corps Center in Frenchburg, KY. On June 24, 2004 this center will celebrate a milestone anniversary. For 30 years the Frenchburg Job Corps Center has taught a variety of skills to our Kentucky workforce, helping the men and women of Kentucky to improve their job skills and their general well being.

I am grateful for all the work that the Frenchburg Center has done over the last 30 years. Their contribution to the Commonwealth of Kentucky should not be underestimated. Through the work of this center many men and women have been enabled to become valuable pillars of their local and state economies.

The skills that these men and women learned range from the culinary arts to apartment maintenance. But all of these skills have been of inestimable value when it comes to doing one of the most important things in life, providing for yourself, your family and your community.

I believe the Commonwealth would not be the same without the dedication of these men and women and I thank the Frenchburg Job Corps for its 30 years of dedication to the workforce of the Kentucky.•

TRIBUTE TO JIM AYERS

• Mr. ALEXANDER. Mr. President, I wish to honor the extraordinary efforts of one man who exemplifies the spirit which makes Tennessee the volunteer state.

That man is Jim Ayers of Parsons, TN. Parsons sits at the intersection of Highway 412 and 69, just west of the banks of the Tennessee River. It is the largest town in rural Decatur County. At 18, Jim left home to attend Memphis State University. Working 30 hours a week, he paid his way through college, graduating with a degree in business administration. Jim was the first in his family to earn a college degree. He went on to success in a number of industries—from banking and real estate to manufacturing and health care.

Many American success stories would end right there. For Jim, this was just the beginning.

In 1999 Decatur's Riverside High School graduated 129 students and sent 36 on to post-secondary education. That's 27 percent. This month 101 of 111, 90 percent, of students graduating from Riverside, will go on to 2 and 4-year colleges and universities.

The difference between 1999 and 2004? Jim Ayers.

You see, Jim realized the opportunities he had because his parents had motivated him to further his education. To perpetuate this encouragement, Jim created the Ayers Foundation Scholars Program. The program supplies counselors to assist every student with college counseling and planning and grants renewable scholarships of up to $4,000 to any Decatur County student who wants to go on to college.

This year Jim's foundation disbursed $578,000 to more than 300 young men and women attending 13 different schools. To meet any remaining tuition bills, counselors found an additional $800,000 in Federal and State grants and other scholarships. Since its inception, the foundation has also spent in excess of $175,000 to help 68 teachers from Decatur and Henderson counties to obtain masters degrees or plus 30 certification.

Last week at a dinner in honor of this first class of Ayers' foundation graduates, Jim announced the foundation will begin funding scholarships for students at Henderson County's Scotts Hill High School. In addition, Jim committed to extend funding for advanced degrees for teachers in Perry County.

Decatur's favorite son came home to make this a place where the American dream thrives.

Mr. President, I have spent a lot of time thinking about leadership, character, and education. Men like Jim serve as examples to us all of the opportunity education provides and the difference one man can make in the fabric of the American character.

Thank you for allowing me to honor my friend Jim Ayers.•

TRIBUTE TO LINDA KURZ

• Mr. BOND. Mr. President, Sieglinde Kurz received her Bachelor of Arts degree from Fontbonne College, St. Louis, Missouri in 1961 and her Masters Degree in Health Care Management from Northwestern University, Evanston, Illinois in 1976.

Linda Kurz started her career with Department of Veterans Affairs in November 1965 as a Research Chemist in Renal Hypertension Research at the St. Louis VA Medical Center.

Linda Kurz, during her government career was the Administrative Assistant to the Associate Director, Hines, Illinois; Associate Director, VA Medical Center, Tomah, Wisconsin; Associate Deputy Regional Director, Northeastern Region, Albany, NY; Associate Director, VA Medical Center, Marion, Illinois; Director, Construction Project Coordination and Budget, VA Headquarters, Washington, DC; Director, VA Medical Center, Marion, Illinois. She left the Marion VAMC to accept the position of Director at the St. Louis VAMC.

Linda Kurz served as Director of the St. Louis VA for 5 years and 8 months from May 1998 through January 2004, one of the largest and most complex VA facilities in the Nation.

Linda Kurz provided leadership for this dual division hospital, providing care for in excess of 36,000 veterans annually, within a primary service area of metropolitan St. Louis, including 9 counties in Missouri and 14 counties in West Central Illinois and lead a care team of 1900 full time employee equivalents.

Linda's lifetime achievements include: A leader in the health care management field, mentor for VHA Health Care Management Trainees, Executive Career Field Director Trainees and achieved the status of Diplomat in the American College of Healthcare Executives.

Linda Kurz, was listed as one of the top female directors in Missouri Hospital Association Newsletter, Summer 2003 Edition and in Who's Who Among Top Executives in 1998–1999 and during her tenure as Director St. Louis VA Medical Center was recognized in 1999, with the Vice-Presidential ''Hammer and Scissors'' award for her efforts in piloting the first Department of Veterans Affairs Canteen Integration.

During her tenure at the St. Louis VA, Linda has worked tirelessly to improve access to care for veterans and opened three health clinics; she supported her employees by providing educational opportunities for mid-level managers through programs such as mini-MBA and she promoted an open policy, communicating with staff at all levels by establishing employee and supervisory forums.

Linda Kurz will retire after 37 years of government service, having devoted countless hours and years to the welfare of the American Veterans.●

TRIBUTE TO MELISSA CENTRELLA

● Mr. CORZINE. Mr. President, today I wish to recognize and to remember an extraordinarily courageous young lady from New Jersey, Ms. Melissa Anne Centrella. It is with great sadness that I inform you that Melissa passed away 2 years ago. She was 25 years old when she died. In Melissa's short time here on Earth she displayed an uncommon grace and dignity which we all should emulate.

As a child, Melissa was like every young girl—she was cheerful, she loved her parents, and she loved to dance. However, Melissa was diagnosed at an early age with the rare disorder called dystonia. Dystonia is a neurological disorder characterized by powerful and painful involuntary muscle spasms that cause twisting of the body, repetitive muscle movements, and sustained postural deformities. Melissa lived with the constant pain of dystonia for 18 years. As the years passed, Melissa's life became more and more constrained. She was eventually confined to a wheelchair and then bedridden. Melissa passed away from complications of this disorder.

Melissa endured many painful medical procedures to assess and attempt to treat dystonia. She suffered through a series of spinal taps, intrathecal pump implantations, and the preparations for deep brain stimulation surgery. Melissa, on several occasions, was overdosed with her medication leading to seizures and once to a 3-day coma. Through all the pain, she accepted her suffering with dignity and never once complained.

Melissa believed she was put on Earth for a reason, that God had a plan for her. That reason was to be a part of the mission to find a cure for dystonia, so that no one else would have to experience the torture that she experienced in her short life. Many in her position would have given up, but not Melissa. Melissa was relentless in pushing Claire, her mother, to establish the New Jersey Chapter of the Dystonia Medical Research Foundation, DMRF.

The chapter today holds many events to raise funds for dystonia research and promotes awareness of dystonia. Whenever Claire became depressed or understandably overcome with distress, Melissa would gently prod her along and remind her of their mission together as a family. Melissa was the only child of Claire and August Centrella. I would like to salute Claire Centrella and her family for picking up the mantle and running with it in memory of Melissa.

Melissa's body lost its battle; however, her soul battles on in her mother and the New Jersey Chapter to improve the quality of life for others with dystonia. Melissa Centrella's memory will live on in those of us she touched and in those who share her mission. Melissa will never be forgotten, and her mission will continue through her family's and friends' hard work and determination.●

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute and to remember a courageous young lady from New Jersey, Ms. Melissa Anne Centrella. Sadly, Melissa passed away 2 years ago, at the age of 25, from complications due to a disease known as dystonia. Much of Melissa's short life was dedicated to battling dystonia, which affects more than 300,000 people in North America.

Melissa was diagnosed at an early age with dystonia, which is the third most common movement disorder after Parkinson's disease and tremor. This neurological disease is characterized by powerful and painful involuntary muscle spasms that cause twisting of the body, repetitive muscle movements and sustained postural deformities. Although she endured many painful medical procedures to treat her dystonia, Melissa never once complained. Instead, she became a part of the effort to find a cure for dystonia, so no one else would have to experience the pain she suffered in her short life.

Along with her mother Claire, Melissa worked relentlessly to establish the New Jersey Chapter of the Dystonia Medical Research Foundation. The chapter today holds many events to raise funds for dystonia research and promotes awareness of dystonia. I would like to salute the Centrella family for the work they have done to found and support the New Jersey Chapter of the foundation. Today, because of Melissa Centrella, her family and others who have fought alongside them against dystonia, we are closer than ever to a cure.

Mr. President, it is important that we recognize the fight against dystonia. Although there is not yet a cure for dystonia, we will continue the work of Melissa Centrella and remember her fight against this disease.●

THE 250TH ANNIVERSARY OF HAMPSHIRE COUNTY

● Mr. ROCKEFELLER. Mr. President, on this 3rd day of June, in the year 2004, I am honored to commemorate the 250th birthday of Hampshire County. This historically and culturally rich county showcases the best of West Virginia, and I am very proud to represent the citizens of this great county.

Hampshire County has a vibrant history beginning in the early 1700s, when tradesmen and hunters eager to begin a new life settled in the beautiful wilderness. Settlers, such as John and Job Pearsall, built houses in the area that would become known as Romney which has served as the county seat since 1762—some 200-plus years, which is longer than Washington, DC has served as our capital city.

The history of Hampshire County encompasses many of the great conflicts in our Nation's early history. It was the turmoil of the French and Indian War that prevented official organization of the county in 1757, despite actual creation several years earlier. In 1794, men from Hampshire County serving under GEN Daniel Morgan took part in overcoming the Whiskey Rebellion. These brave men volunteered to quell the rebellion. The county also endured the Civil War, and was frequently occupied by either Confederate or Union Armies. In fact, according to surviving records, Romney changed hands at least 56 times which is more frequently than any other city during the Civil War except for Winchester, VA.

Only a few years later, in 1870, Hampshire County became home to the State School for the Deaf and Blind through the efforts of Professor H.H. Johnson. The Romney Literary Society donated several buildings and land for the school, which was crucial to the decision regarding the school's location in Romney. The school now serves over 275 students on the 40-acre campus, and plays an integral role in the community.

Today, Hampshire County continues to be a great asset to the State of West Virginia and our country. Hampshire County remains a pristine example of West Virginia's natural beauty. Its many rivers and streams flow through the county and provide residents and visitors alike with recreational and

fishing opportunities. An area along the South Branch of the Potomac River, known as the Trough, is visited frequently by those hoping to view the bald eagles that occupy the area. Ice Mountain is another excellent location to observe eagles and the beautiful West Virginia scenery viewed from its peak. Ice Mountain contains small caves where ice can be found throughout the hot summer days. Hampshire County is a fine example of all West Virginia has to offer—its sense of history and culture, its fine citizens, and its natural beauty.

Since its beginning, courageous settlers, who returned time and again to Hampshire County, laid the foundation that is now a well-known trait of all West Virginians—loyalty to the State they love. I am proud to recognize Hampshire County, WV, on its 250th anniversary.●

TRIBUTE TO LIEUTENANT COLONEL WILLIE J. BROWN

● Mr. MILLER. Mr. President, it is my pleasure to honor an extraordinary marine, LTC Willie J. Brown. Lieutenant Colonel Brown has served for 29 years, 4 months and 4 days in service to our Nation. He began his military service as an ensign in the Navy and later earned a commission as a second lieutenant in the U.S. Marine Corps. He has served in times of war and peace, and throughout he has given a full measure, as marines are renowned for doing. His awards include the Meritorious Service Medal, Navy and Marine Corps Achievement Medal, the Joint Meritorious Unit Award, a Meritorious Unit Commendation, the National Defense Service Medal with two stars, and the Sea Service Deployment Ribbon.

During Lieutenant Colonel Brown's last active duty assignment, he served as a legislative liaison officer in the Marine Corps' Office of Legislative Affairs. That office supports Members of Congress and the congressional committees on issues relating to the Marine Corps and the security of our Nation. In this position, Colonel Brown played a vital role in ensuring that responses to all inquiries and congressional requests for information and inquiries were provided quickly, accurately, and completely; thereby, allowing Members of this body the ability to readily address issues of national importance.

Some of Lieutenant Colonel Brown's many responsibilities included expert preparation of Marine Corps leadership for congressional testimony on high-interest military programs and assisting Members on congressional travel to visit military installations throughout the continental United States. His attention to detail in all matters was unsurpassed, and his complete grasp of the facets of naval warfare helped to ensure a bright future for our Marine Corps.

Prior to joining the Office of Legislative Affairs, Lieutenant Colonel Brown spent the majority of his Marine Corps career in the aviation field. He started as a second lieutenant with the 2nd Marine Aircraft Wing and continued to rise through the ranks. He went on to become the commanding officer of Marine Aviation Logistics Squadron 26. Under his superb leadership, that squadron won the wing's ''Squadron of the Year'' award for three consecutive years. The commandant also recognized his squadron with the Marine Corps Quality Improvement Award for Excellence.

Lieutenant Colonel Brown is a learned, professional marine, as evidenced by his attendance at the School of Advanced Warfare, and the Marine Corps Command and Staff College. Further, he is a well-rounded, native Georgian who willingly serves his fellow man. While assigned as the special assistant to the Assistant Secretary of the Navy for Manpower and Reserve Affairs, he was awarded the Roy Wilkins Distinguished Service Award by the NAACP. This award is granted each year to one marine who has made personal sacrifices resulting in significant contributions in the areas of civil and human rights.

As a leader of marines, Lieutenant Colonel Brown has made a lasting contribution to the Marine Corps and will be sorely missed by those who have had the opportunity to serve with him. I join with his friends and family as he celebrates this richly deserved retirement. I wish him, his wife Cynthia, and their family my best as he enjoys every day of this new journey. Semper Fidelis.●

SAMUEL JOHNSON

● Mr. FEINGOLD. Mr. President, I wish to pay tribute to the life of Samuel Johnson, an environmental champion, an inspired business leader and one of Wisconsin's greatest philanthropists.

Sam Johnson, who passed away on May 22, 2004, was known internationally for taking his 118-year-old family business called Johnson Wax and turning it into the consumer products giant, SC Johnson & Son, Inc. Sam was as generous as he was successful. He was beloved by his home community of Racine as well as the entire State of Wisconsin for his generous donations to the communities where he did business, and to the long list of organizations and causes that he served. Sam's generosity was instrumental in revitalizing his home community of Racine.

After attending Cornell and Harvard, Sam served as an Air Force intelligence officer. When Sam returned to Wisconsin, he joined the family business, helping make products like Pledge and Glade household names. Sam became the fourth generation to take over the family business in 1966 and helped it grow into four global businesses employing over 28,000 people before retiring in 2000 and leaving the business to a fifth generation.

Sam was widely recognized as a defender of the environment. In 1975, he proactively banned the use of harmful CFCs in aerosol products 3 years before the U.S. banned the ozone-harming substances. He served as chairman of the board for the Nature Conservancy, to which he donated $1 million in 1994 and later donated 18,000 acres in Brazil. In 1993, Fortune Magazine called him ''corporate America's leading environmentalist.''

A few years ago, I had the distinct pleasure of participating in a project undertaken by Sam, as well as Fisk and Curt Johnson, two of his children. Sam and his sons took their piloting skills to Brazil to recreate and document a flight made by Sam's father, Herbert, in 1935, while searching for carnauba palm wax in Brazil. The documentary that resulted from the trip was a moving testimony to Sam's own troubles with alcoholism and distant relationship with his father. The film earned national attention and helped people across the country deal with their own problems with alcohol. I was deeply honored when I was asked to help host a screening of this incredible film.

That documentary was just one of the many achievements for which Sam Johnson will be remembered and just one of the many reasons he will be so deeply missed. I know that I am grateful for his lasting contributions to the State of Wisconsin, and for his unwavering commitment to the communities and causes he served so well.●

REPORT TO CONGRESS CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR THE REPUBLIC OF BELARUS—PM 81

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 Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the Republic of Belarus. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 3, 2004.*

REPORT TO CONGRESS CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR VIETNAM—PM 83

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 Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 3, 2004.*

REPORT TO CONGRESS CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR TURKMENISTAN—PM 82

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 Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Turkmenistan. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Turkmenistan will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 3, 2004.*

MESSAGES FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives, delivered by Mr. Chiappardi, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 28. Joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

At 12:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3908. An act to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 4109. An act to allow seniors to file their Federal income tax on a new Form 1040S.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 413. Concurrent resolution honoring the contributions of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes.

The message further announced that the House agree to the amendment of the Senate to the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 28. Joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

At 6:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 444. An act to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; to reauthorize title II of the Higher Education Act of 1965; to amend Title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education; and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3866. An act to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes.

H.R. 4478. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, arid improving performance accountability, and for other purposes and asks for a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: From the committee on Education and the Workforce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. BOEHNER, Mr. PETRI, Mr. MCKEON, Mr. CASTLE, Mr. ISAKSON, Mr. PORTER, Mr. KILDEE, Mr. HINOJOSA, Mr. TIERNEY, and Ms. MCCOLLUM.

The message further announced that the House disagree to the amendment of the Senate to the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title IX) and the Senate amendment (except title V), and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, BOEHLERT, COBLE, DUNCAN, MICA, HOEKSTRA, EHLERS, BACHUS, LATOURETTE, GARY G. MILLER of California, REHBERG, BEAUPREZ, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, Ms. NORTON, Messrs. NADLER, MENENDEZ, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on the Budget, for consideration of sections 8001–8003 of the House bill, and title VI of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, SHAYS, and SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 1602 and 3030 of the House bill, and sections 1306, 3013, 3032, and 4632 of the Senate amendment, and modifications committed to conference: Mr. BALLENGER, Mrs. BIGGERT, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of provisions in the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in section 6001 of the House bill, and sections 3005 and 3006 of the Senate amendment; and sections 1202, 1824, 1828, and 5203 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 3016, 3023, 4108, 4151, 4152, 4155–4159, 4162, 4172, 4173, 4424, 4481, 4482, 4484, 4662, 8001, and 8002 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, PICKERING, and DINGELL.

From the Committee on Government Reform, for consideration of section 1802 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SCHROCK, and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 1105, 1207, 1602, 1812, 2011, 3023, 4105, 4108, 4201, 4202, 4204, 5209, 5501, 6001, 6002, 7012, 7019–7022, and 7024 of the House bill, and sections 1512, 1513, 1802, 3006, 3022, 3030, 4104, 4110, 4174, 4226, 4231, 4234, 4265, 4307, 4308, 4315, 4424, 4432, 4440–4442, 4445, 4447, 4462, 4463, 4633, and 4661 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 1117, 3021, 6002, and 6003 of the House bill, and sections 1501, 1502, 1505, 1511, 1514, 1601,

1603, 3041, and 4521–4528 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS, and KIND.

From the Committee on Rules, for consideration of sections 8004 and 8005 of the House bill, and modifications committed to conference: Messrs. DREIER, SESSIONS, and FROST.

From the Committee on Science, for consideration of sections 2001, 3013, 3015, 3034, 4112, and title V of the House bill, and title II, sections 3014, 3015, 3037, 4102, 4104, 4237, and 4461 of the Senate amendment, and modifications committed to conference: Messrs. GILCHREST, NEUGEBAUER, and GORDON.

From the Committee on Ways and Means, for consideration of title IX of the House bill, and title V of the Senate amendment, and modifications to conference: Messrs. THOMAS, MCCRERY, and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 444. An act to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; to reauthorize title II of the Higher Education Act of 1965; to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education; and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3908. An act to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3866. An act to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; to the Committee on the Judiciary.

H.R. 4109. An act to allow seniors to file their Federal income tax on a new Form 1040S; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 413. Concurrent resolution honoring the contributions of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2498. A bill to provide for a 10-year extension of the assault weapons ban.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 3, 2004, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 28. Joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

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–7740. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Optional Rider for Proof of Additional NVOCC Financial Responsibility'' (FMC Doc. No. 04–02) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7741. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Re-issuance of the NASA FAR Supplement Subchapters A and B Consistent with the Federal Acquisition Regulations System Guidance and Policy'' (RIN2700–AC65) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7742. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Government Property—Instructions for Preparing NASA Form 1018'' (RIN2700–AC73) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7743. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closing Directed Fishing for Groundfish with Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea (RKCSS) of the Bering Sea and Aleutian Islands Management Area'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7744. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Grant and Cooperative Agreement Announcement Numbering'' (RIN2700–AC98) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7745. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Re-Issuance of NASA FAR Supplement Parts 1813 through 1817'' (RIN2700–AC83) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7746. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Re-issuance of NASA FAR Supplement Subchapter D'' (RIN2700–AC84) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7747. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Certifications, Disclosures, and Assurances'' (RIN2700–AC96) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7748. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations Based on the 2003 Missile Technology Control Regime Plenary Agreements'' (RIN0694–AD01) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7749. A communication from the Chair, National Oceanographic Partnership Program, transmitting, pursuant to law, the Program's March 2004 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC–7750. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Protective Equipment Export Licensing Jurisdiction'' (RIN0694–AC64) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7751. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Nineteenth Annual Report of Accomplishments under the Airport Improvement Program (AIP) for Fiscal Year 2003; to the Committee on Commerce, Science, and Transportation.

