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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BEREUTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 16, 2004.

I hereby appoint the Honorable DOUG BEREUTER to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Les Burleson, Southeast Director, Hockey Ministries International, Wake Forest, North Carolina, offered the following prayer:

The world is complex, thorny, and often unrewarding to those that would step out and change things for the better. God, if anyone here today has lost that sense of idealism that brought them here, or that sense of wonder associated with being part of the grand experiment of democracy, please renew their spirits this day.

Give their hearts a new measure of hope, and give them a renewed vision of where their ideals can take a great Nation. Give them a spirit of adventure to carry us through today and into a new and broadening horizon.

Though ''we, the people'' can sometimes be fickle in our demands, please remind them that they are loved and respected for what they do and that we appreciate every day of their service. Whether through the mire of a war, the grief at the loss of a former President, or the briars and brambles of daily decisionmaking, these men and women are yet the leaders of the greatest Nation on Earth. God bless them, and God bless America. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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. GILLMOR. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

Mr. GILLMOR. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. GILLMOR) come forward and lead the House in the Pledge of Allegiance.

Mr. GILLMOR led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 2238. An act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

S. 2362. An act to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Eighth Congress: The Senator from Hawaii (Mr. AKAKA).

WELCOMING THE REVEREND LESTER BURLESON

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

Mr. MILLER of North Carolina. Mr. Speaker, I rise today to welcome our guest chaplain, Lester Burleson. I am proud to represent Reverend Burleson in this Chamber. Reverend Burleson is the youth minister at Wake Forest Baptist Church in Wake Forest, North Carolina, a very important congregation in my home county.

Before arriving at that position, he served 8 years as pastor of Wake Union Baptist Church in Wake Forest, North Carolina, where he saw his ministry grow from a working congregation of about 38 to 150 folks regularly attending Sunday worship services.

Reverend Burleson's ministry has also taken him into the world of sport. As chapel coordinator for the Anshultz Entertainment Group in North America and Europe, he has helped many pro athletes grow in their faith. He also serves as the director of the chapel program for the Carolina Hurricanes, our local NHL team.

Just as Reverend Burleson has served his parish and his ministry with great

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distinction, he has also served our country with great distinction. As a 10-year Army reservist, Reverend Burleson served as commander of the 139th Tactical Operations Center. During Operation Desert Storm, he was elevated to company commander and served 10 months of active duty.

His wife, Pamela, and children, Mandy and Matthew, are watching today proudly.

Mr. Speaker, I want to thank Reverend Burleson for his distinguished service, and I am honored to welcome Reverend Burleson to the House floor today.

ESTABLISHING AN ENERGY POLICY

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

Mr. RYUN of Kansas. Mr. Speaker, establishing a sound energy policy for America's future includes reducing our dependency on foreign oil and preserving the environment. While many argue that these two goals conflict with each other, I do not believe this to be true. That is why I am calling for the increased production and availability of ethanol.

The increased use of ethanol would clearly reduce America's dependency on foreign oil, and it would also provide consumers with a fuel that burns much cleaner than traditional gasoline. Another benefit of ethanol is the economic potential it holds for corn-producing States like Kansas. Increased ethanol use would provide additional market capacity for farmers.

However, the economic impact is not limited to Midwestern States. Supplementing the gasoline supply with ethanol has the potential to provide much-needed relief for prices at the pump across this Nation.

In short, increased use of ethanol would bolster our national security, bolster our economy, and benefit our environment.

CONGRATULATING DETROIT PISTONS

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

Mr. CONYERS. Mr. Speaker, I am here to announce the celebration of the Detroit Pistons in their sweep last night and offer my condolences to those Members of the House, in particular from the Los Angeles area. I will not mention any names, but one, M.W., comes to mind. I wanted Members to know how wonderful it feels after some 14 years to come back as strong as they did. It has a lot to do with the teamwork and the spirit of basketball.

By the way, there were no incidents in Detroit. The gentlewoman from Michigan (Ms. KILPATRICK) has some additional comments to make. We have a resolution we would like Members to join on.

COMPREHENSIVE ENERGY POLICY

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

Mr. GILLMOR. Mr. Speaker, I rise today in support of a comprehensive energy policy. America needs comprehensive energy legislation to fill the country's critical and growing energy needs. It is vital to our national security, will generate new jobs, and make America more competitive.

The House has continued to focus our attention on this important issue with the passage of H.R. 4503, the Energy Policy Act, yesterday afternoon. I am glad that the House has again presented yet another opportunity to the other body to finally deal with energy policy that is so important to our constituents.

With gas over $2 a gallon in many areas, it is clear Americans are paying for legislative inaction. It is not just gasoline; it is also high natural gas prices that are hurting both our Nation's agriculture and manufacturing.

Mr. Speaker, I would urge my colleagues to support a strong, pro-growth comprehensive energy policy that will allow the United States to remain competitive and create jobs at home.

HONORING DETROIT PISTONS

(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, how about those National Basketball Association World Champion Detroit Pistons? Congratulations. We applaud and appreciate their fine work as they swept the Los Angeles Lakers. To Mr. Davidson, Coach Brown, and the entire Piston organization, job well done.

Mr. Speaker, I say a special thanks to Ben Wallace, Tayshaun Prince, Rasheed Wallace, Rip Hamilton, and the Most Valuable Player of the series, Chauncey Billups.

On behalf of Mayor Kilpatrick, the people of Detroit, and the entire State of Michigan, we congratulate the Pistons. A team effort—which is what life is all about.

Mr. Speaker, as the gentleman from Michigan (Mr. CONYERS) mentioned, we have a resolution and invite all of our colleagues to cosponsor. You go, Pistons. We appreciate and love you very much.

ANNE FRANK'S 75TH BIRTHDAY

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

Mr. BURNS. Mr. Speaker, on Saturday, June 12, 2004, we celebrated what would have been Anne Frank's 75th birthday. Anne Frank documented her life during the Nazi occupation of Amsterdam in a diary that she called Kitty. The diary became her confidant in which she wrote about her family's horrific experiences.

Anne has come to be a girl we all feel we know, a personification of good in the face of hatred, murder, and genocide. Sadly, Anne died in a Nazi concentration camp at the age of 15.

''Anne Frank: The Diary of a Young Girl'' has been translated into 67 languages and has sold more than 31 million copies. For many students, this book is their first experience to the horror of the Holocaust. Anne Frank is an inspiration to people of all faiths and is a symbol of children throughout the world who suffer in war and oppression.

Anne's own words are still as meaningful today as when she wrote them. The Anne Frank Exhibit is on permanent display at Kennesaw State University in Kennesaw, Georgia.

Mr. Speaker, I would just say, happy birthday, Anne. She and her message will never be forgotten.

CELEBRATING THE LIFE OF CHRIS SEMOS

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

Mr. FROST. Mr. Speaker, I rise today to celebrate the life of my good friend and neighbor, Chris Semos, who died Monday morning at age 68. He was an even-tempered gentleman who provided leadership to his community and to his church. A long-time resident of the Oak Cliffs section of Dallas, Chris served eight terms as a Democratic member of the Texas legislature from 1966 to 1982.

Following that, he served 12 years as a member of the Dallas County Commissioner's Court. He was a thoughtful public servant who worked cordially with members of both parties to benefit his beloved Oak Cliff, his county, and his State.

Additionally, he was a nationally recognized leader of the Greek Orthodox Church. In fact, he met his wife of 37 years, Tassie, at a church conference in North Carolina.

For many years, Chris operated a popular restaurant in Oak Cliff, The Torch, where we shared baklava on many occasions. The victory party for my first successful race for Congress in 1978 was in the back room of The Torch.

Chris quietly made his influence felt in many ways. He introduced the current mayor of Dallas, Laura Miller, to her husband, Steve Wolens, who succeeded Chris in the State legislature. He was recently recognized by the Oak Cliff Lions Club as its Humanitarian of the Year. We will all miss a great community leader, Chris Semos.

COMMENDING JIMMY FRANKLIN

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

Mr. ISAKSON. Mr. Speaker, I am pleased today to rise and pay tribute to a great Georgian, Mr. Jimmy Franklin of Statesboro, Georgia.

This week in Orlando, Florida, Mr. Franklin will receive from the Georgia Bar Association the Distinguished Service Scrolls Award recognizing his outstanding achievement in his profession.

Mr. Franklin is a respected member of the bar, a leader in his city and county and his church. This award recognizes his long contribution to Georgia. Also, I am proud to acknowledge his long and trusted advice to me, to other Members of Congress, and to Governors of Georgia. His knowledge of policy and his love of this country is unsurpassed.

Mr. Speaker, it is a privilege and a pleasure for me today to pay tribute to a great Georgian, Jimmy Franklin, and a warm and trusted friend of whom I have the greatest respect.

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UPDATING VICE PRESIDENT ON EVENTS IN REAL WORLD

(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, yesterday in Florida, the Vice President reasserted that there were connections between Saddam Hussein, he said, long established ties between Saddam Hussein and al Qaeda. This has been proven wrong, and woefully wrong, many times. But as recently as this morning, the 9/11 Commission issued a breaking story saying it is now clear there is no connection between Saddam Hussein and al Qaeda as it relates to 9/11.

I do not know how the Vice President of the United States of America can be so sorrowfully misinformed or has decided to misinform the public. Neither quality is worthy of the Vice President of the United States of America.

Now, I do not know what it is going to take to help the Vice President shake him of this delusion. I know in this town in Washington some people are firm in their opinions and flexible on their principles, but it is now time for us to acknowledge there is no connection between al Qaeda and Saddam Hussein. The war in Iraq was a war of choice.

CONTINUE TO SAY NO TO EMBRYONIC STEM CELL RESEARCH

(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 the debate begins over the proper way to pay tribute the 40th President of the United States, some argue that the best way to honor the memory of Ronald Reagan would be to permit the destruction of human embryos for scientific research on diseases like that which claimed his life, and while I would never criticize grieving family members who advocate this, anyone else who would use the memory of Ronald Reagan to erode the sanctity of human life would do more to desecrate his legacy than by any other means.

Reaffirming his pro-life views on the 10th anniversary of Roe v. Wade, President Reagan said, ''There is no cause more important for preserving freedom than affirming the transcendent right to life to all human beings.'' He said, ''We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life.'' Let us choose life. Let us honor Reagan. Let us honor his pro-life values by continuing to say no to embryonic stem cell research.

GOVERNMENT KEEPING AMERICANS ADDICTED TO HIGH-PRICED OIL

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

Mr. DEFAZIO. Mr. Speaker, reasonably priced gasoline has become a distant memory for most Americans, yet gasoline can still be had for 5 cents a gallon. Where? Well, in Baghdad. How? Because the American taxpayers are subsidizing gasoline for the Iraqis at the cost of $167 million a month. Even at that we are being ripped off by Halliburton, we are told. We are paying too much for it.

So while Americans are curtailing their summer vacations because they cannot afford to fill their tanks, they are backing up the trucks in Baghdad and filling up 20 to 30 gallon tanks for $1 to $1.50. That is a lot less than the price of a gallon here.

Yet the Republicans would tell us that their lame energy bill would do something about this. Well, we passed their lame energy bill two or three times before on the floor of the House. We are voting on all the same provisions again. The $18 billion subsidy to the oil and gas industry, yes, that will really help. That is going to help Americans get more affordable gasoline and help make this country more energy independent and efficient.

They actually do not want us to be more energy independent and efficient. They want us to be addicted to the high price oil, to continue to shovel money into these multinational oil companies.

FLYING FIRST CLASS AT THE PENTAGON

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

Mr. DUNCAN. Mr. Speaker, almost every Member of this body is pro-military. But we also should be pro-taxpayer too. So all of us should be shocked that the Defense Department lost $100 million on unused airplane tickets over the 6 years between 1997 and 2003. In addition, the Pentagon bought 68,000 first class or business class tickets over this same period.

Members of Congress fly coach class unless they use frequent flier miles to upgrade. Public officials, including those in the military, are supposed to be public servants, not rulers or some elite, special, privileged class.

The Defense Department gets almost everything it asks for, so it just does not seem to care about wasteful spending. But if any high-level officials at the Pentagon have even the slightest concern for the taxpayer, they should immediately eliminate this unused ticket business so we do not lose $100 million or more over the next 6 years.

Also, all members of the military should fly coach, like almost all Members of Congress and almost all our constituents do, instead of buying 11,000 or more first class tickets each year.

COMPENSATING IRAQI PRISONERS AT THE EXPENSE OF AMERICAN POWS

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

Mr. STRICKLAND. Mr. Speaker, according to The Hill newspaper, former American prisoners tortured by Saddam Hussein's regime in the first Gulf War are criticizing the Bush administration for fighting their compensation claims while planning to compensate the Iraqi victims of abuse at the Abu Ghraib prison.

Rumsfeld told the Senate Committee on Armed Services last week that he is seeking a way to provide appropriate compensation to those detainees who suffered such grievous and brutal abuse at the hands of American Armed Forces. And yet this administration, this President, went to court to keep American POWs, those who were tortured by Saddam Hussein, from getting the compensation that was given to them by a lower court.

Why would this administration, why would this President, why would this Secretary of Defense, want to compensate Iraqi prisoners who had been tortured, and fight the compensation of American prisoners who had been tortured? Whose side is this administration on?

A SAFER, STRONGER AMERICA

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

Mr. STEARNS. Mr. Speaker, after 4 years of leadership by President Bush,

I believe our Nation is safer, stronger and better. We are fighting and winning a war on terror on many fronts, including Iraq and Afghanistan; Afghanistan is free; Libya is disarmed; and Iraq is well on its way to becoming a free country in the heart of the Middle East. The spread of democracy in this part of the world will help ensure our safety here in the United States.

Recent economic data is a powerful confirmation that the President's pro-growth economic policies are working. Home ownership rates are up, and minority home ownership is at its highest level ever. Real GDP has grown at its fastest rate in almost 20 years over the last three quarters. Productivity has grown at its fastest 3-year rate in 40 years during the past 12 quarters.

Mr. Speaker, we have overcome the triple shock of terrorist attacks, corporate scandals and recession, and we are a stronger country on many fronts, thanks to the leadership of President George Bush.

SOARING GAS PRICES

(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, after months of record-breaking gasoline prices, the pocketbooks of America's working families are hurting. Rising gas prices mean working families have less money to spend on important items, such as clothing and groceries, a factor that hurts our overall economy as well as individual families. Family vacations are being canceled.

Today, the average price of a gallon of gas in the United States is $2.10, but in Iraq the cost of one gallon of gasoline is only 5 cents. It only costs $1.10 to fill up a 22-gallon tank in Baghdad.

Americans deserve to know why their gas prices are soaring out of control, and, just as importantly, Americans need a solution. It is time to pass a real, meaningful, common sense, comprehensive energy policy and bring down the high cost of gasoline for America's working families.

RESTORING AND PROTECTING LOUISIANA WETLANDS

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

Mr. TAUZIN. Mr. Speaker, my State, Louisiana, is suffering the worst national ecological disaster in the history of this country. Every year we lose up to 35 square miles of the most precious wetlands in America. The comprehensive energy bill we passed yesterday on this House floor and sent to the other body contains money, for the first time, billions of dollars, to address that national economic disaster.

Louisiana contributes over $5 billion a year from offshore development. We get less than 1 percent back. That bill we sent to the other body contains billions to begin to restore and protect those vanishing wetlands, the biggest environmental program, bigger than the Chesapeake Bay, bigger than the Everglades.

I cannot speak about the other body and how they vote, but let me issue a warning: No one in this Congress who votes against that comprehensive energy bill and that environmental package, no one in this Congress better show their face in south Louisiana if they vote against that comprehensive energy bill.

MAKING AMERICA MORE ENERGY EFFICIENT

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

Mr. BLUMENAUER. Mr. Speaker, I listened to my colleague from Louisiana's impassioned point, and I happen to agree that there are things we need to do with this devastating coastal erosion in Louisiana. But the way that we go about that and the way we deal with some of our significant energy problems is not simply ritually repassing an inadequate and failed energy policy that has already stalled in the other body.

It does not have to be this hard. We do not have to hold good ideas hostage. The wind energy production tax credit would pass in a heartbeat; energy grid reliability would be massively supported; increased fuel efficiency standards are long overdue; and, yes, maybe even some assistance for the coastal erosion.

Hopefully, after we get past this week's ritual repassage and the beating of our gums, I hope the House will return to enact simple, common sense proposals that will make America more energy efficient without compromising the environment, and make our families safer, healthier and more economically secure.

NEW MEDICARE PRESCRIPTION DRUG BILL WORKS

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

Mr. BONNER. Mr. Speaker, I rise today to make a simple observation based on large part from the results of two town meetings we had in my district last week, one in Fairhope and one in Mobile: The new Medicare prescription drug law that we passed and which has been enacted is working.

Since the changes to the Medicare program began to take effect on June 1, millions of Americans have taken advantage of the toll-free Medicare helpline as well as the Internet web site. In fact, during the first 4 days of May, 1.6 million men and women, nearly 10 times the normal call volume, called that helpline for further information. During the same time period, 7 million people visited the Medicare web site.

After just 2 weeks of competition between the drug manufacturers of this country, prices on name brand drugs have dropped nearly 12 percent, and the cost for generics have dropped nearly 13 percent.

Some would have us believe that the new and improved Medicare program is not working, that it will be too costly and seniors will not take the time to show interest in this. The facts speak just the opposite.

FTC SHOULD INVESTIGATE INCREASE IN GASOLINE PRICES

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

Mr. PALLONE. Mr. Speaker, House Republicans are playing games here on the House floor this week. America's consumers should not be fooled into believing that the energy bills on the floor will do anything to lower gas prices in the immediate future.

Back in 2001, the FTC concluded that during the summer of 2000 price spike certain suppliers had pursued a profit-maximizing strategy, intentionally withholding gasoline supplies or delaying shipping as a tactic to drive up prices. Such collusion would be easier today, with the top 10 refiners now controlling 78 percent of the supply. That is a 22 percent increase over a decade ago.

Today, 48 of my Democratic colleagues joined me in sending a letter to the FTC asking that it begin a thorough investigation into whether or not gas companies are colluding to artificially increase prices.

We cannot let the Bush administration's cozy relationship with big oil companies hold Americans hostage at the pump. If Congressional Republicans were really interested in doing something today, they would call on the Bush administration to launch an investigation to determine whether oil companies are purposefully inflating prices at the pump.

UNITED STATES REFINERY REVITALIZATION ACT OF 2004

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 671, I call up the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4517 is as follows:

H.R. 4517

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 ''United States Refinery Revitalization Act of 2004''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more supply to the markets for use by the American people. Forty-eight percent of the crude oil in the United States is used for the production of gasoline. Production and use of refined petroleum products has a significant impact on interstate commerce.

(2) United States demand for refined petroleum products, such as gasoline and heating oil, currently exceeds our domestic capacity to produce them. By 2025, United States gasoline consumption is projected to rise from 8,900,000 barrels per day to 13,300,000 barrels per day. Diesel fuel and home heating oil are becoming larger components of an increasing demand for refined petroleum supply. With the increase in air travel, jet fuel consumption is projected to be 760,000 barrels per day higher in 2025 than today.

(3) The refinery industry is operating at nearly 100 percent of capacity during the peak gasoline consumption season and is producing record levels of needed products at other times. The excess demand has recently been met by increased imports. The United States currently is importing 7 percent of its refined petroleum products but few foreign refiners can produce the clean fuels required in the United States.

(4) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. Today 153 refineries operate in the United States, down from 324 in 1981. Almost 25 percent of our Nation's refining capacity is controlled by foreign ownership. Easily restored capacity at idled refineries amounted to 539,000 barrels a day in 2002, or 3.3 percent of the total operating capacity. No new refineries have been built in the United States since 1976. Most refineries are located on century-old sites. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits.

(5) Refiners have met growing demand by increasing the use of existing equipment and increasing the efficiency and capacity of existing plants. But refining capacity has begun to lag behind peak summer demand.

(6) Heavy industry and manufacturing jobs have closed or relocated due to barriers to investment, burdensome regulation, and high costs of operation, among other reasons.

(7) More regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity.

(8) Required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner.

SEC. 3. DESIGNATION OF REFINERY REVITALIZATION ZONES.

The Secretary of Energy shall designate as a Refinery Revitalization Zone any area—

(1) that—

(A) has experienced mass layoffs at manufacturing facilities, as determined by the Secretary of Labor; or

(B) contains an idle refinery; and

(2) that has an unemployment rate of at least 20 percent above the national average, as set forth by the Department of Labor, Bureau of Labor Statistics, at the time of designation as a Refinery Revitalization Zone.

SEC. 4. COMPLIANCE WITH ALL ENVIRONMENTAL REGULATIONS REQUIRED.

The best available control technology, as appropriate, shall be employed on all refineries located within a Refinery Revitalization Zone to comply with all applicable Federal, State, and local environmental regulations. Nothing in this Act shall be construed to waive or diminish in any manner the applicability to any refinery facility located within a Refinery Revitalization Zone existing or future environmental regulations.

SEC. 5. COORDINATION AND EXPEDITIOUS REVIEW OF PERMITTING PROCESS.

(a) DEPARTMENT OF ENERGY LEAD AGENCY.—Upon request of an applicant for a Federal authorization related to the siting and operation of a refinery facility within a Refinery Revitalization Zone, the Department of Energy shall be the lead agency for coordinating all applicable Federal authorizations and related environmental reviews of the facility. To the maximum extent practicable under applicable Federal law, the Secretary of Energy shall coordinate this Federal authorization and review process with any Indian Tribes and State and local agencies responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and approval of any permit decisions.

(b) AUTHORITY TO SET DEADLINES.—As lead agency, the Department of Energy, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian Tribes and State or local agencies willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate and ultimate deadlines for the review of, and Federal authorization decisions relating to, the refinery facility. The Secretary of Energy shall ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months or, where circumstances require otherwise, as soon thereafter as is practicable. The Secretary of Energy also shall provide an expeditious preapplication mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant within 60 days after the prospective applicant submits a request for the information concerning—

(1) the likelihood of approval for a potential facility; and

(2) key issues of concern to the agencies and public.

(c) CONSOLIDATED ENVIRONMENTAL REVIEW AND RECORD OF DECISION.—As lead agency, the Department of Energy, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law. The document may be an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 if warranted, or such other form of analysis as may be warranted, in the discretion of the Secretary. Such document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable laws.

(d) APPEALS.—In the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the Secretary. Based on the overall record and in consultation with the affected agency, the Secretary may then either issue the necessary authorization with appropriate conditions, or deny the application. The Secretary shall issue a decision within 60 days after the filing of the appeal. In making a decision under this subsection, the Secretary shall comply with applicable requirements of Federal law, including any requirements of the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Solid Waste Disposal Act, the Toxic Substances Control Act, the National Historic Preservation Act, and the National Environmental Policy Act of 1969. Any judicial appeal of the Secretary's decision shall be to the United States Court of Appeals for the District of Columbia.

(e) CONFORMING REGULATIONS AND MEMORANDA OF UNDERSTANDING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall issue any regulations necessary to implement this section. Not later than 6 months after the date of enactment of this Act, the Secretary and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into Memoranda of Understanding to ensure the timely and coordinated review and permitting of refinery facilities within a Refinery Revitalization Zone. The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the Department of Energy regulations and any Memoranda under this subsection. Interested Indian Tribes and State and local agencies may enter such Memoranda of Understanding.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term ''Federal authorization'' means any authorization required under Federal law (including the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Solid Waste Disposal Act, the Toxic Substances Control Act, the National Historic Preservation Act, and the National Environmental Policy Act of 1969) in order to site, construct, upgrade, or operate a refinery facility within a Refinery Revitalization Zone, including such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal, State or local agency;

(2) the term ''idle refinery'' means any intact refinery facility that has not been in operation after June 1, 2004; and

(3) the term ''refinery facility'' means any facility designed and operated to refine raw crude oil into gasoline, heating oil, diesel fuel, or jet fuel by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to House Resolution 671, the gentleman from Texas (Mr. BARTON) and the gentlewoman from California (Mrs. CAPPS) will each control 30 minutes.

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

□ 1030

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the demand for gasoline and other refined fuels in the United States currently exceeds our domestic capacity to produce them. Domestic gasoline consumption is expected to rise by an increase of over 4 million barrels per day by the year 2025. Refineries are already operating at nearly 100 percent of their designed capacity. This excess demand is being met, unfortunately, by an ever-increasing thirst for imports. We are currently importing about 7 percent of our refined product needs.

H.R. 4517 seeks to reverse the trend of relying on refined imports to make up the shortfall. The bill would authorize the Secretary of Energy to designate as a refinery revitalization zone any area that has experienced mass layoffs at manufacturing facilities or contains an idle refinery and has an unemployment rate of at least 20 percent above the national average.

Upon the request of an applicant that seeks Federal authorization related to siting and operation of a refinery within a refinery revitalization zone, the Department of Energy will be the lead agency for coordinating all applicable Federal authorizations and related environmental renewals of the facility. The Secretary of Energy and the heads of all Federal agencies of relevant jurisdiction are required to enter into a memorandum of understanding for the purpose of ensuring timely and coordinated review of the application throughout the process.

The bill would require that the best available control technology, or BACT, would be used on all refineries so that there would be full compliance with all applicable Federal, State, and local environmental regulations. I want to repeat that. The best available control technology would be used at all refineries so that there would be compliance with all applicable Federal, State, and local environmental regulations. We are not changing any existing environmental law, nor do we waive any existing environmental law.

The bill would simply encourage the opening of previously closed refineries and the construction of new refineries in order to increase the domestic supply of gasoline which should, in turn, help bring down the price. I would point out that since the mid-1970s, we have not built a new refinery in the United States, and we have closed over 50 percent of the existing refineries in the United States.

Mr. Speaker, I would urge my colleagues to vote in favor of H.R. 4517, and I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Mr. Speaker, I rise in opposition to H.R. 4517.

This country has a real energy problem that we should be addressing. The Nations' dependence on oil is increasing. Our energy markets have been ravaged by corporate greed and left vulnerable to blackouts, and the country still has no plan to fight global warming.

Unfortunately, the House Republican's Energy Week is simply a publicity stunt. They aim to highlight bills that do not address our energy problems and that will not be enacted this Congress.

Over the past 2 days, the Republican leadership has brought two types of bills to the floor. First, we are repassing bills that will not make it into law, such as the President's energy policy; and, second, we have taken up legislation that the Republican leadership dreamed up in secret without hearings or markups or expert testimony or consultation with other Members of Congress.

Yesterday, we debated the Gasoline Price Reduction Act, which has nothing to do with reducing gasoline prices; and today we consider H.R. 4517, the so-called Refinery Revitalization Act. So it is no surprise to find this bill is a marketing gimmick and not a serious piece of legislation. The bill is poorly drafted and unworkable, and we had no committee hearings on it and no committee markup.

While some specifics are vague, the bill's fundamental purpose is clear. It aims to weaken public health and environmental regulations that apply to oil refineries. The idea seems to be if refiners are allowed to pollute more, they might save money and they might invest any such savings in refining capacity. Of course, there is nothing in the bill to stop oil companies from simply pocketing any savings for higher profits. There is also no evidence that pollution control requirements have had any negative effect on refinery capacity. Given recent record profits, the oil industry already has plenty of cash to invest in refinery capacity if it wants to do so.

Many States may disagree with this approach, so H.R. 4517 allows the Department of Energy to simply override the State decisions. And when a large polluting facility such as a refinery is built or increases its emissions, the facility generally must obtain permits governing its releases of air and water pollution. A State usually grants a permit after hearing from the public and after working with a company to select appropriate pollution controls. But under this bill, the Department of Energy, not the State or even EPA, would set a time limit for granting a permit. This is a bizarre approach, as DOE has no experience issuing permits.

Under this bill, even if a State wanted more information from a refiner, DOE could overrule the State and grant the permit. If a refiner refused to install pollution controls requested by a State, DOE could overrule the State and grant the permit.

As a result, this bill is opposed by the National Conference of State Legislatures, the Environmental Council of the States, the State and Territorial Air Pollution Program Administrators, and the Association of Local Pollution Control Officials. I will introduce letters of opposition from these organizations into the RECORD.

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

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, June 14, 2004.

Re: H.R. 4517, the United States Refinery Revitalization Act of 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol Building, Washington, DC.

Hon. JOE BARTON,
Chairman, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. NANCY PELOSI,
House Democratic Leader, Capitol Building, Washington, DC.

Hon. JOHN DINGELL,
Ranking Member, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES: The National Conference of State Legislatures opposes H.R. 4517, legislation the House of Representatives will consider this week that would establish an expedited Department of Energy-led permitting process for facilities located in Refinery Revitalization Zones (RRZ). This legislation comes to the House floor without the benefit of public hearings and scrutiny of the current state of domestic refinery permitting. States have authority over the permitting of domestic refineries and a state-federal partnership already is in place regarding permitting and operation of these refineries. H.R. 4517 circumvents and preempts both this authority and the existing state-federal partnership. NCSL urges you to oppose H.R. 4517 and recommit it to committee so that it can undergo the kind of legislative review and discussion needed to determine whether this legislation is warranted.

H.R. 4517 appears to give the Secretary of the Department of Energy authority to override the decision of a state agency or official that results in the denial of a permit. It also transfers appeals of the Secretary's new permitting authority to federal court. This revamping of existing permitting and related activities preempts state authority and, to the extent NCSL can determine without the benefit of public hearings and reviews, is unnecessary.

Thank you for consideration of our concerns. Please have you staff contact Michael Bird (202–624–8686; *michael.bird@ncsl.org*) or Gerri Madrid Davis (202–624–8670; *gerri.madridloose@ncsl.org*) for additional information.

Sincerely,

Representative JACK BARRACLOUGH,
Idaho House of Representatives,
Chair, NCSL, Environment and Natural Resources Committee.

THE ENVIRONMENTAL COUNCIL OF THE STATES,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: The Environmental Council of the States (ECOS) is concerned about H.R. 4517, the United States Refinery Revitalization Act of 2004. This legislation could seriously impede state environmental permitting authority. ECOS also urges that a proposed change of this magnitude be considered in committee prior to being taken up on the House floor.

Specifically the legislation appears to weaken state authority by transferring much of the environmental permitting responsibilities to the Department of Energy, an agency with expertise on energy production, not environmental regulations.

The states are also concerned about the impact this legislation will have on State Implementation Plans (SIPs). ECOS' analysis of the legislation indicates that H.R. 4517 could acutely impact the ability of states to complete their SIPs. If refineries in revitalization zones are not held to the same standards as other industries in the same area, which is conceivable under this proposal, states will be forced to have others make up the difference in terms of pollution impact. This will result in making it more difficult for states to complete their SIPs.

It is important to note that States are co-regulators and partners with the federal government in protecting the environment, providing for more than two thirds of the funding. States implement most of the nation's major environmental laws and operate their own innovative programs. The biggest load is carried by the States, which are responsible for 90% of the enforcement. States also collect 94% of environmental data, manage 75% of the delegated programs including all of the air permitting programs, and issue most of the permits overall.

It is critical that states ability to issue permits and provide vital environmental protection services are not hindered. ECOS urges the U.S. House of Representatives to not adopt H.R. 4517, which would dramatically alter environmental protection in this country.

Please contact me at 202–624–3667 should you have any questions. Thank you for considering our position.

Sincerely,

R. STEVEN BROWN,
Executive Director.

Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON and REPRESENTATIVE DINGELL: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), the national associations of state and local air pollution control officials in 53 states and territories and more than 165 major metropolitan areas across the country, we write to you today to express our associations' opposition to H.R. 4517, the United States Refinery Revitalization Act of 2004. Our concerns with this bill are two-fold: First, we do not believe such legislation is warranted. Second, the bill preempts state and local environmental agencies' permitting authority and weakens control technology requirements, likely jeopardizing public health and air quality.

Premised on the notion that ''refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade'' and that ''more regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity,'' H.R. 4517 contends that ''required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner.'' Lacking from these assertions and conclusion, however, is any evidence that environmental requirements, particularly those related to air pollution, have prevented or impeded the construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

In addition to being unnecessary, H.R. 4517 inappropriately supercedes state and local air agencies' authority to permit sources of air pollution by transferring authority for permitting refineries located in areas designated as ''Refinery Revitalization Zones'' to the U.S. Department of Energy (DOE). As the ''lead agency,'' DOE would assume responsibility for ''coordinating all applicable Federal authorizations and related environmental reviews of the facility.'' As such, DOE would be authorized to ''prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law'' and ''ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months.'' Further, ''in the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary,'' the DOE Secretary may grant the permit even if the state or local permitting authority has determined that the application fails to comply with environmental protection requirements or if the applicant has not submitted, or did not submit in a timely fashion, adequate information upon which to base a decision that is appropriately protective of public health and air quality.

H.R. 4517 also weakens emission control technology requirements for refineries in ''Refinery Revitalization Zones.'' Although the Clean Air Act requires new and modifying refineries in nonattainment areas to install technology reflecting the Lowest Achievable Emission Rate and achieve emission offsets, and those in attainment areas to install the Best Available Control Technology (BACT) and protect Air Quality Related Values, the bill would require BACT only ''as appropriate'' at all refineries located in a Refinery Revitalization Zone.

In conclusion, our associations believe H.R. 4517 is unwarranted; moreover, we are concerned that this bill will obstruct state and local efforts to achieve and maintain clean, healthful air. Accordingly, STAPPA and ALAPCO oppose H.R. 4517.

Sincerely,

JAMES A. JOY, III,
President of STAPPA.

DENNIS J. MCLERRAN,
President of ALAPCO.

Mr. BARTON of Texas. Mr. Speaker, I yield 4½ minutes to the gentleman from Louisiana (Mr. TAUZIN), the Bayou State and the Pelican State, and the former honorable and distinguished chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, I thank the chairman for yielding me this time. I want to congratulate the gentleman on the great job he is doing in heading the Committee on Energy and Commerce and on bringing this bill to the floor.

I rise in strong support of this bill.

Mr. Speaker, 178 Members of this body yesterday voted against a comprehensive energy bill that would provide conservation, fuels, and incredible new incentives to produce energy for our country. Mr. Speaker, 186 Members of this House yesterday voted against a bill to do nothing more than incentivize clean, green, renewable energy plants for America. It is amazing.

I want to put that in perspective for those Members who voted yesterday against these energy initiatives and who are probably going to vote against this bill today.

Twenty-five years ago, the last refinery that we built in America was built in my district, the Marathon Refinery. Twenty-five years ago, we stopped building refineries in America. Refineries are what make gasoline. Refineries are what make diesel fuel. They make jet fuel. They make home heating fuel to keep homes warm in the winter. They make the fuel to drive the cars and the trucks across the roads of America and to heat and warm the homes of our country and to provide, in many cases, electricity for those homes. They provide the jet fuel for the airlines to fly the airways of our country.

Now, in 25 years we have not stopped building airplanes, we have not stopped building roads, we have not stopped building houses, we have not stopped building factories that need this energy. In fact, we built 751 million new vehicles in America, just built in this country, not counting imports. And what do we do to build plants to supply them with the energy they need? Zero. We have shut down half of the refineries that were built previous to 25 years ago, and we have stopped building refineries.

So guess what is happening to America? We are not only importing now twice as much oil as we used to import at the Arab oil embargo when 30 percent of our oil came from foreign sources, now 60 percent comes from foreign sources; but more and more, we are importing refined products like gasoline, diesel, jet fuel, and home heating oil. So more and more we are becoming dependent, not just on oil, but now we are becoming more and more dependent on unreliable sources for gasoline, diesel fuel, heating oil, and jet fuel.

So more and more, we have to think about sending our sons and daughters in uniform to go defend some refinery in some other country that we cannot really depend upon anymore. More and more, we are saying the lives of our young folks are less valuable to us than building a new refinery in America. Now, there is something illogical about that; there is something crazy about that. We need to change that logic.

This bill says, let us think about building a few new refineries in this country.

When the gasoline prices started skyrocketing in America, do we know what the response of those who are voting against these energy bills was? Let us open up a Strategic Oil Program. Let us get some oil out of the ground that we are saving for the time we get embargoed again. Where would you refine that oil? The refineries in America are operating at near 100 percent. If you took some oil out of the Strategic Petroleum Reserve, you would have to ship it overseas to get it refined into gasoline for us.

That is how ridiculous the energy policy of this country has been and remains to this date. We need to change that policy.

We need to finally pass a comprehensive energy bill that we have now sent to the other body twice this Congress, and we need to literally put it on the President's desk for signature, and we need to pass this bill.

This bill does not change any environmental laws. It simply encourages, through coordination of effort, through all the processes of getting a new refinery permitted and built in America. To do what? To make some diesel fuel, to make some gasoline, to make some heating oil, to make some jet fuel, so airline prices are not as high, so heating oil prices are not so terrible that people freeze to death in the winter in this country, so gasoline can be affordable again, so diesel fuel can be affordable again, so we can fill the tanks of the 751 million new cars we built without building a new refinery, so we do not have a crisis in California, so we do not have blackouts, brownouts, and disasters for the American consumer.

Look, we cannot do much for the American consumer before the election date rolls around in November. Time is short. You can do this. You can help them build a refinery to bring down prices. We ought to do this today.

Mrs. CAPPS. Mr. Speaker I yield myself such time as I may consume.

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise in opposition to H.R. 4517, the Refinery Revitalization Act. This bill would give the Department of Energy unprecedented authority over all environmental permitting of refineries, with serious environmental consequences, creating yet another governmental bureaucracy. This bill has not been examined by any committee with jurisdiction over these laws and would create serious conflicts between the Department of Energy and State and Federal agencies charged with protecting our environment. I urge my colleagues to oppose this bill.

The premise of this bill is that environmental regulation is hindering refinery expansion. There is no basis for this conclusion. Refining capacity has actually increased in recent years, and environmental requirements have not prevented that increase.

While there has been a decrease in the number of refineries, not the capacity, but the number, this is due to increasing market concentration resulting from refinery mergers. Thus, Big Oil, and not environmental laws, are to blame for fewer, but bigger, refineries.

Even if environmental permitting requirements were not the problem, this bill would make the situation worse, not better, by wreaking havoc with the well-established system partnership in place today. Under this bill, the Department of Energy would be given lead authority over environmental permits and would be given the ability to overrule permit denials by other State and Federal agencies. DOE lacks the experience or the ability in interpreting or implementing our environmental laws, because DOE's mission is not focused on environmental protection.

I am surprised at my colleagues' support for this bill, which would actually remove power from the States, from local control, and transfer it to a centralized bureaucracy in Washington, D.C. This runs counter to the themes of anti-big government that the majority professes to champion.

While this bill is no doubt supported by the refineries, it is not supported by anyone with a stake in environmental protection. All of the major environmental organizations oppose this bill, and the list of State organizations that have opposed the bill includes the Environmental Commissioners of the States, the National Conference of State Legislatures, the State and Local Air Directors, and many other groups.

This bill is also opposed by the League of United Latin American Citizens, LULAC, and the National Hispanic Environmental Council, because of the environmental justice issues that it raises.

Mr. Speaker, I will enter into the RECORD letters from both of these organizations.

□ 1045

In addition to giving the Department of Energy the ability to override Federal and State permitting agencies, this bill also creates a special consultation process for industry. Before any other parties would even know that a permit is being planned, H.R. 4517 would require that DOE provide any permit applicant with a chance to meet with the permitting agencies, an inside track if you will, and obtain an informal reading regarding the agency's plan for granting the permit.

So much for competitive processes. This would give the inside track to the permit applicant over the public, which has overriding environmental and public health concerns.

Finally, DOE would also be given the ability to shape the record and the timing and procedure for the granting of permits. That power in itself is highly significant since a major part of permit evaluation is whether the permittee has supplied sufficient information and, in many cases, the environmental statutes and regulations specified, precise permit content. Under this bill, the Department of Energy would be allowed to determine that ''such data as the Secretary consider necessary had been submitted,'' centralized power, and move to permit issuance in 6 months or less. That would allow DOE to move a permit forward even where a permit applicant had clearly failed to meet the fundamental requirements for basic information.

The bill has not had any benefit of review by anyone except its sponsors. No hearings have been held, no agencies, not even DOE or EPA have testified to its effect. In essence, it makes a mockery of the legislative process that we are all committed to in this body.

Before we move to place an overlapping and inconsistent permitting scheme on top of already complex Federal laws that govern environmental permitting by State and Federal agencies, we should at least undertake a basic analysis of the bill's impact and validity. If the Congress is serious about examining refineries, we should do the work that would let us understand the effect and meaning of such a bill.

That has not been done, and in urging my colleagues to oppose this bill, I remind us all that the passage of this bill is going to ensure that disadvantaged communities are going to rise up in strong opposition to being dumped on, yet another time, by the government. And it also will open up serious discussion of what big government is really about.

LEAGUE OF UNITED
LATIN AMERICAN CITIZENS,
Washington, DC, June 14, 2004.

Chairman JOE BARTON,
Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: On behalf of the League of United Latin American Citizens (LULAC), the oldest Latino civil rights organization in the United States, I am writing to express deep concern with the introduction of HR 4517 directing the Secretary of Energy to designate ''Refinery Revitalization Zones'' in areas of the country with high levels of unemployment. Although we strongly support revitalizing areas of the country with high unemployment and the stabilization of oil workers is a LULAC priority, unfortunately LULAC feels that HR 4517, as it stands today, fails to reach this threshold in a number of ways. LULAC believes that HR 4517 is structured so as to continue a race to the bottom in labor and environmental standards and will encourage members to reject this legislation.

LULAC is concerned about the stability of oil prices and its impact on oil workers, many of whom are Hispanic. LULAC supports state and federal efforts to stabilize the price of oil and prevent the displacement of Hispanic oil field workers and federal tax incentives to domestic oil producers to reduce dependency on foreign oil. Therefore, LULAC is in support of a federal energy policy that encourages the development of alternative fossil fuels and other environmentally friendly energy sources. However, the devil is in the details. We support efforts that contain the rules necessary to ensure balanced and equitable sustainable development, stable economies and a healthy environment but do not feel H.R. 4517 meets those standards.

LULAC believes that the efforts to create Refinery Revitalization Zones in areas with unemployment rates more than 20% unfairly targets area that are heavily minority populated and already disproportionately impacted by refineries and other industries. The environmental and public health impacts of refineries that are required to meet all existing environmental laws, including those state regulations that may be more stringent than federal, are still disproportionately felt by underprivileged communities. This legislation would exacerbate these problems.

Lastly, the legislation places the power to designate a revitalization zone with the Secretary of Energy with little, if any review from other agencies. If we are to grow jobs, it is critical that this be done in a substantive and sustainable manner—over the long-term—and not with a short-term vision that merely places a band-aid on real development needs.

Sincerely,

HECTOR FLORES,
LULAC National President.

NATIONAL HISPANIC
ENVIRONMENTAL COUNCIL,
Alexandria, VA, June 15, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: On behalf of the National Hispanic Environmental Council (NHEC) we are writing to convey our deep concern over H.R. 4517, the ''Refinery Revitalization Act of 2004''. This bill would, among other things, direct the Secretary of Energy to designate ''refinery revitalization zones'' in areas of the country with an unemployment rate of at least 20%.

H.R. 4517 has a number of serious flaws, and the potential for a substantial, negative impact on people of color. NHEC opposes H.R. 4517 for the following reasons.

First and foremost, we believe H.R. 4517 raises serious environmental justice concerns. As you know, many highly industrialized areas are already located in or near minority and low income communities. It is well documented that people of color suffer disproportionately from the many health impacts resulting from close proximity to industrial sites, especially facilities such as refineries. Refineries produce many tons of toxic chemicals and other harmful pollutants, and are a major source of environmental justice issues and litigation, as evidenced by the oil refinery area known infamously in Louisiana as ''Cancer Alley''. Environmental injustice is a major cause of health problems—including higher rates of cancer, tumors, and lung disease—for Latino and other minority communities. We believe H.R. 4517 will greatly exacerbate the present and future environmental justice problems confronting Latinos and others.

Indeed, the ''areas'' H.R. 4517 proposes to target—urban, industrial/manufacturing sites with high unemployment rates—is also an accurate description of many minority communities. In short, *we* are the ones who will be most impacted. Should H.R. 4517 pass, it will be Latinos and other minorities who will have to live disproportionately with its adverse health, safety, and environmental consequences.

This is the classic definition of environmental injustice, and we strongly oppose any congressional efforts that might create new environmental justice burdens on our community. Indeed, we believe H.R. 4517 violates Executive Order 12898, ''Environmental Justice for All Americans'', the pre-eminent federal environmental justice requirement, which mandates that all federal agencies address and mitigate environmental justice concerns, not create new ones.

As drafted, H.R. 4517 not only targets minority communities but strips them of their ability to protect themselves. For example, it puts the U.S. Department of Energy (DOE) in charge of final decision-making, regardless of the concerns of other agencies. DOE is responsible for preparing the environmental review/impact statement that will be used as the basis for all future decisions, and it has the final say over all regulations governing siting of power plants, including the Clean Air Act, the Safe Drinking Water Act, Superfund, and the National Historic Preservation Act.

Specifically, it allows the Secretary of Energy to override all federal agencies permitting decisions, to overrule EPA and its vital regulatory functions, and to pre-empt and override state laws and regulations where those laws are stronger than federal environmental laws.

Indeed, given DOE's checkered past in adequately protecting the health and safety of Americans, including minorities, we have grave doubts as to the wisdom and effectiveness of putting DOE in sole charge of the environmental decision-making and implementation functions of this bill.

Please know that NHEC supports responsible revisions to our nation's energy policy, and balanced sustainable, well-crafted economic development and environmental jobs programs. Certainly these are much needed in Latino and other minority communities. However, we do not believe that H.R. 4517 meets this criteria.

NHEC is the only national Hispanic environmental organization in the country. Founded in 1996, and with over 5,000 members nationwide, we seek to educate, unite, and engage Latinos on environmental and sustainable development issues; provide a national voice for Latinos before federal, state, and non-profit environmental decision-makers; and encourage Hispanics to actively work to preserve and protect our environment and natural resources. We operate under the credo: ''because it's our environment too''.

We would be happy to address these concerns in more detail, and would welcome a dialogue with your office. We can be reached at 703–683–3956.

Sincerely,

ROGER RIVERA,
President, NHEC.
MANUEL HERNANDEZ,
Chairman, NHEC.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds to myself. I want to respond to one of the things that the gentlewoman from California (Mrs. CAPPS) just said.

This bill simply says if an area has unemployment of at least 20 percent higher than the national average, we have set up an expedited procedure to hopefully refurbish an existing refinery or perhaps build a new one. That creates jobs. Creating jobs is not dumping on anybody. It is creating jobs.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), a member of the committee and the subcommittee.

Mr. NORWOOD. Mr. Speaker, I rise today in strong support of H.R. 4517, the Refinery Revitalization Act of 2004. I would like to thank the gentleman from Texas (Mr. BARTON) for his leadership on this very important issue.

Mr. Speaker, I find this whole discussion absolutely amazing. We go home and all of us hear from our constituents that gasoline prices are too high. Why does Congress not do anything about it? Whether Democrat or Republican, the answer is, boy, I am working on it.

Well, I have never heard so many pitiful Democratic excuses to not vote for a bill that would simply increase gasoline and diesel fuel in this country and bring down the price. Now, if you do not want to bring down the price, just vote no on this bill because that is the design of it. And the American people are not interested in all the nitpicking, little excuses that you are coming up with.

Mr. Speaker, the citizens of the Ninth District of Georgia, and I am certain along with other citizens across the country, want to know what we in Congress are doing to help lower the gas prices. That is a legitimate question to ask your Member of Congress. I wish there was a quick fix. The facts are clear that there is not one. Tapping into our national oil resources, such as the one in the Arctic National Wildlife Refuge, which we certainly should do, will not guarantee a lower gas price unless, unless we improve our refinery capabilities as well. What we must do is work to improve the situation in the future by opening up refineries for more production.

I remind you, we have not opened one in 25 years in this country. Little wonder there is such a high demand for gasoline. That is exactly what this act wishes to do.

H.R. 4517 would streamline the regulatory approval process, my goodness, streamline the regulatory approval process, for the restart of the idle refineries, which there are many, or the construction of new refineries, which there have been none in 25 years in areas of this country that desperately need more than just lower gas prices.

The same people who are complaining about jobs will not vote for a bill that will improve our job situation in these areas that have an unemployment rate 20 percent higher than the national average, and they have either experienced massive layoffs in the manufacturing industry or have a closed refinery plant in that area. While we do our best to combat high gas prices in the present, we must be prepared for demand in the future.

U.S. gasoline consumption is projected to rise to 13.3 million barrels per day by 2025. I want you to compare that to the 8.9 million barrels per day today. Where is it coming from? Are we going to be dependent on the Middle East for refineries?

Vote for this bill and let us do something about lowering the price of gasoline and diesel fuel in this country.

Mrs. CAPPS. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill is part of a continuing pattern where the Republican majority shuts out the Democratic Party. But more importantly, they shut out, yes, the American public. No hearings on this bill. No discussion on this bill. No involvement of the American public in discussing a bill which could have profound impact on the environment and the health of Americans all across our country. It is a continuing pattern of disrespect for the American public that they are not able to have hearings on issues that are so central to their families' environmental and health care well-being.

They bring it out here to the floor and what do they say to the Democratic Party and, yes, to the American people? There are no amendments that can be made to this bill. We have conceived it in secret and we are going to pass it without amendment or without discussion, and that is the height of political arrogance because it leaves out the American people from the discussion. It assumes that a small number of oil company executives working with members of the Republican Party can decide what is best for our country, when obviously it is pretty evident from all of the higher gas prices and the mess that we have got in the country that that is not the best way to go, that the American people should be involved.

What do they say? They say we need this bill, quote/unquote, to revitalize the refining industry. Well, today the biggest oil refiners in the United States are Exxon-Mobil, Conoco-Phillips, BP, Valero and Royal Dutch Shell. Together they comprise 50 percent of domestic refinery capacity in the United States. Ten years ago they only controlled about a third of domestic refinery capacity.

So how are they doing with this incredible increase that they have had over the last few years? Well, Valero Energy Corporation reported record earnings in its April 2004 quarterly report. Here is what they said. ''With respect to refined product fundamentals, gasoline margins remain at record levels. As we look at the balance of 2004, it is obvious that this is going to be another year of record earnings for us,'' the Valero Refining Company.

That is great news if you are a Valero Energy shareholder. What about all the American gasoline consumers? Why has it not been great for them? What about other refiners? Perhaps they are hurting as well. Let us find out.

Let us look at Exxon-Mobil's May 2004 quarterly report. Here is what they have to say about themselves. U.S. downstream earnings were $393 million, up $218 million mainly due to higher refining margins.

Great news for Exxon-Mobil shareholders. Their investment does not seem like it needs to be revitalized much if they have had more than a doubling of their revenues.

Well, how about Conoco-Phillips, how are they doing? Guess what? There is good news again. Here is what Conoco-Phillips had to report in their April 2004 quarterly report. Refining and marketing income from continuing operations was up $464 million, up from $202 million in the previous quarter and $389 million in the first quarter of 2003. Improvements over the fourth quarter of 2003 were primarily driven by higher refining margins. These improvements were partially offset by lower U.S. retail and wholesale marketing margins. The improved results from the first quarter of 2003 were attributable to higher U.S. refining margins and volumes, partially offset by lower U.S. retail and wholesale marketing margins.

Now, I could go through BP, which once again makes the same point. How about Royal Dutch Shell? Again, they are making the same point. Shell, Shell says that they are watching increased margins.

Not so great news for the consumer but great news for each one of those oil companies.

So your question, I guess, is why do they not take all these profits and expand their refining capacity? Why do they not just, rather than blaming it on the environment and the health care laws of the United States, just take all these huge profits that they get from tipping the American consumer upside down and shaking money out of their pockets and improve them?

I will tell you why they do not do that. They do not do that because they do not want to call upon the Justice Department. They do not want to call upon the Federal Trade Commission to look at the incredible consolidation that has occurred in the refining industry over the last 10 years. They do not want to look at what happens when fewer and fewer companies control the refining industry and you wind up with a conscious or unconscious parallelism of interest, which essentially means they all have a stake in raising prices because there are so few of them and there are no other competitors out there who can act on behalf of consumers by lowering prices.

But for crying out loud, do not blame the health care laws that protect the American public. Do not blame the environmental laws. Blame these companies with record profits which do not want to expand the refining industry themselves.

Please, please, do not exclude the American public from the debate on this bill, have no questions asked, and then blame the laws that have been passed to protect their health and environment for what the refiners are doing in hurting the American consumer.

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds to myself. I want to briefly respond to the gentleman from Massachusetts (Mr. MARKEY).

First on his point that there have been no hearings on the bill and it is out of regular order, he is exactly right, and the gentlewoman from California (Mrs. CAPPS) is right and the gentleman from Michigan (Mr. DINGELL) is going to be right when he says that. I apologize for that. That is an exception to the rule.

We try to do everything in the Committee on Energy and Commerce by regular orders. This is one of those rare exceptions, and I will stipulate that they are totally right to complain about the process. So in the spirit of comity, I want to get that on the record.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. HALL), the subcommittee chairman.

Mr. HALL. Mr. Speaker, I do thank the chairman for yielding me time.

Mr. Speaker, I even thank my friend, the gentleman from Massachusetts (Mr. MARKEY), for his remarks that this is a continued assault on the price of a gallon of gasoline. That is exactly what it is. It is a continuation of the assault of the Committee on Energy and Commerce and the gentleman from Texas (Mr. BARTON) and those that believe that if we lower the price of gasoline we are raising the opportunity for youngsters to decide what branch of the service they will go into, instead to choose what field of education do I want to enter.

This is a battle against war. A Congressman's major duty is to prevent a war, and you prevent a war by removing the causes of war. So this is for the youngsters. This is for this generation that we are talking about and generations to follow. This is not a bill that costs a lot of money. As a matter of fact, we are not throwing money at it. We are not pouring money into it. We are streamlining the system. I do not really know why anybody complains about that.

It is tied to high unemployment areas, to distressed areas or where there is a closed refinery. We have got to have refineries. We have almost frightened all the refineries offshore up to this time or they have shut down.

□ 1100

As a matter of fact, let me see what the facts are on shutting down those refineries. I think in 1981 we had 324 refineries shut down here. This has been cut back to 153. If my math's correct, that is 171 of them that have gone offline, that have either gone offshore or are not productive here; and this bill simply urges people to restart those refineries to where we can grind out what

we need to have to fight the rising cost of gasoline. It is just that simple. We are not pouring money into it. We are streamlining the system.

The Secretary can identify the area, similar to their depressed area legislation. It was on the books when Kennedy was elected. President Kennedy, one of the first steps he took was to take the lid off the depressed area legislation. There was a 500,000 lid on it. He took it off to really avail ourselves of it, but that was pouring money into it; and even that helped in that day and time.

Today we are not pouring money into it. We are streamlining it. We are making it a little easier to start those back up and start them back up where they are now, where people are existing now, where people do not have any objection to them because they think it is better than high unemployment.

Back in 1962 when I went into the Texas Senate, John Connally was elected Governor. He was ahead of other Governors in that he tried to have an EPA for the State of Texas, early for EPA. He appointed a fine young man from Houston, Texas, who had a business on the canal. The canal was badly polluted at that time. He came before us to be confirmed, and there were five of us who had to accept or reject him. He was rejected because he answered one of the questions wrong.

Senator Schwartz, a friend of mine, wanted to know, how do you feel about pollution, and the guy said, well, I do not want to give you a short answer, but I will quote a President who answered how do you feel about sin. He said, I am against it. One of our senators thought that was an affront to him, and he said, no, I mean, how do you really feel about pollution? His answer was one of the great answers I have ever heard. He said it tastes better than poverty.

That is what I am saying today. Put opportunity into the hands of these people where these plants have been. Open them up and give us an opportunity to save this generation from having to cross an ocean and fight for some energy when we have plenty right here at home.

Mrs. CAPPS. May I inquire of the Speaker, please, the time remaining on each side.

The SPEAKER pro tempore (Mr. LINDER). Both Members have 15 minutes remaining.

Mrs. CAPPS. Mr. Speaker, it is with pleasure I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in opposition to the U.S. Refinery Revitalization Act, as it is called; but I did want to say it is a pleasure to have our friend, the gentleman from Louisiana (Mr. TAUZIN), back on the floor today. I did want to respond to one of his comments.

He said that he could not believe that the energy bill that we passed before and passed again yesterday had so much opposition. I might remind him that every single New England Senator, five Republicans and seven Democrats, every single New England Senator voted against that bill. In the United States House, 20 of 22 Members of the House from New England voted against that bill. The bill is flawed. That is why it has not gone anywhere yet in the Senate.

Also, my friend from Georgia talked about pitiful Democratic excuses. He was tired of pitiful Democratic excuses that he has heard on this legislation that we are considering today. Well, if a person has asthma, and there is an asthma epidemic in this country, if a person has asthma, clean air is not a pitiful excuse. It is a real thing that affects a person's life and how they get along in the world. The fact is, the truth about this legislation is that it could allow more. It could allow polluting facilities to emit more pollution than the health-based standards of the Clean Air Act can do today.

Refineries are significant emitters of volatile organic compounds which form tropospheric ozones. The facilities pose a threat to human health and are regulated today under the Clean Air Act.

H.R. 4517 undermines Clean Air Act standards at these facilities. Here is what this bill says: ''The best available control technology, as appropriate, shall be employed on all refineries located within a refinery revitalization zone.''

But in places where the air already contains unhealthy levels of pollution, the Clean Air Act holds new and modified refineries to an even higher standard described as the ''lowest achievable emissions rate.'' The act also demands offsets for new sources of pollution so that the air does not get dirtier. A weaker standard and no offsets would lead to more pollution than the health-based standards permit. In short, this bill lays out a path to more pollution.

Furthermore, the bill requires refineries to use best available control technology only as appropriate. What does that mean? Well, no hearings, no conversation. We do not know. Does this legislation authorize the Secretary of Energy to label best available control technology inappropriate in certain circumstances? If so, this legislation would permit the Secretary to authorize even less pollution control than he so desired.

Finally, H.R. 4517 would make it harder for EPA to assess the health impacts of new refineries. The legislation would place the Secretary of Energy in charge of the permitting process, the official record and the only environmental review document. Even if EPA's experts conclude that a proposed refinery project fails to comply with the substantive standards set forth in the Clean Air Act, the Secretary of Energy may issue the necessary authorization anyway. Under the law, EPA's 3 decades of expertise would be supplanted by an agency with no experience enforcing the Clean Air Act.

My friend from Texas a few moments ago told a story and said pollution tastes better than poverty. Well, it all depends. This legislation does not give the power to decide whether a refinery is built in an area of high unemployment to the unemployed. It gives it to the Secretary of Energy.

If a person has asthma, pollution is a very big deal to them. We can find a better balance.

I urge my colleagues to reject this act.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce, for yielding me the time, and I thank him for the great leadership he has provided for many years in this Congress.

Mr. Speaker, NPR News a couple of weeks ago had a report about why gas prices are now over $2 a gallon in some States and very high everywhere. The reporter explained that while demand has gone way up, as everyone has known it would for many years, capacity has gone way down. He said due to environmental restrictions, no new refineries have been built in this country for more than 20 years and the number of refineries in California has decreased from 37 to 13.

The gentleman from Texas (Mr. HALL) mentioned that 170 refineries have closed since 1981. A previous speaker said some refineries are making record profits. Well, if we decrease the number of refineries even more, they will make even higher profits.

Also, radical environmentalists have successfully fought and stopped oil production in the frozen tundra of Alaska and most other places where it can be safely and environmentally and economically done in the U.S.

Environmental extremists almost always come from wealthy or at least very upper-income families, but they are really hurting the poor and lower-income and working people of this country and even our national security by shutting down so much oil production and refining here and making us overly dependent on foreign oil that is being sold at rip-off prices. Some environmental groups want gas prices to go to $3 or $4 a gallon so people will drive less, but that would be another nail in the coffin of small towns and rural areas where people often have to drive long distances to get to work.

We need to support this and other pro-consumer energy legislation so we can bring gas prices down or at least hold them stable. I urge support for this legislation.

Mrs. CAPPS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce, my colleague.

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

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from California for the fine way in which she is handling this legislation and for her gracious recognition of me.

I want to say a word of kindness about my friend, the chairman of the committee, and the chairman of the subcommittee. They are fine people, and I am very fond of them and respect them.

I do not respect the output, however, of the committee on this matter. Where are the hearings? Where is the record? Where are the facts to support this? Where is there anything other than supposition? Where are the statistics? Where is the testimony of the Department of Energy? Where are the comments of the Environmental Protection Administration? Where are the requests of the industry that this matter be considered or that this legislation should be brought up or that it is good legislation in the public interest?

None of this is available. This is not the way in which the House should legislate on an important matter. This is the way that perhaps a high school class in emulating the way the Congress should function would be conducted. Even at that time, I think it would be a significant embarrassment.

Now, there are some facts here available. First of all, domestic refining capacity has been increasing; although the number of refining establishments has declined. This is a very interesting thing, but there is no information in the hearing record. Indeed, there is no hearing record on this matter. The bill which we have before us today has not been subject to even the most basic congressional review. There have been, as I have said, no hearings on the matter either in the committee or the subcommittee, and we certainly have no idea of what this bill will do, whether it will do anything or whether it will do nothing.

In point of fact, there are substantive changes in the legislation of the Clean Air Act. There are substantive changes of other statutes which are under the jurisdiction of the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure.

It is fair to note something else should be observed about this legislation. The bill will change the form. Instead of having the matter considered by EPA, where traditionally it has been done and where the procedures have been fair and have been based on the expertise of the agency, all of the sudden it is going to be moved to the Department of Energy. This leaves, in my mind, an inference that those who are so anxious to have this movement take place are deliberately seeking to stack the form, to change the form from one which has been honest and fair and which has served the public interest to perhaps a more slippery and dishonest form in which the matter can be considered in a way which best suits a preconceived intention.

So we have, first of all, no record; but we have a very curious change in procedure and form which raises questions as to the integrity, not just of the process here, but the process which will be taking place as the matter goes forward.

Now, one of the interesting things is H.R. 4517 turns the Secretary of Energy into an environmental czar. It does this. It usurps the authority of State officials who are charged with protecting public health. The Secretary of Energy controls the procedures for obtaining State and Federal environmental permits, controls the timelines for reviewing and granting permit applications, controls the creation of environmental review documents that are the basis of the decisions which will be made. The Department of Energy is given the authority to override a State Governor's decision to deny permits for public health reasons.

My good friends, the State writers over here, are diligently stomping on the rights of the States to protect their citizens and to make judgments which might be best in conformity with the wishes and attitude of the people in the area and the elected officials of the State. It deliberately tramples upon a longstanding and successful way whereby the Federal Government has delegated responsibilities to these matters to the States and that the States were to carry forward these activities of permitting under the rules and traditions which we have long understood and which the people of the States not only understand but which they know is closest to the people.

The proposal then would move the principal responsibility to a new form on the basis of no record, and it should be noted that the National Conference of State Legislatures, the Environmental Council of States, and the Association of Local Air Pollution Control Officials, among others, oppose this legislation.

One nice and comforting thing about it is that the red faces on the other side of the aisle about a bad piece of legislation will probably be of short duration because the Senate will never consider a piece of legislation as outrageous as this.

Mr. Speaker, I will include for the RECORD at this point some letters I have on this subject.

THE ENVIRONMENTAL COUNCIL OF THE STATES,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: The Environmental Council of the States* (ECOS) is concerned about H.R. 4517, the United States Refinery Revitalization Act of 2004. This legislation could seriously impede state environmental permitting authority. ECOS also urges that a proposed change of this magnitude be considered in committee prior to being taken up on the House floor.

Specifically the legislation appears to weaken state authority by transferring much of the environmental permitting responsibilities to the Department of Energy, an agency with expertise on energy production, not environmental regulations.

The states are also concerned about the impact this legislation will have on State Implementation Plans (SIPs), ECOS' analysis of the legislation indicates that H.R. 4517 could acutely impact the ability of states to complete their SIPs. If refineries in revitalization zones are not held to the same standards as other industries in the same area, which is conceivable under this proposal, states will be forced to have others make up the difference in terms of pollution impact. This will result in making it more difficult for states to complete their SIPs.

It is important to note that States are co-regulators and partners with the federal government in protecting the environment, providing for more than two thirds of the funding. States implement most of the nation's major environmental laws and operate their own innovative programs. The biggest load is carried by the States, which are responsible for 90% of the enforcement. States also collect 94% of environmental data, manage 75% of the delegated programs including all of the air permitting programs, and issue most of the permits overall.

It is critical that states ability to issue permits and provide vital environmental protection services are not hindered. ECOS urges the U.S. House of Representatives to not adopt H.R. 4517, which would dramatically alter environmental protection in this country.

Please contact me at 202–624–3667 should you have any questions. Thank you for considering our position.

Sincerely,

R. STEVEN BROWN,
Executive Director.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, June 14, 2004.

Re H.R. 4517, the United States Refinery Revitalization Act of 2004.

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

Hon. JOE BARTON,
Chairman, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. NANCY PELOSI,
House Democratic Leader, Capitol Building, Washington, DC.

Hon. JOHN DINGELL,
Ranking Member, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES: The National Conference of State Legislatures opposes H.R. 4517, legislation the House of Representatives will consider this week that would establish an expedited Department of Energy-led permitting process for facilities located in Refinery Revitalization Zones (RRZ). This legislation comes to the House floor without the benefit of public hearings and scrutiny of the current state of domestic refinery permitting. States have authority over the permitting of domestic refineries and a state-federal partnership already is in place regarding permitting and operation of these refineries. H.R. 4517 circumvents and preempts both this authority and the existing state-

federal partnership. NCSL urges you to oppose H.R. 4517 and recommit it to committee so that it can undergo the kind of legislative review and discussion needed to determine whether this legislation is warranted.

H.R. 4517 appears to give the Secretary of the Department of Energy authority to override the decision of a state agency or official that results in the denial of a permit. It also transfers appeals of the Secretary's new permitting authority to federal court. This revamping of existing permitting and related activities preempts state authority and, to the extent NCSL can determine without the benefit of public hearings and reviews, is unnecessary.

Thank you for consideration of our concerns. Please have our staff contact Michael Bird (202–624–8686; michael.bird@ncsl.org) or Gerri Madrid Davis (202–624–8670; gerri.madrid@ncsl.org) for additional information.

Sincerely,

Representative JACK BARRACLOUGH,
Idaho House of Representatives,
Chair, NCSL, Environment and Natural Resources Committee.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS, ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), the national associations of state and local air pollution control officials in 53 states and territories and more than 165 major metropolitan areas across the country, we write to you today to express our associations' opposition to H.R. 4517, the United States Refinery Revitalization Act of 2004. Our concerns with this bill are two-fold: First, we do not believe such legislation is warranted. Second, the bill preempts state and local environmental agencies' permitting authority and weakens control technology requirements, likely jeopardizing public health and air quality.

Premised on the notion that ''refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade'' and that ''more regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity,'' H.R. 4517 contends that ''required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner.'' Lacking from these assertions and conclusion, however, is any evidence that environmental requirements, particularly those related to air pollution, have prevented or impeded the construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

In addition to being unnecessary, H.R. 4517 inappropriately supercedes state and local air agencies' authority to permit sources of air pollution by transferring authority for permitting refineries located in areas designated as ''Refinery Revitalization Zones'' to the U.S. Department of Energy (DOE). As the ''lead agency,'' DOE would assume responsibility for ''coordinating all applicable Federal authorizations and related environmental reviews of the facility.'' As such, DOE would be authorized to ''prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law'' and ''ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months.'' Further, ''in the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary,'' the DOE Secretary may grant the permit even if the state or local permitting authority has determined that the application fails to comply with environmental protection requirements or if the applicant has not submitted, or did not submit in a timely fashion, adequate information upon which to base a decision that is appropriately protective of public health and air quality.

H.R. 4517 also weakens emission control technology requirements for refineries in ''Refinery Revitalization Zones.'' Although the Clean Air Act requires new and modifying refineries in nonattainment areas to install technology reflecting the Lowest Achievable Emission Rate and achieve emission offsets, and those in attainment areas to install the Best Available Control Technology (BACT) and protect Air Quality Related Values, the bill would require BACT only ''as appropriate'' at all refineries located in a Refinery Revitalization Zone.

In conclusion, our associations believe H.R. 4517 is unwarranted; moreover, we are concerned that this bill will obstruct state and local efforts to achieve and maintain clean, healthful air. Accordingly, STAPPA and ALAPCO oppose H.R. 4517.

Sincerely,

JAMES A. JOY III,
President of STAPPA.
DENNIS J. MCLERRAN,
President of ALAPCO.

JUNE 14, 2004.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, we are writing to urge your opposition to the ''United States Refinery and Revitalization Act of 2004'' (H.R. 4517) recently introduced by Congressman Joe Barton.

The premise of H.R. 4517 is that public health regulations are to blame for the country's shortage of refinery capacity. This premise is absolutely false. As of 2000, EPA had received only one application for a permit to build a new refinery in the preceding 25 years. Valero's Senior Vice President recently acknowledged that it was ''the poor margins that had the biggest impact [on new refinery construction], not the environmental rules.'' Yet, H.R. 4517 would allow oil companies to skirt public health laws when they build new refineries and expand old ones, increasing air and water pollution and harming public health. Indeed, the bill would take ultimate authority for environmental permitting in so-called ''Refinery Revitalization Zones'' away from the EPA and the states and hand it to the Department of Energy, an agency whose primary mission and expertise is the promotion of energy production.

Attachled is an analysis of the bill detailing the harmful effects that, if enacted, this measure would pose to the health and well-being of our communities. We strongly urge you to vote against the bill.

Sincerely,

John Walke, Clean Air Program Director, Natural Resources Defense Council.

Emily Figdor, Clean Air Advocate, U.S. Public Interest Research Group (PIRG).

Paul Billings, Vice President for National Policy and Advocacy, American Lung Association.

Eric Schaeffer, Director, Environmental Integrity Project.

Jill Stephens, Program Analyst, National Parks Conservation Association.

Mark Wenzler, Director of Energy Programs, National Environmental Trust.

Michele Boyd, Legislative Representative, Critical Mass Energy and Environment, Public Citizen.

Nat Mund, Washington Representative, Sierra Club.

Elizabeth Thompson, Legislative Director, Environmental Defense.

Matthew Niemerski, Government Relations Associate, Defenders of Wildlife.

Dave Alberswerth, The Wilderness Society.

Kathy Andria, President, American Bottom Conservancy.

David Monk, Executive Director, Oregon Toxics Alliance.

Jacky Grimshaw, Vice President for Policy, Transportation & Community Development, Center for Neighborhood Technology.

Cynthia Sarthou, Executive Director, Gulf Restoration Network.

DeeVon Quirolo, Executive Director, Reef Relief.

Tom Z. Collina, Executive Director, 20/20 Vision.

Sarah Peisch, Environmental Action Center.

Joan Marie Silke, President, The Good Neighbor Committee of South Cook County.

CONGRESSMAN BARTON'S H.R. 4517: WEAKENING PUBLIC HEALTH AND ENVIRONMENTAL PROTECTIONS ON BEHALF OF OIL COMPANIES

Congressman Joe Barton of Texas has introduced a bill that would make it easier for oil companies to skirt public health laws when they build new refineries and expand old ones. Entitled the ''United States Refinery Revitalization Act of 2004'' (H.R. 4517), the bill would take ultimate authority for environmental permitting in so-called ''Refinery Revitalization Zones'' away from the Environmental Protection Agency (EPA) and the states hand it to the Department of Energy (DOE), which has neither expertise nor interest in controlling the harmful pollution that refineries emit.

The Bill Falsely Blames Public Health Protections for the Country's Refining Shortage. The preamble to the Barton bill states that ''[m]ore regulatory certainty'' and ''streamlined'' regulatory approvals are needed to ''stimulate investment in increased refinery capacity.'' The bill assumes that public health regulations are to blame for the country's shortage of refining capacity; however, that assumption is false. As of 2000, EPA had received only one application for a permit to build a new refinery in the preceding twenty-five years. Refiners acknowledge that market forces unrelated to environmental regulations explain industry's failure to propose new refineries. For example, Valero's senior vice president has stated that it was ''the poor margins that had the biggest impact, not the environmental rules.'' Indeed, DOE's Energy Information Administration has determined that environmental requirements have accounted for only a very small share of the refining industry's decline in profitability over the years. More specifically, EPA has found that one of the Barton bill's primary targets—the Clean

Air Act preconstruction requirement known as ''new source review''—has ''not significantly impeded investment in new power plants or refineries.''

The Bill Neutralizes the Agencies With Interest and Expertise in Protecting Public Health. EPA and its partners in state governments are the agencies devoted to protecting communities from the harm that can result from the construction and expansion of large pollution sources such as refineries. They employ the experts who can tell whether increased pollution from a new or expanded refinery would negatively impact public health. DOE, in contrast, has no responsibility for—or expertise in—protecting the public from the pollution that refineries emit. The agency's overarching missions are expanding domestic energy production and leaning up nuclear waste. The Barton bill nevertheless declares that with respect to a new or modified refinery, ''the Department of Energy shall be the lead agency for coordinating all applicable Federal authorizations and related environmental reviews of the facility.'' This provision has no precedent in environmental permitting and violates cooperative federalism, a principle that is fundamental to state and federal environmental laws in the U.S.

What is more, the Barton bill declares that even if EPA and state experts conclude that a proposed refinery project would fail to comply with the public health safeguards contained in the nation's environmental laws, the Secretary of Energy may ''issue the necessary authorization'' anyway. This provision turns the environmental review process into a sham: If an oil company does not like the decision reached by government experts on the basis of science and their experience implementing our public health and environmental laws, then the company can appeal directly to the head of an agency whose devotion to maximizing energy production is not tempered by any experience implementing public health status or any expertise in the effects or refinery pollution. If the Secretary of Energy reverses the government experts and issues a permit, then an affected citizen's only recourse under the terms of the bill is to a federal appeals court that lacks the ability to undertake the fact-finding that has been crucial and, until now, available in National Environmental Policy Act cases.

The Bill Eliminates Important Public Health Protections. National environmental laws, such as the Clean Air Act and the Clean Water Act, require industry to implement the best available pollution control technology at any new refinery and at any existing refinery that undergoes a change that otherwise would increase harmful emissions. By contrast, the Barton bill declares that best available control technology shall be employed only ''as appropriate.'' This term is undefined, leaving to the ultimate discretion of DOE all determinations of appropriateness, and allowing those determinations to be dictated by non-public health considerations.

With respect to new and modified refineries, the Clean Air and Water Acts impose several requirements above and beyond the installation of best available control technology. For example, the new source review provisions of the Clean Air Act require a company to demonstrate that any increased air pollution resulting from refinery construction or modification will not have an adverse impact on air quality, national parks, or public health. The Clean Water Act requires all facilities to not only be held to technology-based limits, but also to reduce their water discharges further in order to ensure that ambient water quality standards are achieved. In contrast with these statutes, the Barton bill suggests that the installation of best available control technology will, on its own, suffice ''to comply with all applicable Federal, State, and local environmental regulations.'' In areas where the air already contains unhealthy levels of pollution, so as not to exacerbate air quality and public health, the Clean Air Act holds new and modified refineries to an even more protective standard than best available control technology, namely, lowest achievable emissions rate. Those provisions further require refineries to offset any emissions increases with decreases of the same or greater magnitude elsewhere in the area. The Barton bill weakens these safeguards, allowing air quality to worsen in already polluted areas, by suggesting that installation of best available control technology, on its own, will satisfy all environmental regulations.

The Bill Deprives Government Experts and Concerned Citizens of the Tools They Need to Protect Our Communities. In order to judge accurately the impact that a new or expanded industrial facility will have on neighboring communities, environmental agencies and concerned citizens must carefully review essential information concerning the proposed project. In the past, companies have filed incomplete permit applications, withheld critical information until after deadlines for public comment have passed, and demanded a final permit notwithstanding the lack of real public participation and the inadequate opportunity for careful review by government experts. Ignoring this history, the Barton bill declares that the Secretary of Energy shall ensure that ''all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months'' of the date on which the applicant submits ''such data as the Secretary''—as opposed to the government experts who must evaluate the data—''considers necessary.'' What is more, the bill required EPA and the states to tell a refiner ''the likelihood of approval for a potential facility'' before the refiner has filed any application at all. The obligation to engage in premature guesswork at the refiners' behest is without precedent in environmental law and threatens to prejudice the outcomes of the ultimate permit application reviews.

If Expanded Refineries Escape Careful Review, Already Disadvantaged Communities Will Suffer the Most. In thirty-six states and 125 U.S. cities, more than sixty-seven million people breathe air polluted by refineries. That pollution causes cancer and childhood development problems, in addition to inducing asthma attacks, headaches, and nausea. Many existing refineries are located next to low-income communities with large minority populations. The Barton bill targets these disadvantaged communities by directing the loosening of public health protections at ''any area * * * that has an unemployment rate of at least 20 percent above the national average.'' The American public—and especially disadvantaged families living next to existing refineries—need stronger, more effective public health protections. The Barton bill would instead weaken existing protections, without addressing any of the true causes of the country's refining shortage.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COLE).

□ 1115

Mr. COLE. Mr. Speaker, I am proud to come to the floor today to support H.R. 4517, the Refinery Revitalization Act of 2004, which will provide incentives to increase the Nation's refinery capacity.

I have several major refineries in my district. I also have several refineries that have gone out of business in recent years, largely in small rural communities where their loss has created significant unemployment problems. Those areas could benefit enormously from this particular piece of legislation.

As all speakers on both sides of this issue have agreed, the number of refineries in this country has been reduced significantly in recent decades. Indeed, since 1981 the number of refineries has been reduced by 52 percent. In that time, total refining capacity has declined by 9.8 percent. Recent increases in the refinery are due simply to some efficiencies as opposed to the adding of additional capacity.

Mr. Speaker, while our production is declining, demand for refined products is projected to increase substantially between now and 2025. We will meet the demand for additional refined products either by producing that product here in the United States or importing it from abroad. This bill is needed to restore manufacturing jobs and capacity in this country. Counties where oil refineries have closed in the last 20 years have an average unemployment rate of 6.8 percent, significantly higher than the national average. I am amazed that those who complain about the exporting of American jobs oppose this bill, for without it, its passage, we will surely export thousands of refining jobs in the coming years.

Mr. Speaker, by passing this bill, we can decrease our reliance on foreign sources of energy, create new good jobs here at home, and improve our energy independence.

Mrs. CAPPS. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to another distinguished Member, the gentleman from Oklahoma (Mr. SULLIVAN), a member of the subcommittee and the full committee.

Mr. SULLIVAN. Mr. Speaker, as we continue to discuss the state of America's energy industry, we need to take a hard look at our ability to add value to oil through refinement. Our refining situation in the energy industry is dismal. We have not built a new refinery in 25 years. Experts will tell you that U.S. refineries are unlikely to spend capital on expansion because they have already earmarked $20 billion to comply with burdensome government regulations. There just is not enough money left over to expand.

We are maxed out. Our refineries are operating at 95 percent. Even if we recover more oil, even if we spur domestic production and reduce our dependency on foreign oil, we cannot refine it. We actually, if we do refine some extra oil, we have to send it to a foreign country to add value to it, and we have to buy it back like a Third World country.

Due to our shortage in refining capacity, simple disruption can lead to wild price swings. For example, as refineries switch from winter to summer gasoline blends, prices in California increased by 40 cents a gallon. In 2000, gas prices in Chicago shot up by 50 cents a gallon due to refining problems.

We are neglecting the state of our refining ability, but today we can do something about it. The Refinery Revitalization Act will streamline the regulatory and approval process for the restarting of refineries and construction of new refineries. It is just unbelievable we have not modernized our refineries.

Mr. Speaker, could you imagine if we did not build a microchip processing plant or an auto assembly line for the next 25 years? Where would those industries be? By passing this legislation, we will update our ability to add value to our oil, reduce the cost of gasoline, and stabilize our energy economy.

This is a smart solution for a Nation suffering from sky-high prices at the gasoline stations.

I am looking forward to going home so I can tell my constituents that I did what I could to ease the high cost of gasoline. I hope that my colleagues will join me.

Mrs. CAPPS. Mr. Speaker, I continue to reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), vice chairman of the Subcommittee on Energy and Air Quality.

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

Mr. SHIMKUS. Mr. Speaker, 28 years ago we built the last refinery in the United States, 28 years ago. We import 7 percent of our refined product in this country. We import gasoline. We hear all the problems of the crises of imported crude oil. What many people do not understand, or they believe, is that we import refined product, the gasoline that goes into people's tanks. Seven percent is imported from foreign countries. We must and we can do better.

These countries that are importing refined product, they get the value-added benefit of refining the crude oil. They get the jobs of refining that product. They get the jobs of building those refineries. They also get the tax benefits from the national government and the local level. We can and we must do better. That is why I applaud my colleague for bringing this bill to the floor.

In Illinois over the past year we have lost 220,000 barrels per day of refined capacity with the closure of three refineries. With the number of boutique fuels in Illinois, this has led to large price spikes when problems occur in other refineries. The most recent refinery closure resulted in the loss of 300 jobs. The number of refineries in the United States has gone from 324 in 1981 to 153 today. In Illinois alone, we have decreased from 11 refineries to four.

This bill protects existing environmental regulations on clean air, and what better place than to address the siting issues than to put them on old, abandoned refinery sites. So people who know and have lived and now have these abandoned refineries, it is brilliant to say let us get these sites that are abandoned back into use.

Mr. Speaker, this is a critical issue at a time of not just high demand for crude oil but demand for product. It is unconscionable that we import refined product. In fact, the Governor of Illinois recognized that when he ordered the reopening of a closed refinery outside of my district to help ease the supply of refined product. This specifically will help Lawrenceville with a closed facility and Wood River, Illinois. We have to get these refineries back into refining product, and then we need to address our crude oil shortages. I applaud the gentleman from Texas (Chairman BARTON) and look forward to the vote on this bill.

Mrs. CAPPS. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the Refinery Revitalization Act, which is nothing less than a direct assault on the ability of qualified State and Federal officials to protect human health, protect the environment, and to protect the economy. In the name of increased refinery capacity, this bill puts the interest of the oil industry above all other interests.

It would allow the Secretary of Energy to be the final decisionmaker under Federal law for the Clean Water Act. The Department of Energy would make those decisions without having any of the expertise implementing those laws which are outside of its jurisdiction. The Secretary of Energy could overrule decisions of the EPA and the Corps of Engineers, as well as State decisions, that a refinery might harm public health or harm the environment.

This bill would give the Secretary of Energy the final say in protecting human health and environment. If a State agency denies approval for a refinery facility under Federal law, the applicant can appeal to the Secretary of Energy who can issue the approval over the objection of Federal or State interests. That is a clear shot right at our Nation's environmental laws.

It specifically lists the Federal Water Pollution Control Act, which is a predecessor to the Clean Water Act. It specifically lists the Clean Air Act, the Safe Drinking Water Act, the Superfund Act, the Solid Waste Disposal Act, the Toxic Substances Control Act, National Historic Preservation Act, National Environmental Policy Act as laws that the Secretary of Energy can simply overrule.

This makes the Department of Energy the environmental czar in America. States would see their capacity to protect public health and public safety through the clean water permitting program significantly diminished. States would in fact be denied the opportunity to implement their own programs to achieve water quality improvements through the total maximum daily load program. States would be denied opportunity to protect water quality under section 401 of the Clean Water Act which ensures that federally permitted actions are consistent with State water quality goals.

I do not understand how it makes any sense to have a Federal entity permit a program to have negative effect on State water quality; yet this bill specifically allows it. Permitting decisions of EPA and the Corps of Engineers, including protection of wetlands or protections of obstructions to navigation, all those could be overturned.

While the authors of the bill may be targeting environmental laws, they have gone way beyond any reasonableness. There ought to be some way of bringing the Department of Energy into a coordination or discussion with the EPA, but not to make the Department of Energy the final arbiter to overturn our existing Federal laws. For 100 years, the Corps of Engineers has been charged with regulating activities that could have adverse effect on the Nation's waterways for commerce.

Private parties without that protection could locate wharves, docks, and other structures in the water to obstruct free flow of navigation. That century of regulatory authority could be thrown out by the Secretary of Energy if a refinery says we have been denied a permit by the Corps of Engineers, and the Secretary of Energy comes in and overrules them.

Refineries often are located near navigable waterways to facilitate barge traffic and so on. If a refiner wanted to extend the docking area into the navigation channel and the corps said no, the Secretary of Energy could say the Corps of Engineers does not count.

Mr. Speaker, this is unsound policy. This mega-authority for the Secretary of Energy to overrule air quality safety, water quality safety, and navigation safety is unprecedented, unnecessary, unwise, unsound; and we ought to defeat this bill.

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

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

In closing, I would observe to the chairman of the Committee on Energy and Commerce that on our side we have needed to roll into this 1 hour of discussion all of the customary hearings and studies which should have been undertaken. I know the gentleman has made apologies for it, but it is clear to me in listening to the debate that this bill before us is based on such a faulty premise, an unproven, untested premise, that public health and environmental protection laws are to blame for the shutdown of refineries. There is no evidence to support it, and there is no documentation that passage of this bill would increase the number of refineries reopened or produced.

We are being asked to support this legislation with no knowledge base on which to make our actions. As I have said earlier, to me this is a mockery of the system we are about, particularly for the committee which is such an important, prestigious committee within the House of Representatives and which I am so honored to be a part of.

□ 1130

The solution that I understand is being offered is to let the Secretary of Energy, a czar is what my colleagues have called him, we will have to build him a special throne because he is going to be able to override the Environmental Protection Agency, one whole agency that will just be emasculated, never mind State houses emasculated, to have a say in the environmental and public health regulations that their State has authority over. That will all be set aside in favor of this hope that by giving the power to the energy czar, we will see oil refineries opened. We do not know for sure but we hope so. The gentleman from Massachusetts (Mr. MARKEY) eloquently noted for us that oil companies are awash in profits and could if they wished today build new refineries.

In sum, this is a bad bill. We can consider the topic but we certainly should not support this legislation. I urge my colleagues to oppose it. If this bill goes into law and is signed into law, we will begin a strong conversation with the American people about environmental justice issues and about the engorgement of big government here in Washington, D.C.

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

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

Mr. Speaker, I want to start out my closing with just reading a few of the facts that have been sadly not reported during this debate. The number of refineries in the United States of America has been reduced from 324 in 1981 to 153 today. That is over half the refineries have been closed in the United States since 1981. That is fact number one.

Fact number two, refining capacity in millions of barrels per day luckily has not gone down quite that much but it has gone down about 10 percent, from 18.5 million barrels a day in 1981 to a little over 16 million barrels per day today. So number of refineries down, capacity to refine down.

However, the demand for refined products has gone up. In 2001 it was a little under 20 million barrels a day. It is expected to grow to over 26 million barrels a day in 2025. Number of refineries down, capacity down, demand up. That is a fact. It may be an unpleasant fact but it is a fact.

So what are we to do about it? I guess we could just stick our head in the sand and say no big deal. Maybe we ought to do something to increase refinery capacity. I will grant, and I have already granted several times in this debate, this particular bill has not been the subject of hearings and the normal regular order, subcommittee markup, full committee markup. I have apologized for that. I will apologize for it again.

Having said that, is it a bad concept to say let's go into areas where they have an existing refinery, perhaps it is opened, perhaps it is closed and they have high unemployment. The bill says 20 percent. Maybe that is not the right number. Maybe it ought to be 10 percent. Maybe it ought to be 30 percent above the national average. But at least we say we have an existing refinery or a closed refinery, it has a high unemployment average, high above the national average, let's set an expedited procedure. Let's say that an applicant can ask the Secretary of Energy to designate that as a refinery revitalization area and then try to get some decisions about reopening or improving that refinery. We do not waive one environmental law. We do not waive any State control. We simply say you have got to make a decision on the existing laws.

I have some pending permits in my congressional district, not on refineries, on cement plants. One permit has been pending for 3 years, the other for 2 years. It costs millions of dollars to make those permit applications. This bill says don't waive the law, just say that you have to make a decision within a certain time frame. Maybe the time frame is wrong. Again, hearings would say if we need a little bit more time. But the concept is not wrong. The concept. In terms if you decide to reopen a refinery, what do we say, what kind of technology? Best available control technology. Best available. Not worst. Not none. Best available. Existing refineries that are still operating are going to spend $20 billion in the next few years just to comply in those refineries with existing law. $20 billion. We say if somebody wants to open a new refinery, expand one, reopen a closed one, they have to use the best available control technology.

Let us now talk about outsourcing of jobs. There has been a lot of debate about jobs going overseas. This keeps jobs in the United States. Most of these jobs would be high-paying jobs. Most of them would be union jobs. Is that a good thing or a bad thing? Again, maybe those that oppose this bill have an alternative. It is fair to say since we did not hold a hearing that they may have one. But is their alternative never build a refinery in the United States of America again? In the Carter years under the Fuel Use Act, they said never use natural gas again. We repealed that fortunately when Reagan came into office. But maybe that is the position of my friends on the minority side, they never want a refinery to ever be built again in the United States of America.

If that is their position, put the bill up on the floor and we will have a debate on it. But if they think that it is okay to build some new refineries and to reopen some old ones to meet this demand that is going to go to 26 million barrels a day, this is a way to do it.

It may not be the perfect way, I will grant you that. But it is a way. If you think the United States of America should be a manufacturing society, should maintain these jobs, vote for this bill. We will hold all the hearings in the world. We are going to have plenty of opportunity with the Senate, the other body. So I would hope that we can vote for this bill and at least send a signal to people that live in high unemployment areas, there is some hope and some opportunity that they may get one of these high-paying jobs.

Mr. SMITH of Michigan. Mr. Speaker, I rise before you today in favor of H.R. 4517, the U.S. Refinery Revitalization Act of 2004.

Existing U.S. refineries are already operating at or near full capacity because this country hasn't added new refineries in almost three decades. As Director of Energy at USDA during the 1970s Arab oil embargo, I find that not only hard to believe, but unacceptable.

EPA implemented tougher Clean Air Act regulations, including a program that requires refiners to take expensive steps to cut factory emissions when they expand capacity or build new plants. Many refiners couldn't meet the requirements and have gone out of business.

Now, we only have the capacity to meet about 90 percent of our gasoline needs. This is especially significant in Michigan where we have just one refinery left—the Marathon Ashland plant in Detroit. In addition to federal law, the state of Michigan also needs to consider changes in state law and regulation that will encourage the building of more refineries in Michigan.

U.S. laws requiring dozens of different regional gasoline formulations have created unusual fuel requirements that are not easily met by foreign refiners. Each formulation requires different pipelines and trucks for different parts of the country that increase the cost. A shortage of clean tankers available to ship gasoline from overseas is yet another bottleneck. This adds to the cost at the pump, and leads to regional price shocks when refineries experience interruptions in their production.

Under this bill, many areas in Michigan would be eligible as a Refinery Revitalization Zone, including Wayne County, where Michigan's last remaining refinery is located.

I stand in favor of H.R. 4517 because this will help the Midwest region lower its 6 percent gasoline supply deficit and reduce some of the highest pump prices in the nation.

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

The SPEAKER pro tempore (Mr. LINDER). All time having been yielded, pursuant to House Resolution 671, the bill is considered read for amendment, and the previous question is ordered.

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 38 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1315

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSSELLA) at 1 o'clock and 15 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 674 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 674

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: in title I, the sixth proviso under the heading ''Wildland Fire Management,'' the final proviso under the heading ''United States Geological Survey, Administrative Provisions,'' and section 113; in title II, the fourteenth proviso under the heading ''Wildland Fire Management'' and the final sentence of the sixth paragraph under the heading ''Administrative Provisions, Forest Service''; in title III, section 317, the proviso in section 319, and sections 324, 328, 331, and 333. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee on the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 674 is an open rule waiving all points of order against consideration of H.R. 4568, the Department of Interior and Related Agencies Appropriations Act of 2005.

The rule provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The resolution provides, per the rules of the House, that the bill shall be read for amendments by paragraph. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, are waived except as specified in the resolution.

The rule authorizes the Chair to accord priority recognition to Members who have preprinted amendments in the CONGRESSIONAL RECORD.

The rule also provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4568, the Department of Interior and Related Agencies Appropriations Act of 2005, sets clear priorities in a year of tight budgets.

The chairman of the Subcommittee on Interior and Related Agencies faced a difficult challenge and has written a solid bill that focuses on meeting the Federal Government's core responsibilities in the agencies under the subcommittee's jurisdiction.

Priority was given to essential functions and duties of these agencies, rather than on launching new initiatives and expanding government's reach.

One of the highest priorities must be preventing wildfires on our national lands. This bill provides $2.6 billion for wildland firefighting in the National Fire Plan. This is a significant increase over fiscal year 2004, and it is a much-needed increase.

Wildfires have a dramatic impact on our public lands, on private property and, even tragically, on human life. We must maintain the commitment to working to prevent such blazes and combating them aggressively when they do strike.

Another priority must be providing for our existing parks and public lands. This bill increases funding for our national parks, a total of $1.7 billion. For example, the bill includes $471 million to address the backlog in maintenance at our national parks and places restrictions on travel expenses for Park Service officials, a common-sense policy during a time when our parks have serious maintenance needs. Addressing these maintenance needs is something that I have long supported.

The bill also includes increased funding over the fiscal year 2004 level for the Indian Health Service, the National Forest System, BIA Education and Operations of Indian Programs and the U.S. Geological Survey.

Funding is limited for Federal land acquisition, a decision on priorities that I strongly support. In a year of fiscal constraints, it certainly is appropriate to focus first on maintaining the Federal Government's existing lands.

Land acquisition is not a necessity. Indeed, it costs local governments through decreased tax revenue and has real impact on local governments' abilities to provide essential services.