EC–7752. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Iowa Regulatory Program'' (IA–013–FOR) received on June 1, 2004; to the Committee on Energy and Natural Resources.

EC–7753. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program; Correction'' received on June 1, 2004; to the Committee on Energy and Natural Resources.

EC–7754. A communication from the Chairman, Inland Waterways Users Board, transmitting, pursuant to law, a report relative to the investment priorities of the Inland and Intracoastal Waterway transportation industry; to the Committee on Environment and Public Works.

EC–7755. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's Fiscal Year 2001 implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act (LWA); to the Committee on Environment and Public Works.

EC–7756. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to a lease prospectus for the Department of the Navy in Northern Virginia; to the Committee on Environment and Public Works.

EC–7757. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Analytical Method for Uranium'' (FRL7668–9) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7758. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rulemaking on Section 126 Petitions from New York and Connecticut Regarding Sources in Michigan; Revision of Definition of Applicable Requirement for Title V Operating Permit Programs'' (FRL7669–6) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7759. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation Implementation Plans; Illinois'' (FRL7666–1) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7760. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for California—San Joaquin Valley PM–10 Nonattainment Area; Serious Area Plan for Attainment of the 24–Hour and Annual PM–10 Standards'' (FRL7663–8) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7761. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units'' (FRL7666–5) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7762. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Determination To Extend Deadline for Promulgation of Action on Section 126 Petition From North Carolina'' (FRL7667–3) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7763. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion'' (FRL7667–5) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7764. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination that State Has Corrected a Deficiency in the California State Implementation Plan, Ventura County Air Pollution Control District'' (FRL7665–3) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7765. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, E. Dorado County Air Pollution Control District, Feather River Air Quality Management District, Kern County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Bernardino County Air Pollution Control District, Santa Barbara County Air Pollution Control District, and Yolo-Soland Air Pollution Control District'' (FRL7662–2) received on June 1, 2004; to the Committee on Environment and Public Works.

EC–7766. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled the ''U.S.–Russia Polar Bear Agreement Implementation Act of 2004''; to the Committee on Environment and Public Works.

EC–7767. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to Fiscal Year 2003 Competitive Sourcing Efforts; to the Committee on Environment and Public Works.

EC–7768. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–7769. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, two documents related to the Agency's programs; to the Committee on Environment and Public Works.

EC–7770. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Regulations Governing Incidental Take Permit Revocation'' (RIN1018–AT64) received on May 20, 2004; to the Committee on Environment and Public Works.

EC–7771. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Foreign Sales Corporations—Advance Payment Transactions'' received on June 1, 2004; to the Committee on Finance.

EC–7772. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Uniform Capitalization of Interest Expense in Safe Harbor Sale and Leaseback Transactions'' (RIN1545–BB62) received on June 1, 2004; to the Committee on Finance.

EC–7773. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the 2004 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC–7774. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to Fiscal Year 2003 Sourcing Efforts; to the Committee on Finance.

EC–7775. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—June 2004'' (Rev. Rul. 2004–54) received on June 1, 2004; to the Committee on Finance.

EC–7776. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting Regarding Royalties Under Section 6050N'' (Rev. Rul. 2004–46) received on June 1, 2004; to the Committee on Finance.

EC–7777. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Title II Cost of Living Increases in Primary Insurance Amounts'' (RIN0969–AF14) received on June 1, 2004; to the Committee on Finance.

EC–7778. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique''; to the Committee on Foreign Relations.

EC–7779. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique''; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1129. A bill to provide for the protection of unaccompanied alien children, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1887. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices.

S. 2363. A bill to revise and extend the Boys and Girls Clubs of America.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 5. A concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

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 Mrs. DOLE (for herself, Mr. DODD, Mr. LUGAR, and Mr. ALEXANDER):

S. 2494. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Finance.

By Mr. BREAUX:

S. 2495. A bill to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects; to the Committee on Environment and Public Works.

By Mr. BAYH:

S. 2496. A bill to provide for the relief of Helen L. O'Leary; to the Committee on Armed Services.

By Mr. LIEBERMAN:

S. 2497. A bill to amend the securities laws to provide for enhanced mutual fund investor protections, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. DODD, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, Mr. REED, and Mr. LAUTENBERG):

S. 2498. A bill to provide for a 10-year extension of the assault weapons ban; read the first time.

By Mr. TALENT:

S. 2499. A bill to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 2500. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 2501. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''; to the Committee on Governmental Affairs.

By Mr. CRAIG:

S. 2502. A bill to allow seniors to file their Federal income tax on a new Form 1040S; to the Committee on Finance.

By Mr. KYL:

S. 2503. A bill to make permanent the reduction in taxes on dividends and capital gains; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 38. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE (for herself and Mr. HARKIN):

S. Con. Res. 114. A concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; considered and agreed to.

ADDITIONAL COSPONSORS

S. 309

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 309, a bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes.

S. 556

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 557

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 955

At the request of Mr. ALLEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 955, a bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

S. 1143

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1143, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1292

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1292, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1411

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1476

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1476, a bill to amend the Internal Revenue Code of 1986 to encourage investment in facilities using wind to produce electricity, and for other purposes.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1559

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1559, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1666

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 1748

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1748, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 1861

At the request of Mr. LUGAR, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1861, a bill to provide a framework for consideration by the legislative and executive branches of proposed unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 1900

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1909

At the request of Mr. COCHRAN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1934

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1934, a bill to establish and Office of Intercountry Adoptions within the Department of State, and to reform United States laws governing intercountry adoptions.

S. 2015

At the request of Ms. CANTWELL, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2015, a bill to prohibit energy market manipulation.

S. 2062

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of

S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2141

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2141, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on soybean base acres.

S. 2152

At the request of Mr. MILLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2152, a bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes.

S. 2192

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2192, a bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2195

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2195, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 2214

At the request of Mr. BURNS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2214, a bill to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the ''Mike Mansfield Post Office''.

S. 2236

At the request of Ms. CANTWELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2236, a bill to enhance the reliability of the electric system.

S. 2353

At the request of Mr. CRAIG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2353, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 2363

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. SARBANES), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2363, supra.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2363, supra.

At the request of Mr. SHELBY, his name was added as a cosponsor of S. 2363, supra.

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Mississippi (Mr. LOTT) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2363, supra.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2363, supra.

S. 2411

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of 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.

S. 2425

At the request of Mr. BYRD, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2434

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2434, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, D.C., and for other purposes.

S. 2439

At the request of Mrs. HUTCHISON, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2439, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 2449

At the request of Mr. DASCHLE, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Idaho (Mr. CRAIG) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2449, a bill to require congressional renewal of trade and travel restrictions with respect to Cuba.

S. 2451

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2451, a bill to amend the Agricultural Marketing Act of 1946 to restore the application date for country of origin labeling.

S. 2461

At the request of Mr. DEWINE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. MILLER), the Senator from Iowa (Mr. HARKIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2463

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2463, a bill to terminate the Internal Revenue Code of 1986.

S. 2468

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2468, a bill to reform the postal laws of the United States.

S. CON. RES. 113

At the request of Mr. SMITH, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 330

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 330, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ('OPEC') cartel and non-OPEC countries that participate in the cartel of crude oil producing countries the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

S. RES. 357

At the request of Mr. CAMPBELL, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as ''National Health Center Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 2497. A bill to amend the securities laws to provide for enhanced mutual fund investor protections, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation that

would bring needed changes to our financial markets so that the interests of America's small individual investors are protected and defended.

The recent revelations about unethical and illegal practices in the mutual fund industry have been deeply disturbing—to me and to ordinary investors throughout the country. In November 2003, the Governmental Affairs Committee's Subcommittee on Financial Management, the Budget, and International Security heard testimony from the Director of the Securities and Exchange Commission's (SEC's) Enforcement Division about a survey of fund practices that the SEC had just completed. The survey found that half of the largest 88 mutual funds had permitted a practice called market-timing, which allows some investors to trade quickly in and out of the funds, even though many of those funds had explicit policies against such trading because of its detrimental impact on other investors in the fund. The survey also found that a full one-quarter of the brokerage firms it looked at indicated that they had allowed certain customers to engage in late-trading, an illegal practice that allows favored investors to execute trades based on that day's price after the market had closed, when new information had come to light. Perhaps most shocking, the survey found that, in some cases, fund company officials profited personally at the expense of their customers by market-timing their own funds. In a later hearing, we learned about the problem of excessive fees at some funds and the fact that such fees may not be prominently disclosed to investors or, as is the case with some types of fees, not disclosed at all.

These concerns are of particular importance because, in a very real sense, mutual fund investments are investments in the American dream. They hold the nest eggs, the retirement savings, and the college funds for millions of America's working families. But they also feed capital into today's economy, fueling the engine that creates and maintains American jobs. Mutual funds are where so many Americans put their money: 95 million people, at last count, own shares in these funds. Indeed, in the wake of the Enron scandal, when investigators uncovered widespread deceptions and conflicts of Wall Street stock analysts, conventional wisdom said average investors would find safe haven in mutual funds rather than in individual stocks. It is therefore particularly—and—ironically disheartening to see the scandals and breaches of trust that have now afflicted the mutual fund industry.

The recent revelations about mutual funds, however, provides us with the opportunity and the responsibility to accomplish real, structural reform in the fund industry. That is why I have joined with Senator AKAKA and Senator FITZGERALD in introducing S. 1822, the Mutual Fund Transparency Act, and why I have also joined Senators CORZINE and DODD in introducing S. 1971, the Mutual Fund Investor Confidence Restoration Act. Both of these bills take on many of the significant mutual fund problems that have come to light in recent months. Together, they bar late trading and discourage market timing; reform mutual fund governance rules to require that the chairman and 75 percent of board members of mutual fund companies be independent and strengthen the definition of independent; require far more extensive disclosure of fund fees and expenses; and work to increase financial literacy.

But beyond these important, basic reforms, we need to craft new approaches that address the changing nature of this country's investor class. In the last two decades, a near-revolutionary expansion in the number of people participating in the financial markets has occurred. Since 1980, we've seen the share of U.S. households owning mutual funds soar from less than 6 percent to nearly 50 percent in 2002. The number of families owning stocks, directly or indirectly through funds, has increased 60 percent in the last fifteen years and, as of 2001, exceeded half of all families. Along with this phenomenon, and contributing to it, we've seen individuals increasingly taking responsibility for investing their own retirement money—a responsibility that was once entrusted to professionals . It used to be that employees were typically enrolled in so-called ''defined benefit'' pension plans that guaranteed them certain income and for which the employer took responsibility for investing the money properly. Now individuals are more frequently given responsibility for investing their retirement savings themselves through 401(k) plans. In fact, since 1983, the number of defined-benefit plans has declined over 70 percent, while participation in 401(k) plans has been increasing. Forty-eight million Americans now have 401(k) plans.

Neither changes in the law, nor changes by federal regulators, however, have kept pace with the increasing participation and the increasing responsibilities of small investors. When the Investment Company Act was enacted in 1940, it brought sweeping changes, and, for the first time, Federal regulation, to the fund industry, which had been fraught with fraud and abuse in the 1920's. The 1940 Act and the other securities laws passed in the wake of the 1929 stock market crash were instrumental in restoring investor confidence and in establishing the basic disclosure regime that continues to undergird securities regulation today. But the 1940 Act remains much as it was when it was enacted, and disclosure requirements that once appeared radical now often result in forms of technical compliance that little serve average investors who have neither the time nor guidance to find their way through the verbiage of fund disclosures. Nor has the SEC, created in the same era and charged with protecting investors, adequately kept up with the shifting makeup and needs of contemporary investors. To its credit, the SEC in recent months has made a number of changes and proposals specifically to address the problems uncovered in the mutual fund industry, and in the 1990's it undertook a serious effort to ensure that more securities documents were written in ''plain English.'' The Commission, however, has not accomplished the more fundamental reorientation that I believe is called for—and that indeed I did call for in the aftermath of the Enron scandal—to an agency that does not merely regulate and punish the securities industry but affirmatively and proactively seeks ways to assist and protect ordinary investors.

The Small Investor Protection Act that I am introducing today would bring about these needed changes by ensuring that the SEC is more routinely attuned to the needs of average investors. In doing so, this bill serves as an important complement to, though surely not a replacement for, the other mutual fund reform legislation I have cosponsored. And I am pleased that the bill has the support of the Consumer Federation of America, Fund Democracy, Inc., Public Citizen's Congress Watch, Consumer Action and Consumers Union.

To accomplish the goal of better protecting small investors, the bill would take the following four steps:

1. Create a Division of the Investor. Too often in recent years, the interests of ordinary investors have not seemed to be the driving force behind the Commission's regulatory actions. Wall Street's representatives regularly meet with Commission staff to comment on each new Commission proposal but the voice of the small investor has been harder to hear. To ensure that the voices of small investors are heard, my bill would create a separate division within the Commission—coequal with the other four major divisions at the SEC—to provide for a permanent and institutionalized advocate for the interests of ordinary investors. The Division of the Investor would be responsible for such things as providing the small investor's perspective on new rule and policy proposals, identifying new issues of particular concern to small investors, and serving as a conduit for the concerns of outside advocates for small investors.

2. Establish an Office of Risk Assessment. As part of the Governmental Affairs Committee's investigation into the Enron scandal, former Senator Thompson and I released a bipartisan staff report concluding, among other things, that the SEC needed to move away from simply reacting to cases of financial fraud to actively rooting out fraud. In other words, the SEC needed to ''reconceptualize its role as a more proactive force in protecting the marketplace against financial fraud.'' This conclusion has only been reinforced by

the fact that the recent and widespread problems in the mutual fund industry were apparently not identified by the Commission but were uncovered by others. I am therefore very encouraged that Chairman Donaldson has announced the creation of an Office of Risk Assessment to gather and analyze data on new trends and risks and identify new areas of concern for the Commission. This effort, in my view, is critical to protecting small investors because it will increase the likelihood that practices detrimental to small investors will be proactively identified and addressed before they reach scandalous proportions. To ensure the SEC continues to pursue this important function, my bill would provide formal legislative recognition to the Office of Risk Assessment and institutionalize its responsibilities.

3. Require Consumer Research to Gauge Whether Disclosures are Easily Understood by Consumers. The disclosure of information to investors is fundamental to securities regulation in the U.S. With respect to mutual funds, for instance, the SEC requires a wide array of disclosures to be made in prospectuses, annual reports to shareholders, advertising, and in other media. None of these disclosures, however, is likely to serve its intended purpose if ordinary investors can't understand them. There is little empirical evidence on whether investors do in fact understand the disclosures being made. Although the SEC has from time-to-time engaged in consumer research, such as surveys, focus groups, etc., it does not routinely or systematically test its proposed disclosures to determine if they are likely to be understood by ordinary investors. My bill would change that by requiring that the Commission consider empirical consumer research to determine whether a proposed disclosure—including its wording, format, and the context in which it appears—is likely to improve the understanding of ordinary investors.

4. Require Investment Companies to Provide Brief, Easy-to-Understand Disclosures of Mutual Fund Characteristics. All too often, the important details of a mutual fund purchase are lost among the pages and pages an investor receives from his or her investment company. That is why the Small Investor Protection Act would also require investment companies to provide purchasers with a brief summary that will clearly and succinctly outline the relevant characteristics of a mutual fund. Ideally, this summary would be on a single page, and it could not exceed four pages; it would include information such as expenses and risks associated with the fund, as well as the degree to which the fund is diversified. By providing this information in an easy-to-understand format, the Act would help investors make decisions about which funds are best suited to their particular needs and financial goals.

If enacted, these proposals, taken as a whole, would go a long way towards reorienting the regulation of our financial markets to better address the needs of the small investors who have become such an integral part of our economy and for whom investments in the market have become such a large part of their economic security. These proposals would ensure that the concerns of ordinary investors receive as much prominence in regulatory decisions as the concerns of Wall Street giants, that average investors receive relevant information in a form they can understand, and that they are better protected from existing conflicts of interest.

In short, this legislation would help level the playing field for small investors. That is something that we need to do to restore confidence to our financial markets, which have been damaged by more than two years of scandals, and that we must do because it is the right thing for the millions of Americans who are saving and investing to provide a better future for themselves and their children. They deserve nothing less.

I ask unanimous consent that a letter in support of this legislation from Consumer Federation of America, Fund Democracy, Inc., Public Citizen's Congress Watch, Consumer Action and Consumers Union be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSUMER FEDERATION OF AMERICA,
FUND DEMOCRACY, INC., PUBLIC CITIZEN'S CONGRESS WATCH, CONSUMER ACTION, CONSUMERS UNION,
May 18, 2004.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: We are writing on behalf of Consumer Federation of America, Fund Democracy, Public Citizen, Consumer Action, and Consumers Union, to express our strong support for your draft bill to give greater prominence to the concerns of individual investors, particularly small investors, in the policy and rulemaking of the Securities and Exchange Commission.

The last several decades have seen a dramatic expansion of the investor class. Many of these new investors are middle class workers with little financial sophistication and less experience with the securities markets. The major laws that govern our markets were not written with these investors in mind. Although the laws have been continually updated and revised to address changing market conditions, individual investors often find it difficult to have their voices heard during those policy debates.

The recent mutual fund reform efforts offer a number of examples of how policies are often developed with little apparent thought to the needs of average, unsophisticated investors. One such example involves the Securities and Exchange Commission's efforts to improve mutual fund cost disclosure. Among other reforms they advocated, investor advocates argued in favor of individualized cost disclosure on mutual fund account statements on the grounds that this was the place where the disclosures were most likely to be seen by average investors and their impact understood. The SEC quickly rejected that approach, however, echoing industry arguments that the disclosures would be too costly.

In reaching its conclusion, the Commission gave little apparent consideration to how the account statement disclosures might be provided. In fact, one mutual fund company, MFS, has since announced that it has found an economical way to do so. This suggests that, had the SEC not been so quick to dismiss the views of investor advocates, it might have been equally successful in finding a cost-effective way to provide account statement cost disclosures. Instead, the Commission opted for new hypothetical disclosures in annual and semi-annual reports. Again, despite serious questions raised by investor advocates, the Commission appears to have made no effort to determine whether their alternative approach would be effective in reaching the unsophisticated investors who are not well served by the current disclosure system.

Your legislation would help to rectify this situation through several means. First, it would create an office with a formally recognized role representing the interests of individual investors, and small investors in particular, in identifying areas of concern or where additional protections are needed, analyzing rule proposals, and serving as a liaison between investor organizations and the Commission. In particular, the provision requiring that the views of the Director of the Division of the Investor be included, in summary form, in all rule proposals should help to give real clout to this office as those rule proposals are being developed.

We also support the requirement that the Commission consider content, format, and placement when developing new disclosure proposals to ensure that they are likely to be effective. Too often, disclosures investors receive read as though they had been written by lawyers to communicate with other lawyers. Your legislation should help to ensure that new disclosures are written with an eye toward how to convey information effectively to average investors. We would like to see this provision expanded, to require a review over several years of all existing disclosures in light of the same considerations.

The bill's specific requirement for pre-sale disclosure covering key information about mutual funds would also benefit investors by giving them the bare minimum information they need to make an informed decision, at a time when it is useful to them in making their purchase decision, and in a form they are able to understand. Investor advocates have long advocated such an approach, and our organizations have recently reiterated our support for simplified pre-sale disclosure as part of a comprehensive mutual fund reform agenda.

Finally, our organizations have applauded Chairman Donaldson for his publicly stated commitment to improving the Commission's risk assessment practices. Your legislation supports that goal by codifying it. This will help to ensure that this important initiative does not get left by the wayside once new leadership, with new priorities, takes over the agency.

Small investors play a crucial role in our markets. They should be given equally prominent consideration in the policies that govern those markets. Your legislation would help to bring that about. We look forward to working with you to win its passage.

Respectfully submitted,

BARBARA ROPER,
Director of Investor Protection.
TRAVIS PLUNKETT,
Legislative Director Consumer Federation of America.