Mr. Speaker, I commend the gentleman from North Carolina (Chairman TAYLOR) for his leadership in writing H.R. 4568, especially in this challenging year. The gentleman from North Carolina (Chairman TAYLOR) has guided this bill in a reasonable and responsible manner, which is especially appreciated in all areas of the West like the district I represent that are heavily impacted by the work of Federal agencies under his jurisdiction.

I also want to recognize the role that I know the ranking minority member of the subcommittee, my colleague from Washington State (Mr. DICKS), played in the preparation of this bill. I value highly our ability to work together on matters of importance to Washington State, and this is a good example of that. I know my colleague's dedication to solving challenges and bettering our Nation are traits he brings to all of his responsibilities here in the House.

So, Mr. Speaker, I encourage my colleagues to support this open rule, H. Res. 674, and the underlying Interior Appropriations bill.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, the appropriations process for the coming

fiscal year has just begun, and much is being said about how tight the budget numbers are this year. And while this is a statement of fact, it is no excuse for our current fiscal situation.

At the turn of the 21st century, the Federal Government had an historic budget surplus of $3 trillion. In just 3 years, the government is facing historic deficits, upwards of $7 trillion. Bad fiscal policy has greatly diminished the Federal Government's ability to invest in the Nation's resources and the Nation's people. The tight budget numbers are the result of tax giveaways to people who least need it, the people that the Oracle of Omaha, Warren Buffett, has said owe the most to the country and pay for far too little.

Much is lacking in this appropriations bill. Overall spending levels are down. Federal land acquisition funds have been significantly cut, even the projects requested by President Bush. Once again the bill fails to meet the obligations of the so-called CARA light agreement. Operating funds for the National Park Service are only modestly increased. The modest spending boost is barely enough to keep pace with expenses and fails to tackle the $5 billion maintenance backlog at the Nation's parks. The National Endowment for the Arts and the National Endowment for the Humanities are again underfunded. The bill shortchanges investments in the American people and our country's natural resources. Former President Theodore Roosevelt, one of the fathers of the American conservation movement, warned that in utilizing and conserving the natural resources of this Nation, the one characteristic more essential than any other is foresight. We are lacking that, Mr. Speaker.

Back in 1992, funding for the NEH and the NEA reached their funding zenith, $176 million for each agency. Over the years their budgets have been slashed again and again. Recently this body has voted to increase the funding for the arts and the humanities and I urge my colleagues to continue this trend to support an amendment to increase funding for both of these agencies. The gentleman from Washington (Mr. DICKS) and I will offer an amendment later to do so. As Pulitzer prize-winning former Librarian of Congress Daniel Boorstin said, ''Planning for the future without a sense of history is like planting cut flowers.''

Investing in the arts is smart business. The $232 million the Federal Government invested in the NEH and NEA in 2002 had an economic impact of $132 billion and generated billions in Federal, State and local tax revenues. Every dollar they invest in local theater groups, orchestras or exhibitions generates $7 for the arts organization by attracting other grants, private donations and ticket sales. In my district alone, 1,215 arts-related businesses employ almost 20,000 people. Buffalo, New York, I am pleased to say, was just recently designated as the number four destination in the United States for top art events and venues. We are very proud of that. Nationwide, creative industry businesses employ almost 3 million people, 2.2 percent of all who are employed.

Investing in the arts is also smart for our children. Over and over arts education has proven to increase academic performance, regardless of socioeconomic background. The NEA provides grants for local arts activities in every State and every congressional district. Small grants make a big difference.

The National Endowment for the Humanities is at the forefront in preserving our American culture and history. Democracy will not flourish without an understanding of its past. The NEA and NEH preserve and promote the understanding of where we have been and where we are today that our democracy needs to endure. Democracy dies in a cultural vacuum. This bill even guts funding for the President's We the People initiative, which supports exploration of the significant events and themes in American history.

Bruce Cole, the Chair of the National Endowment for the Humanities, warns, ''We face a serious challenge to our country that lies within our borders and even within our schools, the threat of American amnesia. We are in danger of having our view of the future obscured by our ignorance of the past. We cannot see clearly ahead if we are blind to history. And a Nation that does not know why it exists, or what it stands for, cannot be expected to long endure.'' Very wise words from Mr. Cole.

Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time and thank her for managing this rule every year so very effectively. I look forward to our joint efforts today to try to help the National Endowment for the Arts and Humanities.

Like her State, the State of Washington, Seattle, Bremerton, Tacoma, the tri-cities, have all benefited by this funding. I just think it is one of the most important things that we do. I remember those great days when we were at $176 million before the Reagan Revolution came to town. I would also like to compliment the gentleman from Washington (Mr. HASTINGS) from the Fourth Congressional District. We work together. I just want him to know we were over in the Energy and Water appropriations full committee markup today. I think the tri-cities did as well as they have ever done and even our joint project we worked on, Hammer, $8 million is very, very generous. Our delegation has always worked very effectively together.

There are some things, though, that concern me about this bill. First of all, I wish we could have done more for the operation of the national parks. The administration asked for a $22 million increase. Our committee increased that by $33 million for a total of $55 million. But that simply is not enough. We need more money for the operation of our parks. I think part of the problem, as the gentleman from North Carolina (Mr. TAYLOR), chairman of the Subcommittee on Interior and Related Agencies, has said, we have got a problem with the management of the Park Service and we have got to get priorities straightened out at the Park Service.

I love Fran Manella. She is a wonderful person. But she has got to realize that it is the operation, the day-to-day operation and availability of those parks that the American people count on. Let me give my colleagues the numbers. The Olympic National Park is either third or fourth in the Nation in visitation. Two years ago we had 130 summer workers at that park.

□ 1330

That is now down to 25. And we have 202 authorized FTEs for the Olympic National Park. It is down to 120. It was 146 a couple of years ago. Why is that? Because the administration in their budget request is not covering the cost of the COLA, the increase that we give in pay every year, and also there are other fixed costs that have to be paid that are not being covered in the budget request, the increase in the budget request.

So what do they have? The only choice they have is to reduce the number of personnel, not to fill slots. So when people go to the park this summer, they are not going to have the same quality of a visit. There is not going to be a ranger out on the trail to tell them about the important cultural and historic areas within the Olympic National Park. They do not have people to take care of cultural assets, to take care of the buildings and infrastructure. And this is not just Olympic; this is across the country.

This year even with this increase of $55 million from last year's level, we have 388 parks; 241 of them will be funded at below the 2003 level. That is a prescription for disaster; and it is coming down, down, down. And we have got to step up. We, the Congress, cannot allow this to happen on our watch. And, yes, a big part of the problem is the inadequacy of the Presidential budget request. This is not just this administration. This goes back to 1994. This has been going on for a 10-year period of time, and that is why it is even more devastating, the consequences of this. And we have to continue to work together to come up with the resources.

I think this is a top priority within this bill that has not been properly met. We have made a modest increase here, but not adequate to the task. In fact, if my amendment that I brought up in committee had been accepted, we could have increased it by $45 million, and that would have meant that every

park in the country would have gotten an 8 percent increase. We are talking about $45 million in the operating account would have done that. Each park would have gotten an 8 percent increase.

So this is the one major thing that upsets me in this bill. Yes, we do not have money in here for land and water conservation, which I regret. I regret the lack of funding on the conservation amendment. But the thing we tried to do is protect our core agencies, the Park Service, the Forest Service, the Bureau of Land Management, the Department of Interior, the Fish and Wildlife Service. And yet they have these same problems.

One very good thing that we did in this bill was to deal with firefighting in a much better way. There is money in here, $500 million in 2004. When this bill is signed, it would be immediately available for the firefighting season. Another $500 million for 2005, $500 million for 2004, and I think a $167 million increase in the bill for firefighting itself. So we are trying to face up to that reality. We have got a drought out in the West. This is going to be a very serious problem.

We are also working, of course, on other important issues. In my own area, Hood Canal, we are working with the USGS on dealing with this oxygenation problem. We have a problem with too much nitrogen in the saltwater, which is having a devastating effect on all the fish and creatures there, and we have got to deal with this problem; and the USGS, which is part of this bill, is helping in that respect, and it is a very important priority of mine.

We are also working on the restoration of salmon runs, and we are doing a new process of mass marking with these fish so we can tell the wild fish from the hatchery fish. It is another important priority in our State. So overall, I think this bill, even though it is very deficient, below last year's level in terms of overall funding, below the President's budget request, we have tried to fund the things that are most crucially important; and I intend to vote for this bill on final passage. I hope we can improve it with several of the amendments that will be offered today.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on the rule, and I appreciate her leadership dealing with the critical issues of arts funding and for the National Endowment for the Humanities.

I look forward later today to being part of debate, and I hope amendment approval that will move us back in the direction that we need to go. But I too am a little frustrated in the context of billions of dollars that we are hemorrhaging with red ink where we seem to be able to find all sorts of resources for things that are suboptimal in some cases, to say the least, but certainly not the highest of priorities, that we are scrambling here for less than $14 million that has such a vital connection to our communities.

I would hope that as our Members come to the floor to deal with the debate on this amendment and the final vote that they have a chance to look back at the records in their own offices of the dedicated men and women who are part of the arts councils, who are part of the local councils for the humanities. To consider the incredible mileage that is extracted from a few small dollars that benefit primarily the rural and outlying areas of our State, not necessarily the large cities like Seattle, New York City or even Portland, Oregon. Larger cities have a higher level of programming. It is the smaller communities that benefit. It is a tragedy that we are not meeting even what the President had requested.

I also am pleased to follow my good friend from Washington who has worked so hard for so many years to keep our eye on the ball on the investment we need for critical parks infrastructure. Our national parks are part of the infrastructure every bit as much as our highways and our airports. I appreciated what he did with the gentleman from Ohio (Mr. REGULA) fighting in tough difficult budget times. I am hopeful that we will be able to honor the hard work here to see if there is something in the course of the amendment process and as the budget is working its way through the process here this year that we not turn our back on America's treasures.

Last, but by no means least, I must acknowledge the hard work that the gentleman from Washington (Mr. DICKS) did with the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Alaska (Mr. YOUNG), to deal with the land and water conservation fund. This has been an area that had been ignored for decades. It had been, frankly, a bipartisan shame that we did not fully fund the land and water conservation fund. These were resources that have such an important impact on States and localities. We reached a deal, as the ''little CARA'' was set aside. We have an opportunity to keep faith with the spirit of that agreement, and I am hopeful in the course of the budget process that we are able to do so.

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

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman's comments on the conservation amendment, but I also want to underline one other thing he said that I forgot to say, and that is that the President's budget requested an $18 million increase for the National Endowment for the Arts and for the National Endowment for the Humanities, and neither one of those has been accomplished. I think we have increased Humanities by $3 million, but this is below the President's budget request; and Mrs. Bush, who I think is a very thoughtful first lady, has been a proponent of these two increases. So I was somewhat surprised that it was decided to take out the money for these important programs, especially since they were requested by the first lady.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's underlining that.

And I would just conclude by saying that I hope in the spirit of bipartisan accommodation that has accompanied much of the work with the arts, with the parks infrastructure, and with CARA that we are able to give our affirmative vote to preserving the integrity of them in the course of this budget process.

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

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 675

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the proviso under the heading ''United States Visitor and Immigrant Status Indicator

Technology''; the proviso under the heading ''Customs and Border Protection, Automation Modernization''; the proviso under the heading ''Immigration and Customs Enforcement, Automation Modernization''; the final proviso under the heading ''Transportation Security Administration, Aviation Security''; the words ''notwithstanding any other provision of law'' under the heading ''State and Local Programs''; the second proviso under the heading ''National Pre-Disaster Mitigation Fund''; section 512; the final proviso in section 513; sections 514, 515, 519, and 520; all after the word ''met'' in section 524; section 525, and subsection 526(b). Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1345

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

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

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 675 is an open rule that provides for the consideration of H.R. 4567, the Fiscal Year 2005 Department of Homeland Security Appropriations Act. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

I would like to take a moment to reiterate that we bring this rule forward under a fair and open rule. Appropriations legislation has historically been brought forth with open rules, and we continue to do so in order to allow each and every Member the opportunity to submit their amendments for consideration, as long as they are germane under the rules of this House.

Nearly one year ago, Mr. Speaker, I stood on this floor and proudly brought forward a rule for the very first Homeland Security Appropriations bill. We have accomplished so much in that one year to protect our homeland and further establish this important department. We continue that work in coordination with the underlying legislation.

In my remarks last year, I spoke about our ability to fund first-responders and ensure that they are always equipped on a State and local level to protect the Nation. This year, we provide $4.1 billion for first-responders, including high threat areas, firefighters and emergency management. This brings the total appropriated by Congress for first-responders since September 11, 2001, to $26.7 billion.

I also indicated last year the productive start to the Container Security Initiative. I am proud to report that in the underlying bill we have more than doubled funding to $126 million. That is as part of this increase in funding, the United States will be expanding this initiative throughout the world to stop terrorism before it reaches our shores. As a Member from a district whose daily well-being, including our economy, depends on large ports, I continue to strongly endorse this program.

While continuing important programs, this legislation begins new efforts to strengthen homeland defense. It is well-known that the Coast Guard must receive funding to upgrade its infrastructure while addressing emerging challenges. The underlying legislation provides $679 to the Deepwater Program, designed to allow capital acquisition for the future strength of the Coast Guard, on the frontline of homeland defense.

The Coast Guard Integrated Support Command in Miami is essential to the safety and security of residents. The Coast Guard in south Florida coordinates regional plans aimed at hurricane safety, recreational boater safety, and, most importantly, protection of our coastline from terrorism and drug trafficking.

While I am extremely pleased with the end result we have before us today, I also believe in the future we have to somehow find additional funding for the In-Line Explosive Device Security, or EDS. The legislation before us includes $269 million for the project, a good start, but the Federal cost share for this important technology at Miami International Airport alone, which is in my Congressional district, will top $200 million.

In-line systems will allow for more screeners to be redeployed at passenger checkpoints. In-line EDS systems increase efficiencies and reduce costs associated with baggage screening. This next generation of security technology for our Nation's airports will yield great results.

H.R. 4567 is a good bill, Mr. Speaker. It is a testament to our changing world that Congress is able to respond to security concerns abroad while ensuring that the homeland remains secure. The first responsibility of government is to protect its citizenry, and we are able to respond with priority funding for this important Department of Homeland Security.

We bring this legislation forth under a fair and open rule, as I have stated before, and I would like to reiterate.

I would like to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) for their extraordinary leadership on this very important issue. I urge my colleagues to support both the rule and the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, much is being said about how tight fiscal restraints are this year. We know that is so, but it is not an excuse for our current budget constraints. Just a few years ago, the Federal Government had a budget surplus of $3 trillion. Today, the government is facing historic deficits upward of $7 trillion. Bad fiscal policy has hamstrung the Federal Government's abilities to invest the sums necessary to protect the Nation from terrorism. The tight budget numbers are the result of tax giveaways to people who least need it, the people that the ''Oracle of Omaha,'' Warren Buffett, has said owe the most to the country and pay far too little.

It is good for the Nation that overall funding for the Department of Homeland Security has increased. However, the increase is not enough. The cost of securing the Nation is high, but throwing dollars at the threat is not the solution. We must spend homeland security funds wisely, and all homeland security activities must be coordinated within the department itself and with State and local governments.

But well into its second year, the department is still underachieving. Several years into our own war on terrorism, the department has not developed a comprehensive threat vulnerability assessment. How can we protect the people of this country when we act blindly without this basic information necessary to develop and implement a comprehensive homeland security plan?

Recent reports have shown that airports are not any safer despite the creation of Transportation Security Administration. There is no coordination of homeland security functions along the southern or along the northern border.

I represent the second busiest gateway between the United States and Canada, and the need to increase the resources along the over 4,000-mile border between the U.S. and Canada is great. For years, little attention was paid to our northern border. But if we are to maintain the $1 billion a day trade between the United States and

Canada while maintaining U.S. safety and security, we have to provide the resources to do it. We must create a northern border coordinator to ensure our dollars are invested prudently and that Federal, State and local authorities are working together.

I am extremely troubled by the $300 million cut to funding for our first-responders, the people on the ground valiantly protecting our communities with too few resources and lots of overtime. How can we justify cutting funding for police officers, firefighters and EMTs, who are the first people on the scene to respond to a terrorist attack? Money has been awarded to States and localities, but the process is so cumbersome and lengthy that local governments have difficulty actually spending the first-responder grant money.

It is also imperative that we take threat, vulnerability, and strategic importance into account when we allocate the first-responder dollars. High threat areas with high population densities certainly deserve attention and dollars. Areas of strategic importance need and deserve Federal assistance. And, as I mentioned, the border crossings at Buffalo and Niagara Falls are the second busiest portals between the United States and Canada. This entry port is tactically important to the security of the United States. Terrorists could use this entrance to gain access to the country or use the bridges as a means to slip weapons into the country. Western New York's strategic position and role are vital to national safety. Such areas need the resources to secure the northern border without disrupting the important commerce between the United States and Canada.

Mr. Speaker, another issue that greatly bothers me, and is an insult to every taxpayer in this country, are the corporate expatriates, American companies that incorporate abroad in order to skip out on their tax obligations to this country. These corporations earn millions of dollars from the Federal Government. According to the General Accounting Office, corporate expatriates cost this country an estimated $5 billion in lost tax dollars, and yet they continue to receive $2.7 billion in government contracts. That is a disgrace.

Accenture, the scion of Arthur Andersen of infamous Enron fame, recently received a $10 billion contract to build a foreign traveler tracking system known as US-VISIT. During committee consideration of the homeland security appropriations, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. BERRY) offered an amendment to ensure that companies incorporated outside the United States for tax purposes could not enter into contracts with the Department of Homeland Security. It makes sense. The DeLauro-Berry amendment would void the Accenture contract by barring any contracts with corporate expatriates before, on or after the date of enactment.

H. Res. 675 protects the first part of the DeLauro-Berry amendment, which will probably disappear in conference, but it specifically refuses to protect the second provision in the amendment that would invalidate the $10 billion contract with Accenture.

Bloomberg News reported that Accenture posted increases in American earnings from $247.3 billion in 2002 to $566.9 billion in 2003, doubled in one year, while the company reduced its tax liability to $143 million from $382 million. During that same time period, Federal procurement records show that in 2002 Accenture benefited from Federal contracts worth $450 million, of which $250 million were related to military or homeland security functions, another disgrace.

At this time, when unemployment levels have remained consistent since December 2003, it is important that we as public servants and as agents of the Federal Government do everything we can to keep jobs in this country. We should not reward companies that incorporate outside the United States in order to avoid Federal taxes.

Think of the advantage it gives them in bidding against American companies. Expatriate corporations like Accenture have a huge structural advantage over companies that stay in America, employ Americans and pay their fair share of taxes. It is our duty to support the American companies. Giving the largest contract yet awarded by the Department of Homeland Security to an expatriate company contradicts the principles and ideals that I was sent here to uphold.

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

Mr. DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule. Last night the Committee on Rules issued a rule that even experts in this House on House rules could not initially decipher. On the one hand, they finally acted to close loopholes in the Homeland Security Act which allowed corporate expatriates to continue to receive government contracts, after the House voted 318 to 100 in July 2002 to prohibit those contracts. But, on the other hand, and it seems there is always another hand these days, they specifically left open a provision that would have prevented just such a contract from going through.

Under this rule, it is almost certain that Accenture will be able to retain a massive $10 billion contract with the Homeland Security Department. This runs directly counter to the will of the Committee on Appropriations. Last week, on a strong bipartisan vote of 35 to 17, the Committee on Appropriations voted in favor of an amendment which I offered along with the gentleman from Arkansas (Mr. BERRY) to close loopholes in the Homeland Security Corporate Expatriate Contracting Ban and to stop the department from moving forward on this $10 billion contract to Accenture.

□ 1400

This is a company which reported that its American earnings increased by over $319 million in 2003 while, at the same time, its U.S. tax liability decreased by $239 million. Yet, today, the Republican leadership is hiding behind technicalities to reward a company which has shunned its American citizenship in order to reduce their tax liability. It is wrong. It is shameful. You ask any American worker or a responsible corporation that pays their taxes, and yet they go overseas so that they will not have to pay their taxes, and whether they are a Democrat or a Republican, they will tell you that going offshore, not to pay your taxes and coming back for a $10 billion contract from the Federal Government, it is an outrage.

This company set up a shell corporation overseas and put two tax-paying American companies, companies which employ thousands of Americans in many of our districts, at a competitive disadvantage. This sends a terrible message to every good corporate citizen in America. We cannot afford to reward companies who shun American citizenship at the expense of loyal American businesses and contractors. It offends our values as Americans.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise to oppose this rule for a very simple reason: my citizenship in the United States of America is not for sale.

In the State of Arkansas, when they began to call up the National Guard and Reserves to serve, they went willingly. They are still there. They are doing their job. In Arkansas, we have some really wonderful companies. One of those companies is Wal-Mart. What Wal-Mart did was this: they said the employees that we have that are in the National Guard and Reserves that are going to have to take a pay cut to serve, we are going to make up the difference. We are going to give them out of our pockets that money, and they did. And those men and women in uniform today who are on the battlefield are having to pay taxes on that generous contribution that Wal-Mart is making to them.

That is an honorable and proper thing to do.

But now, we have the Committee on Rules determined to make it possible for a company of questionable reputation at best, called Accenture, that chose to renounce their American citizenship and renounce any obligation

that they might have to our men and women on the battlefield and say to the whole world, money is the most important thing to us. That is what we care about, money. We will give up our American citizenship. That is what they said, and that is what they did.

But this rule makes it possible for them to get by with it and get a $10 billion contract from the Department of Homeland Security. I cannot imagine why in the world the Department ever agreed to give them that contract in the first place. It is absolutely irresponsible. I do not understand why the leadership on the Republican side decided to take this out of the bill. I do not understand that. I know that people work hard to develop a good Department of Homeland Security bill, and the American people deserve better, and if we allow this company to thumb their nose at being an American and turn around and give them a $10 billion contract paid for by hard-working Americans that pay their taxes and do not complain about it, we have done the wrong thing.

I urge this House to reject this rule and have the Committee on Rules come back to us with a good rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, two companies decide to compete for a government contract. This happens, in fact, with dozens of companies, hundreds of companies all over America seeking different government contracts and wanting business that is funded by the taxpayers. Of these two companies, however, one of them has chosen to denounce its American citizenship when it is time to pay its taxes, by moving overseas and declaring that it is a company organized in Hamilton, Bermuda.

The other company is an American company, not only when it comes time to put their hand out to get a government contract, but also when it comes time to put their hand out to pay the taxes that they earned on their American business.

Now, which one of those companies has the competitive advantage? The one that stayed home and was patriotic to America, or the one that dodged its taxes and has lower overhead because it has lower taxes? I think the answer is rather obvious.

Yet this Republican leadership has defended a practice that encourages corporations to dodge their taxes and to head off to Bermuda or Barbados or somewhere else. Then, to add insult to injury, the same tax-dodging corporation that wants the protection of American troops when it comes to national security, and of our law enforcement here at home when it comes to homeland security, these same corporations that have dodged their fair share of our homeland security and national security expenses, recognizing the permissiveness of this House Republican leadership and of the Bush administration, come back to the American taxpayer and say, not only do we not want to pay our fair share of the taxes; we also want your share of the taxes. We want government business. We want what other taxpayers, including our competitors, have paid for; we want their tax monies so we can earn more money that we can dodge taxes on while we are staying in Bermuda.

Mr. Speaker, I oppose this rule, because that is exactly what the Committee on Rules, with the encouragement of the Committee on Homeland Security, has approved. It gives the competitive advantage to the corporation that dodges its taxes.

Just the night before last in the Committee on Ways and Means, we heard an official from the Treasury Department again oppose corporate expatriation proposals that have been approved in the other body with wide bipartisan support, because they really do not want to stop this trend of these corporations dodging their responsibilities by going to Bermuda.

Now, with Accenture, the accent has been on tax avoidance. They have now been awarded a $10 billion contract that a bipartisan vote in the full House Appropriations Committee would have put a stop to. But the House Republican leadership, with its typical permissive attitude, has blessed that.

So now Accenture, ahead of the pack, will get $10 billion in a government contract while it avoids taxes.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

Mr. OBEY. Mr. Speaker, we have now gone about 1,000 days since the attack on this country on 9/11, and this bill is supposed to deal with our efforts to protect the homeland. I think that to evaluate how good those efforts are, we need to compare the challenges with the resources that we are applying to meet those challenges. And if we do, I think there will be no doubt that we are mistakenly trying to do this job on the cheap.

Let me give my colleagues some examples of inadequacies in this appropriations bill.

Air cargo. Air cargo is a huge threat to the safety of the flying public. If the public understood what a tiny percentage of cargo that is shipped on passenger planes is actually inspected, they would be shocked. It is a tiny percentage. We ought to do something about that. This bill prevents us from doing that.

The gentleman from Florida discussed correctly the need for more inline explosive detection devices at airports. We wanted to try to do that in the bill; but, again, we are precluded from doing that by the budget ceiling. The chairman of the committee himself has indicated how important that is. Yet we are not going to be able to make any significant advances on that front under this bill.

If we take a look at the problem that we have with military pilots being able to communicate with commercial pilots, if you have a terrorist incident or a potential terrorist incident and a military aircraft is trying to track a civilian aircraft, it would be kind of nice if those two pilots could talk directly to each other and to the ground. But right now, we do not have the software system in place that will enable that to happen. That is a dumb omission.

We also have some problems with respect to ports.

Now, the new idea in protecting our ports is to establish inspectors at foreign ports so that they can review what goes into those cargo container boxes before they ever leave that port on their way to the United States. But we have a big problem. There are only 20 ports out of the 45 major ports that we need to cover where we have that kind of inspection activity going on; we have none going on in China, and China imports three times as much through cargo shipping as does Hong Kong, for instance.

Worse yet, the inspectors on the job in those foreign ports are assigned temporary duty for about 6 months apiece. They cannot get to know the territory; they cannot get to know the people they work with in those ports during that time. They should be long-term assignments, but we do not have the money in the bill to do that.

The northern border. The PATRIOT Act, with all of its problems, the PATRIOT Act required that we have a specific number of inspectors on the northern border. We are 2,000 short of the number that was supposedly guaranteed by the PATRIOT Act. First responders, those are the policemen, the firemen who deal with the incidents where they occur in the local community, on the ground, we have been told by the Rudman-Hart Commission that there is about $90 billion worth of need that we need to address. We have only met about 15 percent of that need.

We have fewer firefighters in this country today than we had on 9/11. Do you call that progress?

And then, we have the massive problems in the Homeland Security Agency. Of the 500 career slots in that agency, or roughly 500 career slots, 171 of them are vacant. Twenty-five percent of the slots in that agency are filled by political appointees. Is it any wonder that there is considerable chaos?

More than a year after the reorganization, that agency still does not have a phone directory. I was talking to a fellow 2 days ago who was trying to talk to the Homeland Security Agency about getting a contract, to meet a need that they were advertising; he did not even know who to call or how to find out because they do not have a phone directory.

□ 1415

It does not make a lot of sense.

General Zinni has made the point that when it comes to dealing with this terrorist threat that we have a lot of tactical activities going on but not very many strategic. I just think we need to face the fact this bill is not adequate.

And then, as has already been mentioned by several other Members, it has this weird feature which allows the Homeland Security Agency to give a contract that would be valued up to $10 billion to a company for the purpose of tracking who crosses our borders, they want to give that contract to a company that has already jumped our borders and decided they will locate for tax purposes in Bermuda. That means they duck their taxes, and your constituents and mine get the privilege of making up the difference.

Great deal. Great deal. That is why I would urge every Member of this House to vote against the previous question on the rule so we can offer amendments to correct these problems and to vote against the rule if we cannot bring down the previous question.

Mr. Speaker, I am inserting in the RECORD at this point the text of the comments I made in the report accompanying the Homeland Security Appropriation bill made in order by this rule.

ADDITIONAL VIEWS OF DAVID OBEY

It has been a thousand days since al Qaeda launched its first successful attack within U.S. borders. Since that time many changes have taken place inside our country and in the way we deal with other nations around the world. Most of those changes have been justified as steps that were necessary to insure that nothing like September 11th ever happens again. But how much progress have we really made? How far have we come in reducing the likelihood that it will happen again?

One thousand days has often been viewed as a period of time for communities and even whole nations to stop and take stock. What have we done right? What have we done wrong? What are our largest remaining areas of vulnerability? What are our prospects of getting hit again?

I think our efforts to prevent future terrorist attacks can be divided into three stages. The first step was to hit al Qaeda and hit them hard. Take the battle to them. Destroy their leadership; their ability to communicate; their ability to raise and transfer funds; their ability to obtain weapons and to move members between countries and most importantly, their capacity to organize attacks against the United States.

The second step was to understand the factors in the Arab and Muslim worlds that feed this kind of senseless anger and why that anger has been directed toward the United States. Why did so many ordinary people in the Muslim world cheer on September 11th and what does it take to reduce or at least redirect the anger that is now so focused on us.

Thirdly, what are we doing to upgrade our defenses here at home? What goals have we set? Do they make sense? How well have we performed in reaching those goals?

ATTACK AGAINST AL QAEDA

With respect to the first goal, I think the United States has for the most part performed well particularly if we look at the early stages of our effort and if we view al Qaeda as an organization, rather than an idea or a cause. The organization's leadership has been significantly diminished. While a number of its most senior leaders have survived, the best evidence indicates that they have grave difficulty communicating with others in the organization or playing any kind of day-to-day leadership role. Significant numbers of lesser figures in the organization are still at large and they are very dangerous. But they face much greater challenges moving about the world, receiving the training necessary to successfully execute large scale attacks and getting the materials and support necessary to launch such attacks.

The initial phases of our attack against al Qaeda were highly successful. The planning and execution of the overthrow of the Taliban in Afghanistan was a high-water mark in our efforts against terrorism. The initial cooperation that we received in the wake of September 11th—from our traditional allies in Europe and also from nations across the globe that have at times been less than friendly to U.S. interests was also impressive.

LOSING FOCUS IN AFGHANISTAN

But somehow, we lost our focus. Having destroyed the Taliban's capability to rule Afghanistan we did not move aggressively to insure that the government that we support in its stead could fill the void. We did not invest anything like the level of resources for Afghanistan that was needed to make rapid, noticeable changes in the quality of life. Because of that, in a large portion of the country, we did not have the leverage to strengthen the hand of central government, extend the rule of law, and deny terrorists safe haven. We also did not sufficiently exert our influence to insure that the Afghan army that we were attempting to build was representative enough of the various ethnic and tribal groups across the country to become a credible force for stability and unification.

But the attack on al Qaeda began to loose steam outside of Afghanistan as well. Talented intelligence operatives with highly specialized knowledge of Arab culture, language and political behavior were diverted from the listening posts and operations centers across the Arab world where al Qaeda activity was most likely to surface to undertake a quite different mission. Financial resources, talented administrators and trainers who might have helped our allies in the Arab world improve their own military and intelligence capabilities against indigenous terrorist organizations were also diverted. The striking momentum that characterized the early phases of our efforts against Al Qaeda has greatly dissipated. The organization has lost much of its backbone, but many of its pieces are still out there attempting to reorganize and regenerate the segments that have been lost. We no longer have the focus to our effort to insure that that does not happen.

Still, you would have to say that our efforts against al Qaeda have been a success—at least if al Qaeda is viewed simply as an organization. The problem is that al Qaeda is as much as idea as it is an organization and ideas are hard to kill. Bullets can kill organizations—they sometimes only strengthen ideas.

As General Anthony Zinni said recently in a lecture before the Center for Strategic and International Studies, while we may be winning the war on terrorism on a tactical level, on the strategic level we don't appear to even have a plan.

Osama bin Laden never intended al Qaeda to be the command structure for the jihad against the United States. The term ''al Qaeda'' means simply, ''the base.'' Bin Laden wanted to create a network to support and encourage jihad. He wanted to attack and overthrow the Arab governments around the world that he viewed as corrupt and out of sync with his views on the teachings of the Koran and he wanted to attack the foreign power that stood behind most of those governments—the United States. Bin Laden's challenge was to create a blueprint that could be used for such attacks and to inspire large numbers of disgruntled members of the Arab and Muslim world to follow that blueprint. He wanted to create a movement that represented more than a small army of terrorists—a movement that could bring down moderate Arab governments and, with the overwhelming support of Arab peoples, drive the United States from the Middle East.

AMERICAN IMAGE IN ARAB WORLD

While bin Laden has suffered huge organizational setbacks over the past thousand days, he has been enormously successful in progress made toward his one strategic objective. He has captured the attention of the Arab world and much of the Muslim world. To a remarkable degree he has even won their sympathies, and in some instances, their commitment. If we wish to reverse that, we must begin to think strategically as well as tactically. We must succeed in our efforts to take the second step, to reshape the image of the United States in the Arab and Muslim worlds. We must not only strengthen the determination of our friends in the region to resist terrorism but also encourage them to address the underlying problems that feed it. Even for many of the brightest and most industrious young people in many Arab countries, hope is in short supply. While the energy resources of the region have brought great wealth to a few, a chance has largely been missed for many governments to use those resources to build opportunity economies.

How we change our image in the Arab world and what policies we should pursue to accomplish it is an issue that will spark debate and some division in this country. That debate needs to begin and it is the responsibility of leaders in both the executive and legislative branches to begin it.

UPGRADING OUR DEFENSES AT HOME

Given how poorly we have done over the past thousand days in stemming the anti-American passions in the Middle East, it is even more important that we do a good job in the third step required for a successful strategy: upgrading our defenses here at home.

In evaluating our performance on that front, it is important that we distinguish motion from movement. I am afraid that in many respects we have had more activity than we have had progress.

On September 11th, we had more than 130 agencies and activities of the federal government engaged in some aspect of homeland security. Those pieces of the bureaucracy were spread across most of the Departments of the federal government. There was no central capacity to oversee or monitor how well they worked together. Many of these agencies had only a fraction of the resources necessary to accomplish the security tasks that experts in the field believed could prevent future attacks.

So, after a thousand days, what has changed?

HOMELAND SECURITY ON THE CHEAP

Well, we are certainly spending more money. The government is spending about $5 billion a year more just on airport baggage and passenger screening. We have expanded the size of the customs service and the immigration service. We have bought new equipment in our ports to screen cargo coming into the United States from international shipping and we have had a significant

growth in law enforcement activities. But if you compare the challenge we face with the resources we are using to meet those challenges, it is clear we are trying to do this on the cheap. We are like someone with a good paying job who must get to work on time every day in order to keep that job. But instead of building the most reliable car he can find, he gets a fifteen year old model—one that will get him there most of the time but will eventually cost him his good paying job.

Failure in establishing our defenses against terrorism places lives at risk. It also puts at risk our capacity as a society to generate wealth. Although the greatest loss would most certainly be measured in human life, penny pinching on necessary security is foolhardy from a simple economic perspective.

THIS LEGISLATION CONTINUES FUNDING FAILURES

Many in government, including the President and the Attorney General, have warned that we are likely to be attacked by terrorists on our homeland within the next nine months. Given this information, you would think that we would be doing everything humanly possible to improve the security of our homeland. The legislation accompanying this report is the prime vehicle to provide the resources to do that. Unfortunately, it represents a stark failure to improve protection of our citizens in any meaningful way against the wide-ranging scope of the threat facing us today.

The fact is that we are not doing all we can to protect Americans from another terrorist attack. The legislation accompanying this report provides an increase of $2.8 billion or 9.4 percent over the previous year. Yet excluding Project Bioshield and user fees, the bill is only $1.1 billion or 5 percent above the previous year. Despite the Department's huge security responsibilities, this is only slightly above inflation.

This legislation provides a resource level equal to only slightly more than inflation for our customs and border protection and enforcement operations and for port security. Worse, this legislation cuts funding for programs designed to improve the response capabilities of our local police, firefighters and emergency responders by $327 million or seven percent from 2004.

OMB'S HOMELAND SECURITY SPENDING ANALYSIS

OMB has prepared an analysis of homeland security spending which is seriously flawed. Programs that were not counted as homeland security a few years ago have now suddenly been shifted into the homeland security category in order to convey the impression of a greater increase in effort than has actually taken place. Nonetheless, the OMB exercise is instructive for getting a big picture sense of what we are doing to address critical security issues. In total, OMB argues that we have gone from spending $20 billion a year—or about two tenths of one percent of GDP in fiscal 2000—to $46 billion a year, or less then four-tenths of one percent today. That means that, even based on OMB accounting, our increase in homeland security spending has been less than two tenths of one percent. To provide some perspective on that number, the share of GDP paid in federal taxes has dropped from 20.8% to 16.4% during that same period—a decline of 4.4% or twenty two times the size of the increase in spending to protect against terrorism.

Another perspective on the level of effort we have made thus far is the oft-used analogy of Pearl Harbor. Pearl Harbor led us to the creation of the concept of Gross Domestic Product. The Roosevelt Administration believed that it might require 50% of our total output to take on the Germans and the Japanese simultaneously. They asked the Commerce Department to develop a method of measuring national output. They not only produced the concept that is now used around the world to measure economic activity, but they were also actually able to reach that goal of spending nearly half of the nation's output on the war effort.

We do not need to put 50% of our output into this war or even 5%. Whether you think that our war effort in Iraq is associated with the war on terror or is a separate and competing activity, expenditures related to that activity account for more than 1% of GDP—more than twice as much as we are spending on activities directly related to protecting the homeland. Given that fact, it is blatantly ridiculous to pretend that we cannot afford what we need to protect against terrorist attacks.

Another major attack could erase a trillion or two trillion dollars from the total valuation of the New York Stock Exchange. It could substantially slow the pace of economic growth for a year or more. Again, the most important consequence of a terrorist attack is the loss of human life, but penny pinching on homeland security makes no sense. Even if we consider only the economics of the issue, the Institute for the Analysis of Global Security found that the cost of the 9/11 attack was nearly 2 trillion dollars, including the loss in stock market wealth, lower corporate profits and higher discount rates for economic volatility.

Now it should be noted that the Administration's FY 2005 budget attempts to make a case that in future years we can reduce the size of federal deficits from the current record levels and still afford additional tax cuts. In making that case their projections for future year spending levels in various categories of the budget are revealing. Homeland Security spending is essentially locked into place at current levels. In fact, what OMB is telling us is that unless the American people or the Congress force a change in priorities, what we have now for securing the nation is all that we are going to get and could decline by as much as $900 million.

But the question we should be asking is: Are we really doing enough? Are there things that we really ought to be doing that the resource levels we have allocated to the problem prevent us from doing?

AVIATION SECURITY GAPS REMAIN

One lesson from September 11th that virtually no one could miss is the need to secure our airlines and our airways. We have spent considerably more on this objective than on any area of homeland security. But there are a surprising number of resource issues still unaddressed with respect to protecting our airways.

For example, we still do not have an effective system of explosive detection. Put more directly, it is still much too easy to get explosive materials onto passenger airlines.

The Transportation Security Administration has identified equipment that could have provided us with that capability. It's expensive, (it would have cost close to $3 billion to install the equipment nationwide) but it would have dramatically improved our capacity to detect explosive materials. It also would have significantly reduced the number of screeners required in airports around the country. In fact, the savings in TSA personnel costs from the use of this equipment was estimated to be large enough to offset the entire cost of the equipment.

The Transportation Security Administration proposed to OMB that the agency purchase much of the needed equipment when it was preparing its plans to meet the 2002 explosive detection requirement set in law. But OMB decided that the expense could not be accommodated within the tight, arbitrary limits for homeland security spending which the President and the Director of OMB had decided to impose. Republicans in Congress then adopted a budget resolution that did not provide the Appropriations Committee with the latitude to move forward with the purchase. As a result we do not have an effective system of detecting explosive materials and that failure is due entirely to artificial constraints on resources and incompetent budgeting. TSA has recently acknowledged that the more expensive machines would pay for themselves within 3 to 5 years.

Following September 11th there was broad recognition of the fact that we needed to restart the sky marshals program and insure that there were enough marshals on domestic and international passenger flights so that potential highjackers would always have to think twice about the likelihood that a sky marshal might be present on a targeted flight.

Now the exact number of marshals that the President and the Congress agreed were necessary has remained classified. But few people realize that we are no longer operating at that level. No one has come forward with convincing arguments that the level was too high or that adequate safety can be assured at a lower level. We have simply once again allowed arbitrary budget limits, applied to one small portion of the budget, to drive a decision that may unnecessarily put a great many Americans at risk. Under the President's budget submission for Fiscal 2005, we will have 20% fewer sky marshals than the President and the Congress agreed that we needed just two years ago. That is in spite of the fact that there has been a significant increase during that period in the number of domestic and international flights and in the number of passenger miles flown.

We have had—and continue to have—serious communications problems between military pilots who have the ultimate responsibility to insure that commercial aircraft are not used to crash into buildings (and the commercial aircraft and the FAA system that controls them). Quite simply, military and commercial flight systems cannot easily and quickly talk to one another and the potential that leaves for miscalculation and mistakes it horrific.

Despite the fact that this problem could be solved for relatively little money, the military felt the commercial system should foot the problem and the FAA and the airlines felt it should be addressed in the military budget. OMB decided the cheapest solution was not to decide.

Finally, last fall, I decided for them. The $10 million that was needed was earmarked in the Defense Appropriation bill. I suppose that's a good ending to the story, except that the delay in funding means that the system will not be operative until 2006. That gives you one more thing to think about when you board a plane. It also provides more than a little insight into how decisions about homeland security are being sorted out within the executive branch.

RAIL VULNERABILITIES

These examples of inaction with respect to airway security are serious, but they do not begin to compare with the nearly total abdication of our responsibility to assure the safety of rail transportation. As the recent attacks in Spain have demonstrated, our enemy is not wedded to attacks on any single transportation mode. He will watch and wait until he finds a vulnerability that can be exploited.

Rail is vulnerable in two ways. One is from attacks against our freight rail system that handles a huge portion of the materials,

products and chemicals that allow our economy to function. The second is from attacks (like those in Spain) against the roughly 13 million Americans who use passenger rail systems each day.

Luckily, the Department of Transportation and other agencies in the executive branch began a process of sharing classified threat information with the nation's rail freight carriers in the late 1990s. The plans developed as a result of that process are in place and provide a foundation for significant security upgrades. But the plans are dependent upon the federal government meeting certain obligations it accepted during the planning process. Under those plans federal security forces are specifically required to monitor tracks and facilities. Not only have we failed to do that but we have not even designated the agency or department that will supply the forces or establish a means of training them.

As disquieting as the lack of progress in securing our heavy freight and passenger rail systems may be, the security efforts on behalf of transit systems is even worse.

LACK OF PROGRESS IN TRANSIT SECURITY

The White House has failed to mediate the dispute between the Departments of Homeland Security and Transportation over who is actually in charge of transit security. A General Accounting Agency report recommending a resolution of the issue has been rejected by both departments. The impasse continues despite the fact that it is halting any significant progress in securing the systems and despite the fact that transit systems have been the most frequent worldwide targets of terrorist attacks.

Neither Department is willing to spend even a small fraction of the security related costs most experts feel is necessary. Department of Transportation security funding for transit systems totals $37 million in the current year and the Department of Homeland Security has allocated only $115 million over the past two years. This legislation contains only $111 million for rail and transit security needs. In contrast, the transit industry estimates that $6 billion is needed for security training, radio communications systems, security cameras and limiting access to sensitive facilities.

What is the Department of Homeland Security's answer to these unmet needs?

They testified this spring that more funds are not necessary until they have had a better opportunity to define the problem. Now, that is an orderly approach, which we should applaud as long as the Department can guarantee al Qaeda's cooperation with their schedule. My concern is that the Department is likely to get some help they have not asked for in developing a definition of the transit security problem.

The Department has clearly become aware of how vulnerable they are to criticism about their lack of serious attention to transit issues. Only two weeks ago, in a classic move to cover their bureaucratic backsides, they issued a directive to transit systems ordering them to take a series of actions that the Department's own data collection system indicates have already been completed by the vast majority of transit authorities across the country.

CARGO CONTAINER VULNERABILITIES

Since September 11 the vulnerability that has most troubled many experts has been maritime cargo and the exposure of our ports to a nuclear, chemical or biological attack from a weapon placed in a shipping container. As the president of the U.S. Chamber of Commerce, Tom Donohue, has pointed out, such an event could cause death and destruction on a scale far beyond the attacks launched on September 11. It could virtually shut down our global trading system for an extended period of time. The economic consequences would be almost incalculable. Terms like ''economic downturn'' or ''recession'' would not begin to describe the aftermath.

The Bush Administration has spent billions looking for new technologies with the capacity to knock a nuclear warhead out of the sky if it were launched in the nose cone of an intercontinental ballistic missile. It has invested heavily in the development of other technologies that are intended to serve that purpose but probably cannot. But they seem unresponsive to the fact that a rogue or a terrorist organization can simply place such a weapon in a shipping container and explode it upon arrival in New York Harbor or in Los Angeles, San Francisco, New Orleans or Boston. A ship can bring into this country a far less complicated weapon than one which could be placed on an ICBM. It can be massive in size and its does not need to even be thermonuclear in order to cause massive numbers of casualties, destruction and economic chaos.

So what have we done to protect ourselves? Protecting our ports is not unlike protecting our airports. We need to have multiple security perimeters. The first should be overseas. That requires a whole new approach to cargo inspection. It requires that our inspectors leave the United States, establish cooperative relationships with port security officials in countries around the world that ship to the United States. It requires that they establish a system of certification and best practices with major exporters around the world.

This is not a Democratic proposal. This is roughly the proposal that George Bush's own appointed head of the Customs Service, Bob Bonner, took to the White House in months immediately following September 11th. It is the proposal that the Council on Foreign Relations Task Force, headed by former Senators Rudman and Hart had endorsed. It is the proposal that the U.S. Chamber of Commerce has written editorials to support.

But the White House waited until last year to request the first dime for this effort. Whatever presence the United States has had in foreign ports over the past one thousand days has been entirely as a result of Congressional increases to homeland security spending—increases that were opposed by the White House, increases that the White House threatened at various stages in the legislative process to veto, and increases which on one occasion the White House did veto.

Last year, the White House reversed themselves and finally requested a portion of the funds that were needed for container security. Their position changed from, ''we can't afford it'' to ''we needed to wait.'' That is a turnaround and I suppose we should welcome it. But the $126 million that the president has proposed for FY2005, and is contained in this legislation, will not adequately fund the program. It will not even allow us to fully staff the 45 foreign ports where DHS had planned to inspect all manifest documents. It will not permit our current foreign inspection programs to become permanent. We are currently in only 17 ports. We currently have no container security presence in China, the biggest U.S. trading partner in terms of cargo containers. The number of cargo containers arriving to the U.S. from China is more than three times those arriving from Hong Kong.

More troubling than the mere question of resources is the lack of political or bureaucratic clout behind this critical initiative. If having inspection agents working with foreign customs officials is to be a truly effective means of understanding what is in foreign ships before they leave for U.S. ports, it requires developing long term relationships between our agents and those who control the foreign ports we wish to monitor.

This involves a new level of training and expertise for our customs agents. It involves establishing continuity in the relationship we have with host governments in terms of what we expect to get and what incentives we can provide to those who cooperate. Nothing could be more destructive to this effort than to rotate in and out of foreign ports agents with only a few months of experience based on a deliberate system of staffing through temporary assignment. But that is precisely what we have done. In the few foreign ports where we do have a presence, that presence is a U.S. customs officer detailed there on a six-month temporary duty assignment. Those agents don't even know what the problems were between the U.S. and the host government when the program was initiated. They are certainly not people that officials of the host government would want to invest much time in getting to know—they will be gone before there is any pay off from developing a relationship.

PORT VULNERABILITIES

If the overseas effort to identify the contents of cargo containers is the outer perimeter for protecting our ports, the ability of the Coast Guard to interdict, board and inspect U.S. bound shipping at sea is the next perimeter. Yet the Coast Guard's capacity to perform that function has also been restrained by lack of resources. The Administration frequently states that the Coast Guard is now boarding all vessels that are deemed to be ''high interest.'' That means 80% of all other vessels are not boarded.

Observing, tracking and controlling ships as they approach and enter into American waters is the next perimeter in securing our ports. Systems have been developed that are very similar to the systems by which air traffic control directs airplanes entering into U.S. airspace and approaching U.S. airports. These systems, however, are available in only nine ports, leaving 45 major ports without such a system. Again, this is penny wise and pound foolish. It is also a bad decision in terms of long-term cost effectiveness. More automated systems permit more rapid detection of ships that are not following control directives; they can be operated by fewer people and are long-term cost savers.

And, inside our ports, there are numerous critical issues. One is preventing unauthorized persons from having access to ships, containers or post storage areas. A second is protecting hazardous chemicals and materials from attack. The Coast Guard estimated that the 185 commercial seaports in the United States would need about $7 billion to assess vulnerabilities and take necessary action to correct those vulnerabilities. These port authorities do not, in most instances, have the revenue raising authority to pay any significant portion of these costs. This year was the first time the Administration requested any money whatsoever for this purpose, and it only requested $46 million. The Congress has been able to appropriate only $587 million or less than 10% of the money needed to do the job. This legislation includes an additional $125 million for port security, which will keep us on the slow-moving path to addressing all of our port vulnerabilities.

SECURING OUR LAND BORDERS

Another major priority has been securing our land borders—in particular, the 3000 mile U.S. border with Canada or 5000 miles if we include Alaska. Despite our continuing strong economic and political ties to Canada, the situation of the two nations with respect to potential terrorist attacks is quite different. Canada's smaller role in world affairs and the image of Canada in the eyes of

the international community make it a much less likely target of attack than the U.S. At the same time, Canada's vast geography and relatively small population have led to far more lenient immigration policies than those in place in the United States.

As a result there will continue to be significant differences between the two countries on how external security concerns are managed. That means that the question of how to control our border and the movement of people and cargo across that border is suddenly a matter of much greater concern.

Recognizing that concern, the Congress included language in the Patriot Act calling for the tripling of the number of border agents and inspectors on the Canadian border above the levels we maintain on September 11th. As of October 2003, we were still more than 2000 people short of this goal. In addition, there was a clear need for significant additional equipment on the Canadian border to insure that those new people would be efficiently put to work: equipment like air stations, radiation monitors, and surveillance equipment.

To date we have fewer than 4000 agents and inspectors on the border. In other words, about one third of the positions promised in the Patriot Act are still unfilled. The FY 2005 budget promises no increases from current levels. And the President' out-year budget projection provides a strong indication that personnel strength at the border will actually decline rather than increase over the next five years. With respect to equipment, we have provided the first air station (again one not requested by the Administration) and some radiation monitors, but have made no critical investments in things such as surveillance equipment.

PREPARING THOSE WHO RESPOND TO TERRORIST ATTACKS

The events of September 11th made clear that the brave men and women serving in the police, fire and emergency medical units in New York, New Jersey, Virginia, District of Columbia and Maryland needed a significant amount of additional equipment and training to more effectively respond to the types of attacks that occurred on that day. It was also apparent that first responder units across the nation did not have most of the equipment they would need to deal with a nuclear, chemical or biological attack.

The needs of local first responders were spelled out in considerable detail in the Rudman-Hart reports. But the federal government has already allowed most of the burden to fall on local governments. Since the capacity of those local governments to support such investments in the tough economic times is limited, progress in equipping first responders has been minimal.

Of the $98 billion in first responder needs identified by the Rudman-Hart report, the Feds have provided less than $14.5 billion, or 15%. As a result only 13% of fire departments can effectively respond to a hazmat incident. An estimated 57,000 firefighter's lack the personal protective clothing needed in a chem-bio attack. An estimated ⅓ of firefighters per shift are not equipped with self-contained breathing apparatus and nearly half of the available units are 10 years old. Only half of all emergency responders on shift have portable radios. And we still have massive needs for interoperable communications equipment. On site emergency personnel working for different agencies need to be able to talk to each other. We will probably never know how many victims in the World Trade Centers could have been saved if they had known that they needed to evacuate the buildings. We know that was a communication problem of disastrous proportions.

This legislation cuts funding for programs designed to improve the response capabilities of our local police, firefighters and emergency responders by $327 million or seven percent from 2004. These professionals are put on the front line risking their lives every day. They are especially put at risk when terrorists attack our homeland, as we saw from the number who died at the World Trade Center. These professionals need to be prepared for the various types of attacks we may face and they are not fully prepared today. It is disgraceful that this legislation provides less funding in this area, not more.

These are only a few examples of where corners have been cut in establishing the line of defense here at home.

INADEQUATE HOMELAND SECURITY LEADERSHIP

But there is more to the story than simply talking about resources. In many instances, we have not had the leadership necessary to organize available resources in effective ways.

Prior to the creation of the Department of Homeland Security, the White House identified 133 separate agencies and activities within the federal government that played a role with respect to homeland security. The creation of a Department was the Administration's answer as to how to better manage and coordinate those disparate activities. The problem, however, is that only 22 of those 133 activities became part of the new department. A total of 111 agencies and activities, including the FBI, the CIA, the Defense Department and many other key components of the overall effort remained on the outside.

But for whatever reason, the effort to have centralized control and coordination of all of those activities within the White House was diminished. When Tom Ridge went to DHS his replacement within the White House was not given the same clout to knock heads together and insure that Departments and agencies are working together toward a common mission. Too frequently, we have had 112 units of government headed off on their own with no central coordination, as Attorney General Ashcroft's press conference and the reaction within the administration to that press conference last week so clearly demonstrated.

And even within the new department there have been serious problems. In its first year of operation, DHS has disappointed even those with low expectations. Bureaucratic snarls have been so intense that on its first anniversary the Department still did not have a working phone directory. My staff has been asking for one for more than six months and has yet to receive it. It has also been reported that when callers phone the Department's hotline number, it just rings and rings. Members of Congress from the President's own party have expressed grave concerns about the inability of the Department to respond to requests for information in any kind of a reasonable time frame.

One possible cause of the rampant chaos at the department has been the injection of a huge number of political appointees. Since the creation of the Department more than one quarter of all personnel who have been hired for departmental operations have been political appointees. These individuals often appear more fixated on positioning themselves politically than on the nuts and bolts security problems, which the Department must address. We have seen a huge number of press releases promoting the Departments efforts but we have few concrete efforts worthy of such self-promotion. We, for instance, still do not have regulations regarding the licensing and registration of hazardous material truckers nor do we the detailed guidance for flight and cabin crew training to prepare for potential threat conditions which was mandated by the Aviation and Transportation Security Act more than two years ago.

Typically, political appointees remain in their appointed positions for less than 24 months. At that point, they are off to some other part of the administration or headed back into the private sector. That means building true long-term competency within any Department is heavily dependent on recruiting a committed professional career staff. But the 114 political appointees now swarming the halls at DHS have—if anything—impeded that process. Of the 500 career positions needed to run the department, 171 remain vacant. One of the most critical positions in any Department is that of Budget Director. In only 14 months DHS has had three budget directors.

Ironically, this legislation provides funding that is sixty-two percent higher than this year for Departmental Operations. Even though we were told that formation of the Department of Homeland Security would not cost us a dime, it now appears that the Administration has realized that this was not true: $65 million is provided in this legislation for the Department's headquarters and $70 million is provided for the ''security-critical'' new personnel system. I do not question the need for this funding. But I do think that it is instructive that these are higher priorities for the Administration and the Committee majority than are protecting our border, ports, transit, and aviation system.

Instead, this $135 million could have been used to purchase and install hundreds of additional radiation portal monitors at our borders and ports. The Committee majority admits that it is, and I quote this report, ''aware of a need for over 1,000 more'' radiation portal monitors than are funded by the Committee.

Instead, this $135 million could have been used to inspect a much greater percentage of air cargo for explosives than we do today. While the Committee report calls for a doubling of the screening for explosives of cargo carried on passenger airplanes, this ''doubling'' still leaves a large percentage of such cargo at risk.

Instead, this $135 million could have been used to secure additional critical infrastructure, like chemical facilities, transit systems and ports. The Committee majority agreed with the Administration's plan to have only thirty-five percent of protective actions that it recommends actually implemented for ''first tier priority critical infrastructure components''. What this means is that sixty-five percent of the actions the Department recommends to protect the public will not be implemented next year.

The Administration and the Committee majority seem to be very patient when it comes to protecting our citizens on our homeland. Unlike them, I remain unconvinced that terrorists will wait a decade for their next attack.

CONGRESS SHOULD NOT ABDICATE ITS ROLE

About a year and a half ago I spoke to a group of reporters at the National Press Club about where the country stood at that time in protecting itself against terrorist attacks. I feel that the coverage of that event was fair and I think we exposed some problems that, as a result of that coverage, have been fixed. But I also think that the press and the public have a presumption that this is such a complex issue that we simply have to trust the President and his advisors in the Executive Branch to do what is right. I think many of my colleagues in Congress have felt the same way. While I understand people's tendency to leave this complex calculus to the ''experts,'' I think this town is currently awash in new information about the decision making process within this administration which indicates that is a bad idea!

First of all, that is not the approach to decision making that the Constitution requires of us. It is our job to second-guess. When so much is at stake, the Congress, the press and the public have the clearest possible obligation to insure that the decision making within the Executive Branch is measured, deliberate, based on the best available information, and consistent with the quality of judgment befitting the seriousness of the risks to which we are exposed. Had that happened in the wake of 9/11 or even a year and a half ago there are many points in this statement that I might have been able to leave out.

One problem in all of this, frankly, is that it was hard for the press and the public to believe much of what I reported a year and a half ago. While the facts presented in that statement were well documented they presented a picture of executive branch decision-making that was wholly inconsistent with what the nation or the press corps wanted to believe. It was hard to accept the idea that in this moment of great national crisis we did not have systematic methods of screening information, examining policy choices, debating the pluses and minuses of each alternative, and making strategic choices based on an exhaustive effort to find the best possible alternative. But in recent months we have learned time and time again that this was not the nature of decision-making within this administration.

Ron Suskind, using the exhaustive notes and papers of Treasury Secretary Paul O'Neill, tells of an extraordinary decision making process in which information is collected on the basis of decisions that preceded them. Richard Clarke describes a process both before and after 9/11 that was quite similar. So does Bob Woodward.

My own experience with the President himself, demonstrates that this President has listened as infrequently to those in the Congress who know something about homeland security as he did to our allies or the career American military before rushing into Iraq.

But any one who has been listening these last few months is pretty well aware of the fact that we were not vigilant and were not picking up on clear information of elevated threat levels prior to 9/11. We did not respond in the summer of 2001 to that threat in the same manner that we responded 18 months earlier when similar threat information triggered a massive response to the millennium threat. We did not have an orderly or honest process to measure the pluses and minuses of invading Iraq. People at the highest levels silenced, dissent and criticism and irreversible actions were taken based on flawed information.

We based our plans for security and reconstruction of Iraq on intelligence from a single organization outside of this government which both the State Department and the CIA said was unreliable. Unfortunately, that is all spilt milk. Even if we understand those mistakes, we can't go back and try it again.

What I am talking about today is not spilt milk. We can correct these policy mistakes and we can possibly correct them in a time frame that will prevent the next attack. It all depends on whether we are ready to get real.

Now, I am not optimistic by nature. Perhaps it is merely my nature that leads me to believe that the cauldron that is today boiling in Southwest Asia, North Africa and the Middle East will likely spill over once more onto the shores of North America. If we are not ready, I do not want to look myself in the mirror for the rest of my life and wonder why I didn't ask tougher questions or insist on more responsible and responsive policies. I think the overall performance of our government to date in the area of homeland security merits a greater sense of skepticism and urgency on the part of the press and the general public as well.

We lived in a more dangerous world prior to September 11th than most Americans realized. Our efforts to making the world safer have met with mixed results and the numbers of persons who wish us harm and will go to great lengths to inflict harm have grown steadily during the past thousand days. Clearly some of our efforts have done little more than fed the flames of discontent and hatred.

That places even greater pressure on our last lines of defense, protecting our borders, our transportation systems and our capacity to respond to terrorist acts in this country if, God forbid, they are again committed. But as the facts I have today outlined well document, those efforts remain under funded and poorly managed. The President proposed that we have 20% fewer sky marshals than we had a little more than a year ago. We have hired only two-thirds the people that the Patriot Act mandated for protecting our Northern Border. We have invested one-tenth what is needed to protect our ports. We have only just begun to take the steps needed to protect our rail and transit systems. Our first responders have only a fraction of the tools they need. And worse still, the agencies that have been entrusted with the responsibilities are still wallowing in bureaucratic chaos.

As we saw last week the Justice Department and the Homeland Security Department are still in the business of surprising each other. Simply hoping that these problems will somehow work out is not unlike the wishful thinking that many engaged in as they prepared to invade Iraq. Misinformation and bad planning can lead to excruciatingly painful results. The time to reexamine our security, our security budgets and our whole thinking in this area is now. The Congress must act to put a stop to this mindless, non-information based approach to policy and national strategy. It is as likely to prove catastrophic in the defense of our homeland as it has been in installing democracy in Iraq.

Congress may control nothing more than the purse strings—but that is enough. The Congress has all the power it needs to reopen this discussion, insure that assumptions are well founded, the information is the best available, the management is sound and the resources are adequate. What it will take to significantly improve the systems that protect this nation is small in the relative scheme of things—a few tenths of a percent of GDP may be no more than we are now spending on Iraqi reconstruction and one-twentieth of what we have handed out in tax breaks. Given the stakes, we cannot afford to do less.

AMENDMENT OFFERED IN COMMITTEE TO PROVIDE $3 BILLION MORE

That is why I offered an amendment in Committee to provide $3 billion to fix some of the most critical security holes.

Our homeland security agencies could do more with this additional funding—

They could put more radiation and surveillance monitors at our borders and ports;

They could increase surveillance on our transit systems;

They could increase surveillance by local police of critical infrastructure facilities;

They could improve the ability of our police and firefighters to communicate with each other and be suited properly;

They could inspect additional containers coming into the United States;

They could put more air marshals on flights;

They could increase our stockpile of antibiotics;

They could increase air patrols of our borders; and

They could fix some holes in our current aviation security screening system.

This $3 billion, however, would have only been available to do this if the President agreed. It is disappointing and shortsighted that the Committee voted along party lines not even to give him that choice.

The Chairman of the Committee said during markup that he would probably support my amendment if he had additional budget allocation. The budget allocations are severely restricted because the Administration has decided that tax cuts and the costs of a war should go hand-in-hand. This squeezes spending on virtually everything else.

We need to stop being penny-wise and pound-foolish. We need to push the Department of Homeland Security to make needed security investment now, so that we can be protected tomorrow. If we do not make those investments until tomorrow, our protection may come too late.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

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

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time. I do rise in support of this rule and against the argument that has been made by the gentlewoman from Connecticut and to some extent by the gentleman from Wisconsin, which is that we should defeat the previous question in order to amend the rule because the Committee on Rules did not make in order an amendment which was added in the committee by the gentlewoman from Connecticut.

That amendment should not be made in order. It is not in order on this bill. It is a sweeping amendment that would change the entire tax laws of the United States. It would change all of our rules and regulations that we are required to adhere to under the World Trade Organization, and it ought to be thoroughly debated and vetted in the proper venue, in the Committee on Appropriations, and not on the floor of this House as an amendment. So it is indeed correct that it is not made in order and should be stricken. But let me talk just a moment about the substance of this.

The idea here is that somehow that Accenture should not be allowed to bid on the US–VISIT program. The idea is that Accenture is avoiding paying U.S. taxes and has some sort of unfair competitive advantage, but that is simply not true. Neither the employees of Accenture are avoiding paying taxes, nor is the company avoiding paying any taxes on any of its obligations or any of its profits that are made here in the United States. The company pays its taxes on all of its U.S.-generated income. In fact, its effective tax rate for the year 2004 is 34.8 percent.

Now, the national average for all corporations is 19 percent. The tax rate for its two major competitors for this bid were Lockheed Martin and Computer

Sciences Corporation and their tax rates were 31.3 percent and 28 percent respectively. That is based on their last 10–K filing. So it is simply false to say that this is a company that is not paying its taxes. It does not receive any tax advantage by having its ultimate parent incorporated in Bermuda. So here we have a company that is actually paying higher taxes than its competitors who bid on this. It is paying much higher taxes than the average corporate rate.

So it is simply not true to say that Accenture is trying to avoid paying taxes.

The second assumption that is wrong in this argument is that Accenture has done a corporate inversion. That is that they incorporated, they went to Bermuda in order to avoid paying this taxes. It is not a corporate inversion. It did not move its place of incorporation from the U.S. to Bermuda with the intent of avoiding paying U.S. taxes. If has never been a U.S.-based corporation and it has never operated under a U.S. parent corporation. In fact, the General Accounting Office in the report that it did in October 2002 about corporate inversions did not even list Accenture as a government contractor that undertook a corporate inversion.

Finally, there is the faulty assumption that only the U.S. companies should provide products and services to the Federal Government.

Nothing, Mr. Speaker, nothing could be further, more wrong-headed than that. We rely, we are a service based economy, and we rely very heavily on being able to bid and open up contracts in other countries. We have worked in the World Trade Organizations in all the trade negotiations in order to try to make sure that we had good provisions in there for procurement, government procurement contracts. This would just invite the kind of retaliation that would say that our corporations, our major contractors cannot bid on an airport being built in Tokyo or a major oil contract in Saudi Arabia. It invites that kind of retaliation because it says that we are not going to abide by our own World Trade Organizations rules.

I would say in closing, Mr. Chairman, this amendment that was added in the Committee on Appropriations is the simply paying politics application with the award of this contract. It is based on faulty assumptions to score some political points. Any delay in implementing contracts puts the American people at risk. It would further delay a vitally important contract to us, and I urge that we approve the previous question and approve this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. SABO. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

I rise in opposition to the rule on the fiscal year 2005 Homeland Security appropriations bill. The President's 2005 Homeland Security budget request falls short. This bill represents an improvement; however, I have serious concerns about some of the program funding levels and the policy decisions which a rule would prevent us from addressing.

The rule fails to waive points of order against the Obey amendment. The bill contains deep cuts in first responder funding, which is $327 million below 2004 enacted levels. The House-passed budget resolution and the resulting Homeland Security allocation restricts this bill from doing more to protect our borders and ports and other critical infrastructure.

To address some of the most critical needs, the gentleman from Wisconsin (Mr. OBEY) offered an amendment in the Committee on Appropriations to provide a contingent Homeland Security emergency reserve of $3 billion available to the President upon request. The amendment is common sense, yet Members cannot vote on it because this rule fails to waive points of order against it.

The Committee on Rules also failed to make in order an amendment that I offered the Committee on Appropriations on chemical plant security. My amendment would direct the Department of Homeland Security to require both vulnerability assessments and security plans for chemical facilities and to provide oversight of the action taken by these facilities to improve security. The decisions on which chemical facilities must comply would be left to the department based on risk.

It is widely known that chemical facilities are clear terrorist threats and there are about 3,000 such U.S. facilities where a release would affect over 10,000 Americans.

Despite years of such warnings from many experts, the General Accounting Office reported in 2003 that no comprehensive information exists on the security vulnerabilities facing the chemical industry, and many facilities have neither assessed their vulnerability nor their security. We should not wait any longer to protect this glaring problem, but this rule prevents us from taking prudent action.

As Warren Rudman recently said, ''You have to only look at television footage from Bhopal in India when an accident occurred to recognize how serious a disaster this would be. If you were terrorists and you decided to cause a major disaster, why would you not go to a plant that, if you could penetrate it and blow a part of it up, would cause fumes to waft over the entire area to kill who knows how many people?''

Last, I am disappointed that this rule leaves unprotected the most critical element of the CAPPS II passenger prescreening provision. This bill language mandates that the GAO review the methodology used by TSA to determine which passengers may be terrorists.

This is the most sensitive aspect of the CAPPS II, with broad implications for Americans' privacy and civil liberties, and GAO has not yet been able to review it.

In closing, I believe this rule prevents the House from addressing some of the most critical Homeland Security funding and policy issues. I urge Members to defeat the previous question and, if that is defeated, to defeat the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FLAKE). The gentlewoman from New York (Ms. SLAUGHTER) has 4½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I rise today to oppose this rule because I felt very strongly that this House should be given the opportunities to provide what I believe to be the essential additional funding to protect the homeland.

This Congress and this House has had a long tradition of supporting national defense in a bipartisan way. If you look at the additions that we have made in spending in the area of national defense, particularly in light of the conflict in Afghanistan and Iraq, we have spent in the neighborhood of an additional $150 billion or so in the defense of this effort.

The truth of the matter is, our additional spending on homeland security dwarfs by way of comparison and yet in both instances we are at war. We are at war against an enemy who desires to destroy us, an enemy who will exploit our vulnerabilities, and what we should be doing is debating in an open way whether or not we believe we should be prepared to deal effectively with these threats.

We need to install radiation portal devices immediately in our ports. We need to provide sufficient security funding for our rail and public transits. We need to provide the Coast Guard with additional funds to protect our ports. We need to be sure that we install explosive detection equipment in our airports. We need to have inspectors and personnel at our northern and southern borders sufficient to do the job. We need to fund adequately our first responders. The list goes on. But I frankly believe, Mr. Speaker, that this House if given the choice would provide additional dollars for homeland security. I regret that this rule denies us this opportunity.

Ms. SLAUGHTER. Mr. Speaker, does the gentleman have any further speakers?

Mr. LINCOLN DIAZ-BALART of Florida. No, Mr. Speaker, we do not.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, when the previous question is called I will ask for a no vote. It seems that hardly a day goes by that we do not turn on television and hear some new report on a terrorist plot around the world. Some of the most recent reports have indicated terrorists may be planning attacks in the United States this summer. Just the other day authorities arrested a man in Ohio allegedly planning to blow up a shopping mall.

With news like this it is little wonder that the security of our Nation weighs heavily on the minds of our constituents. Unfortunately, the bill before us today does not provide an adequate level of funding to give our communities the resources that they need to keep America and its people safe. Excluding Project BioShield, the Homeland Security appropriations bill barely keeps up with inflation, and it even cuts funding for programs to help our police, firefighters and emergency personnel 7 percent.

How do we expect to keep our Nation secure when we are cutting funding for the very people tasked with keeping our constituents safe.

It does not have to be this way, Mr. Speaker. Last night at the Committee on Rules, the gentleman from Wisconsin (Mr. OBEY) brought forth a very important and responsible amendment that would have provided an additional $3 billion to the Department of Homeland Security in a contingent emergency reserve. As the gentleman from Wisconsin (Mr. OBEY) pointed out in his testimony, this money could be used to increase the number of air marshals on planes or to address the problems in our current aviation security screening system.

□ 1430

It could provide for more radiation and surveillance monitors at our borders and ports and allow for increased inspection of shipping containers coming into the country. It could be used to increase surveillance in our transit systems and to improve communications between police, firefighters and other first responders.

Unfortunately, Mr. Speaker, we will not get a chance to vote on more money for security at our borders or on our transit systems or for our first responders because the amendment by the gentleman from Wisconsin (Mr. OBEY) was defeated on a straight party line vote.

So today, Mr. Speaker, I urge Members to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order the amendment of the gentleman from Wisconsin (Mr. OBEY). This fund represents a tiny fraction of the money that has gone towards rebuilding Iraq. I do not think it is asking too much to make sure that our own Nation is fully protected and that emergency monies are available should they be needed.

In the 2 years since the creation of the Homeland Security Department, we have found a number of areas that need more resources. The monies contained in the contingency fund could provide a much-needed shot in the arm for these programs and services that may have vulnerabilities. Mr. Speaker, this should not be a partisan issue. The safety of our Nation and its citizens is of utmost importance to all of us in this House.

Today this Congress can put aside partisanship and act to protect America's homeland by giving the Department of Homeland Security the additional resources provided in the Obey amendment to meet our most urgent security concerns.

I am confident that all Americans and all Members of this House support that sentiment. So I urge Members on both sides of the aisle to vote no on the previous question.

Let me emphasize that a no vote will not stop the House from taking up the Homeland Security appropriations bill. It will not prevent other amendments from being offered under this rule. However, a yes vote will prevent the House from considering this badly-needed amendment to create an emergency contingency fund for homeland security and preserve that department's ability to more fully protect Americans against terrorism.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge Members to vote no on the previous question and yield the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also believe that homeland security should not be a partisan issue. That is why I am so proud of the work that the leadership and that the Committee on Appropriations and especially the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) have brought forth, they have expended and brought forth with regard to this critical issue.

The legislation before us spends $33 billion, Mr. Speaker, on homeland security, $33 billion. Just in the area of first responders, Federal assistance for those first responders since September 11, 2001, almost $27 billion have been appropriated by this Congress. I am very proud of the way in which this Congress has responded to the threat, has acted to protect our homeland security. This is very important legislation that we have before us today. It is time that we get to the underlying legislation and that we pass it out.

So accordingly, Mr. Speaker, I urge a yes vote on the previous question, on the rule and on the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 675—RULE ON H.R. 4567, FISCAL YEAR 2005 HOMELAND SECURITY APPROPRIATION

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by the Representative of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

At the end of title I, insert the following:

CONTINGENT EMERGENCY RESERVE

For additional expenses, not otherwise provided for, necessary to support operations to improve the security of our homeland due to the global war on terrorism, $3,000,000,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That the funds made available under this heading shall be available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further*, That funds made available under this heading may be available for transfer for the following activities:

(1) up to $1,200,000,000 for ''Office for State and Local Government Coordination and Preparedness, State and Local Programs'';

(2) up to $200,000,000 for ''Office for State and Local Government Coordination and Preparedness, Firefighter Assistance Grants'';

(3) up to $450,000,000 for ''Transportation Security Administration, Aviation Security'';

(4) up to $50,000,000 for ''Transportation Security Administration, Maritime and Land Security'';

(5) up to $550,000,000 for ''Customs and Border Protection, Salaries and Expenses'';

(6) up to $100,000,000 for ''Immigration and Customs Enforcement, Air and Marine Interdiction, Operations, Maintenance, and Procurement'';

(7) up to $50,000,000 for ''Immigration and Customs Enforcement, Federal Air Marshals'';

(8) up to $100,000,000 for ''Immigration and Customs Enforcement, Salaries and Expenses''; and

(9) up to $300,000,000 for bioterrorism preparedness activities throughout the Federal Government:

Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations 15 days prior to the transfer of funds made available under the previous proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. 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.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 675 will be followed by five-minute votes, as ordered, on adopting H. Res. 675; adopting H. Res. 674; passing H.R. 4517; and suspending the rules and passing H.R. 4545.

The vote was taken by electronic device, and there were—yeas 224, nays 205, not voting 4, as follows:

[Roll No. 243]

YEAS—224

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
Burton (IN)
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
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
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
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
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
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
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)

NAYS—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
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
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)
Lynch
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
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
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—4

DeMint
Hastings (FL)
Osborne
Platts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1502

Ms. WATSON, Mr. GUTIERREZ, Mr. PASTOR and Mrs. McCARTHY of New York changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 197, not voting 2, as follows:

[Roll No. 244]

AYES—234

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
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
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Majette
Manzullo
Matheson
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
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
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—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
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
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)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
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
Ruppersberger
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
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—2

DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1512

Ms. CARSON of Indiana and Mr. RAHALL changed their vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question on House Resolution 674 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution 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 428, nays 1, not voting 4, as follows:

[Roll No. 245]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
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 (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
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)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (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
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
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—1

Strickland

NOT VOTING—4

Davis (FL)
DeMint
Delahunt
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). The Chair will remind Members there are 2 minutes remaining in this vote.

□ 1520

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES REFINERY REVITALIZATION ACT OF 2004

The SPEAKER pro tempore. The pending business is the question on the passage of the bill, H.R. 4517, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill 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 239, nays 192, not voting 2, as follows:

[Roll No. 246]

YEAS—239

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

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gerlach
Gilchrest
Gonzalez
Gordon
Grijalva
Gutierrez
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—2

DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members there are 2 minutes remaining in this vote.

□ 1530

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE GASOLINE PRICE REDUCTION ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4545.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 4545, 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 236, nays 194, not voting 3, as follows:

[Roll No. 247]

YEAS—236

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

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Gephardt
Gerlach
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—3

Conyers
DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). The Chair will remind Members that there are 2 minutes remaining in this vote.

□ 1538

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

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

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–194)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the FEDERAL REGISTER for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2004. The most recent notice continuing this emergency was published in the FEDERAL REGISTER on June 12, 2003 (68 Fed. Reg. 35149).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 16, 2004.*

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC 20515, June 15, 2004.

The Hon. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives,
Washington, DC 20515.

DEAR MR. SPEAKER: Effective immediately, I hereby resign my seat on the Committee on Veterans Affairs.

Sincerely,

SILVESTRE REYES,
Member of Congress.

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

There was no objection.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 678) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 678

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

COMMITTEE ON RESOURCES: Ms. Herseth (to rank immediately after Ms. Bordallo).

COMMITTEE ON VETERANS AFFAIRS: Ms. Herseth.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4568, and that I may include tabular and extraneous materials.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 674 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4568.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentleman from Georgia (Mr. ISAKSON) to assume the chair temporarily.

□ 1539

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4568)

making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. ISAKSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring to the House floor the fiscal year 2005 budget recommendations for the Department of Interior and related agencies. This bill includes $19.5 billion, which is $156 million below the budget request and $257 million below the enacted level.

Given our allocations, this is a balanced bipartisan bill. It provides significant operation increases for our national parks. It increases funding above the level requested for Indian schools and hospitals and clinics. It provides increased wildland fire programs and continues to make forest health a high priority. We have fully funded the healthy forests initiative.

There is an additional appropriation, in title IV of the bill, for urgent fire suppression. It includes $500 million for fiscal year 2004 and $500 million for fiscal year 2005. These funds will be made available to the extent they are needed to fight fires in those fiscal years. Given our past problems with insufficient fire fighting funds, the budget resolution includes a special allocation adjustment for this purpose.

The bill reported out of committee maintains funding for proven, mission-essential grant programs that are strongly supported by Congress and restores funding to ensure that core programs in the bill are continued.

We have partially restored critical energy research programs to protect the investment the Congress and the taxpayer have made to ensure that energy is used more efficiently and cleanly. It just does not make sense to terminate arbitrarily successful research programs before they reach a logical conclusion, and that is why we have taken this measure.

The committee transferred jurisdiction for the Weatherization Assistance Program from the Interior bill to the Labor, Health, and Human Services bill, which has the responsibility for the Low Income Home Energy Assistance Program. LIHEAP already includes a set-aside for weatherization, and it is, logical to keep these two programs together in the same bill.

We have made difficult but sensible decisions in the energy area. Overall, energy research funding is reduced by 7 percent, after adjustments for jurisdictional change for weatherization. We hope to be able to increase this as we move forward with the bill in conference.

In order to restore funding for mission essential programs, we have reduced new construction, land acquisition and grant programs.

This is a challenging year, but this is a bill that is balanced and fair, and I urge all Members to support it.

I want to thank my friend, the gentleman from Washington (Mr. DICKS), the minority ranking member, for the hard work that he has done in producing this bill, as well as the entire committee, and both the majority and minority staff for their work on this.

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

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

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

Mr. DICKS. Mr. Chairman, first of all I want to thank the gentleman from North Carolina (Chairman TAYLOR) and the staff of the subcommittee, both majority and minority, for a very good bill and a hard-working effort.

Obviously there are deficiencies in the bill. The chairman mentioned the fact that we are below last year's level and that our allocation was a couple of hundred million dollars below the President's budget request. So obviously we had limitations on what we could do in this bill.

I do think that adding $500 million in 2004 for fire fighting, assuming we get the bill signed, and also for 2005, was an important step. We have also increased the overall funding for fire fighting by a significant amount of money.

There are some deficiencies. The majority decided not to fund the request of the President for the $41 million increase for the National Endowment for the Arts and Humanities. We were unable to come up with the money to fund the conservation amendment. But in other areas we were able to come up with funding to increase the money for the parks.

As I spoke on the rule, I talked about this problem we have with our national parks. We do not have enough money to cover the fixed costs. Therefore, their operating budgets are not able to cover the number of people necessary. I used the example of the Olympic National Park.

□ 1545

Three years ago, they had 130 temporary workers during the summer. That has been reduced down to 25. That is unbelievable. They had, I think, 3 years ago 146 employees, full-time; now it is down to 120, and they are supposed to have 202 employees. So my colleagues can see that this lack of funding is causing serious problems in the operations of the parks themselves. We are just not going to have the same number of rangers out there. This is a problem that I hope we can continue to deal with.

So I want to thank the chairman for all of his kindness and his willingness to work with the minority party here in the House on this important bill, and we will continue to work together until we get this bill finished.

Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I would note that the pending bill continues a trend that we have seen from the White House and the Republican leadership. I certainly commend the ranking minority member, the gentleman from Washington (Mr. DICKS) for his leadership, as well as the subcommittee chairman, the gentleman from North Carolina (Mr. TAYLOR), but it is a trend that is coming out of this pending legislation as well as the Congress, the trend of not keeping faith with the American people when it comes to various Federal trust funds.

With the highway bill, it is very apparent. There are those of us who want to return to the American people from the Highway Trust Fund the taxes that are paid at the pump in the form of better roads and bridges, and there are those who do not.

In the pending legislation, there is a trust fund account called the Abandoned Mine Reclamation Fund, financed by a fee imposed on the coal industry. This is the industry's version of Superfund. It is meant to provide funding to finance the cleanup of abandoned coal mine sites that pose a threat to human health and safety. The unspent balance in that trust fund is approaching $2 billion. Yet the pending bill flatlines the amount it would make available.

I could go on and on. There is another trust fund involved with the pending legislation; and here, too, this bill does not keep faith with America. That is called the Land and Water Conservation Fund programs, which is authorized at 900 million. The total is less than $150 million in this bill.

Funding that would improve and expand the wildlife refuges, National Parks, and National Forests is sacrificed at the altar of tax relief for the rich. Apparently, the money for the Bush tax cut really did grow on trees.

What is more, the Bush administration, along with the majority here in the House, fails to provide these funds even though half the money goes directly to the States for conservation and recreation purposes.

If the Bush administration supports making rich people richer, that is their choice; but the American people should know where the money is coming from. The American people should know what the real reason is when they go to a national park this summer and find it surrounded by commercial development because there will be no funds to conserve the lands around the park. The American people should know that even though we are supposed to have the money sitting in a trust fund, dangerous abandoned mine sites will not

be reclaimed because that trust has been broken as well.

Gutting conservation spending to fund a tax cut is short-sighted and cynical. Members need to come to this floor during the debate on this legislation and tell the American people where they stand.

It appears that this administration and its friends in the Congress have thrown the keys to the Treasury off the continent, funding a war that we were not properly advised on its true cost and which is going to reach astronomical proportions. Now we are left with depleted funds, from roads and infrastructure to our majestic parks and wildlife protection programs.

So I would urge Members to look closely at this legislation before making their minds up.

Mr. Chairman, I would note that the pending bill continues a trend that we have seen coming out of the White House and from the Republican Leadership. And that is a trend of not keeping faith with the American people when it comes to various federal trust funds.

With the highway bill, it is very apparent. There are those of us who want to return to the American people from the Highway Trust Fund the taxes they pay at the pump in the form of better roads and bridges. And there are those who do not.

In the pending legislation, there is a trust fund account, the Abandoned Mine Reclamation Fund, financed by a fee imposed on the coal industry. This is the industry's version of Superfund. It is meant to provide funding to finance the cleanup of abandoned coal mine sites that pose a threat to human health and safety. The unspent balance in that trust fund is approaching $2 billion.

Yet the pending bill flat lines the amount it would make available. I can assure this body there is no lack of need for this funding. We have an extensive inventory of sites which need to be reclaimed. This program is about improving our environment, and it is about jobs. Well paying construction jobs. And there is another trust fund involved with the pending legislation, and here too, this bill does not keep faith with America.

Spending on Land and Water conservation Fund programs—which is authorized at $900 million—totals less than $150 million in this bill. Funding that would improve and expand wildlife refuges, National Parks and National Forests is sacrificed at the altar of tax relief for the rich. Apparently, the money for the Bush tax cut really did grow on trees. What's more, the Bush Administration, along with the Majority here in the House, fails to provide these funds even though half the money goes directly to the States for conservation and recreation purposes.

If the Bush administration supports making rich people richer, that is their choice. But the American people should know where the money is coming from.

The American people should know that the National Park they visit this summer will soon be surrounded by commercial development because there will be no funds to conserve the lands around the Park.

The American people should know that the conservation and recreation programs planned by their governor will have to be abandoned because the Federal government won't come through with matching funds.

The American people should know that, even though we are supposed to have the money sitting in a trust fund, dangerous abandoned mine sites will not be reclaimed because that trust has been broken. Gutting conservation spending to fund a tax cut is short-sighted and cynical. Members need to come to this House floor during the debate on this legislation and tell the American people where they stand.

It appears that this administration and its friends in the Congress have thrown the keys to the Treasury off the continent, funding a war that we were not properly advised on its true cost. And now we are left with depleted funds for worthy and traditionally bipartisan programs, from roads and infrastructure, to our majestic parks and wildlife protection programs.

I urge a "no" vote on the pending measure.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, relating to the operation funds, we hope maybe in the conference we will be able to provide more money, after we work with the Senate, for the Interior bill. But we have a letter from the parks director, and this is the second letter that they have sent; and also in public testimony they pointed out that there is not going to be any reductions in visitors' services or access to the park facilities this year. Let me repeat that. Her instructions to the National Park Service field management was clear that the parks facilities are to be available at the same level as they were in the last year, with some amounts for changes for operating hours where individual work might be going on.

So we do not expect parks to be closed. We do not expect any different changes in visitation for our people who will be vacationing at national parks.

We put $1 billion into parks operation. That was a $55 million increase; and while we all want to look for more money for our entire public lands, we think this is adequate, and we have the Parks Service's guarantee that we will not be closing parks under any circumstances this year.

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

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), who has been a very good friend and a strong supporter of this bill.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Washington for yielding me this time, and I thank the chairman.

I particularly want to congratulate the committee on the additional money for firefighting. I know it is a tough budget year. I know their allocations were inadequate. But it was absolutely crucial that we get the up-front money we need for what is expected to be the worst fire year in Western history so we can be better prepared and also have the assurances of an additional funding for next year so that the Forest Service can begin to get into long-term contracts for larger aircraft, for fuel retardant crops.

That said, I am concerned that after last year's vigorous debate and final resolution of the Healthy Forest Restoration Act, with the promise of $760 million a year from the White House committed to hazardous fuel reductions in Western forests, that there is only $266 million in this bill. That is not adequate. At that level, if there was no additional fuels buildup, it would take 100 years to deal with the already accumulated buildup. That is part of the reason why they have to so robustly fund firefighting. We simply have to get ahead of this problem. We can provide jobs in rural communities, we can do fuel reduction in a way that is labor intensive, but will protect resources, protect our communities, and enhance the forests. But at the $266 million level, that is simply not going to get done. In fact, we will probably see the backlog grow over the coming years.

So again, I congratulate the committee for the additional money for firefighting and hope in the conference committee that they can find some additional funds to move ahead with fuel reduction.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking Democratic member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would very much like to be able to support this bill, and I regret very much that I cannot do so. I would like to explain why that is the case.

First of all, let me simply observe that I think that this bill gives vivid testimony to the strangeness of the majority party budget resolution. This bill, in fact, eliminates $700 million of the President's initiatives in areas under the jurisdiction of this subcommittee. Those are reductions in the President's initiatives that were made by the President's own party. The reason they did that is because they understood that the President's budget increases were essentially ''let's pretend'' increases; they were financed by cutting deeply into the base of existing programs such as Indian health care, which no civilized person would suggest that we cut. But nonetheless, those initiatives are now gone because of the unreality of the President's budget and the unreality of the budget resolution itself.

But more importantly, my problem with this bill is that it scuttles the conservation agreement that was made 4 years ago. Then, we had a number of Members of this Congress who wanted to pass what was known as CARA. That would have created an entitlement for a whole range of environmental and land acquisition programs. A number of us thought it was not advisable to make those entitlements, but we did want to see significant increases in those funding levels. So we reached an agreement in the committee that there would be a 6-year scheduled ramp-up of funding for the programs. The committee stuck to that for 2 years. Last

year they walked away from it. This year they are walking away from it again. That means that this bill funds at an $831 million level programs that were scheduled to be at the $1.6 billion level.

We can argue about whether or not those programs are advisable, but I come from the old-fashioned view that if a committee makes a commitment, it has an obligation to stick to it. I stick to mine, and I expect people who make agreements with me to keep those commitments. I feel that the majority party did not keep that commitment; and so I, in protest, am intending to vote ''no.''

Let me say there are some good things in this bill, and I appreciate the fact that the chairman has tried to work out a number of issues most rationally. But I really believe that to be involved in a theological debate on land acquisition that prevents us from protecting some of the most precious and pristine areas in this country before they are overcome by development is a price that is too high to pay for running this Congress on the basis of ideology rather than evidence, and so I regretfully will be opposing the bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 4568, the FY05 Interior Appropriations Bill. This bill is of critical importance to the insular areas and I thank my colleagues for their continued support of my efforts to keep in place government operations and capital improvement funding for American Samoa.

The United States territory of American Samoa lies 2,300 miles southwest of Hawaii, covers a land area of 76 square miles, has a population of less than 70,000, and a per capita income of $4,300 per year. Due to scarcity of land, labor and capital, economic growth and development in American Samoa has been limited.

In fact, more than 80 percent of American Samoa's economy is dependent either directly or indirectly on two United States tuna canneries which employ more than 5,150 people or 74 percent of the workforce. A decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable financial difficulties.

To protect American Samoa's present economy and to encourage and foster other investment and development in the Territory, I believe it is necessary to keep in place American Samoa's annual funding. I also believe it is important to increase our funding and I will continue to work with our friends in the House and Senate to make sure that the needs of American Samoa are addressed at a time when our nation is not faced with budget constraints brought on by the high costs of war.

For educational purposes, I will work to set aside funds on a per annum basis for sports and recreational programs for 6 high schools and 23 elementary and middle schools in American Samoa. For purposes of diversifying our economy, I will also work to set aside finds for the development of a high tech, e-commerce initiative. For purposes of improving health care and education, I am working to increase funding for ASG operations and capital improvement projects.

American Samoa has 23 elementary and middle schools, 6 public high schools and 4 private high schools. More than 80 percent of these schools do not have adequate playgrounds, gyms or sports equipment. Yet American Samoa's prominence in college and NFL programs has caught the attention of Sports Illustrated which featured an article on our youth in its November 3, 2003 issue.

With a per capita income of less than $4,500 per year and a single-industry economy based almost solely on the U.S. tuna fishing and processing industries, sports scholarships are one of the few opportunities Samoan youth have to finance higher education. A set aside of $500,000 on a per annum basis for sports and recreation programs will not only increase scholarship opportunities but will also put in place necessary health and wellness programs that are currently lacking in our schools.

I believe this is a worthy cause, a cause to which all students, including ones in American Samoa are entitled. As such, I will pursue this matter until it has the full support of the House and Senate.

For some time, I have been working with the American Samoa Government, including our present Governor, the Honorable Togiola Tulafono, on establishing e-commerce in the Territory. Initially, the Department of the Interior was supportive of this effort and provided technical assistance funding for a feasibility study.

One of the most important initiatives of this project is to create an e-commerce development center. Last year, I was able to include $500,000 in the Labor, Health and Education Appropriations bill to fund a computer lab at the American Samoa Community College. This lab will provide the basis of our e-commerce initiative.

The Governor is now looking at the possibility of establishing a non-profit e-CDC Cooperative Cooperation and together we are seeking funding for an e-CDC center that would house a technology training center at the American Samoa Community College. Focus would be placed on data entry work and software development for Pacific Island nations. The facility would also house a business development center to encourage small business start-ups.

Given that the two largest employers in American Samoa are the tuna canneries and the U.S. federal government, I support the development of e-commerce in the Territory and I am asking that $500,000 be set aside on a per annum basis to help American Samoa diversify its economy.

As I mentioned earlier, I appreciate the support of my friends in the House in working with me to keep American Samoa's government operations and capital improvement project funding in place. While I understand that it is difficult to increase funding when our nation is at war, I would also like to note that American Samoa's population has increased by 22 percent in the past ten years. To address necessary issues of public health and safety, I am hopeful that in the near future we will be able to increase American Samoa's annual appropriations and, at this time, I join with my colleagues in support of H.R. 4568.

Mrs. MALONEY. Mr. Chairman, I rise today in strong support of the Slaughter-Shays-Dicks-Leach Amendment, which would provide a modest—but much needed—increase in funding for the National Endowment for the Arts and the National Endowment for the Humanities.

This additional $10 million dollars for the NEA and $3.5 million dollars for the NEH would help expose our children to American art, history and culture. In addition to the enjoyment and life-enrichment that each participant in the arts experiences, the involvement of children in the arts has been shown to improve reading and language development, mathematics skills, fundamental cognitive skills, motivation to learn, and social behavior.

The Arts and Humanities not only enhance the lives of our children—they also keep our economy strong. Every year, the nonprofit arts industry creates $134 billion dollars in economic activity, generating $22.4 billion dollars in tax revenue for our local, state and federal governments, and supporting nearly 5 million full-time jobs all across our country.

In my district alone, over 130,000 people are employed by the museums, theaters, art galleries and other art organizations that I am proud to represent. For my constituents, and for all Americans, the arts mean business.

Because such a modest increase in funding would bring the arts and jobs to so many people, I support the Slaughter-Shays-Dicks-Leach amendment, and I urge my colleagues to do the same.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4568, the Interior and Related Agencies Appropriations Bill for fiscal year 2005.

H.R. 4568 provides $20.0 billion in budget authority and $20.2 billion in outlays—an increase of $78 million in BA and $629 million in outlays from fiscal year 2004.