FRANK CLEMENTE,
Director Public Citizen's Congress Watch.
SALLY GREENBERG,
Senior Counsel Consumers Union.
MERCER BULLARD,
Founder and President Fund Democracy, Inc.
KENNETH MCELDOWNEY,
Executive Director Consumer Action.

By Mr. LUGAR:

S. 2500. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004.

The unprecedented AIDS orphan crisis in sub-Saharan Africa has profound implications for political stability, development, and human welfare that extend far beyond the region. Sub-Saharan African nations stand to lose generations of educated and trained professionals who can contribute meaningfully to their countries' development. Orphaned children, many of whom are homeless, are more likely to resort to prostitution and other criminal behavior to survive. Most frighteningly, these uneducated, poorly socialized, and stigmatized young adults are extremely vulnerable to being recruited into criminal gangs, rebel groups, or extremist organizations that offer shelter and food and act as ''surrogate'' families. It is imperative that the international community respond to this crisis that threatens stability within individual countries, the region, and around the world.

An estimated 110 million orphans live in sub-Saharan Africa, Asia, Latin America, and the Caribbean. The HIV/AIDS pandemic is rapidly expanding the orphan population. Currently an estimated 14 million children have been orphaned by AIDS, most of whom live in sub-Saharan Africa. This number is projected to soar to more than 25 million by 2010. The pandemic is orphaning generations of African children and is compromising the overall development prospects of their countries.

Most orphans in the developing world live in extremely disadvantaged circumstances. Poor communities in the developing world struggle to meet the basic food, clothing, health care, and educational needs of orphans. Experts recommend supporting community-based organizations to assist these children. Such an approach enables the children to remain connected to their communities, traditions, rituals, and extended families.

My bill seeks to improve assistance to orphans and other vulnerable children in developing countries. It would require the United States Government to develop a comprehensive strategy for providing such assistance and would authorize the President to support community-based organizations that provide basic care for orphans and vulnerable children.

Orphans are less likely to be in school, and more likely to be working full time. Yet only education can help children acquire the knowledge and develop the skills they need to build a better future. Studies have shown that school food programs provide an incentive for children to stay in school. School meals provide basic nutrition to children who otherwise do not have access to reliable food.

For many children, the primary barrier to an education is the expense of school fees, uniforms, supplies, and other costs. My bill aims to improve enrollment and access to primary school education by supporting programs that reduce the negative impact of school fees and other expenses. It also would reaffirm our commitment to international school lunch programs.

Many children who lose one or both parents often face difficulty in asserting their inheritance rights. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow—even if she has small children—to claim property after the death of her husband. This often leaves the most vulnerable children impoverished and homeless. My bill seeks to support programs that protect the inheritance rights of orphans and widows with children.

The AIDS orphan crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region, affecting governments and people worldwide. Every 14 seconds another child is orphaned by AIDS. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that Senators will join me in backing this legislation.

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. 2500

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 ''Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More than 110,000,000 orphans live in sub-Saharan Africa, Asia, Latin America, and the Caribbean. These children often are disadvantaged in numerous and devastating ways and most households with orphans cannot meet the basic needs of health care, food, clothing, and educational expenses.

(2) It is estimated that 121,000,000 children worldwide do not attend school and that the majority of such children are young girls. According to the United Nations Children's Fund (UNICEF), orphans are less likely to be in school and more likely to be working full time.

(3) School food programs, including take-home rations, in developing countries provide strong incentives for children to remain in school and continue their education. School food programs can reduce short-term hunger, improve cognitive functions, and enhance learning, behavior, and achievement.

(4) The lack of financial resources prevents many orphans and other vulnerable children in developing countries from attending school because of the requirement to pay school fees and other costs of education. Providing children with free primary school education, while simultaneously ensuring that adequate resources exist for teacher training and infrastructure, would help more orphans and other vulnerable children obtain a quality education.

(5) The trauma that results from the loss of a parent can trigger behavior problems of aggression or emotional withdrawal and negatively affect a child's performance in school and the child's social relations. Children living in families affected by HIV/AIDS or who have been orphaned by AIDS often face stigmatization and discrimination. Providing culturally appropriate psychological counselling to such children can assist them in successfully accepting and adjusting to their circumstances.

(6) Orphans and other vulnerable children in developing countries routinely are denied their inheritance or encounter difficulties in claiming the land and other property which they have inherited. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow, even if she has young children, to claim property after the death of her husband.

(7) The HIV/AIDS pandemic has had a devastating affect on children and is deepening poverty in entire communities and jeopardizing the health, safety, and survival of all children in affected areas.

(8) The HIV/AIDS pandemic has increased the number of orphans worldwide and has exacerbated the poor living conditions of the world's poorest and most vulnerable children. AIDS has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. An estimated 14,000,000 orphans have lost 1 or both parents to AIDS. By 2010, it is estimated that over 250,000,000 children will have been orphaned by AIDS.

(9) Although a number of organizations seek to meet the needs of orphans or other vulnerable children, extended families and local communities continue to be the primary providers of support for such children.

(10) The HIV/AIDS pandemic is placing huge burdens on communities and is leaving many orphans with little support. Alternatives to traditional orphanages, such as community-based resource centers, continue to evolve in response to the massive number of orphans that has resulted from the pandemic.

(11) The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, human welfare, and development that extend far beyond the region, affecting governments and people worldwide, and this crisis requires an accelerated response from the international community.

(12) Although, section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) establishes the requirement that not less than 10 percent of amounts appropriated

for HIV/AIDS assistance for each of fiscal years 2006 through 2008 shall be expended for assistance for orphans and other vulnerable children affected by HIV/AIDS, there is an urgent need to provide assistance to such children prior to 2006.

(13) Numerous United States and indigenous private voluntary organizations, including faith-based organizations, provide assistance to orphans and other vulnerable children in developing countries. Many of these organizations have submitted applications for grants to the United States Agency for International Development to provide increased levels of assistance for orphans and other vulnerable children in developing countries.

(14) Increasing the amount of assistance that is provided by the Administrator of the United States Agency for International Development through United States and indigenous private voluntary organizations, including faith-based organizations, will provide greater protection for orphans and other vulnerable children in developing countries.

(15) It is essential that the United States Government adopt a comprehensive approach for the provision of assistance to orphans and other vulnerable children in developing countries. A comprehensive approach would ensure that important services, such as basic care, mental health and related services, school food programs, increased educational opportunities and employment training and related services, and the protection and promotion of inheritance rights for such children, are made more accessible.

(16) Assistance for orphans and other vulnerable children can best be provided by a comprehensive approach of the United States Government that—

(A) ensures that Federal agencies and the private sector coordinate efforts to prevent and eliminate duplication of efforts and waste in the provision of such assistance; and

(B) to the maximum extent possible, focuses on community-based programs that allow orphans and other vulnerable children to remain connected to the traditions and rituals of their families and communities.

SEC. 3. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following section:

''SEC. 135. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN.

''(a) FINDINGS.—Congress finds the following:

''(1) There are more than 110,000,000 orphans living in sub-Saharan Africa, Asia, Latin America, and the Caribbean.

''(2) The HIV/AIDS pandemic has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. The pandemic is deepening poverty in entire communities, and is jeopardizing the health, safety, and survival of all children in affected countries. It is estimated that 14,000,000 children have lost one or both parents to AIDS.

''(3) The orphans crisis in sub-Saharan Africa has implications for human welfare, development, and political stability that extend far beyond the region, affecting governments and people worldwide.

''(4) Extended families and local communities are struggling to meet the basic needs of orphans and vulnerable children by providing food, health care, education expenses, and clothing.

''(5) Providing assistance to such children is an important expression of the humanitarian concern and tradition of the people of the United States.

''(b) DEFINITIONS.—In this section:

''(1) AIDS.—The term 'AIDS' has the meaning given the term in section 104A(g)(1) of this Act.

''(2) CHILDREN.—The term 'children' means persons who have not attained the age of 18.

''(3) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given the term in section 104A(g)(3) of this Act.

''(4) ORPHAN.—The term 'orphan' means a child deprived by death of one or both parents.

''(c) ASSISTANCE.—The President is authorized to provide assistance for programs in developing countries to provide basic care and services for orphans and other vulnerable children. Such programs should provide assistance—

''(1) to support families and communities to mobilize their own resources through the establishment of community-based organizations to provide basic care for orphans and other vulnerable children;

''(2) for school food programs, including the purchase of local or regional foodstuffs where appropriate;

''(3) to reduce barriers to access to primary education through the elimination of school fees where appropriate, helping to otherwise cover costs of education, and improving the quality of teaching and education infrastructure;

''(4) to provide employment training and related services for orphans and other vulnerable children who are of legal working age;

''(5) to protect and promote the inheritance rights of orphans, other vulnerable children, and widows with children; and

''(6) to provide culturally appropriate mental health treatment and related services to orphans and other vulnerable children.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for each of the fiscal years 2005 and 2006.

''(2) AVAILABILITY OF FUNDS.—Amounts made available under paragraph (1) are authorized to remain available until expended and are in addition to amounts otherwise available for such purposes.

''(3) RELATIONSHIP TO OTHER LAWS.—Amounts made available for assistance pursuant to this subsection, and amounts made available for such assistance pursuant to any other provision of law, may be used to provide such assistance notwithstanding any other provision of law.''.

SEC. 4. STRATEGY OF THE UNITED STATES.

(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of enactment of this Act, the President shall develop a strategy for coordinating and implementing assistance programs for orphans and vulnerable children.

(b) CONTENT.—The strategy required by subsection (a) shall include—

(1) the identity of each agency or department of the Federal Government that is providing assistance for orphans and vulnerable children in foreign countries;

(2) a description of the efforts of the head of each such agency or department to coordinate the provision of such assistance with other agencies or departments of the Federal Government or nongovernmental entities;

(3) a description of a coordinated strategy to provide the assistance authorized in section 135 of the Foreign Assistance Act of 1961, as added by section 3 of this Act; and

(4) an analysis of additional coordination mechanisms or procedures that could be implemented to carry out the purposes of such section.

Mr. CRAIG:

S. 2502. A bill to allow seniors to file their Federal income tax on a new Form 1040S; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am introducing the Simple Tax for Seniors Act. This bill would allow seniors age 65 and older with Social Security and pension income to file a short form similar to the 1040EZ Internal Revenue Service form.

Under current IRS rules, millions of Americans are prohibited from using the 1040EZ short form simply because they are age 65 or older. Many currently file using only the standard deduction.

The Simple Tax for Seniors Act would crate the new 1040S form, allowing seniors who receive pension income to avoid filing the burdensome and complicated itemized deduction forms. As many as 11 million seniors would be able to file in the first year, in less time, on a simplified, two-page form. Seniors no longer would be forced annually to disclose more information on their retirement savings and pension plan than necessary.

The Simple Tax for Seniors Act makes no change in the tax code itself, so taxpayers using the new form would pay the same amount as under Standard Form 1040.

This is common sense legislation. It is a win for seniors because it will make life easier and it is a win for taxpayers since it will cost less to process the new form. It is also non-controversial. On Tuesday, the House of Representatives passed similar legislation by a vote of 418–0.

I invite my colleagues to cosponsor this sensible legislation. I ask unanimous consent that the text of the bill appear with this statement in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2502

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 ''Simple Tax for Seniors Act of 2004''.

SEC. 2. FORM 1040S FOR SENIORS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form, to be known as ''Form 1040S'', for use by individuals to file the return of tax imposed by chapter 1 of the Internal Revenue Code of 1986. Such form shall be as similar as practicable to Form 1040EZ, except that—

(1) the form shall be available to individuals who have attained age 65 as of the close of the taxable year,

(2) the form may be used even if income for the taxable year includes—

(A) social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1986),

(B) distributions from qualified retirement plans (as defined in section 4974(c) of such Code), annuities or other such deferred payment arrangements,

(C) interest and dividends, or

(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3)), and

(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2004.

By Mr. KYL:

S. 2503. A bill to make permanent the reduction in taxes on dividends and capital gains; to the Committee on Finance.

Mr. KYL. Mr. President, I join my colleagues in celebrating the first anniversary of the Jobs and Growth Tax Reconciliation Act of 2003, which was signed into law by President Bush on May 28, 2003. Also, I want to announce that today I am introducing legislation to make the dividends and long-term capital gains tax cuts permanent.

It has been one year since Congress and President Bush joined together to enact pro-growth, supply-side tax cuts. Now, since some in the Senate are proposing that we repeal the tax cuts—this would be one of the largest tax increases in history—let's review the impact these cuts have had on our economy.

The 2003 tax cuts have triggered the fastest growing economy in two decades. Real gross domestic product grew at an annual rate of 8.2 percent in the third quarter of 2003, 4.1 percent in the fourth quarter, and 4.4 percent in the first quarter of 2004. If we sustain this pace, our economy will double in 13 years. When the tax cuts were enacted last year, the national unemployment rate was 6.3 percent. Today, it has dropped nearly 11 percent to 5.6 percent, which is lower than the average unemployment rate of the 1970s, 1980s, and 1990s. A growing economy means good, high-paying jobs and a better quality of life for all Americans.

I want to draw my colleagues' attention to research published by the National Bureau of Economic Research (NBER)—the Nation's leading nonprofit economic research organization. This study demonstrates that the 2003 tax cuts corrected a terrible mistake we made in 2001 when we phased in the marginal rate cuts. The phase-in of the 2001 tax cuts prompted workers and firms to delay work until the tax cuts were fully implemented. Employment, output, and investment actually fell in response to the phased-in tax cuts.

The NBER study found that, ''Just as the phased-in nature of the 2001 tax law may have delayed production and employment, the immediate tax relief included in the 2003 law may have contributed towards the increased pace of economic activity in the second half of 2003.'' I am confident that, as more economic data comes in and as the 2003 tax cuts are studied further, we will find that the 2003 tax cuts are directly responsible for the economic growth we are seeing today.

The NBER study demonstrates that individuals really do delay economic activity in anticipation of lower future tax rates. It also corroborates the theory that high marginal tax rates cause individuals to restrict economic activity in order to minimize the tax burden imposed on their next dollar earned. Because the tax cuts were accelerated in 2003, individuals had an incentive to work harder and longer immediately because their next dollar of income would be taxed at a lower rate.

Among the taxpayers benefited by the reductions in the individual rate are America's small businesses. The top individual rate is often called the small business rate because most small businesses are organized as pass-through entities, which pay at individual rates. Owners of pass-through entities, including small business owners and entrepreneurs, comprise more than two-thirds, about 500,000, of the 750,000 tax returns that benefited from speeding up the reduction in the top tax bracket. These small business owners received 79 percent, about $10.4 billion, of the $13.3 billion in tax relief from accelerating the reduction in the top tax bracket to 35 percent.

The task for us now is to make the individual rate reductions permanent. If Congress fails to act, the tax cuts will expire at the end of 2010. The bottom rate would increase from 10 percent to 15 percent, an increase of 33 percent; the top rate would increase from 35 percent to 39.6 percent, an increase of 11 percent. The effect such tax increases would have on our economy would be devastating.

Not only did Congress and President Bush work together to bring down individual income tax rates, but we also reduced the tax on dividend distributions and long-term capital gains. Before the 2003 tax cuts, our tax code actually discouraged dividend payouts. The 2003 tax cut lowered the tax rate imposed on dividends from 38.6 percent to 15 percent through 2008. Before 2003, corporate earnings were taxed once at the corporate level, 35 percent, and again at the individual rate, as high as 38.6 percent, meaning they were double-taxed. It made no sense for investors to seek out dividend-paying stocks, from a tax perspective.

While dividends are still double-taxed, the tax penalty is greatly reduced. This has made dividend-paying stocks more attractive to investors, which has helped companies raise capital to expand and grow their businesses. Further, because dividends must be paid from cash, companies that pay dividends must have actual profits, thus making it more difficult for companies to hide financial mismanagement.

Some of my colleagues want to repeal the dividend tax cut. This is obviously misguided, since we have strong evidence that the dividend tax cut has worked. Since the 2003 tax cut was signed into law, 374 companies on the S&P 500 pay dividends—an increase of 22 companies. Companies have increased dividend payments to shareholders by 40 percent, reversing a two-decade decline. The Dow Jones Industrial index has risen more than 1,400 points since the 2003 tax cuts were signed into law.

Similarly the capital gains tax cut has also encouraged economic growth. It reduced the tax imposed on long-term capital gains from 20 percent to 15 percent. This has made it more attractive for individuals to risk their hard-earned money by investing it in businesses. The result is that it is easier for businesses to raise needed capital to expand and create new jobs. Stock market gains, the strong GDP we have experienced, and falling unemployment all indicate that the economy has recovered.

Now, to help our economy to continue to grow and create new jobs, the dividend and capital gains tax cuts must be made permanent. If we allow the dividend rate to return to the individual rate, we will increase taxes on dividends by 62 percent. Allowing the capital gains rate to return to 20 percent will be a 25 percent tax increase. We must make the 15 percent rate for each permanent, and then we must work to reduce both the dividends and the capital gains rates to zero, so that we eliminate the double-taxation of corporate earnings. The Senate bill actually would have brought the dividend tax rate to zero for three years, but the agreement that we worked out with the House was to tax dividends at 15 percent. The dividends and capital gains tax relief will expire in 2009.

The most important thing we can do next year is make the 2003 tax cuts permanent. Today I am introducing legislation that will make the dividends and capital gains tax relief permanent. I will work to make the individual income tax rate cuts permanent as well. To allow the tax cuts to expire—or worse, to seek to higher taxes at the very time our economy has pulled out of the recession and is growing strong—would be unthinkable.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 38. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

Mr. COCHRAN. Mr. President, today I am introducing a Senate Joint Resolution appointing a citizen regent to the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, Senators FRIST and LEAHY, are cosponsors.

The Smithsonian Institution Board of Regents recently recommended the following distinguished individual for appointment to a 6-year term on the on the Board: Eli Broad of California.

I ask unanimous consent that his biography and the text of the joint resolution be printed in the RECORD.

There being no objection, the biography and the joint resolution were ordered to be printed in the RECORD, as follows:

ELI BROAD

Eli Broad is a renowned business leader who built two Fortune 500 companies from the ground up over a five-decade career in business. He is chairman of AIG Retirement Services Inc. (formerly SunAmerica Inc.) and founder-chairman of KB Home (formerly Kaufman and Broad Home Corporation).

Today, he is focused on philanthropy. The Broad family's commitment to philanthropy and community is both deep and wide-ranging. It includes ongoing leadership roles in art, education, science and civic development.

Avid supporters of contemporary art, Mr. Broad and his wife, Edythe, have created one of the worlds finest collections. Since 1984, The Broad Art Foundation has operated an active ''lending library'' of its extensive collection to more than 400 museums and university galleries worldwide. In 2001–2003, an exhibition of the Broads' collection was shown at the Los Angeles County Museum of Art, the Corcoran Gallery of Art in Washington, DC, the Museum of Fine Arts in Boston; and the Guggenheim Museum in Bilbao, Spain. Mr. Broad was the founding chairman of the board of trustees of The Museum of Contemporary Art in Los Angeles, and is currently a trustee and member of the executive committee of the Los Angeles County Museum of Art, where the Broads recently announced a major gift to build The Broad Contemporary Art Museum.

In 1999, the Broads founded The Broad Foundation, whose mission is to dramatically improve urban public education through governance, management and labor relations. In its first five years, the Foundation has committed over $400 million to support new ideas and innovative leadership in the nation's largest urban school systems. The Foundation also has launched four national flagship initiatives—The Broad Prize for Urban Education, The Broad Center for Superintendents, The Broad Residency in Urban Education and The Broad Institute for School Boards. Mr. Broad has said, ''I can imagine no more important contribution to our country's future than a long-term commitment to improving urban K–12 public schools.''

In 2001, The Eli and Edythe L. Broad Foundation created the Broad Medical Research Program, which seeks to stimulate innovative research that will lead to progress in the prevention, therapy or understanding of inflammatory bowel disease.

In June 2003, in an unprecedented partnership with the Massachusetts Institute of Technology, Harvard University and Whitehead Institute, the Broads announced the founding gift to create The Eli and Edythe Broad Institute for biomedical research. The Institute's aim is to realize the promise of the human genome to revolutionize clinical medicine and to make knowledge freely available to scientists around the world.

The Broads have been tireless advocates of Los Angeles, their adopted hometown. Committed to the belief that all great cities need a vibrant center, Mr. Broad is currently leading the effort to turn Los Angeles' Grand Avenue into a truly ''grand avenue,'' to rival the main boulevards of the world's greatest cities. In 1996, he and Mayor Richard Riordan took on the task of raising sufficient funds to build the Frank Gehry-designed Walt Disney Concert Hall, which opened to worldwide acclaim in October 2003.