As Chairman of the House Budget Committee, I am pleased to report that the bill is generally consistent with the Conference Report on the Concurrent Resolution on the Budget for fiscal year 2005 (H. Con. Res. 95) which recently passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation for fiscal year 2005 and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee.

A very important component of this bill is the funding for suppression of wildfires. In addition to fully funding wildland fire suppression activities at their ten-year average, H.R. 4568 provides an additional $500 million for fire suppression within the Forest Service and the Department of Interior in both fiscal years 2004 and 2005. I am authorized by the budget resolution to increase the allocation of the Appropriations Committee to accommodate this additional spending because the bill fully funds the wildfire suppression accounts. However, the appropriations for fiscal year 2004 does exceed the allocation in that year because of a slight breach in its allocation resulting from legislation enacted late last session.

H.R. 4568 contains no rescissions but does include an advance appropriation of $36 million for payments under the Elk Hills School lands fund settlement agreement. The advance appropriation is included in the list of anticipated advance appropriations under section 401 of the Budget Resolution.

Let me conclude by commending Chairman TAYLOR and Ranking Member DICKS for a job well done in prioritizing the programs within their jurisdiction and coming to the floor with a bill that complies with this year's budget resolution.

Mr. LARSON of Connecticut. Mr. Chairman, as the Ranking Minority Member of the House Administration Committee, which has legislative and oversight jurisdiction over the Smithsonian Institution, I rise today to note that the Appropriations Committee has approved $628 million for the Smithsonian in Fiscal Year 2005. This represents an increase of $23 million over Fiscal Year 2004 and a cut of $8.2 million from the Administration's FY 2005 request. The cut was not unexpected given the current budget deficit and the chaos surrounding the Congressional budget process in the absence of a concurrent resolution on the budget for FY 2005.

The $8.2 million cut came from a variety of sources, not enough to cause significant damage to any vital program or function this year, and some of the reductions can be made up for in the future. I especially hope that additional funds can be found next year for improving the facilities and maintenance at the National Zoo, which has been the subject of major controversy in hearings before the House Administration Committee during this Congress, and which will likely be addressed by the National Academy of Sciences when it issues its final report, requested by our Committee, on the operation of the Zoo later this summer.

The Smithsonian Institution has a maintenance backlog of $1.5 billion throughout all of its facilities. When some structures are in a state of such disrepair that they pose a danger to the public and to the staff, as well as, in the case of the National Zoo, to the animals; we have to be prepared to act eventually to address the big picture. I hope that the time will come sooner rather than later for us to provide this critical funding for the Zoo. Although I am pleased that this bill provides the minimum amount of funding for the Smithsonian, I hope that in the future we can do more to support the museums which benefit so many of our citizens and the critical scientific research the Smithsonian conducts which is so important to our understanding of ourselves, our planet, and our universe.

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

The CHAIRMAN pro tempore (Mr. ISAKSON). All time for general debate having been yielded, pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $840,401,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,232,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,500,000 shall be available in fiscal year 2005 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $840,401,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $743,099,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $15,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $4,500,000, to be derived from the Land and

Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; 111,557,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystems Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystems Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $970,494,000, to remain available until September 30, 2006, *Provided*, That not less than $1,750,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $16,226,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,700,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2004: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $48,400,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $12,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $15,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $5,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species: *Provided further*, That balances from amounts previously appropriated under the heading ''Stewardship Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $81,596,000, of which $49,384,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $49,384,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,400,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,900,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $67,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2005 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2006, shall be reapportioned, together with funds appropriated in 2007, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 179 passenger motor vehicles, of which 161 are for replacement only (including 44 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That notwithstanding any other provision of law, the service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108–330.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,686,067,000, of which $10,708,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $94,690,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $81,204,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $53,877,000: *Provided*, That $700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: *Provided further*, That none of the funds in this or previous Acts for the Rivers, Trails and Conservation Assistance Program may be used for cooperative agreements, contracts, or cash grants.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $71,533,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2006, of which $30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $297,628,000, to remain available until expended: *Provided*,

That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance, written approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance written approval of the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight 93 Memorial: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2005 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $107,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $91,500,000 is for the State assistance program including $1,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret and/or misapply relevant contractual requirements, and their underlying legal authority, the Secretary may seek the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $944,498,000, of which $63,262,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,185,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $7,901,000 shall remain available until expended for satellite operations; and of which $20,099,000 shall be available until September 30, 2006, for the operation and maintenance of facilities and deferred maintenance; and of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $171,976,000 shall be available until September 30, 2006, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws

and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $171,575,000, of which $81,906,000 shall be available for royalty management activities; and an amount not to exceed $103,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $103,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $103,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2006: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program: *Provided further*, That in fiscal year 2005 and thereafter, notwithstanding 30 U.S.C. 191(a) and 43 U.S.C. 1338, the Secretary shall pay, not to exceed $499,000 annually, amounts owed to States under the provision of 30 U.S.C. 1721(b) from amounts received as current receipts from bonuses, royalties, interest collected from lessees and designees, and rentals of the public lands and the outer continental shelf under provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.), and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which are not payable to a State or the Reclamation Fund.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $108,805,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2005 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $194,106,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2005: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,935,033,000, to remain available until September 30, 2006 except as otherwise provided herein, of which not to exceed $85,638,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,314,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2005, as authorized by such Act except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,057,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2005, and shall remain available until September 30, 2006; and of which not to exceed $61,409,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $45,348,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2004 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2006, may be transferred during fiscal year 2007 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2007.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,626,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable

basis: *Provided further*, That for fiscal year 2005, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That, of the funds provided for the tribal school demonstration program, notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108–7, as amended by section 136 of Public Law 108–108, $4,500,000 is for the Eastern Band of Cherokee education campus at the Ravensford tract.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $44,771,000, to remain available until expended, for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements; and of which $10,032,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,421,000, of which $695,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $84,699,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $74,935,000, of which: (1) $68,372,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $6,563,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,499,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99–658; Public Law 108–188; and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands as amended.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior, $93,051,000, of which not to exceed $8,500 may be for official reception and representation expenses, of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines, and of which $13,500,000, to be derived by transfer from unobligated balances in the ''Central Hazardous Materials Fund'', shall remain available until expended for a departmental financial and business management system. *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

□ 1600

AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a set of amendments, and I ask unanimous consent they be considered en bloc.

The Clerk read as follows:

Amendments offered by Ms. SLAUGHTER:

Page 47, line 4, after ''Appropriations'' insert ''*Provided further*, That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by

$13,500,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso''.

Page 103, line 24, strike ''$120,972,000'' and insert ''$130,972,000''.

Page 104, line 5, strike ''$122,377,000'' and insert ''$125,877,000''.

The CHAIRMAN pro tempore (Mr. DUNCAN). Without objection, the amendments may be considered en bloc.

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I rise to offer an amendment that will provide just a small increase for Federal arts agencies but which will pay us back many times over, both in hard dollars and in ways that are simply incalculable for the people that we represent.

Since 2001, when our national economy began its dramatic downturn, we have seen some of our largest industries shaken to their core. Without consumer spending and housing market, the recession would have been even deeper and more discouraging for most Americans. But during those dark days, one industry sailed on battered by the prevailing wind but staying afloat, thanks in part to Federal funding, and that was America's incomparable nonprofit arts industry.

Even without the corporate and philanthropic support of prior years and with fewer State and local dollars, the indomitable $134 billion nonprofit arts industry, seen here on this chart, kept selling tickets, employing artists, attracting tourists, providing jobs, supporting small businesses and churning out receipts to Federal, State and local treasuries. In cities, towns and hamlets across the country, artists continued to write and compose and dance and perform, and audiences kept coming to watch and listen and absorb their creativity. Inevitably, they left with what they came for, their minds enlightened, their souls renewed.

How magic that is when what makes both people's life and economy richer is one in the same thing. The lesson is clear, the stability of Federal funding is all the more important to the arts in times of fiscal fluctuation. And where else can we find such a bargain? For 1/100 of 1 percent of the Federal budget, the nonprofit arts agencies generate over 5 million jobs and give back 14 billion to State and local governments and over 10 billion to the Federal treasury.

Consider this enormous return on our investment and our request is modest this year. Though the President requested $18 million for the National Endowment for the Arts, because we recognize the tight budget we face we will ask only $10 million, and this small increase will ensure that the NEA's new program, America's Masterpieces: Three Centuries of Artistic Genius, which First Lady Laura Bush announced with such enthusiasm last year, will take the best of our heritage to new and younger audiences across the country. Every dollar of this increase will go to the program. Not a cent will fund administrative costs.

Similarly, rather than the $27 million which the President requested for the National Endowment for the Humanities, we are asking only $3.5 million. The additional money will continue funding for such popular programs as ''We the People,'' which teaches and studies the understanding of American history, and every State and territory in the United States last year benefited from this initiative. Should you have any doubts left about the ability of the Federal seed money to build a local economy, think about your own preference when you travel. What do you look for when you are in a strange city or country?

After checking into your hotel and locating a restaurant, you search out the local cultural attractions, do you not? The museum, the art gallery, the theater, the folk festival, the other indigenous arts; in fact, the attractions that made you want to go there in the first place. Sixty-five percent of all American travelers do the same. They include cultural events on their trips and they spend more on the average than local attendees do at their favorite cultural institutions.

In my own district, the Cities of Buffalo, Rochester, and Niagara Falls, New York are dependent on tourist dollars to keep their economy and local small businesses running. You probably have watched and been grateful for the same phenomenon in your district. Just today I learned that Buffalo was now the fourth most desired arts destination in the country, according to the American Style Magazine's annual poll, and I say thank goodness for those tourist dollars.

I hope by now you have seen the research seen by Americans for the Arts, which was sent to every congressional office. Entitled ''The Creative Industries,'' the report includes a map of your own district and a chart that shows every arts-related business in your district and the number of jobs that each supports. It gives you a graphic indication of the geographic and economic reach of the arts. But the benefits of our Federal investment are neither confined at our districts nor stop at our borders. The output of artists and other creative workers in publishing audio-visual music and recording and entertainment business amounts to over $60 billion annually in overseas sales, and this huge return helps the U.S. maintain an ongoing global position of economic strength and leadership.

Think for a moment about the Reagan funeral. Who was not deeply moved by the tenor's rendition of Ave Maria? Whose eyes did not tear when the Marine band played Amazing Grace or God Bless America and the wonderful choir that sang The Battle Hymn of the Republic? Who can even imagine such a moment of national importance not imbued with such profound feeling without the artists performing their great music?

Long after everyone alive today is gone from this Earth, that ceremony will be remembered by generations to come through the artistry of great photography.

Let us remember that it was President Reagan himself who set up the Presidential Task Force on Arts and Humanities.

Mr. BALLENGER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in support of the amendments to increase the funding for the National Endowment For the Arts and the National Endowment for the Humanities.

I understand the importance of fiscal restraint during a time of large deficit; however, the relatively small amount of Federal funding of the arts and humanities is needed to leverage private dollars. These combined resources make the arts and our heritage come alive in communities across the Nation.

For example, in 1973 we people in Hickory, North Carolina, decided we wanted to convert an old high school building, and with a small amount from the National Endowment as sort of a Good Housekeeping Seal of Approval we raised $2.8 million and had a museum of art.

As another example, in October I was proud to arrange for the Aquila Theater Company to perform Othello for students in the Northview Middle School in Hickory, North Carolina. This was possible due to an NEA program called ''Shakespeare in American Communities.'' This program brings touring groups to rural communities which normally do not have the opportunity to see a professional theater company.

In fact, one young eighth grader was so impressed he contacted his local paper and he wrote, ''I never really knew much about Shakespeare until a couple of days ago. When I saw that play, I was amazed. It was awesome.''

By the conclusion of the Shakespeare in American Communities Program it will have toured all 50 States, visited 200 cities and 14 military bases. It will have utilized the talent of 29 theater companies whose actors will have touched the lives of 1 million children.

Dollars that fund this type of program are dollars well spent. Not only are the arts and humanities essential teaching tools for our children but they are also good business. In North Carolina's 10th Congressional District, my district, there are 757 arts-related businesses which employ 2,677 people. In addition, arts-related organizations contributed $32 million in payroll taxes to North Carolina in fiscal year 2003.

□ 1615

Mr. Chairman, the annual budget of the NEA and NEH return immeasurable benefits to our children and

economy, and I urge my colleagues to vote ''yes'' on this amendment.

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

Mr. Chairman, I rise in strong support of the gentlewoman from New York's (Ms. SLAUGHTER), my friend, amendment and urge its adoption. As is typical of a person who is a fine legislative craftsperson, this amendment fits the rules and is well-crafted to pass. I wish, and I think I share this wish with the gentlewoman from New York, that we could do even more; and I know she would do much more if that were a viable possibility.

I support this amendment because I like to think of myself as being a fiscal conservative; and for those of us who believe that we should be careful stewards of the taxpayers' dollar, this amendment meets that test in two very important ways.

First of all, arts organizations and humanities organizations are among the most efficient organizations I have ever seen. These are organizations for whom $5,000 or $10,000 can make the difference between a viable, vibrant program and no program at all. In an institution where billions of dollars are routinely cut, spent or otherwise allocated, these arts organizations stand in stark contrast because they are the kinds of institutions where a very small amount of money can make a very big difference.

I know, Mr. Chairman, that we all have such organizations in our districts. I just heard my friend from North Carolina talk about some organizations in his. These are organizations that piece together volunteer in-kind contributions for men and women who paint sets and sell tickets and make costumes. They knit together that effort with a few dollars from a local bank or a charitable foundation with a small amount of support from the local, county, or State cultural and heritage commission, with private donations from individuals and families in the community. When they are $5,000 away from getting something done, very often it is this grant from this program that helps get that something done.

So in terms of stretching the taxpayers' dollar, it is the most productive use. The recipients of these grants across the country are the experts at that, and they deserve this help.

Second, as my friend from New York pointed out so well a few minutes ago, these expenditures are an investment in economic growth. There are so many cities and communities in our country, many of them in my State of New Jersey, that are focusing their downtown revitalization projects on the arts; that are focusing their job creation efforts on bringing people into shopping districts and business communities because there is a cultural festival, because there is a concert, because there is a new gallery opening; that art patrons bring traffic. They buy products; they buy goods and services. They eat at the restaurants. They create a proliferation of economic activity.

We spend a lot of the people's money here. Some of it I do not think we spend as well as we should, but this is an entirely well-thought-out expenditure of the people's money.

The final point I would make is that I applaud this amendment's support for the teaching and learning of history. It is one of the things that worries me about the future of our country, that so many of our citizens are not engaged in the study of our history, not engaged in an understanding of what our history means. This Republic is a magnificent experiment. It is a unique experiment in the history of mankind; and to truly appreciate the gift that we have been given in this Republic requires an understanding of the history that yielded this Republic.

If one person is compelled to read about the Articles of Confederation or is compelled to read the great debates that gave rise to the Constitution of this country, if one person is made to think about how ancient principles of liberty and democracy apply in very turbulent modern times, then I think we have accomplished having something very important. A lot more than one person, many more than one person is going to have that opportunity as a result of this amendment.

So I thank its author. I thank those on the other side of the aisle who stepped forward to support it, and I urge an affirmative vote in favor of the amendment.

MODIFICATION TO AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I ask unanimous consent to modify the amendments to correct the line reference from page 103, line 24, to page 103, line 14.

The CHAIRMAN pro tempore (Mr. OSE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Mr. Chairman, I rise in support of this amendment but must note a certain embarrassment that it is so modest. If it passes, resources for NEH and NEA will still be less than the President requested. Nonetheless, the dollars involved do represent a bit more help to the two institutions most responsible for advancing the creative impulses in society and expanding programs which provide historical and philosophical perspectives to issues of the day.

I recognize that controversy swirls around the National Endowments for the Arts and Humanities, and it is in the context of this controversy that a historical point of reference is in order.

Government involvement in the arts was greater in the Great Depression than it is today. In a time of financial poverty, there was no poverty of spirit. I refer back to the WPA era, because when our country dissolved into social chaos, arts brought a sense of perspective and unity and courage. Ironically perhaps to some, an American solidarity of spirit was enhanced by artists who frequently highlighted social problems and who just as frequently lampooned institutions of the State.

The WPA arts program under President Roosevelt and government programs in the arts today are designed to take arts from the citadel of the privileged and bring it to the public at large. President Roosevelt once noted: ''The arts cannot thrive except when men are free to be themselves and to be in charge of the discipline of their own energies and ardor.'' A corollary to this Rooseveltian precept is self-evident: freedom itself is constrained if the arts are shackled.

Americans need to appreciate, rather than fear, artistic expression. This does not mean everyone needs to like everything defined as or alleged to be art. All citizens reserve the right to be critics. But it does mean that we should go to great lengths to respect dissenting perspectives in the arts and humanities, just as we need to respect them in politics.

It also means we must understand that the arts play an increasingly central role in education. Of all the learning disciplines, they tap and expand the human imagination the most. In a world of exploding options for individuals and families, it is imperative that when there is no experience to serve as a guide, that the imagination be stimulated and perspectives be applied and that values be brought to bear.

Nonetheless, it should not be surprising that the Federal agencies most responsible for advancing programs in the arts and humanities have their collective backs to the wall. After all, there is no issue more controversial than culture itself.

In this regard, as a Republican, I would like to stress three ironies.

Cultural iconoclasts suggest the endowments are elitist citadels. The facts suggest the opposite. The endowments were established to democratize the arts and humanities, to broaden access to and appreciation of diverse aspects of American culture.

Cultural iconoclasts suggest that American education has been dumbing down. Yet the endowments have as their mission to instill American education with greater quality, to stimulate creativity, to ennoble the American spirit.

Cultural iconoclasts lament the standardless sex and violence found increasingly on television and at the movies. By contrast, the endowments and their sister institutions, like NPR, are uplifting counterbalances to the commercialization of sex, pornography, and violence.

The issue is how best to instill and transfer American values, how best to expand respect for the ''pluribus'' in our ''unum.'' Market forces have a powerful role to play, but civilizing instincts can sometimes be embellished

by civil efforts of civil institutions. That is the mission of the endowments.

Abolition of the endowments would lead to a marginally cheaper government, but if conservatism implies an emphasis on understanding, advancing and perpetuating our culture, endowment-bashing can hardly be conservative.

It is true that out of tens of thousands of grants, a half dozen have proven offensive to large numbers of Americans. Yet, perspective would indicate it is impressive not how many, but how few, grants have resulted in serious social umbrage. Given the fact that the Federal Government today spends less than 5/100 of 1 percent of the GNP on the arts and humanities, elimination of their funding would more impoverish the American spirit than the American taxpayer.

In this context, I urge support of this amendment and would like to express my particular appreciation for the leadership of the gentlewoman from New York and the subcommittee chairman from North Carolina.

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

Mr. Chairman, I rise in support of the Slaughter-Shays-Dicks amendment to increase the amount of funding in this bill for the National Endowment for the Arts and the National Endowment for the Humanities. In fact, I support the amount that President Bush requested for these agencies. President Bush requested an $18 million increase for the NEA and a $23 million increase for the NEH.

In truth, I would be even happier to support President Reagan's budget for these critical agencies, which was substantially larger. Unfortunately, the Republican leadership in this Congress do not seem to think that Presidents Bush and Reagan were right in this respect. Instead, they continue to insist on flat funding for the NEA and only a tiny increase for the NEH, but the fact is flat-level funding is really a cut in the budget. It means that the resources that the NEA needs to do its job gets stretched thinner and thinner every year.

We have a chance today to take a small step in rectifying this shortsightedness today. Whether it is the educational value, the cultural enrichment, or the substantial economic windfalls that the arts and humanities create, the NEA and the NEH are two of the best investments this Nation makes and two of the most productive parts of our budget, although two of the smallest parts of our budget.

When we shortchange the NEA, we deprive our young people of arts education programs that help them develop critical thinking skills and train them to be the next generation of artists, and we deprive our communities of a $134 billion business that generates almost 5 million jobs, $89 billion in household income, and tens of billions of dollars in tax revenues.

When we shortchange these agencies, we deprive ourselves of orchestras, nonprofit theaters, dance companies, opera companies, and touring groups that bring the benefit of the arts and culture to smaller communities throughout our country. We deprive ourselves of the important work of interpreting and preserving our Nation's heritage. For just a fraction of 1 percent of our Federal budget, the NEA and the NEH yield dividends that far outweigh the investment, but the majority leadership has chosen to ignore all of this.

Mr. Chairman, this amendment is a very modest attempt to increase the NEA budget by just $10 million, not even the $18 million suggested by President Bush. It is an attempt to begin undoing the damage that this Congress has done to these agencies in the last 10 years. I urge my colleagues to support this extremely modest amendment, and I thank the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Washington (Mr. DICKS) for offering this amendment.

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

Mr. Chairman, I would just rise in opposition to this amendment. I want to preface that by making it very clear that those of us who oppose this, most of us are big fans of the arts, big fans. I am a fan of all kinds of arts, visual performance; and I fully recognize and I think most Members, probably everybody in this House, recognizes the vitally important role that the arts play as an expression of understanding a perception, a point of view of who we are and what humanity is about, the unique insights into the human experience that only the arts can provide; and I do not think any of us dispute the vitally important role that the arts play.

I think the big question is who should pay for it. I think that is what we really are going to be debating here, and the question specifically becomes should it be paid for by taxpayers who are forced to pay for it through government taking their money from them and spending it on the arts or should it be paid for by the people who benefit most directly from it, people who enjoy the arts, people who are supporters themselves of the arts. In fact, the vast majority of the arts in America of all kinds, as we all know, the vast overwhelming majority are, in fact, paid for and supported by the people who most directly benefit from it and by philanthropists, by wealthy individuals who have the means and the inclination to support these arts, and I fully commend them for doing that.

□ 1630

So the reason for my objection is no reservations about the arts per se; it is about whether or not we ought to compel taxpayers to foot this bill.

We are running over a $400 billion deficit this year. That is because for many recent years, spending in this town has been out of control. We are told, in some cases by many of the same people who support this amendment, we are told that we cannot afford tax cuts. The tax cuts that we have engaged in, which frankly have generated a tremendous economic expansion which is underway, we are told we cannot afford them. By that they really mean government cannot afford them. As a matter of fact, we are told we cannot even afford to make the existing tax law permanent. That would be a bad thing, according to many of the Members who support this amendment. Instead we ought to have the tax rates jump back up.

Well, I think if we cannot afford to try to reduce the burden on the American taxpayer because the deficit is too large, then we cannot afford to be funding this kind of amendment either. I know they will say, wait a minute, this money is being transferred. It is from the administration of other areas to this program. It is not net new money. But if there is money that is not needed for the administration of these other programs, and it is available to be taken from them and added to funding for NEA and the National Endowment for the Humanities, if that money is available, it should simply be cut from those budgets so we can reduce the size of our budget deficit and get to the point where hopefully some of my colleagues on this side will agree that we can, in fact, and should, in fact, make the existing tax law permanent and get on with further reducing the tax burden for the American people.

For these reasons and despite my great appreciation for the arts themselves, I would urge a ''no'' vote on this amendment.

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

Mr. Chairman, I rise today in support of the Slaughter amendment, my good friend and neighbor from Buffalo, New York, to increase funding for the National Endowment for the Arts by $10 million and to increase funding for the National Endowment for the Humanities by $3.5 million.

The NEA enhances our communities both culturally and economically. Educational programs supported by the NEA introduce our next generation to the possibilities of creativity, self-expression, and imagination. Just last weekend in my district in Buffalo, New York, we held the Allentown Arts Festival, a renowned art event where art vendors come to display their goods and sell their works on the streets of Buffalo, and I am proud to say tens of thousands of people from all across the country attended.

The NEA has implemented a new program called Shakespeare in American Communities, a major nationwide touring theater initiative that brings Shakespeare to over 100 different communities throughout the country. One

million school children will experience live theater in small and mid-sized towns, underserved urban areas, and even some of our military communities.

The NEA is providing a teachers' toolkit that is being distributed free of charge to over 25,000 high school teachers. The kit includes a video, a CD, contest materials, and fact sheets on Shakespeare and Elizabethan theater.

As a former schoolteacher myself, I recognize that providing these educational materials will provide a greater cultural learning experience to all the Nation's children.

Another important program funded through the NEA is Operation Homecoming, a writing workshop for returning soldiers to help them deal with their feelings about war, death, hardship, and survival while being overseas and away from their loved ones and their families. This program will help establish a rich historical record by filling in the blanks with personal accounts that the media sometimes lack.

The first Operation Homecoming workshop, as a matter of fact, took place in my home State of New York, Fort Drum, home of the 10th Mountain Division. Forty-five soldiers met with accomplished novelists to learn firsthand about the hard work, dedication, and effort that is required to write. They plan to use this instruction as a way to capture events for themselves and also as a form of therapy to manage their feelings in the most positive manner.

It is my hope that we will consider the Slaughter amendment as a way to enhance our already cultural richness in this country by supporting excellence in the arts, providing leadership in arts education, and bringing the arts to all Americans. I yield back the balance of my time as I ask our Members to support the Slaughter amendment.

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

Mr. Chairman, I rise today in strong support of this amendment, and I want to applaud the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS), co-chairs of the Arts Caucus, and their staff for their leadership and for this very important work of national importance.

Congress has the responsibility to provide adequate funding to the National Endowment for the Humanities which is the largest single funder of humanities programs in our country; and also the National Endowment for the Arts, the infrastructure for private nonprofit and Federal arts initiatives.

This support is especially important given the current state of the economy which has stifled private funding used to subsidize many arts and humanities programs nationwide. The economic downturn and our budget crisis are crippling arts initiatives all over this country, and especially in my home State of California. In my district, the 9th Congressional District of California, there are a total of 2,180 arts-related businesses that employ 10,268 of my constituents. That is a lot of people: 10,268 individuals.

Many who are eager to restrict funding for NEA and NEH forget that industries that receive grants for these institutions include museums, performing and visual arts, film, radio, television, design, publishing and educational facilities in all of our districts.

In Oakland, one of the cities in my district, most arts education programs are facing extinction. The result is the gradual disappearance of arts initiatives for people of all ages, ethnic background, social and economic backgrounds. This debilitates the foundation of our community. Few realize that nonprofit arts industry and the nonprofits that run our arts industries generate approximately $89.4 billion in household income nationally, and the economy, of course, reached its lowest point since the Depression.

This amendment also provides funding for the NEA, which is an investment in the economic growth of communities with grants reaching every single congressional district in the country. During the last 14 years, the NEA has provided funding for over 123 programs in my district alone, including the Berkeley Symphony Orchestra, the Axis Dance Company, and the East Bay Institute for Urban Arts and the Museum of Children's Arts.

Clearly, a vote against this amendment, which is endorsed by our bipartisan Arts Caucus, is really an unfortunate action against the vital thread which sustains the pulse of our country.

I urge all of my colleagues to support this very modest increase. It should be much more than this. This is only a $10 million increase for the NEA and $3.5 million increase for the NEH. It is the least we can do to promote and preserve American culture and heritage.

Mr. Chairman, I thank the two co-chairs of the Arts Caucus.

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

Mr. Chairman, I did not expect to be here. I have no notes other than what I just jotted down a second ago because I thought this year when we are facing deficits of nearly $500 billion that nobody would dare stand up and ask for an increase in funding for the NEA or the NEH.

I am surprised and, frankly, disappointed that we are doing that. How can we, as Republicans, on this side in particular, as a party of limited government, stand up and call to increase funding for the NEH and the NEA at any time, but particularly this year.

If there is $13.5 million in overhead at the Department of the Interior, and the argument is we are not increasing funding, we are simply moving it from one side to the other, I would suggest, as my colleague from Pennsylvania suggested, let us return that to the taxpayers. Let us lower the deficit. But to simply take it over and increase funding, which will simply lead to more increases and more increases, as we have seen in previous years, is simply not the way we ought to go.

It was noted earlier that this is only point zero, zero, zero whatever of the Federal budget; we can afford that. Just point zero, zero, zero whatever, we can afford that.

Well, if that is the case, if we look at arts funding, Federal funding of the arts is only point zero, zero, zero whatever of what is spent on the arts. The other happens to be spent by patrons of the arts, myself and others who actually go and view it or listen to it, or enjoy it in some other form.

Certainly the dire consequences that are spelled out on the other side of the aisle for the arts if the Federal Government cuts back its share or does not increase its share are not going to happen because the arts are important. People realize that. It does not take the Federal Government to tell people that.

I encourage my colleagues to understand that we are in a big deficit situation, nearly $500 billion. We hear the other side of the aisle talk about that a lot, but then propose to increase programs like this. I would suggest that both our side of the aisle and theirs ought to get serious about containing this deficit, and we ought to start by not increasing funding for the arts at this time.

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

Mr. Chairman, I envisioned when I was elected to Congress that we would have really vigorous debates about a lot of issues, and this issue is an issue we should have a debate about. We can agree or disagree; but we should talk about it and understand in our own minds how valuable we think the arts are to our society, to the well-being of the culture that exists throughout our society, to the well-being of our children and what it says about us as Americans.

For me, I want to be on the side of President Bush. I want to be on the side of Mrs. Bush, both of whom believe this is an important contribution to our society. Both the President and the First Lady travel all around the country, and they understand, I think, better than many of us who are focused in our own districts how important this is for the well-being of our country.

The question of who should pay for it, is an easy question to answer. The consuming public pays most for it, and then there are individuals who have small resources and contribute, and some who have larger amounts and contribute. We have wealthy people who give a lot to the arts. And then I think businesses are inclined to want to contribute because they know that the fabric of the life in their communities has a lot to do with the well-being of their workers and makes their businesses better places to be because

of the arts that exist there. A community without arts is like a desert without rain.

Foundations help pay for the arts. And, yes, believe it or not, I think taxpayers should. When I think of what we are asking the taxpayers to do, when you add up the NEA and the NEH, and we add up their budget of $256 million, we will vote like that on billions in entitlements, no debate; and yet we debate for a fairly significant amount of time how we spend a million dollars.

I think taxpayers should play a role, a minimal role, but play a role. When I look at it, we are asking each taxpayer to pay, for the entire—the NEA and NEH—budget, 91 cents. This amendment is asking taxpayers to pay 4.5 cents more. The reason we ask taxpayers to do it is because the cost can be spread across all of them, and then it is so affordable for each and every one of us.

No one is going to pretend that the arts survive because of what we do as taxpayers, because we are the smallest part. The consumers pay the most. Individuals, businesses, and foundations contribute far more than the government; but the government, I think, is saying we would like to have a role here as well.

I salute the gentlewoman from New York (Ms. SLAUGHTER), and I am proud to be a co-chair of the Arts Caucus; but the gentlewoman is the one who is calling the shots on this, and I thank her for all of her work.

I may have a particular bias. My mom and dad met in the theater. I grew up almost every night hearing my dad play the piano. I realize how vital the arts are to our well-being as a society.

□ 1645

I feel it is almost more important when we are involved in warfare around the world that the other part of us, the part that deals with beauty and grace, is also being heard. I do not want to just be a person who supports the war on terror, supports the war in Iraq, which I am. I also want a part of me and a part of my constituency to be expressed in the love and appreciation for arts. I strongly ask my colleagues to ask the American people to pay 4.5 cents more each so that we can make the arts better, and I strongly ask them to support President Bush and the First Lady. The First Lady rarely asks this Chamber for anything. She has specifically said, please spend more on the arts. I am glad to oblige her.

I would like to just conclude by saying that I think that this Chairman has done his best with the limited resources he has and this subcommittee, and I appreciate them for understanding why we have this amendment and that the process is working the way it is intended. The Subcommittee has brought out, I think, what they believe to be a very good bill. We would like to make a slight change to it. I hope ultimately the Chamber will agree.

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

Mr. Chairman, I guess I am here to speak for the cultural iconoclasts of the Congress and of the Nation who are concerned about the fact that the gentleman from Connecticut who just spoke is correct in that he says this is a statement, a statement that the government has a role to play in the funding of the arts. This is the ultimate sort of decision we must make here and we will, of course, after a certain period of time as to exactly why it is the Federal Government's role to participate in this.

It is not for me to suggest that any of the things that the National Endowment for the Arts or Humanities does with the money is inappropriate. I am sure that in 2003, the New York Foundation for the Arts to support a fine-cut edit of Check Your Body At the Door, a video documentary about popular, social and club dancers in New York City; or, say, the Orange Show Foundation in Houston, Texas, to support conservation and restoration of the Beer Can House, a work by self-taught artist John Milkovisch. The Houston landmark, consisting of a house and grounds decorated with methodically trimmed cans, will be used as an artist-in-residence project space. I am sure that Lawyers for the Creative Arts, which got $10,000 to support the expansion of pro bono legal and arts mediation services, the project will provide artists and arts organizations in northern Illinois, Indiana and Wisconsin with access to free legal expertise. I am sure that all of these things have some need, that there are certainly good reasons why they should be supported, but earlier on the gentleman from Iowa stood up here and said that we should respect the differences that people have about the arts. We can argue all of us, any of us, about any of these things I mentioned or any of the other things done and supported by the National Endowment for the Arts are, quote, appropriate. But it is relevant, of course, because we should stay neutral on the arts. The only way to do that, I suggest to the gentleman from Iowa and to my friends on the other side, is to, in fact, stay out of the business of funding the National Endowment for the Arts.

I will have an amendment following this to reduce the funding for it, and I will certainly hope to establish the priorities clearly in the minds of the taxpayers of this country as to where this House stands, whether we support a variety of other more relevant issues and more relevant endeavors than the arts, but it is not the debate. The debate is not over the arts in and of themselves, and it is absolutely true that they would certainly exist. The $27 billion spent in 2001 on nonprofit arts in this country certainly is the way in which arts should be funded. And to suggest that $120 million from the Federal Government in any way, shape or form improves the quality of life frankly for anybody, even one person in this country, based upon what it does to influence the arts, I think is essentially ludicrous. It has no real impact. But it does take money from people and it says we will put you in the position of making a decision and you cannot remain neutral.

All of the reasons we have heard and hear every single year about why the arts are good, in fact, wholesome and help the culture and develop all kinds of wonderful experiences in our life and develop better people, all those things are probably true. I do not argue with any of them. I do not argue with the fact that religion does exactly the same thing in the United States, provides people with the ability to go beyond themselves and to experience great things and to become innervated by the experience. That is all great. But, of course, it has got nothing to do with us.

Why should the government fund any religious activity? But we would do so. If we were to listen to the reasons why we should fund the arts, we should certainly fund, quote, religion. We should establish a board, give it $120 million, let it determine what is the proper religious experience to provide money for, because it does all of the same things for people that the arts do. But, of course, we do not do that. We do not do it because we want to remain neutral.

So I suggest that in an attempt to become more neutral on this particular issue, we should reduce the funding for the National Endowment for the Arts and Humanities and hopefully eventually stop doing it at all.

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

Mr. Chairman, I rise in strong support of the Slaughter-Shays-Dicks-Leach amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. It seems to me that budgets reflect a lot of different things. They reflect priorities. They reflect opportunities to eradicate and spend down deficits. They reflect opportunities to go more deeply in debt. But they also reflect hopes, aspirations and ways of life.

I represent a very diverse and pluralistic district. As a matter of fact, I always say it is the most fantastic, fascinating district in all of America. Downtown Chicago, the Gold Coast, Magnificent Mile, Old Town, Greek Town, China Town, Ukrainian Village, Soulville. Lots of different people with different ideas about things. The arts and the humanities are a way of binding people from different communities together just as they reflect opportunities to bind people from different areas of the country and different walks of life.

Yes, I understand that there are deficits. I understand that the economy is not what we would hope for it to be. I also understand the need to invest in

fighting terrorism. We have a war to finance, a war that I had hoped we would not have to have. But notwithstanding all of that, we also have the opportunity to continue our commitment to life and to bind the Nation more closely together. I cannot think of any better way to do that than to provide these meager grants, I call it a minor investment, for which we get tremendous returns.

And so again I commend the gentlewoman from New York, the gentleman from Connecticut, the gentleman from Washington and the gentleman from Iowa for offering this amendment which gives all of us an opportunity to help make America become that Nation that it has the potential of being and yet has not been. I urge passage of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, year after year we try to massage our conscience for the failure in education to address a lot of the problems of the arts and humanities. We spend billions of dollars there and we never mention this in the education budget or any of the related budgets, so we think a few million dollars in the humanities or the arts will solve all the problems. It will, as one gentlewoman said, or gentleman, where the arts are disappearing from the community, it will solve that problem. The bureaucracy that is funded here and the limited programs that are funded here will not even begin to do that.

We find that there is a need to raise the cultural level in the United States, both in the arts and the humanities. There is a need for us to see that young people recognize the documents vital in our Nation's history. I take tours through the Capitol with young people. Most of the teachers and the young people have not a clue about the paintings and the things that are going on in the Capitol. But it will not be solved by increasing the amount of money for the arts and the humanities.

Our committee has a tough job. We have to increase the funding, natural funding for the forests and parks and various others, Indian health, the environment. We were cut $257 million enacted and we kept the NEA at last year's level and we increased NEH $3.5 million. There is a demand now that we increase it $13.5 million more. Based on the cuts that were in the overall bill, it was important to note that we increased both NEA and NEH. In fiscal year 2002, we increased some $15 million to the NEH and the NEA $13 million in 2003. We have grown the fund more than the rate of inflation, but it will not solve the problems of the men and women who spoke here and the dream that they are going to solve all these problems in the arts and the humanities. But it can do this. The amendment reduces administrative funds. The gentleman from Washington and I realize that we are short in that area, anyway. We know that they are going to be called on for funds and we know that that is going to be a problem. When we get to the conference, we hope we can increase that.

It is not clear that the vehicle offset that the gentlewoman from New York discussed will be sufficient. And so we risk the chance that the amendment will impair the on-grounds operation of environment protection, Indian programs, it could reduce the department's funding, including hearings and appeals and support for Indian trust reform. The committee is watchful certainly, the gentleman from Washington and I both, in areas of administrative abuse in trying to rein in excessive spending and travel in other areas and Members can count on our oversight to try to look in any other areas. But moving the money around as suggested could be very dangerous for the balance we have in this bill.

I ask Members to join me in opposition to this amendment.

□ 1700

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

Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Shays-Leach amendment. In order to find this offset, we talked to the Inspector General of the Interior Department. He made a recommendation that this was an area that had been very wasteful and that this would not hurt any of the programs there.

I want to say this is my 28th year on the Interior Appropriations subcommittee, and I started on this subcommittee under the tutelage of Sid Yates of Chicago, who was a tremendous supporter of the National Endowment For the Arts and Humanities. And I had worked in the other body and knew, of course, Senator Pell, who was the author of both the National Endowment For the Arts and Humanities legislation. Over the years I have followed how, with the increase in funding, even though we took a major cut, that we have seen an explosion in the growth of art institutions all over this country—more operas, more ballets, more theatres, more performing arts. This funding from the National Endowment for the Arts has been like the Good Housekeeping seal of approval.

We have today two of the finest administrators in these parts, Bruce Cole running the National Endowment for the Humanities, who I had a chance to talk to yesterday; and Dana Gioia, who is running the National Endowment for the Arts. These are real professionals. They are running these departments very effectively, and so we have offset this amendment completely. I think it is a choice of priorities, and I believe that what is happening in the arts and humanities is so important for the citizens of this country, and they appreciate it.

Every community in my district has benefited from the National Endowment for the Arts and by the National Endowment for the Humanities. We have the Pantages Theatre and the Broadway Theatre District in Tacoma, the Admiral Theatre in Bremerton and Fort Worden up at Port Townsend. Port Angeles has a summer arts festival. These things are appreciated by the American people, and they are terribly important for the education of our children.

And yet this year, even though President Bush and Mrs. Bush asked for substantial increases in the arts and humanities, our committee rejected that, completely. And, yes, we had a very bad allocation, but I do believe that in these two areas, we had a good hearing. The chairman of both endowments came up, testified before our committee; and they were so excited about what they can do with this money for the American people, especially on the humanities area, where we need to have more education about civics and our history and give our kids a better opportunity. And there are programs that are going out to all the schools all over the country that are supported by this, and it is a very fundamental part of our education.

So I am going to ask our Members, as we have done for the last 4 years, to vote for this. I want to compliment all those on the other side of the aisle who spoke today. I know there is always tremendous pressure to go along with the leadership; but in this case, we did not get the job done in the subcommittee. This is a chance for the House to correct this and show the American people again that we have gotten beyond this ideological fight. We can support the endowments, because they are doing good work. They have got good leadership, and they deserve our support.

Mr. HOLT. Mr. Chairman, I strongly support this bipartisan amendment that will provide much-needed funds to the National Endowment for the Arts and the National Endowment for the Humanities.

This is a long overdue and a modest funding increase to build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America. Since 1965, the NEA has provided over 111,000 grants for projects ranging from theater and film festivals, to poetry readings and workshops, to radio and TV broadcasts, to museum exhibitions, to city design and downtown renewal. NEA funds often help bring excellent performances and exhibitions to small towns and rural areas throughout the United States.

The NEH serves to advance the nation's scholarly and cultural life. The additional funding contained in this amendment would enable NEH to improve the quality of humanities education to America's school children and college students, offer lifelong learning opportunities through a range of public programs, and support new projects that encourage Americans to discover their wonderful American heritage.

It is clear that increasing funding for the arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly

sustenance. They power economic development in many regions. They tie our diverse society and country together.

Will the projects that would be sponsored by this increase in funding help defend our country? Probably not, but they will make our country more worth defending. I urge my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, ''A Great Nation Deserves Great Art'' is something that my colleagues have been echoing this week as our FY 05 Interior Appropriations bill comes to the floor of the House of Representatives for debate. The measure of a great nation is not merely its wealth and power, but its civilization—most notably the political, philosophical and artistic ideals it creates, promotes and preserves. I am here today to help preserve the National Endowment for the Arts (NEA) and the National Endowment of the Humanities (NEH).

The National Endowment for the Arts is dedicated to supporting excellence in the arts, bringing the arts to Americans of all ages and incomes, and providing leadership in arts education.

The Arts Endowment is the nation's largest annual fund of the arts, bringing great art—both new and established—to all 50 states, including rural communities, inner-city neighborhoods, schools, and military bases. The Arts Endowment has played a transformative and sustaining role in the development of regional theater, opera, dance, orchestras, museums, and other arts that Americans now enjoy.

Distributing more than $100 million annually, the Arts Endowment enhances our communities—not only culturally but economically. The Arts Endowment's educational programs—such as Shakespeare in American Communities—introduces a new generation of Americans to the possibilities of imagination, creativity and self-expression.

According to a recent study, the nonprofit arts industry provides 4.85 million full-time equivalent jobs, $89.4 billion in household income and $10.5 billion in federal income tax revenues.

The amendment also provides a modest increase for the National Endowment for the Humanities (NEH), far short of the President's request. The amendment provides $5 million for the NEH's ''We the People'' initiative. This increase would provide a total of $14.8 million for ''We the People''—less than half of the President's $33 million request. It would raise NEH's overall budget to $143 million—$19 million less than the President's request of $162 million for FY 2005.

Increased funds for ''We the People'' will enhance the teaching, study and understanding of American history. The ''We the People'' initiative has already expanded seminars and institutes for teachers to learn history content and bring their new knowledge and enthusiasm back to the classroom. It has also expanded grants available for research, scholarship, museum exhibits, documentary films, radio projects, teaching programs, educational aids, and preservation efforts to encourage and enhance public understanding of American history and culture.

''We the People'' has generated deep, widespread, bipartisan support. The ''We the People'' initiative has earned the support of the President and Members of Congress from both sides of the aisle.

This project will benefit every state in the nation. In FY 2004, over a third ($3.7 million out of $9.8 million) of all ''We the People'' funds went directly to the 56 state humanities councils to encourage programs and grants on the local level to encourage the teaching, study and understanding of American history.

Every state and territory of the U.S. has benefited from the ''We the People'' initiative, including my state of Texas. I do not want to return to Houston and let my constituents know that they have been let down yet again. Please join me in supporting this amendment.

Mr. SCHIFF. Mr. Chairman, I rise in support of the amendment to the Interior Appropriations bill submitted by Representatives SLAUGHTER, SHAYS, DICKS, and LEACH, to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a member of the Congressional Arts Caucus, and former chair of the California Legislature's Joint Committee on the Arts, I have had the opportunity to see first hand the tremendous role that the arts play in the education and development of our children. Several academic studies have demonstrated the connection between music, dance, visual arts, and the development of the human brain. It is a fact that arts education cultivates critical thinking skills that are so important in this information-age economy. Children who learn to read music or to play an instrument show improved proficiency in mathematics and sciences.

Today, I am proud to support an increase of $10 million for the National Endowment for the Arts and a $3.5 million increase in funds for the National Endowment for the Humanities.

One of the initiatives under the NEA, American Masterpieces, produces new collaborations of classic American operas, plays, ballets, musicals, and choral works. These joint ventures allow local companies to offer new productions of the highest quality at affordable costs. This is just one of the many great initiatives provided by the NEA.

Additionally, I support an increase of $5 million for We the People, an important initiative to strengthen understanding of our national heritage. This innovative program benefits students, teachers, and Americans of all ages.

Arts is not only about appreciation and enjoyment, it is also a strong component of our economy. A recent study from Americans for the Arts found that the nonprofit art industry alone generated $134 billion in economic activity, including full time jobs, household income and tax revenues. More than $80 billion of this is spent by audiences who enthusiastically attend events in their local communities.

In my own district, there are more than 2,700 arts-related businesses and more than 32,000 jobs in visual arts, design, performing arts, film and television, and educational arts. I am proud to host an annual Congressional Arts event in my district that allows high school students to showcase their artistic talents to the community. I have constantly been impressed with the artistic vision and creativity of our young people. This vision and creativity should be fostered, not discouraged.

By supporting the arts and humanities, the federal government has the ability to act as a partner with state and local efforts to bolster the quality of life as well as economic and educational opportunities in our communities.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today in support of the Slaughter-Shays-Dicks amendment to increase funding for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). These endowment programs are vital to supporting the creation, preservation and presentation of the arts and humanities in America. In my district, NEA and NEH grants have brought partnership projects such as the Coterie Theater and the Friends of Alvin Ailey's AileyCamp that help provide collaborative artist and youth activities which have enriched the local economy and educational experiences of our children.

Studies have demonstrated that reading and math scores improve with participation in arts education classes. Test results from the College Board have shown that college bound students involved in the arts and humanities have higher overall SAT scores than other students.

There is no jurisdiction for funding for the NEA at a level that is 30 percent below the 1994 level. Adopting the amendment before us would increase funding by $10 million for the NEA and $3.5 million for the NEH. I urge my colleagues to support this amendment which would keep up with inflation. Investment in the arts and humanities has proven to be an invaluable contribution to the American economy, or local communities, and the education success of our children.

Mrs. LOWEY. Mr. Chairman, I rise in support of the Slaughter amendment and strongly urge its adoption.

Our contributions to the arts and humanities are the standard by which our history as a society will be measured. A strong public commitment to the arts and humanities, along with a dedication to freedom, are the hallmarks of great civilizations. History has shown that religious and political freedom goes hand in hand with greater artistic and literary activity, and that the societies that flourish and have a lasting influence on humanity are those that encourage free expression in all of its forms. This is a lesson that resonates with people of every age, background, and belief, and one that working together we can guarantee that our children learn.

By sharing ideas and images from a diverse range of backgrounds and through many different media, the arts and humanities help to create a more informed citizenry. We are better prepared to meet the responsibilities of democracy; to ask ourselves the hard questions and to judge fairly the actual and potential endeavors of our country.

Our support for the arts and humanities also has a profound impact on our economy. In my Congressional District, the arts support over 10,000 jobs, and in Fiscal Year 2000, they contributed more than $92 million in revenue to Westchester alone. Nationwide, the figures are even more impressive. In 2002, the arts were a $134 billion industry sustaining nearly 5 million jobs. While the federal government spends just over $250 million on the NEA and NEH annually—approximately 40 cents per person—it collects over $10 million in tax revenue related to the arts industry. NEA and NEH dollars are crucial to the arts community, helping them leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is important not only to our national identity, but also to our national economy,

Mr. Chairman, we must act decisively to commit ourselves to our national heritage and culture, and vote to increase funding for the

NEA and NEH. I urge my colleagues to support creativity and reflection, to support our economy, and to support the continued growth and expression of democracy in its fullest form.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendments, as modified, offered by the gentlewoman from New York (Ms. SLAUGHTER).

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

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendments offered by the gentlewoman from New York (Ms. SLAUGHTER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. MICA. Mr. Chairman, I move to strike the last word to engage in a colloquy with the chairman of the Interior Appropriations Subcommittee, if you would, the gentleman from Mississippi (Mr. TAYLOR).

First of all, I want to take just a moment to commend the gentleman from Mississippi (Chairman TAYLOR) and the Committee on Appropriations for their outstanding efforts in bringing this important measure to the floor during these very difficult budgetary times.

As he may know, I have been working to improve and expand educational resources and public accommodations at the Castillo de San Marcos in St. Augustine, Florida. That is our national monument. This national monument is not only a unique part of our national parks infrastructure but it is also a national treasure. The National Park Service is expected to complete a study this fall which includes plans to construct a required facility there.

Mr. Chairman, it is my understanding that when this plan is completed and this project is authorized by Congress, the Interior and Related Agencies Subcommittee of the Committee on Appropriations would consider funding this much-needed expansion and renovation project.

I would ask the gentleman from North Carolina whether this is his understanding and intention as well.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I commend the gentleman. The San Marcos National Monument in St. Augustine, Florida, is one of the outstanding examples of parks for the east coast, and his effort is commendable.

As the gentleman can appreciate, we cannot make commitments on future appropriations, but we will certainly consider the gentleman's request once the project is authorized.

Mr. MICA. I thank the chairman for his response.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the last word.

I would like to engage in a colloquy with the chairman on the Department of the Interior's renewable portfolio and specifically our Nation's geothermal resources.

The vast majority of proven geothermal resources in the United States are located on Federal lands. Efficient administration of permits to prospect for geothermal energy on Federal lands is essential to harnessing our geothermal resources. I am proposing that the Bureau of Land Management conduct a report-assessing permit administration associated with our geothermal resources and a strategic plan on how we can best utilize our Nation's clean and efficient energy resources.

This report sets the stage to address a critically underdeveloped energy segment of our national renewable energy portfolio. The problem was cited in a January, 2004, Associated Press article which stated that the Federal Government has a backlog of 230 lease applications to prospect for geothermal energy. This article also stated that the average age of an application to prospect geothermal sites is 9 years.

The urgency of this situation is already upon us. One has only to look at the high cost of natural gas, which is the preferred energy source for new electric generation plants. However, the Energy Information Agency recently reported that the delivery price of natural gas is at $6 per thousand cubic feet, and it is a four-fold increase since 1995. This situation is robbing our economic recovery of essential dollars to create jobs and increase our reliance on foreign-owned energy resources.

I look forward to working with the chairman and the committee during the conference in securing resources and focus on geothermal resource issues. Specifically, I think we will gain an accurate understanding of geothermal resource permit processing within the Federal Government and what we need to do to improve that process. I believe that it is in the best interest of the American people and this committee to expedite the use of geothermal resources to meet our ever-growing electricity needs and improve our air quality.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentlewoman from California for yielding to me and greatly appreciate her continued leadership on this issue. I look to continue work with her during the conference on this very important issue.

Mr. GILCHREST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from North Carolina (Mr. TAYLOR), chairman of the subcommittee, in relationship to an invasive species issue in the State of Maryland.

Invasive species all across this country have wreaked havoc on a number of ecosystems from California to the Great Lakes to Florida to numerous areas of the east coast. One of the specific invasive species that we are dealing with in Maryland is called a nutria. It looks exactly like a rat, only it gets to be about 30 pounds.

This was to a certain extent brought to the United States with the blessings of Fish and Wildlife Service to add to the trapping economy with possum, groundhogs, and a number of other species for their pelts and for their meat. Nobody liked the pelt of the nutria. Nobody liked the meat. And all of a sudden this particular species became invasive and has destroyed tens of thousands of acres of wetlands across the United States, nearly 10,000 acres of wetland just in the State of Maryland. We have been very successful in eradicating nutria in a specific wildlife refuge in the State of Maryland that covers about 28,000 acres, eliminated the nutria there, with the Federal, the State government, the local governments, and the private sector. We need to do it on about 80,000 more acres in the State of Maryland to completely eradicate the nutria in this part of the country, which will set up a type of trapping system that can be used in other parts of the country. In this Interior appropriations bill, however, there is no money. It has been zeroed out. We have spent about $6 million over the last 6 or 7 years. And I would like to ask the chairman if at some point we could work on bringing some dollars to keep this program, very successful program, continuing.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I assure the gentleman that the subcommittee continues to support this very important effort. Allocation constrained us from increasing funding for the program in our fiscal year 2005 recommendations, but we have included a general increase of $2 million for invasive species research, and I think that this program may qualify for some of those funds.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman very much. This is a fine example of a great, successful program; and we will work with the chairman of the committee.

Ms. NORTON. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I would hope that an amendment for the study of the crime and accident rate in the most-used national parks would be made in order and regret that it is not made in order. The issue is so important, I would like to discuss it on the floor at this time.

There have been troublesome reports of increases in crime and vehicle accidents in the national parks. It first surfaced perhaps in a major way here

in the District of Columbia when former Police Chief Teresa Chambers complained that she could no longer adequately cover the park territory entrusted to her. She said that there had been redeployment of her troops to cover monuments and other important places after 9/11.

But then I began to note complaints of a rise in crime and homelessness in parks here and around the Nation as well. The crush of crowds we now understand all the parks are experiencing during this season makes this claim much more credible.

I want to be clear that I take no position on whether there has been an increase in crime or accidents. I really do not know. This was only a request for a study so that we could begin to find out. The study would go to the appropriate committees; and they could decide what, if anything, to do with it. It would have looked at the heavily used units of the national parks from 1998 for about 6 years to give us a critical mass of years to look at crime and to look at accidents on nearby roadways.

I noted that right after 9/11, there was a bump up in the number of park police just as there was a bump up in police everywhere; but park police stabilized while, for example, Capitol Police continued to soar. And I do not want to make any invidious comparisons here. We need all the help we can get on the Hill. But I cannot help but be moved by the fact that if we are going to have millions upon millions of people visiting our parks, they are protected not only against accidents and against crime but they are protected by the patrols in the parks against terrorism as well.

□ 1715

I know about complaints in my own parks, for example on Rock Creek Parkway, about Park Police cruisers not being available, but that is anecdotal. I wanted a study to see if these were in fact complaints we should take seriously, and particularly now it is clear to me this has become a national concern.

We should not be deploying personnel, we should not be in fact authorizing and appropriating money for personnel, without knowing more about needs, especially when those needs are changing, as they are in the Nation's parks.

My own district happens to have many of the Nation's most important parks, from the Mall to the beautiful Rock Creek Park itself, but there are parts of the country which are far less densely populated than the national capital park regional area, but have far more heavily used parks.

It is time we found out how to better deploy the Park Police. I regret that we will not be able to do this study through this appropriation. I hope that the Park Service on its own will see the importance of doing a study with the resources it has before it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. OSE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the remainder of title I is as follows:

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907), $226,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $51,356,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,655,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $196,267,000, to remain available until expended: *Provided*, That of the amounts available under this heading not to exceed $58,000,000 shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support: *Provided further*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2005, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $42,000,000, to remain available until expended: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading ''Office of Special Trustee for American Indians, Indian Land Consolidation'' of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,818,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds

used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to H. Res. 649 and section 402 of S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress), the concurrent resolution on the budget for fiscal year 2005, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior shall hereafter be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall hereafter be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made to the Department of the Interior shall hereafter be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made to the Department of the Interior to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may hereafter be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2005. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2005 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings,

may hereafter be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 121. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 122. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 123. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 124. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 125. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 126. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 127. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 128. Such sums as may be necessary from ''Departmental Management, Salaries and Expenses'', shall be transferred to ''United States Fish and Wildlife Service, Resource Management'' for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 129. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 130. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 131. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2006 shall not exceed $12,000,000.

SEC. 132. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2004 or 2005, funds appropriated for fiscal year 2005 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2004. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilites under the same fiduciary standards as those to which the Secretary of the Interior is held: *Provided further*, That they demonstrate, and continue to demonstrate, to the satisfaction of the Secretary that they have the capability to do so.

SEC. 133. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: *Provided*, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term ''special event'' shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

The CHAIRMAN pro tempore. Are there any points of order against provisions within that portion of the bill?

Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $280,654,000, to remain available until expended: *Provided*, That of the funds provided, $52,714,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $282,446,000, to remain available until expended, as authorized by law of which $43,119,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,399,599,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2005 shall be displayed by budget line item in the fiscal year 2006 budget justification: *Provided further*, That, through fiscal year 2009, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

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

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TANCREDO:

In title II, in the item relating to ''NATIONAL FOREST SYSTEM'', insert after the first dollar amount the following ''(increased by $23,000,000)''.

In title II, in the item relating to ''NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'', insert

after the first dollar amount the following: (''reduced by $60,000,000)''.

Mr. TANCREDO. Mr. Chairman, we have had a robust debate on the issue of funding for the National Endowment for the Arts and Humanities, and I do not intend to revisit that particular part of this debate. I am, however, going to suggest that we should reduce the budget for the National Endowment by $60 million and redirect the money to the budget for the U.S. Forest Service for law enforcement services.

Thankfully, the committee rejected calls by the administration to increase financing for the National Endowment for the Arts by as much as $20 million this year, but spending $120 million and change for taxpayers' funded arts still makes no sense.

Many people on both sides of the aisle have long recognized the need for additional law enforcement personnel on our public lands. The sprawling Coronado National Forest in southern Arizona, for example, which shares a border with Mexico, has fewer than a dozen law enforcement personnel, this despite the fact that it has become a hotbed for drug and immigrant smuggling and a welcome mat for would-be terrorists attempting to enter the United States from Mexico through sparsely patrolled wildlands.

Similar problems are faced by other public land agencies, including the National Park Service. A young park ranger in Organ Pipe Cactus National Monument was murdered by Mexican drug smugglers in 2002. The public land agencies have less than 200 law enforcement officers combined to patrol almost 6,000 miles of public lands adjacent to the border.

These challenges are not unique to the Coronado, or to public lands on the border. National forests across the country face a shortage of law enforcement personnel as well. This hampers the ability of the agencies to combat everything from irresponsible recreation to marijuana cultivation on public lands. It also inhibits the ability of the agencies to maintain a safe and enjoyable environment for visitors.

Enhancing the ability of the Forest Service to help maintain a safe environment for visitors and to enhance homeland security on public lands would seem to be a far more important priority to fund than spending more than $100 million on federally subsidized art.

There was a discussion, as I say, during the last amendment that we are in the process here of trying to establish priorities for the budget of the United States, and certainly it seems to me to be appropriate for us to make a decision as to whether or not we would rather have a more vigorous enforcement of law in our national parks, which, by every calculation, by every agency that has looked at this issue, says we are in dire shape because of massive influences, the massive number of people coming through the area, coming through illegally and for a variety of purposes, some, of course, just coming for jobs, others coming with the transportation of illegal narcotics.

It is a very dangerous place, a place I have along the southern and northern border both visited many times. In each case I am confronted by folks down there, the Border Patrol, the Park Service, everybody who is involved with any sort of enforcement activity, law enforcement activity, who say they are in desperate need of help, that they are overwhelmed.

As I say, 200 people are committed to trying to protect a border literally thousands of miles long. It does not make sense. It only makes sense that in this bill, in a bill that is for the Interior, a bill that is supposed to reflect our priorities for Interior and management of our public lands, it only makes sense that we would reorient the budget and reprioritize it to provide more for the protection of our public lands and less for nationally subsidized art.

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, obviously a $60 million cut in the National Endowment for the Arts would be a disaster. I certainly understand the gentleman's concern about law enforcement and other issues in the budget, and we will be glad to work with him on those issues, but not to take $60 million out. A similar amendment was rejected by a vote of 112 to 313 last year.

Mr. Chairman, I would urge my colleagues in the House to again soundly defeat the Tancredo amendment. This amendment would have a devastating consequence on the Endowment for the Arts, and I think the endowments, as I said previously, are doing a tremendous job for our country and deserve to be supported. So I urge a no vote on the Tancredo amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,734,865,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2004 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $266,238,000 is for hazardous fuels reduction activities, $13,000,000 is for rehabilitation and restoration, $23,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $40,000,000 is for State fire assistance, $8,000,000 is for volunteer fire assistance, $15,000,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report 108–330: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in using the funds provided in this Act

for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY of Oregon:

Page 68, line 5, insert after the dollar amount the following: ''(increased by $6,000,000)''.

Page 69, line 10, insert after the dollar amount the following: ''(increased by $6,000,000)''.

Page 85, line 3, insert after the dollar amount the following: ''(reduced by $6,000,000)''.

Ms. HOOLEY of Oregon. Mr. Chairman, first of all, I want to thank the entire committee for their commitment to fight forest fires. We all know it is going to be a very bad forest fire year, and we know the time has come to prevent forest fires as well as put them out.

Over the years, highly flammable underbrush has built up in our forests and previously logged but unthinned areas have become dense, overstocked plantations of small, fire-prone trees. These conditions have made it impossible to allow low-intensity natural fires to burn within their historic range, and catastrophic fires have become more and more common.

To help address this problem, we in Congress passed and the President signed H.R. 1904, the Healthy Forest Restoration Act. This law will streamline future field reduction and thinning projects, and I was pleased to vote for it.

With the promise of $760 million in funding, the new law would provide thousands of jobs across the West, it would provide Federal land managers with the necessary tools to thin our forests of hazardous fuels and, most importantly, reduce the size and severity of wildfires. But the President and Congress must provide the money to get projects done on the ground.

The most important provision in this bipartisan bill we passed last year was a 5-year multimillion dollar commitment of Federal resources. Providing substantial funding for fuel reduction projects is essential in completing problem projects, putting people back to work and stopping forest fires.

Politicians and bureaucrats have been fighting over fuel reduction legislation for far too long. Last year, we were finally able to produce a bipartisan bill that sought to address this problem. However, we must also provide the money needed to get the job done. This bill does not do so, providing far less than the $760 million we determined was necessary.

The amendment to help rectify this problem is very simple: It provides $6 million for hazardous fuels reduction, which would allow tens of thousands of additional acres to be treated. The offset for this amendment is from the Industries of the Future Program, the Chemical Industry section. All my amendment would do is reduce this program to the level requested by the President.

Mr. Chairman, I urge Members to support my amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reluctantly rise in opposition to this amendment.

Mr. Chairman, I share the gentlewoman's concern for forests, as our entire committee did. We restored much of the money in the healthy forest initiative. It has $500 million for fighting fire in 2004 and $500 million for fighting fires in 2005, and we hope we can get through conference so we can get that 2004 money as quickly as possible for this year.

We also have a $58 million increase for hazardous fuel reduction. This is a large increase, and we think it will be ample, especially given the tight situation we have this year, the tight allocation.

On the other hand, we are 7 percent below in our energy programs, and we have restored a number of those above what the administration wanted at the time, and we hope we can restore more and maybe during the conference.

I would oppose this, not because I am against the gentlewoman's enthusiasm for preventing fires, but we have adequate money, I think, for this coming year to give that prevention, as well as fighting fires in this tight budget year.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

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

Ms. HOOLEY of Oregon. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I planned to offer an amendment today that would prevent the U.S. Fish and Wildlife Service from spending appropriated funding to add species to the endangered or threatened species list until the Fish and Wildlife Service moves forward with efforts to complete a population viability assessment on the Concho water snake.

□ 1730

Five years ago, I came to this body during the very same debate we are having today. At that time I worked with chairman of the Subcommittee on Interior and Related Agencies, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS), to provide the U.S. Fish and Wildlife Service with $300,000 to study the feasibility of removing the Concho water snake from the threatened species list. To this day, the Fish and Wildlife Service has not issued a final decision. There has been no accountability as to how the service has used the funding that was provided to them.

In June 1986, the U.S. Fish and Wildlife Service listed the Concho water snake as a threatened species. Since that time, the Colorado River Municipal Water District in Big Spring, Texas, has spent over $4 million studying the snake and documenting its viability along the Colorado River in West Texas.

In June 1998, after documenting a species population and distribution much larger than previous Fish and Wildlife estimates, the water district submitted a petition to delist the snake. In addition, the water district has documented that the construction of Lake Ivie, which the Fish and Wildlife Service argued would threaten the snake, has actually benefited the species by stabilizing stream flow and its habitat.

According to the statute, the U.S. Fish and Wildlife Service was supposed to provide a preliminary finding within 90 days of a petition to delist and a final decision within 12 months.

It took almost 14 months for the Fish and Wildlife Service to submit their 90-day petition finding, and they still have not issued a final decision on the issue. Although they claim that they were trying to finish a population viability study, the Fish and Wildlife Service is not moving on the issue.

West Texas as suffered from drought over the last several years, which has certainly affected the stream flows along the Colorado River. Still, the Concho water snake continues to thrive and reproduce in the area. But there are statutory requirements for the Colorado River Municipal Water

District to release certain amounts of water from the lakes it controls. Oftentimes, water releases from the lakes are more than the stream flows into them. How can we sustain this? Currently, Lake Spence on the Upper Colorado River is at less than 10 percent of capacity. I simply ask that common sense prevail and that the Fish and Wildlife Service move forward with issuing the final decision regarding the status of the Concho water snake on the threatened species list.

Mr. Chairman, if the chairman and ranking member would engage, I would be very happy not to offer this amendment at the appropriate time if I could have the assurances of the chairman and the ranking member that they will work with me and the Fish and Wildlife Service to do what was promised 5 years ago.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I certainly share the gentleman's concern, and we will work with the gentleman. It is outrageous, and we appreciate the gentleman bringing this to our attention; and we will work toward that.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to tell him that I will be glad to cooperate and glad to work with him on this issue. We can call a meeting with the Fish and Wildlife Service or whatever he wants to do to see if we cannot clarify what the problem is.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I thank the chairman and the ranking member for that assurance.

What I want to get done is I want the snake delisted, as we have spent millions of dollars on something that should never have been done to start with; but 5 years ago, Fish and Wildlife promised this committee that it would be done. They have not delivered.

I look forward to working with my colleagues and the agency to get the snake delisted, and I appreciate my colleagues' cooperation.

The CHAIRMAN pro tempore (Mr. OSE). The Clerk will read.

The Clerk read as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $522,940,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $15,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $65,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,962,000 available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b.

None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out section 8002 of the Farm Security and Rural Investment Act of 2002. Not less than $40,000,000 of funds under such section is hereby cancelled.

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. GOODLATTE. I make a point of order against the final sentence of the sixth paragraph under the heading of Title II, ''Administrative Provisions, Forest Service,'' page 77, lines 6 through 8, in that it violates House rule XXI clause 2 by changing existing law and inserting legislative language in an appropriations bill.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this provision proposes to change existing law by canceling funds under section 8002 for the Farm Security and Rural Investment Act of 2002. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in House Report 108–330.

Not more than $72,467,000 of the funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,300,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, $300,000 may be used for Forest Service Centennial activities and, of the total available to the Foundation, no more than $350,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $1,000,000.

For each fiscal year through 2009, the Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $237,000,000 shall not be available until October 1, 2005, *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: *Provided further*, That of the funds made available in prior year appropriations under this heading, up to $18,000,000 shall be available in fiscal year 2005 for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: *Provided further*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall include a matching requirement from non-Federal sources of at least 50 percent of the costs of the component.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $601,875,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $105,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $18,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2005 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $656,071,000, to remain available until expended, of which $45,098,000 shall be for State energy program grants.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,100,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant

to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $85,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered, into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,628,322,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $479,085,000 for contract medical care shall remain available for obligation until September 30, 2006: *Provided further,* That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further,* That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $267,398,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2005, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further,* That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $405,048,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further,* That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further,* That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further,* That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further,* That up to $2,700,000 may be used for the purchase of up to 27 acres at two sites for the construction of the northern and southern California Youth Regional Treatment Centers subject to advance approval from the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and

provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The Indian Health Service may purchase 8.5 acres of land for expansion of parking facilities at the W.W. Hastings hospital in Tahlequah, Oklahoma using third party collections subject to advance approval from the House and Senate Committees on Appropriations.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $11,000,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,000,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $496,925,000, of which not to exceed $11,108,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,620,000 for fellowships and scholarly awards shall remain available until September 30, 2006; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further,* That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further,* That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $122,900,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided,* That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further,* That balances from amounts previously appropriated under the headings ''Repair, Restoration and Alteration of Facilities'' and ''Construction'' shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $93,000,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds

and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,100,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,152,000.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $10,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,987,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,972,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $22,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,377,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further,* That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further,* That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,793,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,600,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,999,000: *Provided,* That one-quarter of one percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $41,433,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,000,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2005, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, and 108–108 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2004 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. Through fiscal year 2009, the National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. The section shall apply for fiscal years 2005 through 2009. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2005 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 315. Amounts deposited during fiscal year 2004 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 316. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 317. Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking ''The Secretary of Agriculture may, when in his'' and inserting ''(a) The Secretary of Agriculture may, when in his or her'';

(2) by striking ''Such deposits'' and inserting the following: ''Each of these 4 purposes shall be of equal priority.

''(b) Amounts deposited under subsection (a)'';

(3) by striking ''may direct:'' and all that follows through ''That the Secretary of Agriculture'' and inserting ''may direct. The Secretary of Agriculture''; and

(4) by adding at the end the following new subsection:

''(c) Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

''(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

''(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.''.

SEC. 318. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency; and

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 319. Prior to October 1, 2005, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the

Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 320. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 321. Extension of Forest Service Conveyances Pilot Program.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking ''30'' and inserting ''40'';

(2) in subsection (c) by striking ''8'' and inserting ''13''; and

(3) in subsection (d), by striking ''2006'' and inserting ''2008''.

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, hereafter, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 324. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2005, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 325. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 326. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2005.

SEC. 327. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 330. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 4601–6a note), is amended—

(1) in subsection (b), by inserting ''subject to subsection (g) but'' before ''notwithstanding'' in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:

''(g) The Secretary of Agriculture may not charge or collect fees under this section for the following:

''(1) Admission to a unit of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

''(2) the use of, either singly or in any combination, of the following:

''(A) undesignated parking along roads;

''(B) overlook sites or scenic pullouts;

''(C) information offices and centers that only provide general area information and limited services or interpretive exhibits; and

''(D) dispersed areas for which expenditures in facilities or services are limited.''

SEC. 331. (a) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—

(1) Not later than December 31 of each year, beginning with December 31, 2004, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(b) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2005.—Notwithstanding requirements of Office of Management and Budget Circular A–76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(c) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal

year 2005, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2005 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108–330.

(2) For the purposes of paragraph (1), the maximum amount—

(A) with respect to the Department of Energy is $500,000; and

(B) with respect to the Department of the Interior is $2,500,000; and

(3) Of the funds appropriated by this Act, not more than $2,000,000 may be used in fiscal year 2005 for competitive sourcing studies and related activities by the Forest Service.

(d) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—

(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(e) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term ''competitive sourcing study'' means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 332. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 333. None of the funds in this or any other Act may be used by the agencies funded in this Act to implement Safecom, Disaster Management, E-Training, and E-Rulemaking.

CONVEYANCE OF A SMALL PARCEL OF PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA

SEC. 334. (a) FINDINGS.—The Congress finds that—

(1) a select area of the San Bernardino National Forest in California is heavily developed with recreation residences and is immediately adjacent to comparably developed private property;

(2) it is in the public interest to convey the above referenced area to the owners of the recreation residences; and

(3) the Secretary of Agriculture should use the proceeds of such conveyance to acquire additional lands within the boundaries of the San Bernardino National Forest.

(b) CONVEYANCE REQUIRED.—Subject to valid existing rights and such terms, conditions, and restrictions as the Secretary deems necessary or desirable in the public interest, the Secretary of Agriculture shall convey to the Mill Creek Homeowners Association (hereinafter Association) all right, title, and interest of the United States in and to the Mill Creek parcel of real estate described in subsection (c)(1). In the event the Secretary and the Association for any reason do not complete the sale within two years from the date of enactment of this Act, this authority shall expire.

(c) LEGAL DESCRIPTION AND CORRECTION AUTHORITY.—

(1) DESCRIPTION.—The Mill Creek parcel, approximately 28.75 acres, as shown on a map, ''The Mill Creek Conveyance Parcel—San Bernardino National Forest, dated June 1, 2004'' and more particularly described as T.1 S., R.1 W., Section 8, E1/2N1/2N1/2NE1/4SE1/4NE1/4S1/2N1/2N1/2SE1/4NE1/4S1/2N1/2SE1/4NE1/4NE1/4SW1/4SE1/4NE1/4N1/2SE1/4SE1/4NE1/4S1/2NE1/4SW1/4NE1/4, located in the San Bernardino Meridian of the United States Public Land Survey System, California. The map shall be on file and available for inspection in the office of the Chief, Forest Service, Washington, D.C. and in the office of the Forest Supervisor, San Bernardino National Forest until such time as the lands are conveyed.

(2) CORRECTIONS.—The Secretary is authorized to make minor corrections to this map and may modify the description to correct errors or to reconfigure the property in order to facilitate conveyance. In the event of a conflict between the map description and the USPLSS description of the land in paragraph (1), the map will be considered the definitive description of the land.

(d) CONSIDERATION.—Consideration for the conveyance under subsection (b) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Such appraisal shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real estate to be conveyed under subsection (b).

(f) ADMINISTRATIVE COSTS.—All costs incurred by the Secretary of Agriculture and any costs associated with the creation of a subdivided parcel, conducting and recordation of a survey, zoning, planning approval, and similar expenses with respect to the conveyance under subsection (b), shall be borne by the Association.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (b), the Association and its successors and assigns will indemnify and hold harmless the United States for any and all liability to any party that is associated with the parcel.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to the conveyance of the parcel of real property referred to in subsection (b) shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for inclusion in the San Bernardino National Forest.

SEC. 335. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996), is amended—

(1) in subsection (a), by striking ''Until September 30, 2004, the'' and inserting ''The''; and

(2) by adding at the end the following new subsections:

''(d) INCLUSION OF COLORADO BLM LANDS.—The authority provided by this section shall also be available to the Secretary of the Interior with respect to public lands in the State of Colorado administered by the Secretary through the Bureau of Land Management.

''(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements and contracts under this section expires September 30, 2009, and the term of any cooperative agreement or contract entered into under this section shall not extend beyond that date.''.

TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2004 AND 2005 FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

CHAPTER 1—FISCAL YEAR 2004

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of Agriculture shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

CHAPTER 2—FISCAL YEAR 2005

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2005 for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2005 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That these funds will become available in the event that funds provided in title I of this Act for wildland fire suppression are insufficient: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2005 for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2005 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That these funds will become available in the event that funds provided in title II of this Act for wildland fire suppression are insufficient: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of Agriculture shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 139, line 22 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. GOODLATTE. Mr. Chairman, I make a point of order that the proviso in section 319 fails to comply with clause 2, rule XXI by addressing the conditions under which a court action may be brought. It constitutes legislation on an appropriations bill in violation of the rule. On behalf of the chairman of the Committee on the Judiciary, I ask the Chair for a ruling on the point of order.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this provision proposes to change existing law with respect to a revision of plans for National Forest System Units. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendments offered by the gentlewoman from New York (Ms. SLAUGHTER); the amendment offered by the gentleman from Colorado (Mr. TANCREDO); and the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENTS, AS MODIFIED, OFFERED BY MS. SLAUGHTER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendments, as modified, offered by the gentlewoman from New York (Ms. SLAUGHTER), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendments.

The Clerk designated the amendments.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 185, not voting 7, as follows:

[Roll No. 248]

AYES—241

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
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)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—185

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly

Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
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
Petri
Pickering
Pitts
Pombo
Portman
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
McDermott
Meeks (NY)

□ 1810

Messrs. GARRETT of New Jersey, SENSENBRENNER, BONILLA, SHIMKUS, PEARCE, BROWN of South Carolina, ADERHOLT and TAUZIN changed their vote from ''aye'' to ''no.''

Messrs. FOLEY, PORTER, PETERSON of Pennsylvania and SAXTON changed their vote from ''no'' to ''aye.''

So the amendments, as modified, were agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 248, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore (Mr. OSE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 8, as follows:

[Roll No. 249]

AYES—112

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Beauprez
Blackburn
Blunt
Boehner
Bonilla
Bonner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Diaz-Balart, M.
Doolittle
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McInnis
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pence
Petri
Pickering
Pitts
Pombo
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Vitter
Weldon (FL)
Wicker
Wilson (SC)

NOES—313

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bishop (UT)
Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
McDermott
Meeks (NY)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1820

Mr. RUPPERSBERGER and Mr. CUMMINGS changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chairman, on rollcall No. 249 I inadvertently voted "no." I intended to vote "yes."

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 249, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 241, not voting 6, as follows:

[Roll No. 250]

AYES—186

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Cox
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Evans
Farr
Fattah
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (WA)
Hayworth
Hefley
Herseth
Hill
Hinchey
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Renzi
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—241

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
Meeks (NY)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1828

Messrs. McINTYRE, WALSH, SESSIONS and Ms. MAJETTE changed their vote from ''aye'' to ''no.''

Mr. HAYWORTH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 250, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. OSE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY REGARDING DEPARTMENT OF DEFENSE INVESTIGATIONS RELATING TO ALLEGATIONS OF VIOLATIONS OF THE GENEVA CONVENTIONS AT ABU GHRAIB PRISON IN IRAQ

Mr. HUNTER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 108–547) on the resolution (H. Res. 640) of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 674 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4568.

□ 1830

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

□ 1830

The CHAIRMAN pro tempore (Mr. THORNBERRY). When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) was disposed of.

Before the Committee resumed proceedings on unfinished business, the bill was opened from page 77, line 3, through page 139, line 22, and the Chair had queried for and entertained points of order against provisions in that portion of the bill.

Are there amendments to that portion of the bill?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the interior appropriations bill contains a number of legislative provisions within the Committee on Government Reform's jurisdiction. I believe that in the past few days, we have established lines of communication and a good working relationship on these matters. I expect that as this bill moves forward to the other body in conference, we will continue this relationship and work together to make sure that these provisions are appropriate.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. The gentleman is correct.

Mr. TOM DAVIS of Virginia. Reclaiming my time, I am particularly concerned with section 333 regarding the implementation of the E-Government Act. I understand the department's frustration with the funding of this initiative. I would like to work with the gentleman from North Carolina to find a way to properly implement e-government at the department rather than stopping this important program altogether.

Mr. TAYLOR of North Carolina. I look forward to working with the gentleman from Virginia to find a way to appropriately implement the E-Government Act as we move towards conference.

Mr. TOM DAVIS of Virginia. I thank the gentleman and urge my colleagues to support H.R. 4568.

POINT OF ORDER

Mr. CLAY. Mr. Chairman, I would like to raise a point of order on the section that the Chair referred to earlier. Would that be in order?

The CHAIRMAN pro tempore. The gentleman will specify the section to which he refers.

Mr. CLAY. It would be section 333, page 132.

The CHAIRMAN pro tempore. The Chair would inform the gentleman that the Chair previously queried for points of order against this portion of the bill. The Committee has now entertained an amendment to that portion, so no further points of order against that portion of the bill may be raised.

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 85, Line 3, after the dollar amount insert (''increased by $1,000,000, decreased by $1,000,000'').

Mr. SANDERS. Mr. Chairman, this is a very modest amendment and I would hope that in fact both sides could accept it. It does not add any more money to this bill. It simply shifts within the Rebuild America program $1 million dedicated to the Energy Smart Schools program which will encourage schools all over America to become more energy efficient.

Mr. Chairman, I got into this issue because a number of months ago I went to a high school in Vermont called U–32 outside of Montpelier, Vermont. They escorted me around the school after I spoke to the kids and what I discovered is that in that school they were heating that building, a large campus, with wood chips. They were heating with a virtually nonpollutant fuel, they were creating jobs within our local economy and they were saving taxpayers' money. It was a win-win-win situation. It turns out, I later discovered, that 23 schools in the State of Vermont are doing that. It seems to me that we all around our country have a lot to teach each other about energy efficiency, how we can save taxpayers' money in terms of making our schools sustainable, cost effective and energy efficient.

All that this amendment does is take $1 million from the Rebuild America program and dedicate it to the Energy Smart Schools program. The Department of Energy is running a good program. It is teaching young people about energy efficiency. It is saving taxpayers' money. I would urge support for this amendment and hopefully we could have both sides accept it.

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

Mr. SANDERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would certainly be willing to accept it if the chairman will accept it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment. The gentleman makes a positive argument, but the State's energy program grants have been increased above the level that we have had and the State energy programs will be making a decision on this. We have tried to stay away from earmarks. In fact, many, many people have asked for earmarks which would take the bill in a different direction and we have tried to avoid any earmarks. The State energy program grant may well take care of what the gentleman has asked for, but I oppose the amendment to have earmarked $1 million in this program.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

Mr. SOUDER. Mr. Chairman, I move to strike the last word. I had intended to add an amendment later on in the bill but would not offer that in return for a colloquy with the chairman of the committee, the gentleman from North Carolina.

I understand there was some discussion in committee about the operations budget for the National Park Service. This issue is of great concern to me, and despite the committee's efforts to direct a greater proportion of the Park Service resources to the operational needs of individual parks, the bill does not go nearly far enough toward addressing the $600 million annual appropriations shortfall. As the gentleman knows, the gentleman from Washington (Mr. BAIRD) and I, along with 82 of our colleagues, requested an operations increase this year of $190 million from the Subcommittee on Interior and Related Agencies and $50 million from the homeland security bill. The committee has provided only a $76 million increase, with $55 million of that amount directed toward base operations of the parks. In light of the parks having had to absorb $170 million during the last 3 years, including additional costs for homeland security, salaries, wasteful competitive sourcing studies and other new mandatory costs, this amount clearly is not enough. I know that the gentleman from Washington (Mr. DICKS) offered an amendment in committee that would have added $45 million more for operations, but it was withdrawn. I am considering offering the same amendment on the floor. What are the committee's plans for providing additional resources for the parks during conference?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. As the gentleman knows, this committee has been extremely generous to the national parks. Over the last 10 years, we have provided an additional $515 million specifically for park-based increases. This bill includes another $55 million. That amounts to a total of $1 billion for 388 park units in fiscal year 2005.

The committee has been concerned over the last several years that OMB has required the parks to absorb pay costs, antiterrorism requirements and costs associated with catastrophic storm damage. These absorbed costs total $171 million. However, there is another side to the story. As the gentleman may be aware, the Park Service is not managing the funds we have provided. The gentleman from Washington and I have raised issues with the Service related to excessive travel, too many large conferences and meetings, and the Park Service's inability to control major new initiatives, including the 100 partnership construction

projects with a price tag of $300 million. These are projects that the Park Service has committed to without this committee or the United States Congress' knowledge or approval. Even if only a fraction of these projects went forward, they would have a devastating impact on both the backlog maintenance projects and park operations.

I will be pleased to work with the gentleman and my friend and ranking minority member the gentleman from Washington on securing additional funds to address the absorption issue as we head into conference. This will require securing funds above the current allocation and not having more amendments like the Slaughter amendment to take money out of this program, and I hope we will be able to increase that.

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

Mr. SOUDER. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his amendment and I want to bring this to the attention of all the Members of the House, because I made a speech earlier today on the rule to point out the fact that the number of people that are working at the parks is going down because, in many cases, 90 percent of the operation account is personnel. Therefore, when you do not have enough of a budget increase to cover the COLAs, to cover these emergencies, then they have to eat it out of their existing budget. In fact, at Olympic National Park in my district, they 3 years ago had 130 summer employees they brought in for temporary work. This summer they have 25 because they cannot afford more. They have lost so much money. They are about $6 million short of what they need to operate the park this year.

This has got to be dealt with. This year with the increases that we gave, still 241 parks out of 388 will have less money to operate than they did in 2003. The amendment that I proposed and that the gentleman proposes, the $45 million, would have given every park, all 388, an 8 percent increase. If we could get $25 million in conference, it would be a 6 percent increase. This is the way we have got to do this. We have got to get this thing turned around. The committee has done a good job but we have got to do better because it is not good enough. That is the problem we are faced with. We are working hard. We are trying to work with the department.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. SOUDER was allowed to proceed for 2 additional minutes.)

Mr. DICKS. The National Parks Conservation Association also has done a lot of good work on this that really lays out what the problem is. The chairman has been very tough on the director and the staff down there trying to get them to cut out wasteful expenditures, but we can only go so far with that approach. Some travel is justified, some travel is necessary because of these emergencies. It is just the foreign travel that has been basically stopped. I hope that we can continue to work with the chairman and his staff so that we can find an answer to this and maybe we can get a little more allocation. But this is a real, serious problem that must be dealt with. I congratulate the gentleman for raising it here on the floor.

Mr. SOUDER. Reclaiming my time, I want to thank the chairman and the ranking member for their leadership. We have many parks in this country that have been cut 30 percent in their staffing. In addition, we are seeing rangers transferred for homeland security reasons. There is a crisis in our national parks, the most popular institution in the country. Rangers are the most highly respected profession in the country, they are being slashed indirectly, and many Members of Congress are not even aware of that. We need to continue to raise that on the floor. I again thank the chairman and the ranking member.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in times past I have come to the floor debating ways to deal with reducing the demand for water in the Klamath Basin while being able to fulfill our many obligations. The problems in the Klamath Basin are not going away this year. As we begin another summer, it looks as though there will not be enough water to go around to meet these multiple demands that fundamentally result from the Federal Government's promising more water than nature or creative plumbing can deliver.

The land management on the refuges in the basin continues to be guided by two priorities that are not just in competition but are fundamentally incompatible: The reclamation of wetlands for agriculture and the preservation of wetlands and habitat for wildlife. The situation is further complicated by the Klamath Basin tribes, four of them, which have a longstanding and unique role in the basin which predates the water allocation decisions and environmental regulations.

It is likely by the time this Congress completes the appropriations process we will have more conflicts in the basin. I hope not but I fear there may be additional fish kills and certainly another summer of dry refuges.

□ 1845

In the past I have come to the floor to discuss ways in the Klamath basin to reduce the water demands in the wildlife refuge which hosts 80 percent of the waterfowl in the Pacific flyway. They have been called The Everglades of the West. Unfortunately, they are the only refuges in the country where farming occurs purely for commercial purposes instead of including some benefit for wildlife.

But one of the problems that has taken place in the debate, and we have had exhaustive discussions, has been a fundamental lack of factual understanding. And I thought this year, Mr. Chairman, it might be possible to look more broadly at the underlying challenges facing the wildlife refuges in terms of water use and supply.

I have drafted language and shared it with committee staff to require the Fish and Wildlife Service to undertake a study of the water needs of the refuges both in terms of how much water and when during the year the water is needed. Much of the difficulty in finding common solutions has stemmed from our inability to have a comprehensive understanding of the competing demands. And I would hope that it would be possible in the course of a study to examine water deliveries, the amount of water necessary to be available to sustain the wetlands, issues that deal with providing the sufficient water for the wildlife refuges, feasibility of water storage.

I have a series of elements here in the study, but rather than offering up an amendment at this point because I realize the committee has had a very difficult time and they have a carefully balanced item, but as it works its way through the process I was wondering if it would be possible to work with the committee and the staff to see if there is some way to coax this information from the process. I would, if I could, yield to the Chair of the subcommittee to see if this would be possible.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for yielding to me.

I commend the gentleman for his work on this difficult situation. I will commit to working with him and the Fish and Wildlife Service to see what can be done to address his concerns.

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

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I also want to thank the gentleman for his work and look forward to working with him on this issue. I realize how difficult this issue is in his area and complicating this, as he mentioned, is a drought that has affected the entire region. So I know how difficult this is. We all want to protect the wildlife, the waterfowl, the salmon, all of which are affected by this. So this is an important issue, and the gentleman deserves our cooperation on this.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the expressions of support and cooperation from my two friends. It is my intention to work with them to be able to find a way to provide the information we need to avoid unduly contentious discussions here on this floor and be able to craft solutions that will protect our obligations to wildlife,

the obligations to farmers who have been lured into the basin by the Federal Government to farm there, not once but on several occasions, to meet our tribal obligations, and to avoid horrendous fish kills that we have seen in the past.

I appreciate the expressions of support and look forward to working with the committee to see if we can provide this information to guide more rational decisions in the future. Hopefully, we can protect this jewel, the Everglades of the West.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage my friend from North Carolina in a colloquy regarding the Bureau of Indian Affairs. I was planning to offer an amendment today which would limit the increased funding for the BIA in this appropriations bill totaling more than $46 million. However, I am hoping that the chairman can help me get some real answers from the BIA in connection with some local tribal issues.

There are native Americans who appear to be fully qualified for membership in the Shakopee Mdewakanton Sioux Community. Yet they are being denied rights of membership so a very small handful of members can control a very lucrative casino. Originally, the BIA rejected their membership application on two occasions. However, it was approved in 1997 although the application was ''substantially the same.'' In 2000, I requested a congressional investigation into the membership practices of the tribe. Native Americans are being denied their birthright, and the BIA acts as if it were none of their business. This is an outrage. I have followed up with correspondence with the BIA, but their response has been slow at best. I am frustrated by their lack of involvement in this issue. I am hoping that the chairman can help me navigate the BIA waters so that we can get some answers to some of my questions.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman from Minnesota for his consideration of this issue. I would be happy to work with my friend to look into this issue with the BIA.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise tonight in support of this legislation to fund the Department of the Interior. Both the authorizing committee and Committee on Appropriations have addressed troublesome issues within the National Park Service, such as the egregious spending on foreign and domestic travel and a number of partnership construction projects that were underway without the committee's knowledge.

And I am particularly pleased that the bill implements spending restrictions on those issues without keeping the National Park Service from continuing its mission.

I applaud the Committee on Appropriations and particularly the gentleman from North Carolina (Chairman TAYLOR) and the gentleman from Washington (Mr. DICKS), ranking member, for their restoration of $15 million in funding for the National Heritage Areas.

For several years I have worked to establish a National Heritage Area along Buffalo Bayou in Houston, Texas. In 2002, Congress threw its support behind the proposed Buffalo Bayou National Heritage Area by authorizing a National Park Service study into the feasibility of establishing a Heritage Area along Buffalo Bayou. And I thank the chairman and ranking member of the subcommittee for including the language in the committee report encouraging the National Park Service to use additional funds for this study.

Make no mistake, this study is fully authorized by Congress, and is thus a prime candidate for partnership funding; and I am hopeful that the chairman and ranking member will work with me as we move forward in this process to include a hard earmark in the conference for this project not only for the Houstonians but also in particular the Nation as a whole for this worthy National Heritage Area.

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

At the end of the bill, before the short title, insert the following new section:

Sec. . None of the funds provided under this Act may be used for the salaries and expenses of any employee for the expenditure of any fee collected under Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104–134) for the costs, in whole or in part, of the biological monitoring for a species that is included in a list published under the Endangered Species Act of 1973 (16 U.S.C. 1533(c)), or that is a candidate for inclusion in such a list.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, if one drives out beyond the population centers in California, they will come to the great California desert that lies between the coastal range and the Colorado River and vast areas of sand dunes, and that is a place where literally hundreds of thousands of Californians go to get away from the boss, to take the family for a weekend, to have a good time and to be able to off-road with their four-wheel-drive vehicles and their sand rails and dune buggies; and we have got places out there where families have gone for generations, where under one Palos Verde tree a family may have camped for 30 or 40 or 50 years, and it is a great getaway spot for Americans.

This land is BLM land, and recently the BLM has tripled user fees for the folks that use this territory, for the families that go out there and recreate. And that amounts, Mr. Chairman, to about 30 bucks a weekend. They go out and before they can buy groceries or charcoal or anything to use for their camping, they are going to have to fork out over $30 to Uncle Sam ostensibly for improvements in this BLM recreational facility. In fact, the BLM advertises it in one of their national publications, ''The Imperial Sand Dunes Recreation Area''; and they talk about these windblown sands of an ancient lakecrest which is one of the premier off-road vehicle playgrounds in the United States.

What this advertisement does not tell us is that the BLM has decided to use, having tripled the user fees for these off-roaders, a lot of folks having trouble coming up with that extra money to pay for a weekend, they have tripled the user fees, and they are using now almost a billion bucks of these user fees for monitoring studies which are used in an attempt by a number of groups to try to close down the dunes.

When we passed this pilot program for user fees, we never envisioned that this money would be used for monitoring studies for endangered species that would be used to try to inhibit the use of this great public land that is so valued by many Americans. It is within driving distance of about 10 percent of America's population.

So my amendment says very simply that we cannot use these user fees. We have to use them for what they were designed for and stated to be designed for, which is improving this recreational resource and not for doing biological studies which in the end are used by a number of groups in an attempt to close down the usage of this public area.

So my amendment would restrict that type of usage, and right now it is proposed by BLM that they take $1 million out of this fund, which is only about $3.8 million, and pull it way from using it to improve the resource and instead use it for monitoring; and my amendment would limit that.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I agree with the gentleman, and I am not opposed to the gentleman's amendment.

Mr. HUNTER. Mr. Chairman, I thank the gentleman very much for his comments.

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

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, can the gentleman tell me, what is the issue here? He is saying that they are using

the recreation demo money that was collected for maintenance purposes and they are using that for enforcing the Endangered Species Act?

Mr. HUNTER. Mr. Chairman, no. For the Endangered Species Act they have the money to enforce. They are using it for monitoring studies which are used to discover the existence of endangered species which in turn has been used in public lands throughout the West.

Mr. DICKS. Mr. Chairman, so the gentleman is arguing that they should be using the money that was appropriated for listing under the Endangered Species Act for this purpose, not fee demo money?