Strong believers in higher education, the Broad Foundations have made a major contribution to the School of Arts and Architecture at UCLA toward the construction of The Broad Art Center, designed by Richard Meier. Mr. Broad is a member of the board of trustees of CalTech, where the Broads gave the cornerstone gift to create the Broad Center for the Biological Sciences, designed by James Freed. Mr. Broad also served as chairman of the board of trustees of Pitzer College and vice chairman of the board of trustees of the California State University system. In 1991, the Broads endowed The Eli Broad College of Business and The Eli Broad Graduate School of Management at Michigan State University, from which Mr. Broad graduated cum laude in 1954.

S.J. RES. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, resulting from the death of Barber B. Conable, Jr., is filled by the appointment of Eli Broad of California. The appointment is for a term of 6 years, beginning upon the date of enactment of this joint resolution.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 114—CONCERNING THE IMPORTANCE OF THE DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN AROUND THE WORLD

Mrs. DOLE (for herself and Mr. HARKIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 114

Whereas there are more than 300,000,000 chronically hungry and malnourished children in the world;

Whereas more than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available;

Whereas the distribution of food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children;

Whereas when school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls;

Whereas the distribution of food in schools encourages better school attendance, thereby improving literacy rates and fighting poverty;

Whereas improvement in the education of girls is one of the most important factors in reducing child malnutrition in developing countries;

Whereas girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty;

Whereas by improving literacy rates and increasing job opportunities, education addresses several of the root causes of terrorism;

Whereas the distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps;

Whereas the Global Food for Education Initiative pilot program, established in 2001, donated surplus United States agricultural commodities to the United Nations World Food Program and other recipients for distribution to nearly 7,000,000 hungry and malnourished children in 38 countries;

Whereas a recent Department of Agriculture evaluation found that the pilot program created measurable improvements in school attendance (particularly for girls), increased local employment and economic activity, produced greater involvement in local infrastructure and community improvement projects, and increased participation by parents in the schools and in the education of their children;

Whereas the Farm Security and Rural Investment Act of 2002 (Public Law 107–171, 116 Stat. 134) replaced the pilot program with the McGovern–Dole International Food for Education and Child Nutrition Program, which was named after former Senators George McGovern and Robert Dole for their distinguished work to eradicate hunger and poverty around the world; and

Whereas the McGovern–Dole International Food for Education and Child Nutrition Program provides food to nearly 2,000,000 hungry or malnourished children in 21 countries: Now, therefore, be it

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

(1) expresses its grave concern about the continuing problem of hunger and the desperate need to feed hungry and malnourished children around the world;

(2) recognizes that the global distribution of food in schools to children around the world increases attendance, particularly for girls, improves literacy rates, and increases job opportunities, thereby helping to fight poverty;

(3) recognizes that education of children around the world addresses several of the root causes of international terrorism;

(4) recognizes that the world will be safer and more promising for children as a result of better school attendance;

(5) expresses its gratitude to former Senators George McGovern and Robert Dole for supporting the distribution of food in schools around the world to children and for working to eradicate hunger and poverty around the world;

(6) commends the Department of Agriculture, the Agency for International Development, the Department of State, the United Nations World Food Program, private voluntary organizations, non-governmental organizations, and cooperatives for facilitating the distribution of food in schools around the world;

(7) expresses its continued support for the distribution of food in schools around the world;

(8) supports expansion of the McGovern–Dole International Food for Education and Child Nutrition Program; and

(9) requests the President to work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3261. Ms. CANTWELL (for herself, Mr. HOLLINGS, Mrs. MURRAY, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER) proposed an amendment to the bill 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, and for other purposes.

SA 3262. Mr. CRAPO (for himself, Mr. CRAIG, Mr. ALEXANDER, and Mr. GRAHAM, of

South Carolina) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3263. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, Mr. REED, Mr. LAUTENBERG, and Mr. FEINGOLD) proposed an amendment to the bill S. 2400, supra.

SA 3264. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3265. Ms. SNOWE (for herself, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3267. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3268. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3269. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3270. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3271. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3273. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3274. Mrs. DOLE (for Mr. ROBERTS) proposed an amendment to the bill S. 2400, supra.

SA 3275. Mrs. DOLE (for Mr. LEVIN) proposed an amendment to the bill S. 2400, supra.

SA 3276. Mrs. DOLE (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2400, supra.

SA 3277. Mrs. DOLE (for Mr. MILLER) proposed an amendment to the bill S. 2400, supra.

SA 3278. Mrs. DOLE (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 2400, supra.

SA 3279. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3280. Mr. INHOFE (for himself, Mr. BINGAMAN, Ms. COLLINS, Mr. DORGAN, Ms. CANTWELL, Mr. KOHL, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3261. Ms. CANTWELL (for herself, Mr. HOLLINGS, Mrs. MURRAY, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER) proposed an amendment to the bill 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, and for other purposes; as follows:

Beginning on page 384, strike line 3 and all that follows through page 391, line 7, and insert the following:

SEC. 3117. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

(a) ANNUAL REPORT REQUIRED.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

''SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

''The Secretary of Energy shall submit to Congress each year, in the budget justification materials submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted under section 1105(a) of title 31, United States Code), the following:

''(1) A detailed description and accounting of the proposed obligations and expenditures by the Department of Energy for safeguards and security in carrying out programs necessary for the national security for the fiscal year covered by such budget, including any technologies on safeguards and security proposed to be deployed or implemented during such fiscal year.

''(2) With respect to the fiscal year ending in the year before the year in which such budget is submitted, a detailed description and accounting of—

''(A) the policy on safeguards and security, including any modifications in such policy adopted or implemented during such fiscal year;

''(B) any initiatives on safeguards and security in effect or implemented during such fiscal year;

''(C) the amount obligated and expended for safeguards and security during such fiscal year, set forth by total amount, by amount per program, and by amount per facility; and

''(D) the technologies on safeguards and security deployed or implemented during such fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 4731 the following new item:

''Sec. 4732. Annual report on expenditures for safeguards and security.''.

SEC. 3118. AUTHORITY TO CONSOLIDATE COUNTERINTELLIGENCE OFFICES OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORITY.—The Secretary of Energy may consolidate the counterintelligence programs and functions referred to in subsection (b) within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and provide for their discharge by that Office.

(b) COVERED PROGRAMS AND FUNCTIONS.—The programs and functions referred to in this subsection are as follows:

(1) The functions and programs of the Office of Counterintelligence of the Department of Energy under section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b).

(2) The functions and programs of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration under section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 2422), including the counterintelligence programs under section 3233 of that Act (50 U.S.C. 2423).

(c) ESTABLISHMENT OF POLICY.—The Secretary shall have the responsibility to establish policy for the discharge of the counterintelligence programs and functions consolidated within the National Nuclear Security Administration under subsection (a) as provided for under section 213 of the Department of Energy Organization Act (42 U.S.C. 7144).

(d) PRESERVATION OF COUNTERINTELLIGENCE CAPABILITY.—In consolidating counterintelligence programs and functions within the National Nuclear Security Administration under subsection (a), the Secretary shall ensure that the counterintelligence capabilities of the Department of Energy and the National Nuclear Security Administration are in no way degraded or compromised.

(e) REPORT ON EXERCISE OF AUTHORITY.—In the event the Secretary exercises the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report on the exercise of the authority. The report shall include—

(1) a description of the manner in which the counterintelligence programs and functions referred to in subsection (b) shall be consolidated within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and discharged by that Office;

(2) a notice of the date on which that Office shall commence the discharge of such programs and functions, as so consolidated; and

(3) a proposal for such legislative action as the Secretary considers appropriate to effectuate the discharge of such programs and functions, as so consolidated, by that Office.

(f) DEADLINE FOR EXERCISE OF AUTHORITY.—The authority in subsection (a) may be exercised, if at all, not later than one year after the date of the enactment of this Act.

SEC. 3119. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, and separation of tank wastes currently managed as high level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).''

(b) SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho.

(2) The Savannah River Site, Aiken, South Carolina.

(3) The Hanford Site, Richland, Washington.

SA 3262. Mr. CRAPO (for himself, Mr. CRAIG, Mr. ALEXANDER, and Mr. GRAHAM of South Carolina) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 384, line 15, strike ''by rule in consultation'' and all that follows through page 385, line 21, and insert ''by rule approved by the Nuclear Regulatory Commission;

(2) has had highly radioactive radionuclides removed to the maximum extent practical in accordance with the Nuclear Regulatory Commission-approved criteria; and

(3) in the case of material derived from the storage tanks, is disposed of in a facility (including a tank) within the State pursuant to a State-approved closure plan or a State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this Act.

(b) INAPPLICABILITY TO CERTAIN MATERIALS.—Subsection (a) shall not apply to any material otherwise covered by that subsection that is transported from the State.

(c) SCOPE OF AUTHORITY TO CARRY OUT ACTIONS.—The Department of Energy may implement any action authorized—

(1) by a State-approved closure plan or State-issued permit in existence on the date of enactment of this section; or

(2) by a closure plan approved by the State or a permit issued by the State during the pendency of the rulemaking provided for in subsection (a).

Any such action may be completed pursuant to the terms of the closure plan or the State-issued permit notwithstanding the final criteria adopted by the rulemaking pursuant to subsection (a).

(d) STATE DEFINED.—In this section, the term ''State'' means the State of South Carolina.

(e) CONSTRUCTION.—(1) Nothing in this section shall effect, alter, or modify the full implementation of—

(A) the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement;

(B) the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order; or

(C) the Hanford Federal Facility Agreement and Consent Order.

(2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

SA 3263. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, Mr. REED, Mr. LAUTENBERG, and Mr. FEINGOLD) proposed an amendment to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3122. PROHIBITION ON USE OF FUNDS FOR NEW NUCLEAR WEAPONS DEVELOPMENT UNDER STOCKPILE SERVICES ADVANCED CONCEPTS INITIATIVE OR FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated by section 3101(a)(1) for the National Nuclear Security Administration for weapons activities may be obligated or expended for the following:

(1) The Stockpile Services Advanced Concepts Initiative for the support of new nuclear weapons development.

(2) The Robust Nuclear Earth Penetrator (RNEP).

SA 3264. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 364. TRACKING AND CARE OF MEMBERS OF THE ARMED FORCES WHO ARE INJURED IN COMBAT.

(a) FINDINGS.—The Senate makes the following findings:

(1) Members of the Armed Forces of the United States place themselves in harms way in the defense of democratic values and to keep the United States safe.

(2) This call to duty has resulted in the ultimate SACRIFICE of members of the Armed Forces of the United States who are killed or critically injured while serving the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to honor the SACRIFICE of the members of the Armed Forces who have been killed or critically wounded while serving the United States;

(2) to recognize the heroic efforts of the medical personnel of the Armed Forces in treating wounded military personnel and civilians; and

(3) to support advanced medical technologies that assist the medical personnel of the Armed Forces in saving lives and reducing disability rates for members of the Armed Forces.

(c) PROCEDURES FOR TRACKING OF WOUNDED FROM COMBAT ZONES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations procedures for the Department of Defense to—

(A) notify the family of each member of the Armed Forces who is injured in a combat zone regarding such injury; and

(B) provide the family of each such member of the Armed Forces with information on any change of status, including health or location, of such member during the transportation of such member to a treatment destination.

(2) The Secretary shall transmit to Congress a copy of the procedures prescribed under paragraph (1).

(d) MEDICAL EQUIPMENT AND COMBAT CASUALTY TECHNOLOGIES.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, $10,000,000 of the amount in Program Element PE 0603826D8Z shall be available for medical equipment and combat casualty care technologies.

SA 3265. Ms. SNOWE (for herself, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 167, strike line 6 and all that follows through page 169, line 21, and insert the following:

(B) persons who are representative of labor organizations associated with the defense industry, and persons who are representative of small business concerns or organizations of small business concerns that are involved in Department of Defense contracting and other Federal Government contracting.

(3) The appointment of the members of the Commission under this subsection shall be made not later than March 1, 2005.

(4) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The President shall designate one member of the Commission to serve as the Chairman of the Commission.

(c) MEETINGS.—(1) The Commission shall meet at the call of the Chairman.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the national technology and industrial base in the global economy, particularly with respect to its effect on United States national security; and

(B) assess the future ability of the national technology and industrial base to attain the national security objectives set forth in section 2501 of title 10, United States Code.

(2) In carrying out the study and assessment under paragraph (1), the Commission shall consider the following matters:

(A) Existing and projected future capabilities of the national technology and industrial base.

(B) The impact on the national technology and industrial base of civil-military integration and the growing dependence of the Department of Defense on the commercial market for defense products and services.

(C) The effects of domestic source restrictions on the strength of the national technology and industrial base.

(D) The effects of the policies and practices of United States allies and trading partners on the national technology and industrial base.

(E) The effects on the national technology and industrial base of laws and regulations related to international trade and the export of defense technologies and dual-use technologies.

(F) The adequacy of programs that support science and engineering education, including programs that support defense science and engineering efforts at institutions of higher learning, with respect to meeting the needs of the national technology and industrial base.

(G) The implementation of policies and planning required under subchapter II of chapter 148 of title 10, United States Code, and other provisions of law designed to support the national technology and industrial base.

(H) The role of the Manufacturing Technology program, other Department of Defense research and development programs, and the utilization of the authorities of the Defense Production Act of 1950 to provide transformational breakthroughs in advanced manufacturing technologies and processes that ensure the strength and productivity of the national technology and industrial base.

(I) The role of small business concerns in strengthening the national technology and industrial base.

SA 3266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON ACCESS TO MILITARY TREATMENT FACILITIES BY MEMBERS OF THE DISABLED AMERICAN VETERANS.

(a) REPORT.—Not later than ____ days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the policy of the Department of Defense on the access of members of the Disabled American Veterans (DAV) to military treatment facilities, including any encumbrances to the access of such members to such treatment facilities.

(b) ADDITIONAL ELEMENT.—The report shall include proposals to grant national service officers of the Disabled American Veterans access to wounded members of the Armed Forces at military treatment facilities.

SA 3267. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On line 1, insert ''subsection (b) of'' after ''Strike''.

SA 3268. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SA 3269. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following

SEC. 1022. REPORT ON COMMUNICATIONS WITH FAMILIES REGARDING CASUALTY INVESTIGATIONS AND REPORTS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth proposals for means of improving the procedures of the Department of Defense regarding the transfer of information on Department casualty investigations and reports to and from the families of the members of the Armed Forces concerned.

(b) PROCEDURES FOR ADDRESSING FREEDOM OF INFORMATION REQUESTS.—The report shall include appropriate procedures for addressing requests of families for information on Department casualty investigations and reports under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

SA 3270. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 811(b).

SEC. 1068. REQUIREMENT TO PERMIT FAMILY MEMBERS OR DESIGNEES TO GREET BODIES OF MEMBERS OF THE ARMED FORCES KILLED IN ACTION OVERSEAS UPON THE RETURN TO THE UNITED STATES.

(a) REQUIREMENT.—The Secretary of Defense shall permit the family members of a member of the Armed Forces killed in action overseas, or the designees of such family members, to greet the body of the member of the Armed Forces at Dover Air Force Base, Delaware, upon the return of the body of the member of the Armed Forces from overseas.

(b) LIMITATION ON NUMBER IN GREETING.—The number of individuals who may greet the body of a member of the Armed Forces under subsection (a) may not exceed two individuals.

(c) PURPOSE.—The purpose of the greeting of a body of a member of the Armed Forces under subsection (a) shall be to permit the individuals greeting the body to escort the body to its place of burial.

SA 3271. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON CONTINUITY OF CARE FURNISHED BY DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR COMBAT INJURIES.

Not later than ____ days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the status of efforts of the Department of Defense and the Department of Veterans Affairs to ensure that—

(1) members of the Armed Forces who are wounded or injured in combat receive the health care to which they are entitled from each Department;

(2) emerging trends in combat-related wounds and injuries are being identified and addressed by each Department in its programs of care; and

(3) the Department of Veterans Affairs receives from the Department of Defense in a timely and effective manner pre-deployment and post-deployment screening data on members of the Armed Forces collected by the Department of Defense that will assist the Department of Veterans Affairs in its clinical evaluation of veterans of combat.

SA 3272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

SEC. 868. REQUIREMENT TO PROVIDE DOCUMENTS TO CONGRESS TO ENHANCE TRANSPARENCY IN DEPARTMENT OF DEFENSE CONTRACTING.

(a) REQUIREMENT TO PROVIDE REQUESTED DOCUMENTS.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2333. Congressional oversight: submittal of contract documents

''(a) REQUIREMENT TO PROVIDE REQUESTED DOCUMENTS.—Not later than 14 days after receiving from the chairman or ranking member of a committee of Congress named in subsection (b) a request for documents described in subsection (c) regarding a Department of Defense contract, the Secretary of Defense shall transmit an unredacted copy of each such document to the chairman or ranking member making the request.

''(b) REQUESTING COMMITTEES.—The committees of Congress referred to in subsection (a) are as follows:

''(1) The Committee on Armed Services of the Senate.

''(2) The Committee on Armed Services of the House of Representatives.

''(3) The Committee on Small Business and Entrepreneurship of the Senate.

''(4) The Committee on Small Business of the House of Representatives.

''(5) The Committee on Governmental Affairs of the Senate.

''(6) The Committee on Government Reform of the House of Representatives.

''(c) DOCUMENTS TO BE PROVIDED.—The requirement under subsection (a) applies to documents, relating to a contract, that are required to be maintained in the contracting office contract file, the contract administration office contract file, and the paying office contract file pursuant to subpart 4.8 of the Federal Acquisition Regulation, including—

''(1) copies of the contract and all modifications;

''(2) orders issued under the contract;

''(3) justifications and approvals;

''(4) any Government estimate of contract price;

''(5) source selection documentation;

''(6) cost or price analysis;

''(7) audit reports;

''(8) justification for type of contract;

''(9) authority for deviations from regulations, statutory requirements, or other restrictions;

''(10) bills, invoices, vouchers, and supporting documents; and

''(11) records of payments or receipts.

''(d) CONTRACT INCLUDES TASK OR DELIVERY ORDER.—In this section, the term 'contract' includes a task or delivery order under a task or delivery order contract.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2333. Congressional oversight: submittal of contract documents.''.

SA 3273. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, between lines 6 and 7, insert the following:

SEC. 805. REVISION AND EXTENSION OF AUTHORITY FOR ADVISORY PANEL ON REVIEW OF GOVERNMENT PROCUREMENT LAWS AND REGULATIONS.

(a) RELATIONSHIP OF RECOMMENDATIONS TO SMALL BUSINESSES.—Section 1423 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 106–136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ISSUES RELATING TO SMALL BUSINESSES.—In developing recommendations under subsection (c)(2), the panel shall—

''(1) consider the effects of its recommendations on small business concerns; and

''(2) include any recommended modifications of laws, regulations, and policies that the panel considers necessary to enhance and ensure competition in contracting that affords small business concerns meaningful opportunity to participate in Federal Government contracts.''.

(b) MEMBERSHIP.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting ''(1)'' after ''(b) MEMBERSHIP.—''; and

(3) by adding at the end the following new paragraph:

''(2) The Chief Counsel for Advocacy of the Small Business Administration, or a representative of the Chief Counsel designated by the Chief Counsel, shall be an ex officio member of the panel.''.

(c) REVISION AND EXTENSION OF REPORTING REQUIREMENT.—Subsection (e) of such section, as redesignated by subsection (a)(1), is amended—

(1) by striking ''REPORT.—'', and inserting ''REPORTING REQUIREMENTS.—(1)'';

(2) by striking ''one year after the establishment of the panel'' and inserting ''one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005'';

(3) by striking ''Services and'' both places it appears and inserting ''Services,'';

(4) by inserting '', and Small Business'' after ''Government Reform'';

(5) by inserting '', and Small Business and Entrepreneurship'' after ''Governmental Affairs''; and

(6) by adding at the end the following new paragraph:

''(2) If the panel completes the report under paragraph (1) before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005, the panel may submit the report in accordance with that paragraph, but shall also—

''(A) review its findings and recommendations for consistency with subsection (d); and

''(B) not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005, submit to the committees of Congress specified in paragraph (1) a supplemental report that contains the conclusions of the panel upon review under subparagraph (A), together with any revised or additional recommendations resulting from the application of subsection (d)(2).''.

SA 3274. Mrs. DOLE (for Mr. ROBERTS) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, insert the following:

SEC. 2830. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the ''entity'' and the ''Board'', respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. The Secretary may authorize the entity to carry out, as in-kind consideration, environmental remediation activities for the property conveyed under such subsection.