Mr. HUNTER. Yes, Mr. Chairman. I am arguing that they should be using other money other than this demo money. The demo money is supposed to be used for the benefit of the off-road community and put into recreational areas, campgrounds, et cetera.

Mr. DICKS. Maintenance and those kinds of things.

Mr. HUNTER. Yes, Mr. Chairman.

Mr. DICKS. Mr. Chairman, I think that was clearly the understanding that the gentleman from Ohio (Mr. REGULA) and I had when we were responsible for getting this thing established some time ago. Obviously, the Endangered Species Act is still in place, and they have other money to look at these things. What the gentleman is saying is that is money they should use for this purpose.

Mr. HUNTER. Exactly.

Mr. DICKS. Mr. Chairman, I have no further questions. I appreciate the gentleman's yielding to me.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentleman's amendment to prohibit the use of recreational fees to indirectly cover any costs of biological monitoring for endangered, threatened, or candidate species under the Endangered Species Act. And as the gentleman from Washington (Mr. DICKS) said, the intention when we passed the demo fee on rec fee programs was to use that money to enhance the visitor experience in the parks. I think we all agreed on that. That was something that was very popular, and it is something that the Committee on Resources is working on right now in authorizing that program to become a permanent or a long-term program. It was never our intention at the time, nor is it now, for this money to be used in this way.

I would like to point out that, as the gentleman from California said, they used almost $1 million to do this monitoring, and not only was it for going out and doing monitoring. This nice sand buggy that they have got here was purchased at the cost of $60,000 with demo fee money. That was never our intention when this was originally passed. And I believe that the gentleman's amendment is extremely important in protecting those demo fee moneys so that the money actually goes back into the facility to be used to enhance the visitors' experience in that facility. That was our intention then; that is our intention now. As the Committee on Resources moves forward with making this a more permanent demo fee project, we will make sure that that does not happen again.

I fully support the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

□ 1900

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

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

The Chairman pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL:

At the end of the bill (before the short title), insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available by this Act may be used to adversely affect the physical integrity of Indian Sacred Sites on Federal lands (as such terms are defined in Executive Order 13007, dated May 24, 1996).

Mr. RAHALL. Mr. Chairman, throughout this Nation, sites on Federal lands held sacred for religious purposes by Native Americans are being desecrated, often needlessly, by adverse developments. In response, I have introduced the ''Native American Sacred Lands Protection Act.'' This legislation would make the protection of Indian sacred sites on Federal lands a matter of Federal law and put into place a petition system that may lead to the designation of these sites as unsuitable for development.

Tex Hall, the President of the National Congress of American Indians, described this bill as protecting ''the essence of what Indian Country is.''

Unable to have this legislation considered under regular order and considering the immensity of the threat posed to these sacred sites, I am now offering an amendment that would simply prohibit the expenditure of funds made available under the pending legislation for activities which would adversely affect the physical integrity of sacred sites.

Long before my ancestors arrived on these shores, American Indians were the first stewards of this land. They respected the Earth, the water and the air. They understood that you take only what you need and leave the rest. They demonstrated that you do not desecrate that which is sacred.

Most Americans understand the reverence for the great Sistine Chapel or the United States Capitol. Too often, non-Indians have difficulty giving that same reference we give to our sacred places to a mountain, valley, stream or rock formation.

For example, Mount Shasta in California, considered the birthplace of the Earth and sacred to several California Indian tribes, is under threat by geothermal industries.

The Zuni Salt Lake in New Mexico, where tribal medicine men gather minerals for use in sacred ceremonies, is under constant threat by mining interests, as is the Huckleberry Patch in southern Oregon, which contains plants and berries essential to the Cow Creek Tribe.

In fact, I have received a letter from Sue Shaffer, Chairman of the Cow Creek Tribe, supporting this amendment of mine, in which she states, ''Given the traditional cultural, religious and subsistence significance of the Huckleberry Patch to the Cow Creek Tribe as vital to our identity as an Indian tribe, we appreciate your efforts in proposing an amendment which would protect Native American sacred sites on Federal lands from significant damage.''

Now, some may ask why a Congressman from West Virginia should care. I care because it is morally offensive for these religious sites to be destroyed. It is not the American way.

I care because the history of Appalachia is similar to the history of our treatment of the American Indian. Back in the days of rape, ruin and run, our lands were left as moonscapes and our forests were denuded as coal and timber was extracted and shipped out-of-state. Armed mercenaries stormed the homes of our coal miners, throwing women and children out in the cold. So I understand.

But I also understand that we have worked to reclaim our land, to address the legacy of acidified streams and ravaged landscapes, to take back the land and restore our homes and communities, that the history of the past should not be the prologue of the future.

Let that be so in Indian Country.

So today I stand here in common cause with those from Indian Country who are struggling to have their voices heard in this, the Capitol of the United States of America.

Today, let their voices be heard. Let their voices be heard above the roar of mining operations which threaten to sweep away sites that are sacred to them. Let their voices be heard above the din of drilling rigs which seek to desecrate their places of religious worship. Let their voices be heard above the babble of corporate greed which would sacrifice their lands and waters on the altar of profit and wealth.

Mr. Chairman, I urge the adoption of the pending amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reluctantly rise in opposition to the amendment.

Mr. Chairman, I can sympathize, I feel, with what I hope is the intent of this motion. However, the motion is so broad. If we could sit down prior to conference and work on this, we might be able to do something. But I would have to reluctantly oppose it.

Mr. Chairman, I have the Eastern Band of the Cherokee Indians in my district. I work with them many times on burial sites, which are both outside the Reservation and in, to try to preserve those sites and do everything we can to honor those sites.

In the Smokey Mountain area now, the parks, a portion of parkland that was deeded to the park in 1946 encompasses a number of cemeteries. The government promised to put a road to those cemeteries. The government has not honored its commitment because there are many people bringing numerous complaints, environmental complaints, about building a road that will allow people to come to those cemeteries, and I am working with them to try to get the respect due for those sites.

But the Clinton executive order which addresses this issue and is tied to it in this amendment is so broad, it is almost impossible to identify what is a sacred site.

Now, we have a 1988 report submitted by the Legacy Resource Management Program to the Department of Defense, for instance, and edited by Professor Vine DeLoria of the University of Colorado. For those that are not familiar with Mr. DeLoria, he is a radical Native American historian whose books include ''Custer Died For Your Sins'' and ''Red Earth, White Lies.'' We can hardly say that he is accused of being anti-Indian.

In the report, he identifies several kinds of potential sacred sites that could have impact, for instance, on the Department of Defense, which would come under this bill also with the Federal wildlife management. Burials and ruins would be understandable. The mourning and condolence areas is vague. Ceremonial areas; linkage to ceremonial areas; creation story locations and boundaries; sacred portals recalling star migrations; universal center locations; historical migration destiny locations; places of prehistoric revelations; traditional vision quest sites; plant and animal relationship locations; historical past occupying sites; spiritual sites; recent historical event locations; plant, animal and mineral gathering sites; and sanctified ground.

As you can see, with all these categories, every acre of Federal lands could almost come under this definition, as well as military bases.

Now, if the gentleman is trying to protect those areas that he and I, I hope, would agree are sacred sites, we can sit down and try to work something out, because we certainly want to protect those sites. But we cannot pass a bill that is so broad that it may disrupt all activity in our national parks.

For instance, what does this amendment do to recreation activities on public lands? What does the amendment do to the oil and gas drilling on any Federal land? What does the amendment do to the Fish and Wildlife Service's activities on military lands? How does this amendment affect existing rights on Federal lands?

I believe that this could be a lawsuit heaven, and it should not be, because the gentleman's argument, what he would like to do and what I would like to do, is to define it in some way that we could have vital protection of sites.

So I have to disagree and oppose this amendment.

Mr. KILDEE. Mr. Chairman, I rise in strong support of the Rahall amendment, which would protect Native American sacred sites on Federal land.

Congress has enacted several laws designed to protect religious rights of Native Americans, as well as to protect the cultural and historic sites from poor management practices. These laws include the American Indian Religious Freedom Act, the American Indian Free Exercise of Religion Act, the National Preservation Historic Act and the Native American Grave and Repatriation Act.

But, Mr. Chairman, despite the enactment of these laws, many Native American sacred sites remain to this day under threat of desecration. I therefore urge my colleagues to support the Rahall amendment that would prevent Federal funds from being used to harm Native American sacred sites on Federal land.

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

Mr. KILDEE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Michigan for yielding.

Mr. Chairman, I wanted to respond to the distinguished chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), in his charge that the amendment is too broadly drafted. He then referred to Executive Order 13007. That is the referenced executive order, of course, in my amendment.

In that executive order it clearly very narrowly defines what sacred site means. In Section 1, Subparagraph (b), number iii, ''Sacred site'' means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe or Indian individual determined to be an appropriate authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriate authoritative representative of an Indian religion has informed the agency of the existence of such a site.

So I think that is a pretty narrow definition of ''sacred site,'' as opposed to the broad charge leveled by the distinguished subcommittee chairman.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment says that none of the funds made available by this act may be used to adversely affect the physical integrity of Indian sacred sites on Federal lands as such terms are defined in the Executive Order No. 13007, dated May 24, 1996.

This sounds pretty straightforward and innocent enough, and who could vote against protecting a sacred site? The gentleman should be commended for his efforts to safeguard areas of cultural significance for Native Americans, and the gentleman from West Virginia (Mr. RAHALL), the gentleman from Michigan (Mr. KILDEE) and myself have worked together on a lot of Native American issues over the past several years, and I appreciate their help. The gentleman should be commended for that.

The problem with this amendment is simple: It has not been the subject of a hearing in the Committee on Resources. This is because we only saw this amendment for the first time yesterday. There also has not been a process for consultation with the tribes on this amendment, in which tribes have agreed to use an appropriations bill as a vehicle for addressing this issue.

No one wants to allow Federal land managers to adversely affect a sacred site. We all wish to protect sacred sites from desecration, vandalism and abuse. But we are then asked to take it on faith alone that this amendment will result in exactly what the author intends.

But what will this amendment do? That is the question I have. I do not think any of us know. The gentleman has taken an executive order that was intended to be implemented as policy out of the administration and attached a limitation on funding.

As the gentleman from North Carolina (Mr. TAYLOR) said in his comments, none of us really knows what that means. If there are sacred sites within a national park, which we know that there are in several cases, what does that mean on a limitation of funds on this particular bill? Is the Park Service going to be able to use that park? Is the public going to be able to use that park, if it is in any way determined that that is desecration to the sacred site or could in some way upset that particular site?

The gentleman from West Virginia (Mr. RAHALL) read what it says in the executive order about defining what a sacred site is. That is an extremely broad definition that we have to work with. What does that mean to the use of those Federal lands? On BLM lands, what does it mean if we have a limitation on using funding? What does it mean to the Fish and Wildlife Service if they are called in on section 7, consultation of the Endangered Species Act, on a military base, and that is determined to be a sacred site? All of those different issues, we have no idea what the real impact of that is going to be.

I know what the gentleman's intention is on this particular amendment, and I support the gentleman wholeheartedly on what he is trying to do.

□ 1915

But to try to come in on an appropriations bill and attach a limitation

on funding on to an executive order, we have no idea what the outcome of that is going to be.

The gentleman from Michigan (Mr. KILDEE) talked about all of the different laws that we have passed as a Congress to protect Native American sacred sites. If those laws in some way do not fulfill our mission, we should sit down in the committee and work out what amendments have to be passed on those laws in order to achieve what the gentleman is trying to achieve with this particular amendment.

I think it is a big mistake to try to do this on an appropriations bill. For one thing, I have not had a chance to talk to any of the tribes about this and what the impact is going to be and how they are going to interpret that. They have been very vocal in their opposition to dealing with Native American issues with riders on appropriations bills. And I cannot imagine at this point in time that they would reverse their stance on riders on appropriations bills, even though they may support what the underlying issue is on this particular one.

I reluctantly oppose the gentleman on this particular amendment, because I know that the gentleman's heart is in the right place with what he is trying to do. But I think it would be a huge mistake for all of us. And to my colleagues on the minority side, they have to really think about what this amendment is doing. It sounds good, it is something we all want to do, but we are talking about a limitation on funding attached to an executive order that was never intended to be used that way.

None of us have any idea how this is going to be interpreted by the administration. We have no idea how it is going to be interpreted by the courts. And that is where this is ultimately going to end up, and it would be a big mistake for us to go forward with this.

I urge my colleagues to vote ''no.''

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from California (Mr. POMBO) has expired.

(On request of Mr. RAHALL, and by unanimous consent, Mr. POMBO was allowed to proceed for 2 additional minutes.)

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

Mr. POMBO. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman yielding to me.

In response to the assertion that the Indian tribes do not like legislative riders on an appropriations bill, the respected chairman himself has been calling this an amendment throughout his remarks. So it is a matter of who is offering what here as to how we describe it. I describe it as an amendment, as the gentleman has adequately described it. A rider is something that the gentleman does not favor.

So I think it has been properly described as an amendment, and I have already described the NCAI's position on this by the words that were written to both of us in regard to the substance itself.

In regard to the feeling that the gentleman does not know how this is going to be interpreted, my amendment is clearly the language of an executive order. An executive order is pretty clear. I have already outlined how that executive order defines sacred site.

As far as what it would affect, I can give the gentleman a site in his home State of California that would be affected by my amendment, and that is that the BLM could have said no to allowing a mining operation; under my amendment, under this executive order, that the BLM could have said not approved, that is, a plan of operations for a mining operation for the Quechan Indian Pass in California. That operation was allowed to proceed because my amendment was not in place protecting this sacred Indian site.

So I think, again, in response to the amendment, it is pretty clear as to what it would do, and an executive order has been issued in this regard; and that is what my amendment is.

Mr. POMBO. Mr. Chairman, reclaiming my time, there was nothing to stop BLM from saying no to begin with. The gentleman's amendment tells them they have to say no, and that is the problem. We do not know how this is going to be interpreted. We do not know how the administration is going to take this out; we do not know how the courts are going to interpret it.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has again expired.

(By unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, we have a number of sacred sites which are located on national parks, on BLM land, on Forest Service land. How is it going to be interpreted in the courts once a funding limitation is put in place that we cannot move forward with some things on those particular parks? It is not a negotiated settlement; it is not sitting down with the tribes and consulting and trying to work it out. What it is, the gentleman is demanding that no funds be used. That is what the gentleman's amendment does.

I just do not believe that because of the process that this is going through, we have had the opportunity to hear out exactly how this is going to be interpreted by the administration and by the courts and where we are ultimately going to end up. I support the gentleman in what he is trying to do, but we cannot do this on an appropriations bill because we do not know what is going to come out of that. I just think it is a mistake to do it in this way.

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

Mr. POMBO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, have there been hearings on this issue before the gentleman's committee?

Mr. POMBO. Yes, there have been.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has again expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. POMBO was allowed to proceed for 2 additional minutes.)

Mr. POMBO. Mr. Chairman, I yield to the gentleman.

Mr. DICKS. Mr. Chairman, I just wanted to ask the gentleman, have there been hearings and could the gentleman describe what the status of the Rahall amendment in your committee is. I am an appropriator. I would like to see the Members deal with this issue in their committee. I think that is a much better way to do it than doing it on a rider on an appropriations bill. I agree with the gentleman.

I am a little concerned myself about an ability for this self-described sacred lands on Federal lands. I mean, the consequences, the possibilities of this are extraordinary. But I think we have to give some assurance to the gentleman from West Virginia that the gentleman is going to continue to look at this issue in the gentleman's committee.

Mr. POMBO. Mr. Chairman, reclaiming my time, as the gentleman from West Virginia is fully well aware, I have been more than fair with his issues over the past year and a half and will continue to work with him on any issues that he deems important that have come before our committee. Obviously, I will pledge to him, because I agree with him on the substance of this amendment, I will pledge to him to continue to work with him to try to get this done through the regular order process so that we can actually know where we are going to go.

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

Mr. POMBO. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the chairman is completely accurate. He has been fair. We have had a hearing on this, my introduced legislation. Several requests, however, following up to that hearing to move on the legislation, have thus far not been met with action. And I have no doubt that the chairman is sincere in what he has said, as he has been on a number of other issues on which we have worked together.

But I think the issue here is of such importance to Indian country, and it is much like going to church. This is sacred land for them. And I feel compelled to press this issue at this particular time in the form of an amendment, knowing full well that the chairman is completely honest in his words about following through at another time on my introduced legislation.

Mr. POMBO. Mr. Chairman, reclaiming my time, I would just again say that I urge my colleagues to really think about the way that this amendment is working and ask them to vote ''no.''

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

Mr. Chairman, I have been listening to the eloquence of my friend, the gentleman from West Virginia, and the concerns that have been expressed by the chairman of the Committee on Resources.

We have had on this floor in my tenure, brief though it seems, it is nonetheless 8 years, we have seen a parade of items of legislation on appropriations, and most of them that have been successful have come from the majority party. If we are going to reach the point now where we are going to change the policy and we are not going to legislate via riders and amendments on an appropriations process, I think that is interesting and well-intended, and maybe we should think about changing.

But the fact is, we have not been doing that in the past. It seems to me that we have had a parade of legislation that has come to this floor that has never gone to committee, that has been offered up by the majority party, that has not gone to the committee of jurisdiction, that there have not been substantive hearings. I can think of a wide range of things that have come from the Committee on Ways and Means, for example.

Now, with all due respect, I think the gentleman from West Virginia has identified a critical area. He spoke with great eloquence about the special obligations that we have as Members of this assembly to be sensitive to the needs of native Americans. And the history of this country brings no great credit to the government or to this body, and there has been lost opportunity after lost opportunity.

I think we ought to move forward with this amendment. It in no way precludes an opportunity for the Committee on Resources to come forward, do whatever fine-tuning they are going to do. But I think it is time for us to seize the moment and change the balance of power on this for sensitivity to Indian country.

The gentleman from West Virginia mentioned the concerns from the Cow Creeks in my State. There are issues in the Klamath Basin. He mentioned the 1,600-acre open-pit gold mine in the Quechan Tribe at Indian Pass, California, which is true, BLM could have done something about, but BLM did not do anything about, and under the gentleman's amendment, would be required to. There would be some leverage to the people who too often do not have the leverage to meet their needs.

I think we have seldom erred on the side of giving the benefit of the doubt to Native Americans. For me, as a member of this assembly and work that I have done in other government bodies, it is like that old adage in baseball, ''the tie goes to the runner.'' I have felt that if it is even a close policy question, I will give the benefit of the doubt to Native Americans who time and time and time again have been shortchanged by this government, by this Chamber; and they deserve better.

It is my intention to support the gentleman's amendment. I hope that we have people act on good faith on the other side of the aisle to refine it as it moves through, to work in the Committee on Resources, if that be the will of the body, to ultimately have the last word and do it. But in the meantime, there is no good reason not to move forward to deal with this matter.

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

I just want to go back to the executive order and read so that everybody here has an understanding of how this would work.

Sacred site means ''any specific discrete, narrowly delineated location on Federal land that is identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to or ceremonial use by an Indian religion, provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.''

So in this case, the tribe or an individual—it would not even have to be a recognized tribe—it could just be an individual identified with an Indian religion who could say, ''these are our sacred lands''; and the agency then, under the Rahall amendment, would have to protect them. This is not some way of having to come in and go through a process and explain that there is some history here or something else; it is just an individual who walks in and says, ''these are our sacred sites,'' and, therefore, no money could be spent.

Now, I cannot support that. I hope that we will take time. This is why it is so bad to do riders on these appropriations bills that come right out of the wind; and in this case, I think this is going way too far. We need to have more time. The gentleman who is the ranking member of an authorization committee can get hearings on this in his committee, and that is where this should be dealt with.

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

Mr. Chairman, I rise in support of my colleague, the gentleman from West Virginia (Mr. RAHALL), and his amendment to the Interior appropriations bill. This amendment, as has been mentioned, would seek to preserve Native American sacred sites by putting in place significant protections under the law.

Today, far too many sacred places are being desecrated or threatened by development, pollution, poisons, recreational activities, looting, vandalism, and by Federal or federally authorized undertakings.

I have listened to some of my colleagues, and I certainly want to indicate that the gentleman from California (Chairman POMBO) has been a very good chairman in terms of his willingness to bring up issues and hear the concerns of the minority party and have hearings. But as was mentioned by my colleague, our ranking member, the gentleman from West Virginia (Mr. RAHALL), there have been hearings on this bill. We have dealt in the committee with this issue for a number of years, and we have not moved forward with it. So I think under the circumstances, it makes perfect sense for our ranking member to seek action here today through an amendment.

In response to what the ranking member of the Subcommittee on Interior and Related Agencies said, I would point out that what we are really trying to do here, and I guess it is obvious, is to have some enforcement of the executive order.

□ 1930

The problem with the executive order is it has been in place since 1996. It was actually a Clinton executive order but it is not being enforced. This administration simply has not enforced it. I do not think there is any problem with the definition. A definition existed under the Clinton White House for at least 4 years before the current President took office. No one questioned the definition then. No one questioned the way it was working in those 4 years. The problem though is that under this administration, and I think I clearly want to fault them for that, they have not repealed it but they have not enforced it. They simply do not do anything about it.

So the only way that we have legislatively as legislators to try to deal with this is try to put it in the statute as part of the appropriations bill. That is what we are up to. That is what we want to enforce.

Now, some may say that they think it should be redefined, but I do not think that was an issue before and I do not think it is an issue now.

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

Mr. PALLONE. I yield to the gentleman from Washington.

Mr. DICKS. I just went through a situation like this with a tribe in my district, the Elwah Tribe up in Port Angeles, Washington. There was a major State project and it was done on an Indian burial site, and when we started the project we found out that there were actually graves there, and this was a very, very sensitive matter with the tribe. What I did was sit down with the Washington State officials, with the historic preservation people, with the tribe, the local community, the port of Port Angeles, and we worked this thing out, and we protected the tribe's interest.

Now, I think Federal agencies are going to be sensitive since you have an executive order. If the tribes feel that there is some problem in the gentleman's State or in my State or in West

Virginia, why not get together and work it out with the Forest Service, the BLM, whichever agency it is, rather than trying to do something here with a meat ax that is going to cut off the funding and we have not got a clue of who these people are that are going to come in and make these determinations about what is a sacred site.

I mean, to put this into Federal law at this point, to me it just does not make sense. Why not go through and help the people with the sites that are affected and make sure that they have an opportunity to be heard.

Mr. PALLONE. Reclaiming my time, I have a great deal of respect for the gentleman, and I know he always has been in the forefront in caring for the concerns of American Indians.

But I just believe very strongly that if there is not some kind of a hammer here, and that is why I use the term enforcement, we are never going to see any action on behalf of this administration. I am being critical. This administration has been here 4 years. They have not dealt with this subject. They have ignored it by simply acting as if the executive order was not there, and I am just fearful that unless we put something in the statute as part of the appropriations bill we simply will not see anything. The inaction will continue.

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

Mr. PALLONE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from New Jersey (Mr. PALLONE) for his comments. The gentleman from Washington (Mr. DICKS) has given a perfect example of why my amendment is necessary. The gentleman worked it out in his State. I salute him. That is the way it should be. That is what the executive order is all about. But it is not being done like that everywhere else. The purpose of my amendment is to get that process working, exactly as the gentleman has said it has worked in his home State.

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

Mr. PALLONE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point is the tribe should go to their Congressman or their Senators and say, there is a problem here. Would you work with us, with the BLM and the Forest Service to resolve it, rather than putting a prohibition in an appropriations bill that says no money shall be spent. I think that is just overkill in this situation.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from New Jersey (Mr. PALLONE) has again expired.

(By unanimous consent, Mr. PALLONE was allowed to proceed for 2 additional minutes.)

Mr. PALLONE. Mr. Chairman, again, I want to stress the whole enforcement aspect. I understand what the gentleman from Washington (Mr. DICKS) has said and I understand a lot of the comments that are being made here today. But the problem is, and again I am being critical of this administration, without some enforcement mechanism, without some hammer which does not exist now with the executive order, we have no guarantee that any of these Federal agencies, whether it be BLM or any of the agencies that affect Indian Country, are actually going to pay attention to this executive order. That is the problem that we face here.

Mr. Chairman, every year more and more of these sacred lands are being destroyed simply because our government has failed to enforce or enact the necessary protections to preserve them. A large number of these sites, and more of them, get destroyed every day. It is not like we can just wait around and hope something will happen because the Federal and other land managers routinely take into account the needs of developers and recreational users in making management decisions, but they are not so diligent in taking into account the often profound effect of these undertakings upon sacred and ceremonial places that are critical to Native American populations, tribes and cultures.

I just say, Mr. Chairman, the time has come that this body recognize the spiritual and cultural significance of Native American sacred sites. We must stop the bulldozing of Native American culture and begin to afford American Indians the strong legal protections necessary to preserve these lands.

I urge my colleagues on both sides of the aisle to support the Rahall amendment. I think its time has come.

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

Mr. Chairman, I rise in support of the Rahall amendment. In the last few years, Mr. Chairman, I have had the opportunity to tour this country and visit many Indian reservations and to discuss with Native Americans their concerns about the protections of sacred sites. I have talked to Native Americans who have been very taken with the gentleman from West Virginia's (Mr. RAHALL) support for their interest and particularly the work that he did to protect the Valley of Chiefs in Montana.

I want to say that what we often have here in this Congress is a collision of cultures until we understand that the broad interests of the American people are always connected with things spiritual. Our Native Americans gave to this country an understanding of the connection between the spiritual and the material world, and this discussion here today needs to reflect once again the Native American spiritual values.

There is a lot of discussions in this House about spiritual values. Let us talk about the spiritual values which connect people to the privacy of the air and the water and the protection of the land, about the sacredness of it, the essential sacredness. These discussions here which the gentleman from West Virginia (Mr. RAHALL) has continued to bring to this House is absolutely at the root of some of the most important questions facing this Nation.

Do we respect the spiritual dimensions which our Native American brothers and sisters depend upon for continuing a celebration of their cultures or are we going to auction it off to oil and gas companies and let their leases in effect desecrate sacred sites.

Now, people on both sides of the aisle have celebrated spiritual values in this House. This is not a material question here as much as it is a spiritual one. And we have to be sensitive to the spiritual values of America's natives, of those who were here before any of us; and when we forget that we pay a spiritual price, I would submit.

Literature is replete with what happens when anyone violates the spiritual space of Native Americans. We should not ignore that there are deeper themes at work here. That is why what the gentleman from West Virginia (Mr. RAHALL) has done in asking for Executive Order 13007 to be brought into more powerful effect is absolutely essential. It is not only essential with respect to protecting Native American interests, it is essential with respect to helping to heal this Nation because we have hundreds of years of neglect that have resulted in not only the expropriation of the lands of Native Americans, but also what it has done is it has demeaned this country's spiritual basis.

So I salute the gentleman from West Virginia (Mr. RAHALL) for his efforts here. This is a broader discussion that needs to be brought into this House. Essentially this becomes about the healing of America, and one step we take towards that is reconciling with our native brothers and sisters on this question of respecting their sacred sites.

Ms. HERSETH. Mr. Chairman, I rise today as a member of the Resources Committee, and South Dakota's lone Representative in this body, to commend my friend Mr. RAHALL for his efforts to protect places sacred to Native Americans.

During the course of the debate on this bill, we've heard a lot of talk about striking a balance between protecting the environment and allowing for smart development. Those balances are often tough to strike. I hope we can all agree, however, that burial sites for all people should be treated with respect.

South Dakota is home to thousands of Native Americans, and I share their deep desire to protect sites important to their heritage. This amendment does that.

Because this amendment is specific to the Interior bill, it is my understanding that it will not affect the operation of the Missouri River dams. It is important to all South Dakotans, including our tribal communities, that

the United States Army Corps of Engineers operate the dams in a way that protects Native American remains and sacred sites, and continues to provide affordable electricity, reliable drinking water supplies, and recreational opportunities to all South Dakotans.

Again, I thank Mr. RAHALL for offering this important amendment and I look forward to serving with him on the Resources Committee to continue to find ways to protect sacred sites.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

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

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

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

The Chairman pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHABOT:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the planning, designing, studying, or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent that the time on this amendment be limited to 20 minutes, 10 minutes pro and 10 minutes con.

The CHAIRMAN pro tempore. Does the gentleman include all amendments thereto?

Mr. CHABOT. Yes, Mr. Chairman.

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

Mr. DICKS. Reserving the right to object, would the chairman and the ranking member have the right to strike the requisite number of words once?

Mr. CHABOT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio limiting time for debate on this amendment to a total of 20 minutes, 10 minutes for and 10 minutes against and, in addition, the chairman and the ranking member having the ability to strike the requisite number of words once each?

There was no objection.

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

Mr. Chairman, each year the timber industry is subsidized by millions of taxpayer dollars for logging in the Tongass National Forest, approximately $750 million over the last two decades, so that is three-quarters of a billion dollars.

Each year more taxpayer subsidized logging roads are built to extract timber and each year the road maintenance backlog gets more expensive. It is about $900 million right now. That is on the existing roads which are already there.

Established in 1907 by President Theodore Roosevelt, the Tongass is our Nation's largest forest, about the size of West Virginia. Located along Alaska's southeastern coast, it is often referred to as America's rainforest. It is home to abundant wildlife, bald eagles, grizzly bears, wolves and salmon, as well as old growth trees such as the giant Sitka spruce, western hemlock and yellow cedar.

There are 3,579 miles of official Tongass forest road. That is enough road to drive across the country and part of the way back. Even the Forest Service acknowledges that existing roads are sufficient to satisfy local demand for roaded recreation, subsistence, and community connectivity needs.

I know there is some concern about the importance of logging roads to fight fires, but I want to emphasize that this is a rainforest. They receive 200 inches a year in rainfall, and, therefore, wildfires are much less likely there than perhaps in the West where it would be much dryer.

Mr. Chairman, this is a simple, straightforward amendment. It would restrict only logging roads subsidized by the American taxpayer in the Tongass. It does not prevent the timber industry from building their own roads. It does not prohibit the Forest Service from constructing roads needed to access the forest for management. It does not prohibit taxpayer-funded recreational roads and trails. I know there are some that would have you believe differently, but this amendment has nothing to do with the roadless rule. It has everything to do with good government.

This amendment is not an attempt to take away jobs from Alaska. In fact, between 1996 and 2002, Tongass-related timber jobs fell from 1,559 to just 195 jobs. That means that taxpayers are subsidizing each timber job, that is those 195, to the tune of about $178,000 per job. So a subsidy of $178,000 per job, about four times the median U.S. household income.

Alaskan timber revenues have declined by 50 percent since the mid-1990s. The two pulp mills built at taxpayer expense in the Tongass have closed. Despite massive taxpayer subsidies, Alaskan timber continues to decline. That said, this amendment does not stop timber companies from continuing to log off the roads already built at taxpayer expense.

In fact, the Forest Service has a supply of approximately 10 years worth of timber remaining off current roads if logging levels remain the same. As much as 30 percent of Tongass timber contracts go unsold annually. As many as half of the contracts that are sold only have one bidder. This means taxpayers spend millions of dollars for the Forest Service to build roads and plan sales to access timber that often they cannot sell.

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Those that they do sell, sell at below-market rates.

Mr. Chairman, I support logging in our national forests when it makes sense, when it is economically viable. I believe our forests should be actively managed so they be as healthy as possible, but while we need to be good stewards of our forests, we must also be good stewards of the American people's money.

The Forest Service put out a Question and Answers document on the Tongass on April 12 of this year. In it the Forest Service states that "profitability is a poor yardstick for evaluating the performance of the national forest timber sale program." The Forest Service then cites its belief that "timber sales also provide many benefits beyond the revenues earned." An example of these benefits, the Forest Service went on to say, is "the additional income that accrues to the individuals and businesses" involved.

Mr. Chairman, if that is not an endorsement of corporate welfare by a Federal agency, I do not know what is. It is time to restore some common sense and fiscal discipline to the Tongass timber program. I urge my colleagues to stand up for the American taxpayers and support this amendment.

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

The CHAIRMAN pro tempore (Mr. THORNBERRY). Does the gentleman from North Carolina (Mr. TAYLOR) seek to claim time in opposition to the amendment?

Mr. TAYLOR of North Carolina. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment. I appreciate the gentleman's argument. I am also a fiscal conservative, but this amendment is wrongheaded. First of all, the amendment would prevent the Forest Service from doing road maintenance on a large area of southeastern Alaska. Most of these communities have no road access to the outside world, but they need their Forest Service roads to get around on daily activities.

Also, only 4 percent of the forest is suitable for commercial timber harvest, and only half of that amount is within the inventoried roadless areas. The existing forest plan allows timber harvest on only 300,000 acres, about 2 percent of more than 15 million total acres of the roadless areas on the forest; and this of course is no threat at all.

The Tongass National Forest is indeed a wonderful place; but under the existing forest management, approximately 90 percent of the 16.8 million-acre forest, over 15 million acres, is roadless and undeveloped right now.

Mr. Chairman, I oppose this amendment.

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

Mr. CHABOT. Mr. Chairman, I yield such time as he might consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend, the gentleman from Ohio (Mr. CHABOT), and coauthor for yielding me this time; and I urge a bipartisan vote in favor of this amendment.

Mr. Chairman, I know that it is a hotly debated topic as to whether there should be logging in this forest, and irrespective of how someone feels about this question, I think they should vote in favor of this amendment. If they feel, as I do, that logging is inappropriate in Tongass, then this amendment stops building the roads that will let people exploit that logging and preserves this priceless natural asset.

But I know that there are many who believe that logging is appropriate in the Tongass forest; and, Mr. Chairman, I want to say even if they think it is appropriate, they should vote for this amendment, and they should vote for this amendment on several important fiscal grounds.

The first fiscal ground is this is one of the worst investments the United States taxpayers have ever been asked to make. In fiscal year 2002, which is the last year for which there is evidence here, the American taxpayers put up $36 million to build these roads, and our revenue, our return on our investment, was slightly over $1 million. For every $36 we put up, we got $1 back.

The second point that I would make, you say, well, look, we still need to get this logging done. The fact of the matter is there are miles and miles of roads already built in the Tongass National Forest that do give access to logging. So if we want to see the forest logged, the roads are already there that would permit the forest to be logged. We do not need to build new ones. And if we think that we should be logging in the Tongass National Forest and that roads that will give access to the logging are not accessible, there is a reason. That is because there is a $900 million backlog in road maintenance for roads that are already there to get access to the logging.

So colleagues, I want you to think about this. If you believe, as I do not, that logging the resources, exploiting the resources of this natural forest is the right thing to do and you need road access to get there, you are throwing good money after bad. If we truly believe that the right thing to do is to get access to these forests, we will deal with the $900 million backlog to the existing roads. We would not put more money into building new roads.

This amendment is favored by hunters and sportsmen who want to preserve the pristine nature of this place where they can pursue their sport. It is favored by taxpayers and budget groups across the country who well understand that at a time when our country is borrowing $30 for every $100 that we spend, offering corporate welfare to the lumber industries is the wrong way to go; and it is favored by those who just favor common sense, who understand that when the taxpayers are asked to put up a $36 investment, they should not get a $1 return. That is the simple mathematics of this amendment.

Now, for those who are moved by the environmental arguments, as I am, this is a foolish misuse of our public resources. This is America's rainforest. It is a very precious and special place, and for us to exploit those resources with these roads is just a horrible idea.

But I will submit, in closing, before I yield back to my coauthor, that the issue here really is not whether we favor exploitation of these forests for logging or not. We can have that debate some other time. The issue here is whether we favor throwing good money after bad, whether we favor building more roads when the roads we already have need repair. It is whether we favor putting $36 into an investment that will get us $1 back in return. If you are an environmentalist, you should support this amendment, as the environmental groups do. If you are a taxpayer for common sense, you should support this amendment. If you are a sportsman or a hunter, you should support this amendment.

Even if you favor the exploitation of these logging resources, you should favor this amendment because the most rational way to pursue the exploitation of those logging resources is to fix the roads that are already there, not put more money into the building and acquisition of new roads.

I would urge my Republican and Democratic friends to vote ''yes'' on this amendment. I thank my friend from Ohio for being the principal author.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding time to me, and I rise in opposition to the amendment.

There is one thing that my colleague said that I would agree with, and that is, this is not a debate about whether or not we want to log in the Tongass. This is a much deeper debate than that. Unfortunately, this is not a debate about roadless areas either, because that is not what the amendment does. What the amendment does is it stops all road activity.

According to the USDA, ''Wildlife habitat improvement projects on the Tongass often involving thinning timber stands.'' Those would be halted under this amendment.

''Fish passage restoration contracts on the Tongass, which currently involve about $2 million a year, would be eliminated'' under this amendment.

''Roads damaged by storms could not be repaired.'' That would be eliminated by this amendment.

''The ability to construct and maintain roads in campgrounds and other road-based recreation facilities, such as visitor centers, may be eliminated'' under this amendment.

''Under the Alaska National Interest Lands Conservation Act, the Forest Service is required to maintain reasonable access to national forest system lands for rural residents dependent upon subsistence.'' That would be eliminated under this amendment.

''If the elimination of funding for road construction and maintenance continues for the long term, it would significantly limit the ability of communities to develop road and utility connection that almost all other communities in the United States take for granted.'' That would be eliminated under this amendment.

Unfortunately, we get into these debates constantly, and we debate about whether to log or not to log, roadless or not to roadless, and we have great debates about the future of our country and what our values are and what we should be doing; and I think that is fantastic. We should do that, but when an amendment like this is introduced that, in my opinion, is much more far reaching than even the authors intended, then we end up with people making bad mistakes on it. I urge opposition to the amendment.

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

Mr. POMBO. I have no time.

Mr. ANDREWS. Mr. Chairman, would the chairman offer the gentleman more time to answer a question?

Mr. Chairman, I ask unanimous consent the gentleman be given another 2 minutes.

The CHAIRMAN pro tempore. Such a request is inappropriate at this time. We are operating under an agreed time limit on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I submit this letter for the RECORD.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, Jun. 16, 2004.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, House Of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. This letter is in response to your request for the views of the Department of Agriculture (USDA) on the effects of a rider being considered in the FY 05 Interior Appropriations bill which would prohibit expenditure of funds for road construction and maintenance on the Tongass National Forest of Alaska.

Such a prohibition would be interpreted as eliminating all projects on the Tongass National Forest that are funded through the CMRD fund code (construction and maintenance of roads). Currently the Tongass spends about $20 million on construction and maintenance of roads through that fund.

Because of the dominance of Federal land in Southeast Alaska, communities in the region are more dependent upon national forest lands for access, recreation, economic development, and for subsistence activities than communities in the lower 48 states. Of the 32 communities in the region, 29 are unconnected to the nation's highway system. Most are surrounded by marine waters and undeveloped national forest system lands. The Forest Service is responsible for managing the roads that connect and serve many of Southeast Alaska's smaller communities.

Some of the expected impacts include the following:

The rider would prevent the administration of existing timber sale contracts that include road construction, reconstruction, or maintenance, because the expenditure of federal funds is necessary to oversee the construction and maintenance of those roads. The federal government could be subject to substantial contract claims for breach of contract on any existing contracts that could not proceed because of the prohibition.

Contracts for future timber sales could not include any road construction or road maintenance. This would effectively eliminate much of the opportunity for timber sales identified in the current forest plan. This would significantly reduce the timber sale program below what is projected in the forest plan.

Wildlife habitat improvement projects on the Tongass often involve thinning timber stands. Any wildlife habitat improvement projects that require road maintenance to access the stands to be thinned would be eliminated. Data collection and monitoring may also be affected if road access to remote areas is reduced.

Fish passage restoration contracts on the Tongass, which currently involve about $2 million a year, would be eliminated. These contracts seek to repair or reconstruct road passages across streams to remove barriers to the passage of anadromous and freshwater fish. Those fish populations are important to sport, subsistence, and commercial fishermen throughout the region.

Roads damaged by storms could not be repaired. It is common in Southeast Alaska for roads to be washed out, covered by small landslides, or obstructed by blown down trees. Work to repair or clear those roads would be eliminated. Some of those communities could be effectively isolated (from other communities or key facilities) if the ability to maintain roads was eliminated. Access to national forest system lands and other state and private land ownerships could be blocked.

The ability to construct and maintain roads in campgrounds and other road-based recreation facilities, such as visitor centers, may be eliminated.

Under the Alaska National Interest Lands Conservation Act (ANILCA), the Forest Service is required to maintain reasonable access to national forest system lands for rural residents dependent upon subsistence. Elimination of road maintenance on roads known to be used by subsistence users could be in conflict with ANILCA.

If the elimination of funding for road construction and maintenance continues for the long term, it would significantly limit the ability of communities to develop road and utility connection that almost all other communities in the United States take for granted. Many communities have long term plans for new roads and rights-of-way for utilities to develop and diversify their economies.

In addition, the timber industry in Southeast Alaska is more dependent on resource development opportunities on National Forest lands than their counterparts in other parts of the country because there are few neighboring alternative supplies of resources for Southeast Alaska.

If a forest health problem arose, such as a significant insect epidemic, the prohibition against road construction and maintenance could restrict the ability of the Forest to respond to the outbreak.

Road condition surveys and bridge inspections would be eliminated, thereby endangering health and safety of road users throughout the region.

The Forest road system is the primary access for investigation and enforcement of timber theft, fish and game related activities, occupancy and abandonment of facilities, and vandalism. Road based law enforcement efforts of all agencies would be hampered by the elimination of road maintenance.

Thank you for the opportunity to comment on this issue.

Sincerely,

MARK REY,
Under Secretary, Natural Resources and Environment.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I have listened with interest to the proponents of this amendment; and if we were to concentrate or perhaps somehow strike the history of so-called public lands, if we were to somehow disallow or deny the fact that so many of our western States are already in the hands of the Federal Government, if we were to somehow render null and void the fact that 78 percent of the Tongass is already slated for roadless designation under the current forest management plan, if somehow no accommodations had been made, if, in fact, it were this anti-no man environment of greed that motivated folks or perhaps, somehow rephrased, as a return on investment, perhaps the proponents would have a point; but you see, Mr. Chairman, history does not occur in a vacuum. There are already existing safeguards for Tongass. Timber harvest is available on only 4 percent of the Tongass under current conditions.

Mr. Chairman, my friend from New Jersey points to road maintenance and suggests our energies be used there. Well, it is interesting, if he is an advocate of road maintenance, why is that amendment not offered? Why is an accommodation toward road maintenance not offered? But, no, it is all or nothing; and proponents of the amendment have decided on nothing.

To deny the fact or fail to emphasize the fact that the Federal Government, in controlling lands, already maintains a substantial impact, that there already exists legislation to protect our environment, to ignore that fact and to suggest that somehow by ending this involvement we are somehow devoting ourselves to higher and truer fiscal responsibility fails to understand this fact. Life in Alaska and life in the western United States does not occur in a vacuum. Indeed, our public lands policy, our governmentally controlled lands policy should be predicated on the fact of rational use.

We have already locked away this environmental treasure. There is but 4 percent of the land available to be utilized for timber harvest. In the meantime, there are other communities even in an area as remote, even with the designation, there are others who live there, there are concerns that they have; but if my colleagues support this amendment, they turn their back on the people who live there and the underlying philosophy of governmental controlled lands. Reject the amendment

Mr. CHABOT. Mr. Chairman, how much time do we have?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. CHABOT) has 30 seconds remaining, and the gentleman from North Carolina (Mr. TAYLOR) has 4 minutes remaining.

Mr. CHABOT. Mr. Chairman, we will reserve the balance of our time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I will reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. TAYLOR) has the right to close on this amendment.

Mr. CHABOT. Mr. Chairman, I yield myself the balance of the time.

The allegation has been made that we could not do any of the management things on roads. The wording itself says none of the funds may be made available in this act, may be used for planning, designing, setting or construction of the forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

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

Mr. CHABOT. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I just want to reaffirm that, that each one of these examples the chairman of the authorization committee used is not covered by the amendment. The fact of the matter is each one of those things that is listed is not barred by this amendment. What is barred by this amendment is to waste the taxpayers' money. People should vote ''yes.''

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Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose the Chabot-Andrews roadless amendment. Thirteen million acres of the Tongass is off limits to roads; 13 million acres. And 330,000 acres are available to forest repractices, and now we are trying to lock that up. I hear all of the talk about hunters support this. I do not know how many Members hunt, but my

hunters hunt where people timber. Old growth forests do not have a lot of wildlife because there is no food there. This amendment is simply an effort by extreme environmental groups to impose their will over the objections of Alaskans. The Alaskan delegation, including the former Democratic Governor, Tony Knowles, is opposed to this lockup of the Tongass National Forest. The State of Alaska does not support blanket roadless area designations. In fact, the State took the Clinton administration to court over the issue and won. The environmentalists lost in court, and now they are trying to get Congress to do it for them.

The National Forest Management Act already outlines a process for the Forest Service to make decisions on whether to build a road. The Tongass Forest Management Plan process was locally driven, based on site-specific conditions such as wildlife risk, insects and disease outbreaks, wildlife habitat, and threatened and endangered species. This amendment ignores this process, ignores local input, science, and the experience of highly competent forest managers.

Mr. Chairman, 78 percent of the Tongass is already roadless, wilderness, or nondevelopable designation. Only 2 percent of the landbase is open for forestry. The only people who support this designation are the special interest groups who want to stop all uses of our natural resources. They lost in court, they do not have local or State support, and they want Congress to make a foolish move and get into Alaskan business that nobody wins with.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I am ashamed of my friend from Ohio. I told him earlier today that he did not even have the courtesy to talk to me about this amendment which affects my State, affects my people. You want to protect American jobs, and you have put 15,000 people out of work since 1980. We had the greatest industry in the State gone to waste because of the environmental community.

I am asking for enough timber left, and 4 percent of the total Tongass is all that is available, so I can retain three sawmills to employ about 160 people total with good-paying jobs. And this is not a subsidized forest any more. We pay for these roads. We paid for the activity in the Tongass when we had the bid. That is part of the bid. But this is an easy, cheap vote for somebody from Ohio, somebody who does not know squat about the people of Alaska, and I am disappointed. You are better than that.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman will suspend.

The Chair reminds all Members to direct their comments to the Chair.

Mr. YOUNG of Alaska. Mr. Chairman, I will do the best I can. I have been here long enough to know when I am out of line; but when I am out of line, I am right.

In 1980, most of you were not here. The gentleman from Washington (Mr. DICKS) was here. We made an agreement. We said we could have logging in the Tongass. That was an agreement made by the environmentalists, made by those who proposed it; and we lost, as I said, over the years, 15,000 jobs. Members talk about outsourcing, Members talk about losing American jobs. What we are doing on this floor by the gentleman's amendment is taking the jobs away from the American people that live in this great Nation and this great State.

I am asking my colleagues to vote ''no'' on this amendment. It is ill thought, ill conceived and wrong totally. Where it came from I know. I am ashamed that somebody got in bed with those that advocated over the years of putting us out of business, the people. This is not about big timber. They are all gone. These are local people that need that timber to maintain those jobs, to make sure we have a different economy in southeast Alaska.