(2) The Secretary shall deposit any cash received as consideration under this subsection in a special account established pursuant to section 572(b) of title 40, United States Code, to pay for environmental remediation and explosives cleanup of the property conveyed under subsection (a).

(c) CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION PLANT.—The authority in subsection (a) to make the conveyance described in that subsection is in addition to the authority under section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2712) to make the conveyance described in that section.

(d) ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.—(1) Notwithstanding any other provision of law, the Secretary may enter into a multi-year cooperative agreement or contract with the entity to undertake environmental remediation and explosives cleanup of the property, and may utilize amounts authorized to be appropriated for the Secretary for purposes of environmental remediation and explosives cleanup under the agreement.

(2) The terms of the cooperative agreement or contract may provide for advance payments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the entity or other persons to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental, and other administrative costs related to the conveyance.

(2) Amounts received under paragraph (1) shall be credited to the appropriation, fund, or account from which the costs were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account, and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey jointly satisfactory to the Secretary and the Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary and the Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a), and the environmental remediation and explosives cleanup under subsection (d), as the Secretary and the Administrator jointly consider appropriate to protect the interests of the United States.

SA 3275. Mrs. DOLE (for Mr. LEVIN) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. PROTECTION OF ARMED FORCES PERSONNEL FROM RETALIATORY ACTIONS FOR COMMUNICATIONS MADE THROUGH THE CHAIN OF COMMAND.

(a) PROTECTED COMMUNICATIONS.—Section 1034(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of clause (iii)''; and

(2) by striking clause (iv) and inserting the following:

''(iv) any person or organization in the chain of command; or

''(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to any unfavorable personnel action taken or threatened, and any withholding of or threat to withhold a favorable personnel action, on or after that date.

SA 3276. Mrs. DOLE (for Mr. LIEBERMAN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON TRAINING PROVIDED TO MEMBERS OF THE ARMED FORCES TO PREPARE FOR POST-CONFLICT OPERATIONS.

(a) STUDY ON TRAINING.—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training.

(b) MATTERS TO BE INCLUDED IN STUDY.—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of the curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, including a familiarity with applicable foreign languages and foreign cultures.

(3) The training time and resources available to members and units of the Armed Forces to develop cultural awareness about ethnic backgrounds and religious beliefs of the people living in areas in which post-conflict operations are likely to occur.

(4) The adequacy of training transformation to emphasize post-conflict operations, including interagency coordination in support of combatant commanders.

(c) REPORT ON STUDY.—Not later than May 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the result of the study conducted under this section.

SA 3277. Mrs. DOLE (for Mr. MILLER) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 79, between lines 10 and 11, insert the following:

SEC. 515. STUDY REGARDING PROMOTION ELIGIBILITY OF RETIRED WARRANT OFFICERS RECALLED TO ACTIVE DUTY.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine whether it would be equitable for retired warrant officers on active duty, but not on the active-duty list by reason of section 582(2) of title 10, United States Code, to be eligible for consideration for promotion under section 573 of such title.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study under subsection (a). The report shall include a discussion of the Secretary's determination regarding the issue covered by the study, the rationale for the Secretary's determination, and any recommended legislation that the Secretary considers appropriate regarding that issue.

SA 3278. Mrs. DOLE (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill 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, and for other purposes; as follows:

Strike section 123 and insert the following:

SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF SUBMARINE ENGINEERED REFUELING OVERHAUL AND CONVERSION.

(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of engineered refueling overhauls and conversions of submarines in accordance with this section.

(b) AUTHORITY.—Under the pilot program, the Secretary of the Navy may, subject to subsection (d), transfer amounts described in subsection (c) to the authorization of appropriations for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to provide authorization of appropriations for any engineered refueling conversion or overhaul of a submarine of the Navy for which funds were initially provided on the basis of the authorization of appropriations to which transferred.

(c) AMOUNTS AVAILABLE FOR TRANSFER.—The amounts available for transfer under this section are amounts authorized to be appropriated to the Navy for any fiscal year after fiscal year 2004 and before fiscal year 2013 for the following purposes:

(1) For procurement as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) LIMITATIONS.—(1) A transfer may be made with respect to a submarine under this section only to meet either (or both) of the following requirements:

(A) An increase in the size of the workload for engineered refueling overhaul and conversion to meet existing requirements for the submarine.

(B) A new engineered refueling overhaul and conversion requirement resulting from a revision of the original baseline engineered refueling overhaul and conversion program for the submarine.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the amounts are to be transferred.

(E) Each account to which the amounts are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the submarine engineered refueling overhaul and conversion program for which the transfer is to be made.

(e) MERGER OF FUNDS.—A transfer made from one account to another with respect to the engineered refueling overhaul and conversion of a submarine under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred and shall be available for the engineered refueling overhaul and conversion of such submarine for the same period as the account to which transferred.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under this section is in addition to any other transfer authority provided in this or any other Act and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) FINAL REPORT.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) TERMINATION OF PROGRAM.—No transfer may be made under this section after September 30, 2012.

SA 3279. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 269, between lines 2 and 3, insert the following:

(f) REPORT ON RELATIONSHIPS BETWEEN THE GOVERNMENT OF VENEZUELA AND TERRORIST ORGANIZATIONS IN COLOMBIA.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that describes—

(A) any relationships between the Government of Venezuela and foreign terrorist organizations based in Colombia, including the provision of any direct or indirect assistance to such organizations; and

(B) United States policies that are designed to address such relationships.

(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 3280. Mr. INHOFE (for himself, Mr. BINGAMAN, Ms. COLLINS, Mr. DORGAN, Ms. CANTWELL, Mr. KOHL, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) PERMANENT EXTENSION.—Effective September 30, 2003, section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(b) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by inserting '', water, or wastewater treatment'' after ''payment of energy''.

(c) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

''(2) The term 'energy savings' means a reduction in the cost of energy, water, or wastewater treatment, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

''(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

''(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

''(C) the increased efficient use of existing water sources in either interior or exterior applications.''.

(d) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

''(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract that provides for the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance, and repair, of an identified energy or water conservation measure or series of measures at 1 or more locations. Such contracts shall, with respect to an agency facility that is a public building (as such term is defined in section 3301 of title 40, United States Code), be in compliance with the prospectus requirements and procedures of section 3307 of title 40, United States Code.''.

(e) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

''(4) The term 'energy or water conservation measure' means—

''(A) an energy conservation measure, as defined in section 551; or

''(B) a water conservation measure that improves the efficiency of water use, is lifecycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.''.

(f) EXTENSION OF AUTHORITY.—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be deemed to have been entered into pursuant to such section 801 as amended by subsection (a) of this section.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing originally scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources on Wednesday, June 16th, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building, has been indefinitely postponed.

The purpose of the hearing was to receive testimony on: 1. the grounding of multi-engine fire-retardant aircraft, 2. steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire fighting operations in the short run, and 3. the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.

For further information, please contact Frank Gladics at 202–224–2878 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 3, 2004, at 9:30 a.m. to conduct a hearing on ''Bank Secrecy Act Enforcement.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 3, 2004, at 9:30 a.m. in Dirksen Senate Building room 226.

Agenda

I. Nominations

Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit

II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Feinstein, Grassley, Graham, Chambliss, Cornyn, Schumer, Biden];

S. 1635, A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees [Chambliss];

S. 1129, Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Feingold, Kennedy, Leahy, Specter, Edwards, Durbin, Kohl, Schumer];

S. 2013, Satellite Home Viewer Extension Act of 2004 [Hatch, Leahy, DeWine, Kohl];

S. 1887, A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices Act of 2003 [Hatch, Levin, Biden];

S. 2363, A bill to review and extend the Boys and Girls Clubs of America Act of 2004 [Hatch, Leahy, DeWine, Kohl, Biden];

S. Con. Res. 5, A concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854 Act of 2003 [Grassley, Durbin, Kohl, Feingold];

S.J. Res. 4, Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States Act of 2003 [Hatch, Feinstein, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter];

S. 1700, Advancing Justice though DNA Technology Act of 2003 [Hatch, Leahy, Biden, Specter, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards];

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, June 3, 2004 at 2:30 p.m. on ''The Child Custody Protection Act: Protecting Parents' Rights and Children's Lives'' in the Dirksen Senate Office Building room 226. The witness list is attached.

Panel I: The Honorable John Ensign, United States Senator [R–NV].

Panel II: Mr. John C. Harrison, Professor of Law, University of Virginia School of Law, Charlottesville, VA; Mr. Peter J. Rubin, Professor of Law, Georgetown University Law Center, Washington, DC; and Ms. Teresa Stanton Collett, Professor of Law, University of St. Thomas School of Law, Minneapolis, MN.

Panel III: Ms. Joyce Farley, Victim, Dushore, PA; Ms. Crystal Lane, Victim, Dushore, PA; and the Reverend Dr. Katherine Hancock Ragsdale, St. David's Episcopal Church, Pepperell, MA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructures be authorized to meet on Thursday, June 3, 2004, at 2:30 p.m. on Thread Act revisited.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent for the permission of the use of the floor for Matthew Stump, a fellow in our office, during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

UNANIMOUS CONSENT AGREEMENT—S. 2400

Mr. CRAPO. Mr. President, I ask unanimous consent that all first-degree amendments to the Defense authorization bill which are in order from the previous list be filed at the desk no later than 5 p.m. on Monday, June 7.

Mr. REID. Reserving the right to object, those who are listening should understand that this means you must file your amendments by 5 o'clock for them to be considered on the Defense bill. They must be filed. Everyone should also note that there is no need to refile. If there is an amendment at the

desk you have already filed, that is all you have to do.

The two leaders have decided, in conjunction with the two managers of the bill, that we need to move down the road with this bill. We first had a finite list of some 250 or 260 amendments. We would hope there would be fewer amendments than that when this filing takes place. The managers have disposed of some. They will do more later.

Senator WARNER is off to Normandy, as he is a World War II veteran. But Monday will be an opportunity for Members to offer amendments. We received an agreement on this side that on Monday we will allow the setaside of the Kennedy amendment. I haven't seen all of them. The distinguished chairman is going to go through that. But I hope we have a time set up for completing work on the Kennedy-Feinstein amendment on Tuesday morning, early.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 610 and 654. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Matthew G. Whitaker, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

DEPARTMENT OF STATE

Constance Berry Newman, of Illinois, to be an Assistant Secretary of State (African Affairs).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DISTRIBUTION OF FOOD IN SCHOOLS TO HUNGRY OR MALNOURISHED CHILDREN

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 114, submitted earlier today by Senator DOLE.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 114) concerning the importance of the distribution of food in schools to hungry or malnourished children around the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAPO. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 114

Whereas there are more than 300,000,000 chronically hungry and malnourished children in the world;

Whereas more than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available;

Whereas the distribution of food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children;

Whereas when school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls;

Whereas the distribution of food in schools encourages better school attendance, thereby improving literacy rates and fighting poverty;

Whereas improvement in the education of girls is one of the most important factors in reducing child malnutrition in developing countries;

Whereas girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty;

Whereas by improving literacy rates and increasing job opportunities, education addresses several of the root causes of terrorism;

Whereas the distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps;

Whereas the Global Food for Education Initiative pilot program, established in 2001, donated surplus United States agricultural commodities to the United Nations World Food Program and other recipients for distribution to nearly 7,000,000 hungry and malnourished children in 38 countries;

Whereas a recent Department of Agriculture evaluation found that the pilot program created measurable improvements in school attendance (particularly for girls), increased local employment and economic activity, produced greater involvement in local infrastructure and community improvement projects, and increased participation by parents in the schools and in the education of their children;

Whereas the Farm Security and Rural Investment Act of 2002 (Public Law 107–171, 116 Stat. 134) replaced the pilot program with the McGovern-Dole International Food for Education and Child Nutrition Program, which was named after former Senators George McGovern and Robert Dole for their distinguished work to eradicate hunger and poverty around the world; and

Whereas the McGovern-Dole International Food for Education and Child Nutrition Program provides food to nearly 2,000,000 hungry or malnourished children in 21 countries: Now, therefore, be it

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

(1) expresses its grave concern about the continuing problem of hunger and the desperate need to feed hungry and malnourished children around the world;

(2) recognizes that the global distribution of food in schools to children around the world increases attendance, particularly for girls, improves literacy rates, and increases job opportunities, thereby helping to fight poverty;

(3) recognizes that education of children around the world addresses several of the root causes of international terrorism;

(4) recognizes that the world will be safer and more promising for children as a result of better school attendance;

(5) expresses its gratitude to former Senators George McGovern and Robert Dole for supporting the distribution of food in schools around the world to children and for working to eradicate hunger and poverty around the world;

(6) commends the Department of Agriculture, the Agency for International Development, the Department of State, the United Nations World Food Program, private voluntary organizations, non-governmental organizations, and cooperatives for facilitating the distribution of food in schools around the world;

(7) expresses its continued support for the distribution of food in schools around the world;

(8) supports expansion of the McGovern–Dole International Food for Education and Child Nutrition Program; and

(9) requests the President to work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

NATIONAL GREAT BLACK AMERICANS COMMEMORATION ACT OF 2004

Mr. CRAPO. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1233, to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1233

Resolved, That the bill from the Senate (S. 1233) entitled ''An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Great Black Americans Commemoration Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Black Americans have served honorably in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, yet their record of service is not well known by the public, is not included in school history lessons, and is not adequately presented in the Nation's museums.

(2) The Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, a nonprofit organization, is the Nation's first wax museum presenting the history of great Black Americans, including

those who have served in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, as well as others who have made significant contributions to benefit the Nation.

(3) The Great Blacks in Wax Museum, Inc. plans to expand its existing facilities to establish the National Great Blacks in Wax Museum and Justice Learning Center, which is intended to serve as a national museum and center for presentation of wax figures and related interactive educational exhibits portraying the history of great Black Americans.

(4) The wax medium has long been recognized as a unique and artistic means to record human history through preservation of the faces and personages of people of prominence, and historically, wax exhibits were used to commemorate noted figures in ancient Egypt, Babylon, Greece, and Rome, in medieval Europe, and in the art of the Italian renaissance.

(5) The Great Blacks in Wax Museum, Inc. was founded in 1983 by Drs. Elmer and Joanne Martin, 2 Baltimore educators who used their personal savings to purchase wax figures, which they displayed in schools, churches, shopping malls, and festivals in the mid-Atlantic region.

(6) The goal of the Martins was to test public reaction to the idea of a Black history wax museum and so positive was the response over time that the museum has been heralded by the public and the media as a national treasure.

(7) The museum has been the subject of feature stories by CNN, the Wall Street Journal, the Baltimore Sun, the Washington Post, the New York Times, the Chicago Sun Times, the Dallas Morning News, the Los Angeles Times, USA Today, the Afro American Newspaper, Crisis, Essence Magazine, and others.

(8) More than 300,000 people from across the Nation visit the museum annually.

(9) The new museum will carry on the time honored artistic tradition of the wax medium; in particular, it will recognize the significant value of this medium to commemorate and appreciate great Black Americans whose faces and personages are not widely recognized.

(10) The museum will employ the most skilled artisans in the wax medium, use state-of-the-art interactive exhibition technologies, and consult with museum professionals throughout the Nation, and its exhibits will feature the following:

(A) Blacks who have served in the Senate and House of Representatives of the United States, including those who represented constituencies in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia during the 19th century.

(B) Blacks who have served in the judiciary, in the Department of Justice, as prominent attorneys, in law enforcement, and in the struggle for equal rights under the law.

(C) Black veterans of various military engagements, including the Buffalo Soldiers and Tuskegee Airmen, and the role of Blacks in the settlement of the western United States.

(D) Blacks who have served in senior executive branch positions, including members of Presidents' Cabinets, Assistant Secretaries and Deputy Secretaries of Federal agencies, and Presidential advisers.

(E) Other Blacks whose accomplishments and contributions to human history during the last millennium and to the Nation through more than 400 years are exemplary, including Black educators, authors, scientists, inventors, athletes, clergy, and civil rights leaders.

(11) The museum plans to develop collaborative programs with other museums, serve as a clearinghouse for training, technical assistance, and other resources involving use of the wax medium, and sponsor traveling exhibits to provide enriching museum experiences for communities throughout the Nation.

(12) The museum has been recognized by the State of Maryland and the City of Baltimore as a preeminent facility for presenting and interpreting Black history, using the wax medium in its highest artistic form.

(13) The museum is located in the heart of an area designated as an empowerment zone, and is considered to be a catalyst for economic and cultural improvements in this economically disadvantaged area.

SEC. 3. ASSISTANCE FOR NATIONAL GREAT BLACKS IN WAX MUSEUM AND JUSTICE LEARNING CENTER.

(a) ASSISTANCE FOR MUSEUM.—Subject to subsection (b), the Attorney General, acting through the Office of Justice Programs of the Department of Justice, shall, from amounts made available under subsection (c), make a grant to the Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, to be used only for carrying out programs relating to civil rights and juvenile justice through the National Great Blacks in Wax Museum and Justice Learning Center.

(b) GRANT REQUIREMENTS.—To receive a grant under subsection (a), the Great Blacks in Wax Museum, Inc. shall submit to the Attorney General a proposal for the use of the grant, which shall include detailed plans for the programs referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available through the end of fiscal year 2009.

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOYS AND GIRLS CLUBS OF AMERICA

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2363, reported out earlier today by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2363) to revise and extend the Boys and Girls Clubs of America.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing the legislation that Senator HATCH and I introduced together to reauthorize and expand the Department of Justice grant program for the Boys & Girls Clubs of America. We reported it out of the Judiciary Committee this morning, and I thank the Senate for moving our bipartisan legislation so quickly. I also thank our 30 bipartisan cosponsors, including the Democratic leader, Senator DASCHLE, the assistant Democratic leader, Senator REID, and Judiciary Committee members Senators DEWINE, KOHL, BIDEN, FEINSTEIN, CRAIG, SESSIONS, DURBIN, EDWARDS, SCHUMER and CHAMBLISS, for supporting our legislation to support the Boys & Girls Clubs of America.

Too often the public sees Republicans and Democrats disagreeing. From time to time, even Senator HATCH and I disagree on important issues. But when it comes to the Boys & Girls Clubs of America, there is no doubt that we see eye-to-eye. This bill shows the unified support of Republicans and Democrats for the good works of Boys & Girls Clubs across the nation.

Children are the future of our country, and we have a responsibility to make sure they are safe and secure. I know firsthand how well Boys & Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys & Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys & Girls Club in his district rather than helping him get a couple more police officers.

In Vermont, Boys & Girls Clubs have succeeded in preventing crime and supporting our children. The first club was established in Burlington 62 years ago. Now we have 22 club sites operating throughout the State: seven clubs in Brattleboro, one in Springfield, two clubs in Burlington, one in Winooski, two clubs in Montpelier, five clubs in Randolph, one club in Rutland, two clubs in Vergennes, and one in Bristol. There are 10 additional project sites that will be on board and serving kids by the end of 2005: one in Bennington, two in Burlington, one in Duxbury, one in St. Johnsbury, one in Hardwick, three in Randolph, and one in Ludlow. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys & Girls Clubs. Since 1998, Congress has increased Federal support for Boys & Girls Clubs from $20 million to $80 million in this year. Due in large part to this increase in funding, there now exist 3,300 Boys & Girls Clubs in all 50 States serving more than 3.6 million young people. Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $20 million for fiscal year 2005. That request will leave thousands of children and their clubs behind and we cannot allow such a thing to happen.

In the 107th Congress, Senator HATCH and I worked together to pass the 21st Century Department of Justice Appropriations Authorization Act, which included a provision to reauthorize Justice Department grants to establish new Boys & Girls Clubs nationwide. By authorizing $80 million in DOJ grants for each of the fiscal years through 2005, we sought to establish 1,200 additional Boys & Girls Clubs nationwide. This was to bring the number of Boys & Girls Clubs to 4,000, serving no less than 5 million young people. This bill will build upon this: we authorize Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys & Girls Clubs to help establish 1,500 additional Boys & Girls Clubs across the Nation with the goal of having 5,000

Boys & Girls Clubs in operation by December 31, 2010.

If we had a Boys & Girls Club in every community, prosecutors in our country would have a lot less work to do because of the values that are being instilled in children from the Boys & Girls Clubs of America. Each time I visit a club in Vermont, I am approached by parents, educators, teachers, grandparents, and law enforcement officers who tell me ''Keep doing this! These clubs give our children the chance to grow up free of drugs, gangs and crime.''

You cannot argue that these are just Democratic or Republican ideas, or conservative or liberal ideas—they are simply good-sense ideas. We need safe havens where our youth—the future of our country—can learn and grow up free from the influences of drugs, gangs and crime. That is why Boys & Girls Clubs are so important to our children.

I thank the Senate for taking up and passing our bipartisan bill to expand Federal support for the Boys & Girls Clubs of America. Our country's strength and ultimate success lies with our children. Our greatest responsibility is to help them inhabit this century the best way possible and we can help do that by supporting the Boys & Girls Clubs of America.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2363) was read the third time and passed, as follows:

S. 2363

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

SECTION 1. BOYS AND GIRLS CLUBS OF AMERICA.

Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a)(2)—

(A) by striking ''1,200'' and inserting ''1,500'';

(B) by striking ''4,000'' and inserting ''5,000''; and

(C) by striking ''December 31, 2005'' and inserting ''December 31, 2010'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''2002, 2003, 2004, 2005, and 2006'' and inserting ''2006, 2007, 2008, 2009, and 2010''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''1,200'' and inserting ''1,500''; and

(ii) in subparagraph (B)—

(I) by striking ''4,000'' and inserting ''5,000''; and

(II) by striking ''2007'' and inserting ''2010''; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $80,000,000 for fiscal year 2006;

''(B) $85,000,000 for fiscal year 2007;

''(C) $90,000,000 for fiscal year 2008;

''(D) $95,000,000 for fiscal year 2009; and

''(E) $100,000,000 for fiscal year 2010.''.

MEASURE READ THE FIRST TIME—S. 2498

Mr. CRAPO. Mr. President, I understand that S. 2498 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2498) to provide for a 10-year extension of the assault weapons ban.

Mr. CRAPO. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, JUNE 4, 2004

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, June 4. 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 resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Defense bill on Tuesday, June 8, there then be 50 minutes under the control of Senator KENNEDY or his designee and 50 minutes under the control of the chairman or his designee. Further, I ask unanimous consent that following that debate, the Senate proceed to a vote in relation to the Kennedy amendment, with no amendments in order to the amendment prior to the vote.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask my distinguished friend to amend the unanimous consent request to allow 10 minutes of the Kennedy 50 minutes to be under the control of the ranking member of the committee, Senator LEVIN.

Mr. CRAPO. I have no objection to such a modification of the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAPO. Mr. President, tomorrow the Senate will resume consideration of the Department of Defense authorization bill. It is the leader's hope that we will be able to dispose of any cleared amendments during tomorrow's session. However, there will be no rollcall votes. We would like to debate amendments during Friday's session so that we may stack rollcall votes beginning on Tuesday. We also hope to debate amendments on Monday, but, again, we will stack those votes for Tuesday as well.

The leader has stated that it is his intention to complete action on this bill next week. We were just able to lock in a filing deadline for all first-degree amendments for Monday at 5 p.m. The next rollcall vote will, therefore, occur on Tuesday prior to the policy luncheon recess.

Mr. REID. Mr. President, if I may continue before we adjourn for the evening.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We will not get consent tomorrow to set aside the Kennedy amendment for the offering of other amendments. We would, however, as we were earlier today, if the two managers have cleared amendments, be willing to move those tomorrow. But as far as Senators being allowed to offer amendments, that will not be possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAPO. 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 6:30 p.m., adjourned until Friday, June 4, 2004, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 3, 2004:

DEPARTMENT OF STATE

CONSTANCE BERRY NEWMAN, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

SANDRA L. TOWNES, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

KENNETH M. KARAS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JUDITH C. HERRERA, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

DEPARTMENT OF JUSTICE

MATTHEW G. WHITAKER, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO DUANE GERREN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to Duane Gerren and thank him for his outstanding commitment to serving the people of Colorado as a Dolores County Commissioner. As he celebrates his retirement, let it be known that he leaves behind a wonderful and strong legacy of dedication to the citizens of Dolores County and the State of Colorado.

For the past four years, Duane has served Dolores County as a county commissioner. He also serves on the Dolores County Senior Advisory Board where he represented Dolores County to the 2002 Philanthropy Days for the Southwest. This enabled the Dolores County Senior Services to receive grants to help sustain the senior program. Duane's extensive civic involvement also includes serving on the Canyon of the Ancients Advisory Board, San Juan Basin Area Agency on Aging, and Housing Solutions for the Southwest.

Mr. Speaker, it is clear that County Commissioner Duane Gerren has ceaselessly dedicated his time and efforts to serving his county and the people of Colorado as a County Commissioner for Dolores County. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service Duane, and I wish you all the best in your future endeavors.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Sergeant William John Tracy, Jr. of Webster, New Hampshire. He bravely served the Army's Company B, 5–158th Aviation, supporting Operation Enduring Freedom. Sgt. Tracy made the ultimate sacrifice to protect his country and aid the Afghani people when his Blackhawk helicopter tragically crashed in Kuwait on February 25, 2003.

I ask my colleagues to join me in honoring Sergeant William John Tracy, Jr. and our other service men and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

INTRODUCTION OF THE VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. CASTLE. Mr. Speaker, I rise in support of this bill, which I am offering to ensure the continued success of vocational and technical education programs into the future. The bill, the Vocational and Technical Education for the Future Act, includes a number of positive reforms that will help strengthen vocational and technical education programs and improve opportunities for students.

Vocational and technical education, authorized under the Carl D. Perkins Vocational and Technical Education Act and known as the Perkins program, aims to prepare youth and adults for the future by building their academic and technical skills and ensuring they are equipped to proceed with postsecondary education or pursue other avenues. This program represents one of the largest federal investments in our Nation's high schools and is a key component of our secondary and postsecondary education systems.

According to the National Center for Education Statistics, 66 percent of all public secondary schools have one or more vocational and technical education programs with approximately 96 percent of high school students taking at least one vocational and technical course during their secondary studies. Vocational and technical education is an important postsecondary option as well. Over 2,600 postsecondary sub-baccalaureate institutions, such as community colleges, technical institutes, skill centers, and other public and private colleges, also offer vocational and technical education.

Reforms made to the Perkins Act in 1998 increased the focus on ensuring that participating students at both the secondary and postsecondary levels acquired academic and technical skills, as well as completed their respective programs and transitioned into successful employment or further education. Some progress has been made as states have created an initial performance accountability system and the focus on academic performance among students participating in vocational and technical education courses has been strengthened.

Today, I am offering the Vocational and Technical Education for the Future Act to build on the 1998 reforms, and ensure vocational and technical education continues to prepare students for whatever they choose to pursue upon graduation. Should a student choose to proceed with postsecondary education, enter the military, or pursue other opportunities, the goal of the Perkins program must be to prepare students with the right combination of academic and technical skills so that they may succeed in whatever path they choose.

The bill I am offering includes a number of reforms designed to enhance achievement and accountability, streamline programs so that states may better utilize federal dollars, and provide a model sequence of courses that will enhance vocational and technical education programs and partnerships.

The bill include important steps to increase accountability, and emphasizes continued improvement in student achievement. The bill establishes separate performance indicators for secondary and postsecondary students, improving on current law by recognizing the need for distinct measures to be applied to differing students. The bill also requires states to make continued and substantial improvement in the academic and vocational and technical achievement of students, and establishes incentive grants for states exceeding their own high standards.

To increase accountability and achievement at the local level, the bill requires local programs to establish local adjusted levels of performance similar to current statewide performance level expectations. The Vocational and Technical Education for the Future Act also establishes local improvement plans and permits states to apply sanctions for local recipients that, after receiving technical assistance, fail to show improvement or continually do not meet local adjusted levels of performance.

To better streamline and target federal funding, the bill combines funding for the TechPrep and Perkins state grant programs into one program funding stream, and incorporates the activities of Tech-Prep into the basic grant program. This consolidation will increase flexibility for states, streamline funding, and ensure current activities continue to exist while the program as a whole is updated to meet the challenges of the future.

The Vocational and Technical Education for the Future Act includes an important new element that will build upon efforts to coordinate secondary and postsecondary vocational and technical education. The bill requires states to develop model sequences of courses for vocational and technical programs to be used as an option at the local level. These model sequences of courses will incorporate both secondary and postsecondary elements, include rigorous and challenging academic and vocational and technical content in a coordinated, nonduplicative progression of courses, and lead to a degree or credential.

Technology and economic competition are combining in ways that are changing the nature of work and are redefining the American workplace. The need for higher literacy, numeracy, communication, and interpersonal skills in the workplace has grown over the past decade and will continue to be an important factor in the workplace in the future. The skills needed to be successful in postsecondary education are similar to the skills that are required by employers. The need for a strong academic and technical background makes it imperative that the current vocational and technical education system adapt in order to provide the knowledge and skills needed to succeed.

The bill I am offering today seeks to meet the challenges of a changing economy and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

workplace by building upon the current successes of vocational and technical education. Our challenge is to ensure that all vocational and technical education students have access to programs that are sufficiently rigorous in both their academic and technical content, as well as provide clear connections with the education and training beyond high school that most Americans need for continued workplace success. I believe this bill fulfills those high standards, and I am pleased to be offering it today.

H. CON. RES. 413

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. MALONEY. Mr. Speaker, I rise today in support of the resolution honoring the contributions of the more than 6 million American women, symbolized by ''Rosie the Riveter'', who served our country on the homefront during World War II and the changes to our society that came about because of them. These women stepped forward when our country needed them to work as engineers and welders and riveters to produce the ships and planes and tanks necessary for us to win the war.

I recently visited a factory in Athens, New York, that makes electric boats. They told me that even in this town of less than 4000 people, this boat factory was filled with women workers during World War II. The women factory workers made hundreds of thousands of life rafts to support the troops serving at sea. The whole country turned into a big factory to support the war effort, and the women workers were the force behind that factory.

The legacy of Rosie the Riveter is a broadening of opportunities to all Americans. For the first time in America, during World War II, women and minorities gained access to high-paying jobs in industry. Employee-sponsored health care and services such as child care for children of workers originated at this time. I join my colleagues today in applauding the improvements in the workplace and our society during the Rosie the Riveter Era and in honoring these women for stepping forward when their country needed them.

A TRIBUTE TO THE CITY OF SAN DIEGO COMMUNITY AND ECONOMIC DEVELOPMENT

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the City of San Diego Community and Economic Development. The City of San Diego Community and Economic Development is the winner of the Economic Development Administration's Excellence in Economic Development Award for 2004 in the category of Excellence in Urban or Suburban Economic Development. San Diego Community and Economic Development was given this honor for the program of Business Finance Section by a panel of economic development experts. The city of San Diego and the state of California should be extremely proud of this achievement.

Helping businesses in San Diego grow and flourish is a major focus of the City of San Diego. The Community and Economic Development Department is dedicated to helping foster the region's economic base to improve the quality of life for its citizens and business community. Through many continuing programs and projects, the City creates opportunities for businesses to succeed. The Department is a key component in attracting, retaining and expanding businesses, creating jobs and increasing investment in San Diego.

San Diego Community and Economic Development's Business Finance Team works to facilitate the flow of capital and other resources to the underserved areas of the city. Activities of the Business Development Team include issuance of industrial development bonds and direct loans. The Team also works closely with the banking community and encourages banks to develop and commit to San Diego-specific programs that provide expanded credit and banking services access for low-income communities and small and minority-owned businesses.

In 2002, 83 percent of the operating expenses of the Business Finance Team came from portfolio earnings and outside grants. Beginning in 1993, the Economic Development Administration has awarded three revolving loan fund investments for economic development in the city of San Diego. These investments were, in large part, possible due to the excellent stewardship exhibited by the Community and Economic Development's Business Finance Team.

Mr. Speaker, I ask that my colleagues join me in recognizing the outstanding achievement of the City of San Diego's Community and Economic Development and applaud their success in creating jobs and business growth in the San Diego region.

THE BENEFITS OF BIOTECH FOODS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the May 20, 2004, Omaha World-Herald. The editorial highlights the findings in a recent report issued by the U.N. Food and Agriculture Organization. As the U.N. report noted, biotech foods have been found to be safe and hold the potential to alleviate world hunger and disease. Biotech crops have already provided improved crop yields and reduced the demand for chemicals. While reasonable safeguards must remain in place, the continued research and use of biotech foods should be expanded. Those suffering from hunger in developing countries should not be deprived of the benefits of biotech foods simply due to irrational and unscientific fears.

[From the Omaha World-Herald]

BIOTECH'S BENEFITS

A United Nations food agency's new report offering a positive outlook on biotech foods should spur more thoughtful research and regulations on the world stage.

The U.N. Food and Agriculture Organization's report found that genetically modified crops have been a help to the world's small farmers without posing any food safety threats. In fact, the group said, the major problem is that the technology hasn't spread fast enough or focused enough on the most beneficial crops.

Basic food crops of the poor such as cassava, potato, rice and wheat receive little attention from scientists, the agency said. Biotechnology holds promise for other important applications, too, such as animal vaccines and breeding.

The recent U.N. report notes that scientists are almost universally agreed that GM crops currently on the market are safe to eat. Even the European Union, where activists have poisoned consumers with fears of GM foods' hazards, has bowed to science and recently ended a moratorium on approving new biotech crops. (Approval of new crops will likely continue to be slow, however, and consumer acceptance limited.)

The U.N. agency offers no blank check for genetic engineering, however, nor should it. Careful environmental scrutiny is needed for each new crop, as the possibility of genes' reaching wild populations exists. Keeping medicinal crops, like those which erroneously reached an Aurora, Neb., co-op elevator a few years ago, in proper channels also must be considered.

But GM foods have brought real help already to the world's poor farmers—more money from improved crop yields, fewer dangers through the reduced use of pesticides. On the horizon is the promise of more nutritious foods and crops that grow in water-parched areas.

World efforts and research dollars should be funneled into those areas.

At the very least, we hope the U.N. report chokes off the fears that have left donated foods rotting in ports while African populations starve.

FALLEN HEROES

SPEECH OF

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. THORNBERRY. Mr. Speaker, on this Memorial Day, let us remember Air Force Captain Eric Das. He was a young man from my district who loved our country, and who lost his life fighting for its ideals in Iraq.

Captain Eric Das, 30, of Amarillo, Texas, was an Air Force pilot for the 333rd Fighter Squadron of the 4th Fighter Wing at North Carolina's Seymour Air Force Base. He was pronounced killed in action on April 18, 2003. Eric was on a bombing mission, flying an F–15E Strike Eagle jet over Iraq, when his plane was shot down on April 6, 2003. Eric has been awarded the Purple Heart, the Meritorious Service Award, and the Distinguished Flying Cross. He has also been installed in the Amarillo High School Hall of Fame. He will be remembered for his strong, sure faith in God.

Eric leaves behind his wife, 1st Lieutenant Nikki Das; parents, Bruce and Rosie Das of Amarillo; two sisters, Melody Neumann and Elisa Das, both of Amarillo; and his grandmother, Jessie Renne of Minnesota. Eric was not only a soldier, but a friend to many, a committed husband, and he will be remembered for the lasting impact he had on those who knew him.

Those who wish for the liberty of all people will forever owe a debt to Captain Das. This young man from the Texas Panhandle became a hero when he refused to be governed by fear and sacrificed his life for us and our safety.

Captain Eric Das has joined an unbroken line of patriots who dared to die so that freedom might live and grow and increase its blessings.

May God continue to bless our Nation with such heroes.

RECOGNIZING GREG GROUNDS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Greg Grounds, Mayor of Blue Springs, Missouri from 1990 through April 2004 and former Alderman of Ward 1. Greg's community involvement has always been extensive whether it be in public office or in volunteer work. In the past, he has served in such capacities as the Mid-America Regional Council Board of Directors, Chairman of the Jackson County Suburban Mayors Association, and worked with the National League of Cities' Finance, Administration and Intergovernmental Relations Policy Committee. Greg is also a past Co-Chair and Member of the Eastern Jackson County Betterment Council and a past President of the West Gate Division of the Missouri Municipal League.

Greg's efforts as Mayor and Alderman contributed heavily to the development and successful growth of Blue Springs over the past fifteen years. Greg has helped lead many important projects such as the development of the Adams Dairy Corridor that included the construction of the Adams Pointe Golf Club and the Adams Pointe Conference Center, construction of several new parks and recreation facilities for the community including Wilbur Young Park, the Hidden Valley Park Sports Complex, and Vesper Hall, and residential and commercial development valued in excess of $310 and $140 million respectively. In addition, his leadership resulted in the addition of 980,000 square feet of new retail space and the annexation of 2,000 acres in south Blue Springs for which Greg helped to develop a South Annexation Plan in preparation for its future growth.

Greg is a fine asset to the city of Blue Springs and the entire Sixth District of Missouri. Through his rich career in community, volunteer and public service, he is the epitome of an ideal citizen. Mr. Speaker, I proudly ask you to join me in commending the career, as well as the future of Greg Grounds, who exemplifies stellar qualities of dedication and service to Northwest Missouri.

CONDEMNING THE CRACKDOWN ON DEMOCRACY PROTESTORS IN TIANANMEN SQUARE, BEIJING, IN THE PEOPLE'S REPUBLIC OF CHINA ON THE 15TH ANNIVERSARY OF THAT TRAGIC MASSACRE

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. SOUDER. Mr. Speaker, on 4 June 1989, communist Chinese tanks rumbled into Tiananmen Square. Since that bleak day 15 years ago, when the communist hardliners quashed liberty under the treads of a tank, China has undergone many changes. Despite the liberalization that appears to have taken place, China remains dedicated to absolute control by the communist government. No where is this commitment more evident than in a 421 square mile economic and political haven called Hong Kong.

In 1997, the United Kingdom returned Hong Kong to the People's Republic of China. As part of the agreement transferring sovereignty, China pledged to keep Hong Kong's democratic and capitalist system in place for 50 years. Hong Kong's Basic Law, which is based on an agreement between Great Britain and the PRC, guarantees freedom of speech, freedom of the press, freedom of association, freedom of assembly, and freedom of religion. Private property rights and protection from arbitrary or unlawful arrest, detention or imprisonment are also guaranteed. Residents of the Hong Kong have the right to vote and the right to stand for election.

The freedoms and liberties enshrined in the Basic Law sound remarkably like the freedoms and liberties that we enjoy in the United States by virtue of the Constitution. The only difference is that no one in the United States is actively working to destroy the Constitution. Over the last few years, the honeymoon between Beijing and Hong Kong has ended. Beijing has tightened its grip on the region, and has begun to undermine the fundamental freedoms promised under the Basic Law. Perhaps not coincidentally, Hong Kong's economy has foundered in the last few years.

When the British left Hong Kong, the Communist government reassured the world that nothing would be done to undermine Hong Kong. After all, it was argued, in their eagerness to show the world a new face, why would China destroy one of the premier trading and financial centers in the Orient. Why, indeed?

After 7 years, we see that the Communist government has every intention of destroying Hong Kong. Last year Beijing proposed a law that would have restricted freedom of the press and the ability of residents to criticize the government. In response over 500,000 of Hong Kong's 6.8 million people demonstrated against the PRO's attempts to stifle democracy. The Mainland government backed off—but only temporarily. Hong Kong's Chief Executive Tung Chee-hwa has promised to revisit the issue.

In April, Beijing ruled out universal suffrage for Hong Kong's chief executive in 2007 and the legislature in 2008. One mainland official said direct elections might not be possible until 2050.

In early May, Beijing warned legislators in Hong Kong that they have no right to criticize the government's decision to rule out full democracy. Beijing also sent eight Chinese warships—two submarines, four frigates and two destroyers—through Hong Kong's Victoria Harbor. Is this display of force a prelude to a Tiananmen-style crackdown? This provocative display of force certainly sends an ominous warning to Hong Kong's democrats and the rest of the world that the People's Republic of China will dictate policy in Hong Kong, and that dissension will be dealt with in a resolute manner.

All of the PRO's actions lay bare Beijing's contempt for the rule of law. It is apparent that the PRC wants to rule Hong Kong like the rest of China—corruptly, inefficiently, heavy-handedly. Hong Kong will not remain the vibrant capitalist center without freedom. Politics and economics are inextricably tied to one another.

China's mishandling of Hong Kong sends an unmistakable message to other observers around the region. If China ever hopes to entice Taiwan into the Chinese fold, their policies, vis-à-vis Hong Kong do not offer very reassuring prospects. I believe it is up to the people of Taiwan to decide whether or not they will be united with the Mainland; but Beijing's current attempts to choke democracy and capitalism in Hong Kong certainly do not make unification an attractive option for Taiwan.

Beijing's current attitudes toward Hong Kong show us the real meaning of One China, Two Systems. As the Beijing's true definition of this policy becomes apparent, it is imperative that we support Taiwan's efforts to resist Beijing's hostile advances. It is also imperative that we support democracy in Hong Kong before it is too late.

RECOGNIZING DR. GLENDA VITTIMBERGA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the life and legacy of Dr. Glenda Vittimberga, a leader in the field of psychology who recently passed away.

Dr. Vittimberga was a young and vibrant scholar who dedicated her life to teaching and enriching the minds of college students at California State University, Los Angeles. Born in Warwick, Rhode Island on June 29, 1967, she earned her Bachelor of Arts degree in Clinical Psychology from the University of Rhode Island in 1988, earning Summa Cum Laude honors. Shortly after, she received both a Masters degree in 1991 and a Doctorate degree in 1994 in Clinical Psychology from West Virginia University.

In 1988, Dr. Vittimberga obtained a tenure-track position at Cal State L.A., where she proudly shared her expertise and taught clinical psychology at the university's psychology department. Her position included teaching courses in behavior theory, individual assessment, counseling skills, intervention of severe behavior problems, and supervising graduate interns.

A licensed psychologist and active community leader, she provided direct client services

to families with children who suffered from severe mental disabilities at the Kennedy Krieger Institute in Baltimore, Maryland. In addition, she served on the Board of the California Association of Behavior Analysts and also provided consulting to faculty and students of local public schools.

Dr. Vittimberga's life was cut short on February 16, 2004. Her parents, Bruno and Jacklyn Vittimberga, her two sisters Gwenn and Gail, and her brother, Anthony survive her.

She will always be remembered for her contribution to the field of psychology, higher education, and for brilliantly enriching the minds and hearts of her students and colleagues.

PAYING TRIBUTE TO JIM BAUGHMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Jim Baughman and thank him for his exceptional contributions to his community and the State of Colorado as a Mesa County Commissioner. A two-term commissioner, Jim will always be remembered as a dedicated public servant and leader of his community. As Jim celebrates his retirement, let it be known that he leaves behind a terrific legacy of commitment to the people of Mesa County and the State of Colorado.

A fifth generation Mesa County native, Jim graduated from Grand Junction High School and attended Mesa State College. He became interested in politics when he attended a Grand Junction City Council meeting, and realized he could make a positive impact on his community. In 1991, he was elected to the City Council where he served until his election as a Mesa County Commissioner in 1996. During his tenure as a County Commissioner, he also served on the Riverfront Commission, the Museum Board, the Community Corrections Board, the Grand Valley Air Quality Board, and Associated Governments of Northwest Colorado. He was Chairman of the Board of Mesa County Commissioners in 1998 and 2003.

Mr. Speaker, I am honored to pay tribute to Commissioner Jim Baughman before this body of Congress and this nation, and to congratulate him on an outstanding career of public service. His selfless dedication to his community and the people of Colorado as a Mesa County Commissioner is truly remarkable. I wish him all the best in his future endeavors. Thanks for your service.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Sergeant 1st Class Robert Edward Rooney of Nashua, New Hampshire. He bravely served the U.S. Army National Guard's 379th Engineer Company, supporting Operation Iraqi Freedom. Sgt. Ferguson made the ultimate sacrifice to protect his country and aid the Iraqi people when he died of injuries he sustained in an accident at the Shuabai Port in Kuwait on September 25, 2003.

I ask my colleagues to join me in honoring Sergeant 1st Class Robert Edward Rooney and our other service men and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

FALLEN HEROES

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. CASTLE. Mr. Speaker, as we approach Memorial Day, I would like to rise in honor of a courageous young soldier who died September 7, 2003, of injuries suffered August 30 when the truck he was driving in a supply convoy was hit by a civilian vehicle in Iraq. United States Army Specialist Jarrett B. Thompson, was a member of the Lewes, Delaware-based 946th Transportation Company, and sadly was our State's first war casualty from a Reserve or National Guard unit.

At only 27 years of age, Jarrett was a brave young reservist who valiantly served his State and Country. A Dover resident who grew up in Millington, Maryland and played high school football, Jarrett joined the Army in March of 1994. Following a 3-year tour of active duty at Fort Campbell, Kentucky, he continued his commitment to service as a member of the Army Reserve. When he was called to active duty in January 2003, Jarrett dutifully accepted service in the Middle East, where his fellow reservists described him as an energetic, mission-oriented soldier.

In civilian life, Jarrett was a design engineer for Ashland Equipment, Inc. A proud son and devoted husband and father, Jarrett will be deeply missed by his parents, Judy Coleman Thompson and Allen B. Thompson, his wife Kelly, and their sons Conner and Collin. At his funeral in September, Jarrett received a 21–gun salute and the Bronze Star Medal in honor of his noble service to our Nation.

Mr. Speaker, it is my sincere privilege to honor the life of a proud soldier and heroic representative of the State of Delaware. Army Specialist Jarrett B. Thompson was an honorable defender of liberty, and he deserves our gratitude and respect.

FALLEN HEROES

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the brave men and women who have served our nation by paying the ultimate sacrifice in defense of freedom and democracy.

While we should honor all our nation's veterans both living and dead throughout the year, on this particular Memorial Day, we pay tribute to the nation's World War II veterans. On May 29th, the World War II memorial, a fitting tribute to ''the Greatest Generation,'' will be dedicated on the National Mall. Hundreds of thousands of World War II veterans and their families will visit the memorial which is a permanent reminder to us and to future generations that the sacrifices made by the soldiers who served overseas, their families, and the Americans who were on the homefront, saved the world from tyranny. From the beaches of Normandy to the Battle of Midway to the construction of the China-Burma-India Road, these soldiers fought for a cause bigger than themselves.

One of these heroes, Michel Thomas, resides in my congressional district and recently was awarded the Silver Star for his extraordinary courage during World War II. I, along with Senator John McCain (R–AZ), worked with the Department of Defense on Mr. Thomas's behalf so that he finally would receive the honor he so justly deserves.

Michel Thomas was born in Poland to a Jewish family with a thriving textile business. In 1933, he fled Hitler's regime in Germany for France. Thomas last saw his family in 1937. He later learned they were all murdered at Auschwitz.

During the war, he survived two years of concentration and slave labor camps in Vichy France and narrowly escaped deportation to Auschwitz. He joined the Secret Army of the French Resistance, where he was active for two years as a commando leader. In 1943, Thomas was caught by and escaped from Klaus Barbie, the notorious Butcher of Lyon. The next year Thomas served in Combat Intelligence in the 180th Regiment of the U.S. Army 45th Division, The Thunderbirds, and was nominated for the Silver Star for his bravery.

On April 29, 1945, Thomas, an agent in the U.S. Army's Counter Intelligence Corps (CIC), arrived at Dachau concentration camp on the day of liberation. Thomas interrogated and photographed the crematorium workers. Two days later Thomas captured the ''Hangman of Dachau,'' Emil Mahl, who was subsequently convicted of war crimes.

In early May 1945, Thomas tracked a convoy of trucks to a paper mill outside Munich, where he rescued from destruction the Nazi Party's worldwide membership card file of over ten million members. The Nazi leadership had shipped the cards, along with tons of other important Third Reich government documents, to be pulped in the final days of the war. These documents became the heart of the collections of the U.S.-run Berlin Document Center, and were crucial in the Nuremberg war crimes trials and in the denazification of Germany.

In 1946, Thomas helped to capture Gustav Knittel, who was convicted of war crimes for his role in the Malmedy massacre of American POWs at the Battle of the Bulge. I am proud to honor Michel Thomas for his heroism.

On Memorial Day, it is fitting that we honor all the men and women of the Armed Forces who have served their nation throughout history including those who are currently risking their lives around the world, including in Afghanistan and Iraq. I have been to both countries twice and have visited with soldiers from New York and across the country. I especially

want to note the contributions of the 10th Mountain Division from Fort Drum under General Austin's leadership, and the 1st Battalion, 69th Infantry Division of the New York Army National Guard, located in my district, who just shipped out to Iraq on Monday. While they are serving in Iraq, I will be fighting to pass legislation to ensure that they receive full military retirement credit for their days of service at Ground Zero after the terrorist attacks of 9/11.

I am pleased to note that today we are passing legislation to correct a longstanding inequity in survivor benefits for the spouses of our fallen veterans. The ''National Defense Authorization Act for Fiscal Year 2005'' provides for a 5-year phase-in to eliminate the Widow's Tax. This unfair tax penalizes the widows and widowers of military retirees by reducing their Survivor Benefit Plan benefit from 55 percent of the retiree's pension to 35 percent once they reach age 62, normally the same age she or he is eligible for Social Security. The Social Security benefit the surviving spouse receives is often less than the reduction in the benefit, which results in a net loss of income. This legislation brings long overdue relief to the surviving spouses.

I will continue to support the members of Armed Forces in every way that I can. We owe all of them a debt of gratitude which we can never repay. They helped to make this country what it is today, and they have brought peace to other nations across the globe.

I would like to thank my colleagues from New York Representatives RANGEL and WALSH for organizing today's moment of silence for America's fallen soldiers.

FALLEN HEROES

SPEECH OF

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. THORNBERRY. Mr. Speaker, on this Memorial Day, let us remember Marine Lance Corporal Aaron Austin. He was a young man from my district who loved our country and who lost his life fighting for its ideals in Iraq.

Lance Corporal Aaron Austin was a 21-year old from Sunray, Texas. He was part of the 2nd Battalion, 1st Marine Regiment, and 1st Marine Division, Camp Pendleton, California. Aaron died April 26, 2004 near Fallujah on his second tour of duty in Iraq.

His family and friends described him as a warrior who was not afraid of anything. After joining the Marines, Aaron quickly became a leader of his machine gun team. He was the product of a small town and enjoyed the outdoors, sports and hanging out with his friends.

Survivors of Corporal Austin are parents, Doug Austin of Amarillo and De'on Miller of Lovington, New Mexico; two brothers, Eric Austin of Amarillo and Mike Austin of Las Vegas, Nevada; his maternal grandparents, Harvey Grigsby and Virgie Thomas of Lovington; his paternal grandmother, Juanita Austin of Yorba Linda, California; and many aunts and uncles. Aaron had planned to wed his fiancée, Tiffany Frank of Phoenix, Arizona on December 11, 2004. Aaron was loved by many and will be remembered as a courageous Marine.

Those who wish for the liberty of all people will forever owe a debt to Corporal Austin. This young man from the Texas Panhandle became a hero when he refused to be governed by fear and sacrificed his life for us and our safety.

Lance Corporal Aaron Austin has joined an unbroken line of patriots who dared to die so that freedom might live and grow and increase its blessings.

May God continue to bless our Nation with such heroes.

HONORING THE CITY OF WARSAW ON ITS SESQUICENTENNIAL

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. SOUDER. Mr. Speaker, it is my pleasure to rise today to congratulate the City of Warsaw, Indiana, and its residents on the city's sesquicentennial anniversary.

When Mathew Springer built Warsaw's first permanent residence—a tamarack log cabin on the edge of a swampy wilderness—in 1836, America was a young, vibrant nation, expanding rapidly across the continent from its eastern shores. Warsaw then was in the crossroads of this westward movement, and the region was rapidly populated by an intrepid collection of settlers much like Springer. Among those who came to inhabit this western land were traders, trappers, merchants and farmers, who put down roots and laid the foundation for the thriving community we see today.

Within two short decades of the construction of Springer's cabin, Warsaw had become a permanent community, a county seat worthy of incorporation in its own right. The original traders and merchants had constructed stores to sell their wares, community associations had formed, schools were constructed and a local government was firmly in place. The majestic courthouse, built by the citizens of Warsaw during this time of exciting development, still stands in the heart of the city as a symbol of the longevity of the city and its institutions.

It is striking to imagine the extent to which Warsaw's 19th century commercial enterprises have developed and informed the current economic engines of the region. In 1895, for example, Revra DePuy founded a small company to manufacture rather innocuous medical equipment like wire mesh and wooden splints. Today, firms such as Zimmer, Biomet, and DePuy have made Kosciusko County the center of the world's orthopedic manufacturing industry.

When thinking of the history of Warsaw and Kosciusko County, one cannot forget the natural splendor of the surrounding region, which has served as an attraction for settlers and visitors, alike, since the early 19th century. In addition to the simple enjoyment that the local community derives from them, Kosciusko's many lakes are a foremost recreational and tourist center in the State of Indiana. Kosciusko not only hosts visitors from across the state, but, indeed, from across America because of the county's beauty.

As Warsaw celebrates the 150th anniversary of its incorporation, it is my sincere pleasure to join in recognizing the valuable contributions that the City of Warsaw and Kosciusko County have made to the region, the State of Indiana and America itself.

RECOGNIZING MICHAEL A. FELIX

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize Michael Felix, a leader in my district who has dedicated his life to educating students of all ages and improving the quality of life of military veterans in El Monte, California.

Mr. Felix served his country proudly during the Vietnam War and is a decorated army veteran. Motivated and eager to realize his full academic and professional potential, he enrolled in Citrus Junior College where he received his Associate of Arts degree in 1970. Immediately after, he enrolled in California Polytechnic University, Pomona (Cal Poly) and in 1973 Mr. Felix earned his Bachelor of Science in Physical Education and Recreation Administration.

Throughout his illustrious career, Mr. Felix has been a devoted educator, counselor, and leader for those in need. Whether in teaching children in elementary school or adults English as a Second Language and General Education Development courses, his commitment to education is admirable. Mr. Felix serves as a Senior Counselor and Administrator for the El Monte Union High School District, is an active member of professional organizations such as the California Teachers Association and the California Council for Adult Education, and is a member of my district's Congressional Nomination Committee for Military Academy Admissions.

Mr. Felix is a strong advocate for military veterans. He is a role model and a leader for countless veterans seeking federal and state assistance and serves as the Chairperson and Commissioner of the Veterans and Homeless Affairs Commission of El Monte. Mr. Felix is also a founding member of the Veterans of Foreign Wars Post 10218 of Greater El Monte and an active member of American Legion Post 261.

Mr. Speaker, I salute Michael Felix for his numerous years serving the people of El Monte and my Congressional District, and I wish him the best of luck in all his future endeavors.

A TRIBUTE TO INTERNATIONAL SCIENCE COMPETITION FINALISTS KYLE PLUM, COURTNEY DUNAR AND OLIVIA LITSEY

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to three special students from my district. Kyle Plum, Courtney Dunar and Olivia Litsey have been recognized for their outstanding achievement in science and are finalists in the International Science Competition, sponsored by Toshiba and the National Science Teachers Association. Mr.

Plum, Ms. Dunbar, and Ms. Litsey have traveled to Washington, D.C. with their families to be honored at the ExploraVision awards gala next week. ExploraVision is the largest international science competition in the world with thousands of projects, and over 14,000 students participating this year.

These three bright young students each will be presented with a $5,000 U.S. Savings bond for their outstanding work on their school science project entitled ''The Sleep Doctor''. ExploraVision asked students in its competition to envision technology that may exist in the next 20 years, and to describe how it would work. Kyle, Courtney, and Olivia envisioned a project called ''The Sleep Doctor''. This project creatively explores the four stages of sleep, rapid eye movement, and the sleep cycle. Using the innovative EEG Sleep Doctor technology, Kyle, Courtney, and Olivia were able to determine whether or not test subjects were having a nightmare during the rapid eye movement phase of the sleep cycle. Using the wireless EEG technology the students would be able to sense a subject's nightmare, and activate pre-programmed soothing sounds and smells to successfully restore feelings of safety and to generate a good night's sleep. Kyle, Courtney, and Olivia have been working tirelessly on this project since October of last year, and their efforts are quite evident by the outstanding final product.

Mr. Speaker, I ask that you urge my colleagues to join me in recognizing the outstanding achievements of Kyle Plum, Courtney Dunar, and Olivia Litsey, and applaud the success of their educational endeavors and innovative technological ideas.

PAYING TRIBUTE TO JEAN BIONDO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 2004

Mr. McINNIS. Mr. Speaker, it is a privilege to rise today to pay tribute to Jean Biondo and thank her for her leadership and contributions to Colorado as District Manager of the Grand Junction Social Security Office. The level of integrity and honesty that she has brought to the Department of Social Security throughout her thirty-eight years of service are truly outstanding. As Jean celebrates her retirement, let it be known that the citizens of Colorado and I are eternally grateful for the outstanding service she has given to countless citizens over the years.

Jean began working for the government in Pittsburg, Kansas, and was later transferred to the social security office in St Joseph, Missouri. In April of 2000 she was offered the job of District Manager of the Colorado Social Security branch that covers the Grand Junction area. During her time as district manager, her leadership has helped create an efficient district operation for serving the people of Southwest Colorado.

Jean has also been an active member of her community, dedicating her efforts to numerous civic organizations. She has been involved in Altrusa, an international association of professional women and men who volunteer their energies and expertise in projects dedicated to community betterment. This year Jean was the Treasurer and played an integral role in organizing their Cancer Walk. She is very involved in her church where she teaches Sunday School and helps with youth groups. Jean's newest hobby is golf, and one I hope she has a lot of time for in the coming months and years.

Mr. Speaker, it is clear that Jean Biondo has been an invaluable resource for the State of Colorado and to our Social Security system. Her hard work and selfless dedication to her job was extraordinary and is worthy of acknowledgment before this body of Congress and this nation. Thanks, Jean, for all your hard work, and I wish you and your husband, Mike, all the best in your well-deserved retirement.

FALLEN HEROES

SPEECH OF

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BASS. Mr. Speaker, I rise to honor Master Sergeant Richard Lee Ferguson of Conway, New Hampshire. He bravely served the Army's 10th Special Forces Group supporting Operation Iraqi Freedom. Master Sgt. Ferguson made the ultimate sacrifice to protect his country and aid the Iraqi people when the military vehicle he was riding in tragically rolled over in Somara, Iraq on March 30, 2004.

I ask my colleagues to join me in honoring Master Sergeant Richard Lee Ferguson and our other servicemen and women who have courageously given their own lives in order to protect and defend the democracy we enjoy in America and to extend the freedoms that come with democracy to those who live in fear and oppression worldwide.

FALLEN HEROES

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. CASTLE. Mr. Speaker, I rise today in honor of a brave young Army Ranger who died Thursday, April 3, 2003, due to a suicide car-bomber at a checkpoint northwest of Baghdad. United States Army Specialist Ryan P. Long was a proud Ranger who gave his life, along with two of his fellow soldiers, helping the Third Battalion of the Seventy-fifth Ranger Regiment operate a checkpoint outside of Baghdad.

At only twenty one-years of age, Ryan was an inspirational young Delawarean who graduated from Seafood High School in June of 1999, where he had been vice commander of the Naval Junior ROTC program. Ryan joined the Army and became an Army Ranger, where he was part of an elite group chosen to carry out special missions. He was stationed in Fort Benning, Georgia and was deployed twice to Afghanistan before his service in Iraq, where he continued the noble fight against terror.

Ryan was a patriotic American who enjoyed soccer, golf, snowboarding, and motorcycles. Ryan was a fourth generation soldier, his father is retired Major Rudolf ''Rudy'' Long. Ryan followed in his family's tradition and chose to serve his country. He will be deeply missed by his parents, Rudy and Donna, and brother, his friends, teachers, and fellow soldiers.

Mr. Speaker, it is my sincere privilege to honor the life of a proud Ranger and heroic representative of the State of Delaware. Army Specialist Ryan P. Long deserves our gratitude and respect.

Daily Digest

HIGHLIGHTS

House Committees ordered reported 10 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6387–S6467

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 2494–2503, S.J. Res. 38, and S. Con. Res. 114. **Pages S6450–51**

Measures Reported:

S. 1129, to provide for the protection of unaccompanied alien children, with an amendment in the nature of a substitute.

S. 1887, to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices.

S. 2363, to revise and extend the Boys and Girls Clubs of America.

S. Con. Res. 5, expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854. **Page S6450**

Measures Passed:

School Food Distribution: Senate agreed to S. Con. Res. 114, concerning the importance of the distribution of food in schools to hungry or malnourished children around the world. **Pages S6458, S6465**

Boys and Girls Clubs of America: Senate passed S. 2363, to revise and extend the Boys and Girls Clubs of America. **Pages S6466–67**

Department of Defense Authorization Act: Senate continued consideration of 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, taking action on the following amendments purposed thereto:

Pages S6395–S6421, S6425–40

Adopted:

Crapo Amendment No. 3226 (to Amendment No. 3170), of a perfecting nature. **Page S6395**

Graham (SC) Amendment No. 3170, to provide for the treatment by the Department of Energy of waste material. **Page S6395**

Dole (for Roberts) Amendment No. 3274, to provide for the conveyance of land at the Sunflower Army Ammunition Plant, Kansas. **Pages S6433–35**

Dole (for Levin) Amendment No. 3275, to clarify the protection of military personnel from retaliatory action for communications made through the chain of command. **Pages S6433–35**

Dole (for Talent) Amendment No. 3236, to authorize and improve Operation Hero Miles. **Pages S6433–35**

Dole (for Lieberman) Amendment No. 3276, to require a report on the training provided to members of the Armed Forces to prepare for post-conflict operations. **Pages S6433–35**

Dole (for Lott/Graham (SC)) Amendment No. 3233, to express the sense of the Senate regarding the funding of the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy. **Pages S6433–35**

Dole (for Miller) Amendment No. 3277, to require a study regarding promotion eligibility of retired warrant officers on active duty. **Pages S6433–35**

Dole (for Stevens/Inouye) Amendment No. 3278, to convert appropriations transfer authority in section 123 to authority for transfers of authorizations of appropriations. **Pages S6433–35**

Rejected:

By 48 yeas to 48 nays (Vote No. 107), Cantwell Amendment No. 3261, to ensure adequate funding for, and the continuation of activities related to, the treatment by the Department of Energy of high level radioactive waste. **Pages S6395–S6421**

Pending:

Kennedy Amendment No. 3263, to prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the Robust Nuclear Earth Penetrator (RNEP). **Pages S6425–33**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, June 4, 2004. **Page S6467**

Further, a unanimous-consent agreement was reached providing that all first-degree amendments be filed at the desk by 5 p.m., on Monday, June 7, 2004. **Page S6467**

Also, a unanimous-consent agreement was reached providing that when the Senate resumes consideration of the bill on Tuesday, June 8, 2004, that there be 50 minutes under the control of Senator Kennedy, or his designee, and 50 minutes under the control of Senator Warner, or his designee, and the Senate then vote on or in relation to Kennedy Amendment No. 3263 (listed above). **Page S6467**

National Great Black Americans Commemoration Act: Senate concurred in the amendment of the House to S. 1233, to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center, clearing the measure for the President. **Pages S6465–66**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report to Congress concerning the extension of waiver authority for the Republic of Belarus; which was referred to the Committee on Finance. (PM–81) **Page S6447**

Transmitting, pursuant to law, a report to Congress concerning the extension of waiver authority for Vietnam; which was referred to the Committee on Finance. (PM–82) **Pages S6447–48**

Transmitting, pursuant to law, a report to Congress concerning the extension of waiver authority for Turkmenistan; which was referred to the Committee on Finance. (PM–83) **Page S6448**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 95 yeas (Vote No. EX. 108), Sandra L. Townes, of New York, to be United States District Judge for the Eastern District of New York. **Pages S6421–22, S6467**

By unanimous vote of 95 yeas (Vote No. EX. 109), Kenneth M. Karas, of New York, to be United States District Judge for the Southern District of New York. **Pages S6422–23, S6467**

By unanimous vote of 93 yeas (Vote No. EX. 110), Judith C. Herrera, of New Mexico, to be United States District Judge for the District of New Mexico. **Pages S6423–25, S6467**

Matthew G. Whitaker, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

Constance Berry Newman, of Illinois, to be an Assistant Secretary of State (African Affairs). **Page S6467**

Messages From the House: **Pages S6448–49**

Measures Referred: **Page S6449**

Measures Placed on Calendar: **Page S6449**

Measures Read First Time: **Page S6449**

Enrolled Bills Presented: **Page S6449**

Executive Communications: **Pages S6449–50**

Additional Cosponsors: **Pages S6451–52**

Statements on Introduced Bills/Resolutions: **Pages S6452–58**

Additional Statements: **Pages S6445–47**

Amendments Submitted: **Pages S6458–64**

Notices of Hearings/Meetings: **Page S6464**

Authority for Committees to Meet: **Page S6464**

Privilege of the Floor: **Page S6464**

Record Votes: Four record votes were taken today. (Total—110) **Pages S6421, S6422, S6423, S6425**

Adjournment: Senate convened at 9:46 a.m., and adjourned at 6:30 p.m., until 9:30 a.m., on Friday, June 4, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6467.)

Committee Meetings

(Committees not listed did not meet)

BANK SECRECY ACT ENFORCEMENT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine efforts to ensure compliance and enforcement of the Bank Secrecy Act, enacted in 1970, which authorizes the Secretary of the Treasury to issue regulations requiring that financial institutions keep records and file reports on certain financial transactions, focusing on anti-money laundering and issues concerning depository institution regulatory oversight, after receiving testimony from Susan S. Bies, Member, Board of Governors of the Federal Reserve System; John D. Hawke, Jr., Comptroller of the Currency, James E. Gilleran, Director, Office of Thrift Supervision, William J. Fox, Director, Financial Crimes Enforcement Network, all of the Department of the Treasury; Donald E. Powell, Chairman, and Gaston L. Gianni, Jr., Inspector General, both of the Federal Deposit Insurance Corporation; Davi M. D'Agostino, Director, Financial Markets and Community Investment, General Accounting Office; and JoAnn M. Johnson, Chairman, National Credit Union Administration.

TREAD ACT: MOTOR VEHICLE SAFETY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the National Highway Safety Administration's implementation of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act and various motor vehicle safety issues, after receiving testimony from Jeffrey W. Runge, Administrator, National Highway Traffic Safety Administration, Department of Transportation; Oregon State Senator Bruce Starr, Hillsboro; and Robert Strassburger, Alliance of Automobile Manufacturers, Donald B. Shea, Rubber Manufacturers Association, and Joan Claybrook, Public Citizen, former Administrator, National Highway Traffic Safety Administration, all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1129, to provide for the protection of unaccompanied alien children, with an amendment in the nature of a substitute;

S. 1887, to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices;

S. 2363, to revise and extend the Boys and Girls Clubs of America; and

S. Con. Res. 5, expressing support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

CHILD CUSTODY PROTECTION ACT

Committee on the Judiciary: Committee concluded a hearing to examine S. 851, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, after receiving testimony from Senator Ensign; John C. Harrison, University of Virginia School of Law, Charlottesville; Peter J. Rubin, Georgetown University Law Center, Washington, D.C.; Teresa Stanton Collett, University of St. Thomas School of Law, Minneapolis, Minnesota; Reverend Katherine Hancock Ragsdale, St. David's Episcopal Church, Pepperell, Massachusetts, on behalf of NARAL Pro-Choice America and the Religious Coalition for Reproductive Choice; and Joyce Farley and Crystal Lane, both of Dushore, Pennsylvania.

House of Representatives

Chamber Action

Measures Introduced: 17 public bills, H.R. 4496–4512; and; 6 resolutions, H.J. Res. 97; H. Con. Res. 441–443, and H. Res. 661–662 were introduced. **Page H3780**

Additional Cosponsors: **Pages H3780–81**

Reports Filed: Reports were filed today as follows:

H.R. 4114, to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, amended (H. Rept. 108–520);

H.R. 2909, to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces, amended (H. Rept. 108–521);

H.R. 2619, to provide for the expansion of Kilauea Point National Wildlife Refuge, amended (H. Rept. 108–522); and

S. 1146, to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota (H. Rept. 108–523, Pt. 1); and

H.R. 4175, to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, amended (H. Rept. 108–524). **Pages H3779–80**

Chaplain: The prayer was offered today by Rabbi Joui Hessel, Washington Hebrew Congregation in Washington, DC. **Page H3721**

Journal: The House agreed to the Speaker's approval of the Journal of Wednesday, June 2 by a yea-and-nay vote of 346 yeas to 47 nays with 1 voting "present", Roll No. 223. **Pages H3721–22**

Member Sworn—South Dakota At-Large: Representative-elect Stephanie Herseth presented herself in the well of the House and was administered the Oath of Office by the Speaker. Earlier the Minority Leader asked unanimous consent that the Oath of Office be administered today after the Clerk of the

House transmitted the unofficial results of the Special Election held on June 1, 2004 from the Honorable Chris Nelson, Secretary of State, State of South Dakota. **Page H3722**

Back to Work Incentive Act: The House passed H.R. 444, to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work, by a recorded vote of 213 ayes to 203 noes, Roll No. 225. **Pages H3725–40**

Agreed that in lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 4444 be considered as adopted. **Page H3727**

Rejected the Kildee motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with amendments, by a yea-and-nay vote of 199 yeas to 216 nays, Roll No. 224. **Pages H3738–40**

Pursuant to H. Res. 656, the texts of H.R. 4409, to reauthorize title II of the Higher Education Act of 1965, and H.R. 4411, to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, were appended to the engrossment of H.R. 444 and the bills H.R. 4409 and H.R. 4411 were laid on the table. **Page H3740**

Also pursuant to H. Res. 656, the title of H.R. 444 was conformed to reflect the addition of the texts of both bills. Conformed so as to read: to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; to reauthorize title II of the Higher Education Act of 1965; to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education.

The House agreed to H. Res. 656, amended, the rule providing for consideration of the bill on Wednesday, June 2.

Suspensions: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, June 2:

Anabolic Steroid Control Act of 2004: H.R. 3866, amended, to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, by a 2/3 yea-and-nay vote of 408 yeas to 3 nays, Roll No. 226; and **Pages H3740–41**

Condemning the actions in Tiananmen Square: H. Res. 655, condemning the crackdown on democracy protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre, by a 2/3 yea-and-nay vote of 400 yeas to 1 nay, Roll No. 228. **Pages H3746–47**

Workforce Reinvestment and Adult Education Act of 2003—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 1261, to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and agreed to a conference. **Page H3741**

Appointed as conferees: From the Committee on Education and the Workforce, Representatives Boehner, Petri, McKeon, Castle, Isakson, Porter, Kildee, Hinojosa, Tierney, and McCollum. **Page H3741**

Transportation Equity Act: A Legacy for Users—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and agreed to a conference. **Page H3743**

Agreed to the Oberstar motion to instruct conferees on the bill by a yea-and-nay vote of 377 yeas to 30 nays, Roll No. 227. **Pages H3745–46**

Appointed as conferees: From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title IX) and the Senate amendment (except title V), and modifications committed to conference: Representatives Young (AK), Petri, Boehlert, Coble, Duncan, Mica, Hoekstra, Ehlers, Bachus, LaTourette, Gary G. Miller (CA), Rehberg, Beauprez, Oberstar, Rahall, Lipinski, DeFazio, Costello, Norton, Nadler, Menendez, Corrine Brown (FL), Filner and Eddie Bernice Johnson (TX). **Page H3747**

From the Committee on the Budget, for consideration of the secs. 8001–8003 of the House bill, and Title VI of the Senate amendment, and modifications committed to conferences: Representatives Nussle, Shays, and Spratt. **Page H3747**

From the Committee on Education and the Workforce, for consideration of secs. 1602 and 3030 of the House bill, and secs. 1306, 3013, 3032, and 4632 of the Senate amendment, and modifications committed to conference: Representatives Ballenger, Biggert, and George Miller (CA). **Page H3747**

From the Committee on Energy and Commerce, for consideration of provisions in the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in sec. 6001 of the House bill, and secs. 3005, and 3006 of the Senate amendment; secs. 1202, 1824, 1828,

and 5203 of the House bill, and secs. 1501, 1511, 1522, 1610–1619, 3016, 3023, 4108, 4151, 4152, 4155–4159, 4162, 4172, 4173, 4424, 4481, 4482, 4484, 4662, 8001, and 8002 of the Senate amendment, and modifications committed to conference: Representatives Barton (TX), Pickering, and Dingell. Page H3747

From the Committee on Government Reform, for consideration of sec. 1802 of the Senate amendment, and modifications committed to conference: Representatives Tom Davis (VA), Schrock, and Waxman. Page H3747

From the Committee on the Judiciary, for consideration of secs. 1105, 1207, 1602, 1812, 2011, 3023, 4105, 4108, 4201, 4202, 4204, 5209, 5501, 6001, 6002, 7012, 7019–7022, and 7024 of the House bill, and secs. 1512, 1513, 1802, 3006, 3022, 3030, 4104, 4110, 4174, 4226, 4231, 4234, 4265, 4307, 4308, 4315, 4424, 4432, 4440–4442, 4445, 4447, 4462, 4463, 4633, and 4661 of the Senate amendment, and modifications committed to conference: Representatives Sensenbrenner, Smith (TX), and Conyers. Page H3747

From the Committee on Resources, for consideration of secs. 1117, 3021, 6002, and 6003 of the House bill, and secs. 1501, 1502, 1505, 1511, 1514, 1601, 1603, 3041, and 4521–4528 of the Senate amendment, and modifications committed to conference: Representatives Pombo, Gibbons, and Kind. Page H3747

From the Committee on Rules, for consideration of secs. 8004 and 8005 of the House bill, and modifications committed to conference: Representatives Dreier, Sessions, and Frost. Page H3747

From the Committee on Science, for consideration of secs. 2001, 3013, 3015, 3034, 4112, and Title V of the House bill, and Title II, secs. 3014, 3015, 3037, 4102, 4104, 4237, and 4461 of the Senate amendment, and modifications committed to conference: Representatives Gilchrest, Neugebauer, and Gordon. Page H3747

From the Committee on Ways and Means, for consideration of Title IX of the House bill, and Title V of the Senate amendment, and modifications committed to conference: Representatives Thomas, McCrery, and Rangel. Page H3747

For consideration of the House bill and Senate amendment, and modifications committed to conference: Representative DeLay. Page H3747

Committee Resignation: Read a letter from Representative Thompson (CA) wherein he resigned from the Committee on Agriculture, effective June, 3. Page H3747

Committee Election: Agreed to H. Res. 661, electing Representative Herseth to the Committee on Agriculture. Page H3747

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 9. Page H3748

Temporary Extension of programs under the Small Business Act and the Small Business Investment Act of 1958: The House agreed to discharge from the Committee on Small Business and pass H.R. 4478, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004. Pages H3748–49

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at noon tomorrow, June 4. Later agreed that when the House adjourn tomorrow, June 4, it adjourn to meet at 12:30 p.m. on Tuesday, June 8, for Morning Hour debate. Page H3749

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf to sign enrolled bills and joint resolutions through June 8. Page H3773

Presidential Messages: Read a communication from the President wherein he transmitted the following messages: The continuation of a waiver of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Turkmenistan—referred to the Committee on Ways & Means and ordered printed (108–189); the continuation of a waiver of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Belarus—referred to the Committee on Ways & Means and ordered printed (108–190); and the continuation of a waiver of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Vietnam—referred to the Committee on Ways & Means and ordered printed (108–191). Page H3749

Senate Message: Message received from the Senate today appears on page H3723.

Senate Referral: S. 1721 was referred to the Committee on Resources. Page H3777

Quorum Calls—Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H3721–22, H3739–40, H3740, H3740–41, H3745–46, H2746. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:28 p.m. Page H3777

Committee Meetings

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies held a hearing on FBI Transformation. Testimony was heard from the following officials of the FBI, Department of Justice: Robert S. Mueller, III, Director; Maureen Baginski, Executive Assistant Director, Intelligence; and John Pistole, Executive Assistant Director, Counterterrorism and Counterintelligence; Laurie E. Ekstrand, Director, Homeland Security and Justice Issues, GAO; the following officials of the Congressional Research Service, Library of Congress: Alfred Cumming, Specialist, Intelligence and National Security Foreign Affairs, Defense and Trade Division; and Todd Masse, Specialist, Domestic Intelligence and Counterterrorism, Domestic Social Policy; and a public witness.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on the District of Columbia Budget. Testimony was heard from the following officials of the District of Columbia: Anthony A. Williams, Mayor; Linda W. Cropp, Chairwoman, Council; and Natwar M. Gandhi, Chief Financial Officer.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security approved for full Committee action the Department of Homeland Security appropriations for fiscal year 2005.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies approved for full Committee action the Department of the Interior and Related Agencies appropriations for fiscal year 2005.

ARMED FORCES—SEXUAL ASSAULT PREVENTION AND RESPONSE

Committee on Armed Services: Held a hearing on sexual assault prevention and response in the armed forces. Testimony was heard from the following officials of the Department of Defense: David S. C. Chu, Under Secretary, Personnel and Readiness; Ellen Embrey, Deputy Assistant, Force Health Protection and Readiness; Reginald J. Brown, Assistant Secretary of the Army, Manpower and Reserve Affairs; Michael Dominguez, Assistant Secretary of the Air Force, Manpower and Reserve Affairs; and William Navas, Assistant Secretary of the Navy, Manpower and Reserve Affairs; the following officials of the Department of Veterans Affairs: Frances Murphy, M.D., Deputy Under Secretary, Health Policy Coordination; Carol O'Brien, Director, Center for Sexual Trauma Services, DVA Medical Center, Bay Pines, Florida; and Lori Katz, Staff Psychologist, Military Sexual Trauma Coordinator, DVA Women's Health Clinic, Long Beach, California; and public witnesses.

FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT; SATELLITE HOME VIEWER EXTENSION AND REAUTHORIZATION ACT

Committee on Energy and Commerce: Ordered reported, as amended, the following: H.R. 3266, Faster and Smarter Funding for First Responders Act of 2003; and the Satellite Home Viewer Extension and Reauthorization Act.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following bills: H.R. 4363, amended, Helping Hands for Homeownership Act of 2004; H.R. 3916, amended, Presidential $1 Coin Act of 2004; H.R. 3755, amended, Zero Downpayment Act of 2004; and H.R. 4471, Home Ownership Opportunities for Native Americans Act of 2004.

The Committee began markup of H.R. 3574, Stock Option Accounting Reform Act.

The Committee recessed subject to call.

MISCELLANEOUS MEASURES; SUPERSIZING OF AMERICA—COMBATING OBESITY AND PROMOTING HEALTHY LIVING

Committee on Government Reform: Ordered reported the following measures: H.R. 3826, amended, Program Assessment and Results Act; H.R. 4222, To designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building;" H. Con. Res. 257, Expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; and H. Res. 653, Honoring former President George Herbert Walker Bush on the occasion of his 80th birthday.

The Committee also held a hearing entitled "The Supersizing of America: The Federal Government's Role in Combating Obesity and Promoting Healthy Living." Testimony was heard from Lester M. Crawford, M.D., Acting Commissioner, FDA, Department of Health and Human Services; Eric Hentges, M.D., Director, Center for Nutrition Policy and Promotion, USDA; Lynn Swann, Chair, President's Council on Physical Fitness and Sports; and public witnesses.

OVERSIGHT—OPERATIONS OF THE U.S. COPYRIGHT OFFICE

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on the Operations of the U.S. Copyright Office. Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress.

ACCESS TO RURAL PHYSICIANS IMPROVEMENT ACT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims, approved for full Committee action H.R. 4453, Access to Rural Physicians Improvement Act of 2004.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action the following bills: S. 1814, To transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior; H.R. 3479, Brown Tree Snake Control and Eradication Act of 2003; and H.R. 4027, amended, To authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center.

AIRLINE INDUSTRY—FINANCIAL CONDITION

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on The Financial Condition of the Airline Industry. Testimony was heard from JayEtta Z. Hecker, Director, Physical Infrastructure Team, GAO; Michael Kestenbaum, Executive Director, Air Transportation Stabilization Board; and public witnesses.

COUNTERINTELLIGENCE: IRAN

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on Counterintelligence: Iran. Testimony was heard from departmental witnesses.

BRIEFING—GLOBAL TERRORISM UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to receive a briefing on Global Terrorism Update. The Subcommittee was briefed by departmental witnesses.

NATIONAL BIODEFENSE STRATEGY

Select Committee on Homeland Security: Held a hearing entitled "Towards A National Biodefense Strategy." Testimony was heard from Penrose Albright, Assistant Secretary, Science and Technology, Department of Homeland Security; from the following officials of the Department of Health and Human Services: Anthony Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, and William F. Raub, M.D., Principal Deputy Assistant Secretary, Public Health Emergency Preparedness; MG Lester Martinez-Lopez, USA, Commanding General, U.S. Army Medical Research and Materiel Command; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 4, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Judiciary: to hold hearings to examine the nomination of Michael H. Watson, to be United States District Judge for the Southern District of Ohio, 10 a.m., SD–226.

House

No committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for May, 9:30 a.m., 1334 LHOB.

Next Meeting of the **SENATE**

9:30 a.m., Friday, June 4

Senate Chamber

Program for Friday: Senate will continue consideration of S. 2400, Department of Defense Authorization Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12 noon, Friday, June 4

House Chamber

Program for Friday: The House will meet in pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Bass, Charles F., N.H., E1021, E1024, E1026
Bereuter, Doug, Nebr., E1022
Castle, Michael N., Del., E1021, E1024, E1026
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Souder, Mark E., Ind., E1023, E1025
Thornberry, Mac, Tex., E1022, E1025

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