So I am asking my colleagues to vote ''no'' on this ill conceived, ill thought and very rude amendment.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

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

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) will be postponed.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

On page 87 after line 21, insert the following provision:

ETHANOL AND BIODIESEL FUEL RESERVE

The Secretary of Energy may annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order against the amendment.

Ms. KAPTUR. Mr. Chairman, this is a very simple amendment that would allow the Secretary of Energy the opportunity, but without requirement, to purchase ethanol and biodiesel as part of our Strategic Petroleum Reserve. I even hate to use the word ''petroleum'' because, in fact, it is not a very strategic reserve since over 92 percent of it is imported.

America has to become energy independent here at home. Every single one of us, including the instrumentalities of this government, have to be part of this great transformation inside this country to become energy independent again.

There is no cost to this amendment because any of these new fuels that would be obtained would be obtained through funds realized from the sale of crude from the strategic reserve or in exchange for that material that would be sold from the existing reserve.

Let me say, 3 years ago I offered this amendment to reduce America's severe dependency on foreign oil, and it is a small step. At that time the Congress did not have the political will to do it. So today America again is in the throes of even a greater fuel shortage with prices rising. While we let the opportunity of 3 years ago slip away from us, today the price of crude oil is nearly 50 percent higher than it was when this amendment was first offered. In fact, oil has been hovering around $40 a barrel compared with about $24.90 a barrel when I first offered it. Meanwhile, the retail price of 85 percent ethanol fuel, called E–85, is about $1.40 a gallon, now well under what we are paying for refined fuels off of crude petroleum.

This government subsidizes the petroleum-based industry, over 60 percent of which is imported, to the tune of $100 billion a year. Had we adopted this amendment when I first offered it, the American people might have saved billions of dollars in these new fuel costs they are paying. We would have helped a real, new domestic industry gain a firmer foothold here at home. Real jobs would have been created, and our strategic vulnerability which grows greater every day of addiction to imported oil would have begun its journey to finally ending.

Today in this amendment I am not even proposing that we mandate the acquisition of these fuels, but merely allow the Secretary of Energy to use authority to figure out a way to purchase it and store it, not in existing sites, but however the Secretary may designate. We do not prescribe that.

Again, I ask the question, How strategic a reserve is it when 92.5 percent of it is imported? It is really not a lifeline at all. We are dealing with a tourniquet that actually has with each passing day less and less value to us.

Every single person in this country should be thinking about how we can change our habits in order to become independent again. We should be encouraging the development of new fuels

here at home, and we already have technology that can be brought up all over this Nation. We simply do not have the will and, sometimes I fear, the imagination to do this. The benefits of transforming this reserve as well as others over time would provide us with energy security again.

Certainly we can manufacture ethanol and biodiesel. Certainly we can bring renewable fuels online. Certainly we can use even existing petroleum infrastructure that can be transformed. We are not talking about a new probe to Mars. We are talking about doing something that we know how to do, but becoming energy independent as a national priority, and to do so immediately. It would bring us great economic security. Every year we are running over $60 billion in trade deficit in greater amounts of imported petroleum. In fact, the current reserve, 92.2 percent from foreign sources, includes nearly half from Mexico, a fifth from the OPEC nations like Saudi Arabia, look how stable that is, and about a fifth from the United Kingdom. It is not even U.S. oil in the reserve, so what kind of a strategic reserve is it? It is fool's gold.

Mr. Chairman, I would ask that perhaps the chairman of the full committee and the ranking member could find a way for us to allow this discretionary authority to the Secretary of Energy and help America find her way forward.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from North Carolina wish to be heard on his point of order?

Mr. TAYLOR of North Carolina. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule number XXI.

The rule states in pertinent part, ''No amendment to a general appropriation bill shall be in order if changing existing law.''

The amendment imposes additional duties, and I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds this amendment includes language conferring authority. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 3 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. UDALL of New Mexico:

Add at the end (before the short title) the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to offer an amendment to protect our national forests and ensure that they continue to be managed using long-standing scientific principles. My amendment will stop a radical rewrite of 27 years of bipartisan forest management policy. It will prohibit the use of funds provided in this bill for the finalization of the Bush administration's proposed changes to the National Forest Management Act of 1976. It will allow the Forest Service to spend another year developing these regulations so that new regulations follow more closely the directives of the National Forest Management Act.

The proposed regulations constitute a radical departure from the United States' history of sustainable forestry and from the current forest management policy first adopted and implemented by Congress and the Reagan administration over 20 years ago.

The proposed changes will greatly reduce the amount of environmental analysis, wildlife protection, and public involvement currently required in the development and revision of forest management plans. Many of these changes reflect the timber industry's so-called wish list. In at least eight specific instances, the proposed regulations closely mirror policies favored by the timber industry. To name just a few, the proposed recommendations eliminate ecological sustainability as a priority of the Forest Service, reduce protections for wildlife, constrict the public appeals process, ignore scientific opinions, and render meaningless most mandatory standards for forest management.

The National Forest Management Act established new duties to conserve biological diversity, to ground management decisions in sound science, and to ensure extensive public participation opportunities in the forest planning process. These measures were designed to strengthen Forest Service accountability.

The proposed regulations depart in a number of ways from sound forest management policy that has existed since Ronald Reagan's administration.

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First, the proposed regulations would effectively exempt forest management plans from the National Environmental Policy Act. Second, the administration's proposed rules would eliminate the requirements to maintain viable populations of native wildlife. Third, the changes would increase the likelihood of harmful logging projects based on multiple use values. Fourth, the administration's proposal would also reduce overall environmental standards and accountability by allowing management plans to be revised to accommodate individual projects.

Finally, these changes would drastically limit public involvement and eliminate sound science as a basis for forest management. The current 90-day time period in which a citizen can request an administrative review or file an appeal would be confined to a 30-day objection-only period during which a citizen would have to convince the Forest Service that the plan is illegal.

The proposed regulations were developed without a Committee of Scientists, a statutorily authorized body that has informed the development of every other change in NFMA regulations since their inception.

The administration's dismissal of the principles of sound science and NEPA highlights its contempt for public involvement and scientific input. The recommendations of the independent Committee of Scientists have guided the rewrite of every NFMA regulation since 1979. Ronald Reagan used a team of scientists to write the original regulations. Four years ago, Bill Clinton revised the regulations with significant input from scientists. If it was good enough for President Reagan and good enough for President Clinton, why does President Bush insist on throwing science out the window? Because the scientists will not give him the answers his timber industry friends want.

These proposed regulations were developed with maximum input from the timber industry and minimum input from the American public and the scientific community. The proposed regulations received nearly 200,000 public comments, almost all in opposition. A near-final draft leaked by the Forest Service in September 2003 showed that practically none of these comments were incorporated. These regulations were also strongly opposed by the environmental community, sportsmen's clubs, Republicans for Environmental Protections and members of the Committee of Scientists.

In public comment, 325 scientists from across the Nation are urging the Forest Service to withdraw the proposed regulations. Given the administration's refusal to adequately consult the scientific community, let alone listen to its comments, Congress must intervene and stop this flawed and environmentally damaging rulemaking.

I urge my colleagues to support this amendment.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the last word. I rise in opposition to the Udall amendment.

I appreciate the gentleman's comments, though, about the need to have

science involved in these decisions. Perhaps he will want to support my Sound Science for Endangered Species Act provisions that require precisely that, independent, National Academy of Science panel review of decisions to list or de-list endangered species because I think science does play a role and we ought to get it right.

We ought to get it right here, too. I am glad that he has gone back 20 years and looked at the regulations from then, but they do not work now. They do not work because in a 15-year planning process under the Federal Forest Management Land Act, it takes 7 years of that 15 to come up with a plan on how to manage the forest. So you spend nearly half the time coming up with a plan.

And then those who are concerned about costs, and we heard about it in the prior amendment, $7.5 million on average to do these plans. Seven years, $7.5 million and all the while if you look over here, this is what is happening to your forests. They are getting overgrown, you are getting windthrow, blowdown, disease. As we wait and fiddle and plan for 7 years or longer and spend millions and millions of dollars pushing paper through the appeals process and everything else, Mother Nature eventually acts and this is what you get: catastrophic fire that kills firefighters, destroys homes and if you like this for habitat, you got another think coming. This is what you get.

We have to change these rules and regulations. The administration did receive 195,000 comments and they looked at them. They revised their draft plans. These regulations actually protect a wider range of species and are designed to promote action by Forest Service managers well before any need to list species under the ESA. The draft regulations provide for public involvement at every step of the way. They preserve appeal opportunities like those in the 2000 regulations proposed by President Clinton and go well beyond the minimum requirements of NEPA, the National Environmental Policy Act. More timely and transparent planning will further facilitate effective public participation. That is really the key, effective public participation.

Mr. Chairman, this is what the Society of American Foresters says about this amendment by my colleague:

''The Society of American Foresters is opposed to efforts to circumvent, through funding elimination or other means, the USDA Forest Service's effort to implement new planning regulations.'' That is Michael Goergen, Executive Vice President, Society of American Foresters.

Here is what the labor unions say about this. Mr. Mike Draper, Vice President, Western District, United Brotherhood of Carpenters and Joiners of America:

''If Mr. Udall's rider passes, the Forest Service will be forced to rely on outdated rules written in 1982 or to implement a flawed series of regulations from 2000.''

Professional foresters say this rider is not the way to go. Labor says this rider is not the way to go. Taxpayer groups ought to be saying this rider on an appropriations bill is the wrong way to go. If you care about the cost to the taxpayer, here is a vote that you ought to make as a no; $7.5 million per plan, 7 years to plan what to do in a national forest. In the Black Hills National Forest in South Dakota, $7.5 million and 7 years. The Arapaho-Roosevelt National Forest in Colorado, $5.5 million and 7 years. The Tongass that we were all so concerned about in the last vote and remain concerned about in Alaska, $13 million and 9 years to do the plan. We can do better than that, and we should. We owe it to our forests and our future to do better than that, to spend the money not in the planning process that goes on forever, that results in no action except catastrophic fire in many cases, but rather a planning process that produces results and actions that will help bring forests help, that will help protect species and the environment for generations to come.

Let us spend the money on the ground, in the forests, fixing fish passage, fixing culverts and roads that now block this fish passage. Let us do the healthy forest things we all agreed in this Congress to do when we passed the Healthy Forests Restoration Act. Let us get out there and do the thinning so that we do not end up with forests that are so clogged with overgrown trees, that suffer from blowdown of forest that you cannot get in and do anything about it. Because when we put off the action because we are too busy planning, the result can be, not always, but can certainly be catastrophic.

I urge a no vote on the Udall amendment.

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

I rise in support of the gentleman from New Mexico's amendment. I listened to my good friend and colleague from Oregon talk about concerns about how long the process takes and I think there is something here that strikes me as being slightly disingenuous, because we have seen, for example, Senator CRAIG in the late nineties added a provision in an appropriations process that forbid money to be used to finalize forest plans. In some of these cases, that doubled the time that was involved with finishing the planning process. There may well have been some problems that are involved here, but I would suggest looking at the struggle where we have some of our friends on the other side of the aisle who have actually been impeding this process.

Forest management plans are long-term blueprints for broad land management issues that do not specify individual projects. Fire management plans deal with fire planning. I think that we ought to take a step back and deal with the reimplementation that my colleague has talked about. It, in fact, has functioned well under both Democratic and Republican administrations if Congress funds it and allows it to move forward. It is talking about an impact on over 8 percent of our landscape. These national forests are key in terms of housing threatened and endangered species. There are critical monitoring requirements of the current forest management act that are vital to prevent further extinction.

I think as we have looked at the approaches that have been taken by our friends in the administration where the process in agency after agency has been dominated by the very industries from which they are supposed to be regulating, the forest products industry, in terms of mining, livestock, we have had examples after example that the media has filleted out where we have not had a dispassionate process, where we have not had independent actors, where we have found that the scientific experts and the panels within agencies have been dismissed, have been suppressed, have been overridden.

I do not think there is any particular cause for excitement on the part of either the environmental community or the vast majority of the American public to short-circuit this process. And as my colleague from New Mexico pointed out, we find out not in an open process but because people in the inside are so frustrated by what they see, career civil servants are allowing the public to see via leaked documents that in fact the vast majority of these comments are not taken into account, that the public needs and interests are circumvented.

I think that it is important for us to step forward today to reinstate these protections and to enter into the reasoned discussion that people are talking about, adequately fund the studies, do it in an up-front, aboveboard fashion, have the administration stop twisting what is happening in terms of the process. Whether it is dealing with natural resources or it is dealing with mercury emissions from power plants, I think we ought to let daylight shine in. Starting today with the enactment of the amendment from the gentleman from New Mexico is a step towards reestablishing a little balance, build some confidence and have the protections of the system.

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

Mr. Chairman, I rise in opposition to this amendment. I listened with great interest to our colleague from Oregon. Unlike my colleague from Oregon, I will impugn no one's motives. I believe that my friend from New Mexico is sincere in his wish for healthy forests. But, Mr. Chairman, if we pass this amendment, in my opinion we will take the Healthy Forests Initiative and subject it to a great big dose of bureaucratic flu. It is bad enough that the

bark beetle is ravaging forests in the West. It is bad enough that my colleague's home State of New Mexico has been subjected to fire. It is bad enough that my home State of Arizona has been subjected to fire. It is bad enough that here we are in the midst of the worst fire season in history and yet, with noble intent perhaps, the net result is to increase paralysis by analysis. It may not be the intent of my colleagues, but that is the net result.

Mr. Chairman, the chairman of the Subcommittee on Forests and Forest Health pointed this out as we take an average look at the plans, the current average, 7 years, $7.5 million. This amendment, though well-intentioned, I am sure, the net result would increase these costs and time requirements by an additional 30 percent.

Mr. Chairman, at the very time we should be moving to implement the Healthy Forests Initiative, at the very time our forests are in such jeopardy, at the very time we need to move literally to put out the fires, we instead are going to fan the flames of bureaucratic inertia. Again the chairman of the subcommittee asked our friends on the other side, join with us, with peer review, sound scientific principles. But all too often, pseudo science is employed. All too often the mythology that the preceding speaker offered, more political in nature than practical in criticism, is offered, not to debate but to demonize.

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The facts simply are this: the regulations that have been outlined are outlined in a way to address the current crisis in the forests. Is it not interesting, Mr. Chairman, that the path and the road to a certain place where fire reigns is paved with good intentions? Maybe that is one roadless policy we could live with, to eliminate the intent and look at the result.

The fact is the world has changed since 1982. The fact is that the new prohibitionists who have gone and gotten court order after court order to gum up the process and prevent effective management of the forests have achieved the paralysis by the analysis.

And, again, I do not doubt the sincerity of my New Mexico neighbor; but the net result will be if one loves the story of Nero, if one loves to hear of ancient Rome, watch what happens if we pass this amendment and watch the forests burn. We hope it will not happen, but the drought continues. We know it is not the intent of our friends on either side to do that. We appreciate the instant revisionism of history. But changing circumstances dictate that we should change policies in a way that we can address the current crisis. When one's house is burning down, they do not need to have a committee show up to draft a report that can be issued 7 years later with a $7 million cost. And the very species of animals that so many of my friends passionately want to preserve, they do not have a home if it is incinerated. Air quality is not improved by the emissions of the pyrocumulus clouds.

Vote ''no'' on this amendment. Vote ''yes'' for rational, sound science and forest policy.

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

Mr. Chairman, we appreciate my friend from Arizona's impassioned interest in trying to improve the performance of our fuel reduction program to reduce the fuel loading on our forests. But the question I have is, where were the Republicans an hour ago when we wanted to add money to the account on the Hooley amendment that would have added millions of dollars to get this job done and they defeated this amendment?

The reason this job is not getting done is very simple. You have refused to appropriate the necessary money to get the job done. And instead of appropriating the dollars, you want to appropriate rhetoric attacking science. Where were you an hour ago when we tried to put more money in this account?

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

Mr. INSLEE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I was pleased to vote for the Hooley amendment.

Mr. INSLEE. I wish more of the gentleman's friends would have followed his admonition.

Mr. HAYWORTH. Mr. Chairman, will the gentleman continue to yield? Does the gentleman have the vote total, or does he expect that solely the opposition came on one side of the aisle? Because facts are stubborn things.

Mr. INSLEE. Mr. Chairman, reclaiming my time, the facts as I know them is that the Republican Party is in the majority in the House of Representatives. I regret that situation, but it is a fact. And the majority party refused to put more money in the fuels reduction account to get this job done 60 minutes ago, and now you are on the floor of the House trying to have some rhetorical argument that the reason this job is not getting done is because the law simply requires that we listen to science. But you do not want to listen to science. You want to listen to some other force of nature.

Let me suggest that one of the problems of the pickle we have gotten into in our forests with this dense situation in underbrush is because the Federal Government ignored science for decades, and now today you want to perpetuate the history of the Federal Government of ignoring sound science. You want to continue a situation that you started with 2 years ago of doing in our water and allowing arsenic in our water, doing in our air where you want to allow mercury in our air, you want to now have lawless logging. You want to have logging that is not constrained by science or law.

Let me suggest to my colleagues that the conservative approach on this issue is the approach that demands accountability of our government. The conservative approach demands that government respond to citizens by following the law. The conservative approach distrusts government; and when we have some innate suspicion of government, we make bureaucracies follow the law. But unless you pass this amendment, you are giving carte blanche to bureaucrats to ignore the science when it comes to conservation science, to ignore the science when it comes to ecosystems, to ignore the science when it is the right time to do underbrush thinning and when it is the right place to do underbrush thinning, and you want to give carte blanche to the bureaucrats.

This whole national forest management plan came out of the idea of reform, to reform bureaucracies so they will not ignore taxpayers. We stand for taxpayers who say that taxpayers who pay their money are entitled to make sure the bureaucracies follow the law and the science. But you want to shortcut the science. Science is not good enough for you. Science is not good enough on arsenic. Science is not good enough on mercury, and science is not good enough in logging our national forests.

We just have a simple proposition on this side of the aisle: follow the science and follow the law. That is why 325 scientists of the Society for Conservation Biology wrote a letter that urged the Forest Service, and by extension Congress, to not gut the National Forest Management Act, which you are gutting today. And we are simply here to say let us make sure that science rules in our forests. Let us make sure that the law rules on forests. Let us pass the Udall amendment.

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

Mr. Chairman, it is always interesting to get into these debates, and sometimes I wish we could all live in a perfect world.

We are in the middle of a very serious crisis on our national forests and on our public lands. The Udall amendment is designed to prevent new regulations from being implemented for our national forests. Those new regulations were proposed for a reason; and contrary to what some of the rhetoric is that we have heard tonight, the reason that those new regulations were proposed was because of this crisis that we are in with catastrophic fire, with our rural communities economically hurt because of policies that have been adopted by this Federal Government.

It currently takes more than 7 years to adopt a 15-year plan. I do not care where one is on the issue. That is ludicrous. So they are trying to fix that. It currently costs in excess of $7.5 million to adopt that plan.

I hear people talk about the conservative thing to do. Supporting that is

ludicrous. Cost studies demonstrate that these costs increase 30 percent under the Clinton-Gore administration regulations that the Udall amendment would implement. Another study indicated that these 2000 regulations cannot be implemented due to overly complex and detailed procedures, extraordinary data requirements, and scarcity of required technical skills.

Increasing cost and complexity would divert scarce resources away from critical management activities. We all come down here, and we fight about where the money should go. And the more complex this is, the worse it is going to be. And yet the amendment would lock that in place.

The Bush administration regulations are designed to reduce the time and cost of planning while maintaining sustainability, public participation, and the use of the best available scientific information.

We have to really pay attention to what these amendments do. I hear people come down here and say we are going to log without laws. There is nothing in the regulations that removes the Endangered Species Act or the forest management plans or any of the other environmental laws that have been adopted to protect wildlife and to protect our clean water and clean air. There is nothing that removes those. They are trying to make the system work better. A lot of times the rhetoric does not actually match what is actually in the regulations.

I would urge my colleagues to take a serious look at this, because we have gone round and round on this. We all want clean air. We all want clean water. We all want to protect endangered species and wildlife. We all want to be good stewards of our public lands. What the administration is trying to do is fix a problem.

When California was burning last year, a lot of people saw the light and said, well, maybe we ought to do something about our forests; and we passed the Healthy Forests initiative. This year the fires have started, and many think that this year is going to be worse than last year. We do need to get out front. We do need to do everything that we can to get into our forests and clean them out and have them become sustainable. This amendment takes away the tools that are necessary to speed up that process.

This bill that the gentleman from North Carolina (Mr. TAYLOR) has brought out increases the money on the thinning projects by $58 million. It increases by $1 billion the money for firefighting. If my colleagues vote against the overall bill, where are they going to be 2 hours from now when all of that money that is supposed to go to the things they are talking about, are they going to support it? Because that is the good work that has been done by this subcommittee and by my friends on the Committee on Appropriations, because they have recognized that this is a serious problem.

I know that the gentleman from New Mexico (Mr. UDALL) deeply cares about the environment and the forests, and that is something that he has been consistent on. But I do believe that this is a mistake to adopt this amendment in the way it is written, and I urge a ''no'' vote.

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

I rise in support of the amendment that has been offered by the gentleman from New Mexico because I share his concern on the extent to which the proposed regulations would revise the system of forest planning put in place during the Reagan administration. There are many reasons to support this amendment, but I want to focus for a couple of minutes on the reduction of public involvement that I believe would result from this amendment not being passed.

The National Forest Management Act was landmark legislation that greatly increased the extent to which the public could hold the Forest Service accountable. It included a mandate for the agency to base its management decisions on sound science on one hand and, on the other hand, to ensure extensive public participation in the forest planning process.

If we truly look at these new regulations, they would downgrade forest plans and effectively exempt them from review under the National Environmental Policy Act, NEPA, and would thus limit opportunities for public involvement.

This amendment, if we really look at it, would just simply impose a moratorium on the proposed new regulations. And I think that makes good sense because whatever the problems with the current planning regulations, I do not think they should be just swept away without more intensive oversight by this body and by the other body; and that has occurred so far.

This is particularly important because these new regulations were developed without any input from a committee of scientists; and this is a stark departure, a stark departure, from the process that has been used in connection to the development of any other changes in the National Forest Management Act regulations.

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In fact, during the public comment process, many of the scientists on whom we depend asked for the withdrawal of these proposed new regulations.

So, in short, this amendment just simply maintains the public involvement that I think we all value and we all acknowledge has been important, because, as my colleague from Washington (Mr. INSLEE) pointed out, it gives the taxpayers, who, by the way, own this land, a chance to be involved, and if we pass this amendment, we maintain that public involvement while we in the Congress take time to look further at these proposed changes.

There has been a lot of talk here about forests and forest management as we move into a new fire season. This amendment would not change the work that is under way in managing our forests more effectively, given the 100 years that we have faced of suppressing wildfire, not understanding the ecological processes in our forests. This does not prevent that planning from proceeding, it does not prevent us from responding.

My colleague from Washington also talked about the need for more resources so we can do the requisite thinning and fight the fires when they start.

So, in sum, this amendment ought to be supported. We ought to maintain public involvement in this important process. The past has proven that this process works. I urge adoption of the Udall amendment.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, the key issue here is independent science in good forest management. President Reagan used a committee of scientists, independent scientists, to promulgate his regulations. President Clinton did the same thing, through a 3-year period, to develop them.

When the Bush administration got in, they swept aside that 3 years of effort, did not use any independent scientists, had a 2-day workshop with internal scientists, and that is it. And that is what the key here is, is they do not care about the science. They have an agenda and they are moving it down the road.

Forest planning can be preventive in terms of fire, can be preventive if you let it work. But, as we know, many of these forest plans where speakers have talked, where they have been delayed, it has been because Congress has put in amendments delaying forest planning. So you cannot attribute all of that delay necessarily to the Executive Branch.

But the key here today is President Bush, through his administration and his Forest Service chief, now seeking to promote forest planning rules without independent scientific review. That is really what we are talking about here today.

Mr. UDALL of Colorado. Mr. Chairman, reclaiming my time, I want to underline the point that independent scientific review has led us to make many of the right decisions so our forests are protected and our lands are managed in a way for the long-term interests of future generations.

Mr. Chairman, I urge adoption of the Udall amendment.

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

Mr. Chairman, I want to commend the gentleman from North Carolina (Chairman TAYLOR) for bringing forth an outstanding bill.

I rise in opposition to this amendment. Before I speak on that, I would like to address the concerns raised by the gentleman from Washington earlier about sufficiency of funding. That is just an absolutely false charge. As the gentleman from California (Chairman POMBO) pointed out, this includes an increase of $58 million for the hazardous fuels program, but, furthermore, it is a $70 million increase for fire plan funding above the administration request and an increase of $183 million above the non-emergency funding level for fiscal year 2004.

If you look at the track record of this administration and this Congress over the last several years, the amount of money available for Federal hazardous fuels funding is several times what it was in any of the years of the Clinton administration.

Now, turning to the Udall amendment, once again we are debating whether the administration should be allowed to complete a long overdue revision to the NFMA planning regulations. This amendment failed last year, and it should be defeated again this year. It would be highly irresponsible to prevent the Forest Service from finishing the revision to the planning regulations now.

The Forest Service is drowning in paperwork and red tape. The previous administration proposed rules which would have made the situation worse. Those are the rules referred to by the gentleman from New Mexico. Both the forest industry and the environmental groups sued to block the implementation of those rules.

Already, the Forest Service estimates that it spends more than 40 percent of its budget and personnel hours on planning and fighting court battles, rather than in the forests. The previous administration's revisions to the planning rules would have increased this by an additional 30 percent.

The current administration withdrew these unworkable regulations and proposed new ones in 2002 which would allow land managers to get more accomplished on the ground. This is especially critical right now, as our public lands are currently in a grave forest health crisis and are in need of active management to restore them.

The 2002 proposal protects wildlife and public involvement, the 2002 proposal provides opportunities for public input at every step in the planning process, and the 2002 proposal is intended to encourage early public involvement, rather than focusing on last minute appeals and objections.

The new regulations will assure clean air, clean water and abundant wildlife for future generations. This will allow the Forest Service to respond more quickly to changing conditions, like catastrophic wildfires and new scientific information. They require the use of an adaptive management framework, as recommended by scientists and international organizations. They make the planning process easier to understand and easier to participate in.

Completing the 2002 regulations should be a priority. Halting the revision process would significantly delay the efforts to implement improvements on the old regulations. It currently takes 5 to 10 years to complete a forest plan under the old planning regulations, which is outrageous and irresponsible.

Recent experience with the 1982 regulations has underlined the need to proceed with a revision due to the time and cost involved in planning. The plan revision for the Black Hills National Forest in South Dakota cost $7.5 million and took 7 years to complete. Similarly, the plan revision for the Arapahoe-Roosevelt National Forest in Colorado cost $5.5 million and took 7 years to complete. Seven years to revise a 15-year plan is unreasonable.

Under the 2002 proposed revised rules, the time for preparing 15-year plans will be cut from the current average of 5 to 7 years to about 2 to 3 years, with corresponding cost savings.

Mr. Chairman, this was a bad idea last year, and it is even worse now. Please join me in defeating this amendment and allow the forest management professionals to complete the effort they have been working on for so long.

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

Mr. Chairman, this is the second year in a row, particularly this year since I have hardly any voice due to a cold, that I have come to the floor to debate this issue, not intending to come to the floor.

My concern is that we have an extraordinary problem in the west. We are confronted with potentially the most catastrophic fire year in history. The committee has recognized that by appropriating an additional $500 million to fight those fires. I appreciate that. Unfortunately, the Senate at this point does not feel that sense of urgency. But that is not the issue before us right now.

The issue before us at the moment is whether the public will participate in the plans for our public lands in the western United States. I am pretty sensitive to this, as are the people in my district. We live next to or in the middle of those forests, and we want to participate in the plans for the future.

Now, the administration has proposed that we would totally exempt future forest plans from NEPA and we would allow plans to be amended with no notice or public comment. I do not think that that really meets the concerns and the very diverse views in my congressional district about forests, forest planning and multiple use.

Some people want to oppose the Udall amendment by saying that this is about fuel reduction. It is not about fuel reduction. Remember, we had a vigorous debate last year and in the Congress before that about healthy forests and fuel reduction. In fact, we passed a very ambitious piece of legislation, which I voted for, H.R. 1904, the Healthy Forest Restoration Act, which, if properly implemented, would go after the backlog, would go after the fuels accumulation, would reduce the risk of catastrophic fire and would manage our forests back toward a presettlement and healthy state.

Unfortunately, the administration, having signed the bill with much fanfare, abandoned it when it came time to ask for the funds. Yes, the committee has increased the funding by $58 million, and I appreciate that. Unfortunately, we are still a couple of hundred million dollars shy. Nobody is talking about that.

We are well short of the promise that the President made when he signed the bill with fanfare, that he was going to put people to work, protect our communities, he was going to protect the resources and we were going to put this debate behind us once and for all. And that bill contained significant changes and amendments to the processes that delay this work. Now, if we will only fund it, it will get done.

But now you want to go off into another part of the forest plan which has nothing to do with fire, fire planning or fuel reduction, and say we should wipe out all protections and public participation. That is not right. Sure, some of this stuff could be streamlined. I get pretty upset with the bureaucracy. But I live in a forest, actually part of my land is forest, and the backyard is a forest. I am pretty concerned about these issues, and I am sensitive to other people who live in that situation.

But we are not putting out the Federal investment, we are not putting our money where our mouth is, and we have a lot of mouths around here, but not enough money, that is for darn sure. That is where we are at tonight with this debate.

As much as the committee has tried, they were not given an adequate amount of money to address these problems. Yes, they have done better by fire fighters, yes, a little better by fuel reduction, but nowhere near the promise of the legislation passed last year, because the administration did not ask for the money to deliver on that promise, pretty much the same as No Child Left Behind. Everybody here agrees with the concept of No Child Left Behind, but if you do not put the money behind the promise, it is a new unfunded mandate.

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

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his statement here tonight. I was thinking of the same thing. There is a gap of several billion dollars in education. The same thing is true here. There is a significant gap in the amount of money necessary to go in and go do the thinning and the pruning, to do the adaptive management to reduce the fire risk. It is because the administration has given all the money away in

incredibly large tax cuts, and now they cannot fund these bills.

We are not funding the parks, and we are not funding this area either. It has nothing to do with fire fighting. It has everything to do with the fact that the deficit is big and they do not want to spend the money.

They have all kinds of accounts in this bill that are underfunded because of that fact, and it is because we have a lousy allocation. We are $200 million below the President's budget request, which was totally inadequate in the first place.

So I commend the gentleman. I also believe one thing, and we learned this the hard way in the Pacific Northwest. ''Scientifically credible, legally defensible.'' When you start walking away from the scientists, when the scientists start saying this does not hunt and you cannot change these rules and do it this way, you had better wake up, because you are going to go into court, they are going to testify and have that biologist up there, and he is going to say you have not done these regulations properly. This will not protect the species and the wildlife in the area.

And we did not meet the scientific standard. It was not met out in the Northwest until the President's plan came into place. It was not perfect, but at least then we started protecting the species and we started taking care of some of the remaining old growth.

In my judgment, the reason I support the Udall amendment is because I do not trust this administration and the way they have approached these regulations.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, we need more money, not more rhetoric.

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

Mr. Chairman, I love to hunt. I have hunted in Oregon, I have hunted in Washington State, I have trout fished up there, gotten some beautiful fish, and I want to protect those streams and forests. But let me tell where I think things have gone astray.

In our district in San Diego we lost 3,000 homes this last fire season and 22 firefighters were killed. I look back, and the gentleman says that we want the money to clear the forests. Well, 12 years ago, many of us fought to have the bark beetles cleaned up. I was up in the area of the gentleman from Washington (Mr. DICKS). I was in Oregon and Washington and Northern California, because I was hunting deer. The beetles had eaten a lot of the wood and created a hazard, and they were going to destroy the forests.

□ 2100

We wanted to cut those, because the bark beetles were not there where the dead wood is. They were in just a little bit further, and that is what we wanted to cut; but many of the folks, the environmental groups, said, no, you cannot do that; you want to log indiscriminately

No, we did not. We wanted to stop the bark beetles, a reasonable conservative approach; but we were stopped doing that.

Pine Valley, the whole town burnt down. You know how many homes and lives we lost up there because the bark beetles had cut through most all of the timber? And when you have a Santa Ana in California, which is the wind coming from the desert in at 40 to 50 knots and you have that kind of kindling of dead trees, you cannot stop it. It burnt Pine Valley down.

Twelve years ago we fought to be able to clear brush, because it was so thick. We had nine farmers, ranchers, that asked to cut, to disk around their property because of the fire season. They were told no, they could not because of the endangered species, a bird called gnat catcher. Three of the farmers went anyway, and they got fined, but the other six that did not, guess what? All six of their ranches burnt down. That is not conservative; it is dumb. And we are trying to offer a conservative approach.

Firemen came to us and said, can we cut access roads into our forest? Oh, no new roads from the environmental groups; no new roads in our forest. They not only wanted access so they could get to the fire; they wanted to get out safely. We lost 22 firemen. Now, whose fault is that because they did not have access?

Now, some of that is not true, because they could not come down the backside of a mountain fast enough, and they were not close to a road, and they could not put a road in there, to be fair; but we are asking for conservative real things, to be able to thin the brush.

Up in my area, if you have a place out in the woods, you are able to clear an area around that that will keep your house from burning down.

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

Mr. CUNNINGHAM. I am happy to yield to my friend, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman from California (Mr. CUNNINGHAM) and I work very closely on defense issues. Here is one issue that bothers me in this discussion. I know I had a study done of Region 6, which is Washington and Oregon. I do not think Northern California is in Region 6.

Mr. CUNNINGHAM. I have minimum time.

Mr. DICKS. Here is the problem. We do not have the money in the budget to do the thinning that our foresters say we should do to deal with this problem, and it has not been there for a number of years.

Mr. CUNNINGHAM. Taking back my time, that is the initial point that I made. Twelve years ago, and I went, we had the money and we had a limited forest. Take a look at all of California when you have 3 decades of brush that is built up, when you have the number of trees that have been eaten by the beetles. You have not got enough money in the world to meet that need, and we were stopped from doing that when it was manageable.

I have limited time. If I have time, I will yield.

Mr. DICKS. But the problem is that it is not the forest regulations that are stopping us from doing it. The forest regulations are not saying you cannot go in there and thin.

Mr. CUNNINGHAM. Taking back my time, it has been this body, and mostly the other side of the aisle, that has objected to us putting in new roads, that have objected to us clearing brush because of the endangered species, that have objected to us doing these things that I think are conservative, reasonable approaches.

As far as good science, take a look at the farmers and the ranchers and the folks that want to protect their land. They are the best stewards of the lands that we have. The science that I see most of the time coming from the other side is agenda-oriented, private science funded by environmental groups that have an agenda, and I think that is wrong.

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

Mr. Chairman, I find myself very frustrated tonight. I feel like I am in Forestry Theology 1A. I am not a forest manager. I have a district with one of the largest national forests in the eastern region of the United States, and I have firsthand dealing with how the public and the Forest Service and the various legitimate interest groups that use forests have to work with each other, and I am going to vote for this amendment. But I want to get some things off my chest, because frankly, both sides frustrate me.

I am going to vote for the Udall amendment, because I think what it does is to stop a process which has in certain ways excluded the public from full participation in the public comment period.

What the agency has done with public opinions expressed in a variety of ways are not going to count when final decisions are made. I have heard from conservation groups, and I have heard from their opponents, both who have objected to the way that public comment is being restricted. I think they have a point. So I am going to vote for this.

But I just want to say one thing. I get very frustrated being whipsawed between the users of forests who want to use it for economic purposes and the recreational users of forests, the environmentalists on the other side. The only way that you can get rational public policy in an area like the forest is to sit down and work out compromises.

Now, I have seen environmental groups who are willing to challenge every blessed timber sale that comes up. I think that is nuts. I think there is a legitimate reason to cut timber in

forests. But I also see some people on the other side who have never met an environmentalist that they could tolerate, and they think the forest is there simply for economic exploitation. And I just want to say to both sides, it makes no sense to have one administration go in one direction and have another administration come in and go in another direction, depending upon what the electorate decides every 4 years. We get a yinging and a yanging in forest policy, and nobody knows what the rules are going to be more than a year ahead of time. Now, that drives everybody nuts. It should.

So it seems to me that rather than both sides being engaged in a theological debate every blessed year on this issue, sooner or later, for each and every forest in the country, the interested groups need to sit down with each other and work out reasonable compromises. I am so damned sick of theology on this floor, political theology invading every issue. And that goes for both sides on this issue, in my view. So I am not criticizing Members, because regardless of what party you are in, you are caught in this whipsaw.

But I have seen intractable differences on forestry matters in my own area resolve themselves in 6 weeks when people are legitimately willing to sit down, deal with each other in an honorable fashion, and recognize that each side has legitimate interests. And I think we have a right as legislators to go to groups on both sides of this issue and say, we have had it, fellows. Get together. Work it out.

Nine times out of ten, the only public policy that can be sustained over a significant period of time is policy which is first worked out in the private sector so that the public representatives can ratify those agreements. Now, once in a while that cannot happen. But these days, we have polarization, polarization, and polarization on every blessed issue that comes before this House. And that is in part the fault of people who occupy this House, but it is also in part a problem related to the fact that both sides of these issues like to make a living and like to generate their public support; and so they use us to drive their points across, and they never behave like adults and try to resolve their arguments.

Mr. Chairman, as I said, I am going to vote for this amendment because I think the policy that has been followed by the Bush administration has been needlessly dismissive of the public's right to participate. But for God's sake, people, tell whoever you are talking to before you give your speeches to sit down and work these things out. That is the only thing that serves the interests of the country.

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

Mr. Chairman, do we need to change this policy? We talk about the resistance to the Bush changes to the current policy. I happen to represent the Allegheny National Forest. It is about a 600,000-acre forest, the finest hardwood forest in America, it was, but it will not be for long if we do not soon manage it, because we have not been managing it.

The current process of rewriting the forest plan on the ANF has been going on for years and years and years, and we cannot get there. The current plan does not work. The process of managing a forest for multiple use should not be complicated. It should not take decades. It should take a year or two to sit down and figure out where we are, what should happen there, and how do we manage part of it for forestry.

That happens to be one of the most mature hardwood forests in the world and has some of the most valuable cherry, and that is a forest that only lives about 100 years; and it is about reaching that age and it is going to die. We had a big blow-down last year. We cannot even get the blow-down trees harvested because the process does not work.

We need a new process.

Let us look at what the current plan brings us. We had a big gypsy moth defoliation a few years ago; we had that for 2 or 3 years. And then we had other insects a few years later. So they designed the East Side Sale to salvage dead and dying and diseased timber and clear up these oak areas so they could regenerate, because they will. The hardwood forest in the east does not even have to be planted. If it is pruned properly and cut properly and managed properly, there will be a good forest there for our children, our grandchildren, forever. It grows from seed, it grows from sprouts, it comes back naturally if it is properly maintained. It is a renewable resource.

Do we want to cut it off? We manage a very small portion of it. The Allegheny allows a cut of 90 million board feet. Some years we do not cut any, and some years we cut 5 or 10 million board feet. Almost nothing.

But what happens? We planned the East Side Sale and a student sues who has a religion about trees should not be cut down. Not a soil scientist, not a forester, not a biologist. A student gets a free lawyer from a university, goes to court, and wins. We redesigned, redid it, totally reworked it over a couple of years, put back out again, and another student sues. Three years, this time they win. Not the student, but the Forest Service wins, after 3 years. Now we have 5 years, and we finally have a result. The student sues again, just thrown into a Philadelphia court, and we do not know whether it will ever come out of there.

Folks, the process does not work.

Now, I heard a lot about scientists. I do not think our Forest Service gets enough credit, because the Allegheny Forest has foresters, fish biologists, game biologists, soil scientists, archeologists, hydrologists, entomologists and ornithologists, all who play a role in everything we do there, whether we are going to do recreation or whether we are going to do forestry. They sign off. These are experts. Now, the people who sue and win usually have no credentials. They are someone with a religious philosophy that you should not cut down trees.

I want to tell my colleagues, the unmanaged forest in the east is going to die. It is going to be very prone to wind storms, and it is going to blow over. It is not a habitat for wildlife, an old forest. And all of us, those of my colleagues who are concerned about CO_2, a forest that you do not prune and manage becomes a CO_2 emitter, just the same as a plant, just the same as us when we breath out. A forest that is managed is the most successful carbon sink in America. Active agricultural land and actively managed forest land absorbs tons and tons of CO_2 and puts it into logs, locks it up; and we are averting that process on all the public land in this country.

Mr. Chairman, our foresters and our scientists are leaving our system because they are disgusted with this Congress's involvement, because they cannot manage. All the science they have, all the experience they have, we have Congressmen who think they know better; and they are wrong.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

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

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

The point of no quorum is considered withdrawn.

□ 2115

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Arizona to go back in the reading to offer an amendment?

Mr. OBEY. Mr. Chairman, would the gentleman repeat the request?

Mr. FLAKE. I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

Our amendment was changed. At the time the relevant section came and went, and by the time we had finished it, it had gone.

Mr. OBEY. Mr. Chairman, I ask the gentleman to withhold that request at this time. I do not want to object, but I would be constrained to at this time.

The CHAIRMAN pro tempore. Will the gentleman withdraw his request?

Mr. FLAKE. Mr. Chairman, yes.

The CHAIRMAN pro tempore. The request is withdrawn.

AMENDMENT OFFERED BY MR. HENSARLING

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

The Clerk read as follows:

Amendment offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. Of the funds made available to the Department of the Interior by this Act—

(1) not more than $50,000,000 shall be available for the purposes of managing and maintaining Internet websites; and

(2) none may be used to manage and maintain more than one Internet website for every 10 employees of the Department of the Interior.

Mr. HENSARLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Chairman, for only the fourth time in the history of our Nation, the Federal Government is now spending over $20,000 per family. This figure is up from $16,000 per family just 5 years ago, representing the largest expansion of the Federal Government in 50 years. Almost every government department has grown over some large multiple over inflation. We are experiencing an explosion of the Federal budget at the expense of the family budget.

Unfortunately, too often this government spending equates to waste, fraud, abuse and duplication and has for decades. Mr. Chairman, I belong to a group known as the Washington Waste Watchers, a Republican working group dedicated to rooting out waste, fraud, abuse and duplication in the Federal Government, and it is not an easy task, because what has accumulated in the Federal city over many decades is now 10,000 different Federal programs spread across 600 different Federal agencies, accountable to almost no one, with little transparency and poor knowledge of their activities.

Mr. Chairman, I know that President Bush and Secretary Norton are serious about this effort to root out waste in government. The President's management agenda is working. For example, the number of Federal agencies with verifiable financial data has now increased up to 20. That is up from 10 agencies under the Clinton administration. Mr. Chairman, this is a major accomplishment, 100 percent improvement, but why has it taken decades just to get a set of books that can be audited?

Recently, the gentleman from North Carolina (Mr. TAYLOR) and the ranking member, the gentleman from Washington (Mr. DICKS) exposed wasteful foreign travel by employees of the National Park Service and for that I know the taxpayers and I are grateful. This is progress.

Today we have another opportunity to take a small step to protect the American taxpayer from more wasteful Washington spending. The Inspector General at the Department of Interior has discovered last year that the department has over 31,000 different websites on the Internet. That is right, Mr. Chairman, over 31,000 different websites. They contain between three and five million pages of information. No one knows for sure the exact number.

What we do know is that the Interior Department now has one website for roughly every two employees. One website for every two employees. Mr. Chairman, these numbers are staggering. I mean, they do not pass the smell test, the look test, the touch test, the laugh test or any other test, especially when you compare it to the private sector.

Bank of America, the most visited financial services web presence in the world, and in the top 10 most visited web services in America, has 80 percent fewer websites and yet they have over 3 times as many employees. The difference between government and the private sector is stark. In addition, the Inspector General has added that the department does not have a comprehensive inventory of its websites or of other components of its web presence. In addition, the Inspector General has found that the department had ''an excessive amount of duplicated, inconsistent, outdated and redundant information on its websites.''

The Inspector General estimates that taxpayers are forced at a minimum to pay between $110 and $220 million annually to maintain and operate this web presence, 31,000 websites, again which contains inconsistent, outdated and redundant information.

My amendment will limit the amount of taxpayer funding to operate the department's web presence to $50 million and limits funding to manage and maintain more than one site for every 10 Department of Interior employees. I think this is more than reasonable, Mr. Chairman.

During the time of war and unparalleled Federal spending at the expense of the family budget, can we ask our families to pay up to $200 million each year to fund an out of control and poorly managed web presence at just one Federal agency. This funding could be put to better use at the Department of Interior or other important priorities. If we use the most conservative estimate on what this amendment would save taxpayers, about $50 million, we could take those savings and buy over 31,000 Kevlar vests for our soldiers in Iraq or 1,600 Humvees with armor plating.

In conclusion, Mr. Chairman, I know the Department of Interior does a lot of good work and performs a lot of valuable services, but we as a body have a responsibility to strike out at waste wherever we find it. Mr. Chairman, we have certainly found it here. I urge my colleagues to pass this amendment. We must protect the family budget from the Federal budget.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, to the gentleman, since I have listened often to the Washington Waste Watchers it is interesting to me when one party controls the House and the Senate and has controlled the White House and the administrative branch for more than 3 years now, that he keeps rooting out this administrative waste. And I guess I have got to wonder at the dedication of the Bush administration or the Republican House or the Republican Senate in rooting out waste that he has to come and give speeches everyone night on the floor about it but seems to be able to do little about it.

I guess if one party were in charge, the Republican Party, they would root these things out, but I guess they are not.

I would ask the gentleman, I do have a question for the gentleman, since he referenced the Pentagon, if he could tell me, there is one agency and only one of the Federal Government which has been deemed to be inauditable. It cannot be audited. It cannot account for a large majority of expenditures. Is the gentleman familiar and can the gentleman name that one agency?

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

Mr. DEFAZIO. I yield to the gentleman from Texas.

Mr. HENSARLING. Well, frankly, Mr. Chairman, there are many agencies.

Mr. DEFAZIO. No, can the gentleman name it? There is only one that has never been audited.

Mr. HENSARLING. I disagree with the gentleman's factual assertion, and the gentleman's party has been in control for the years that created this.

Mr. DEFAZIO. Reclaiming my time, the Pentagon cannot be audited. It in fact cannot account for a large majority of its expenditures, and the fact is that one party runs this government. They run it with an iron fist here in the House where substantive amendments are often not allowed. One party runs the United States Senate as much as the Senate can be run. And one party runs the White House that will never admit it was wrong.

I wonder why it is that the Washington Waste Watchers here cannot make a little more mileage with their people downtown and why they have to give speeches on the floor as opposed to taking real action to root out waste and abuse. His amendment may have merit, and I will take a look at it, but the point is I have heard many of his other speeches about things that could be accomplished administratively. I believe the administration, the Bush administration, which runs the Interior Department, could take action internally to eliminate this apparent plethora of excess websites.

Why should it take an act of Congress? If we have such a responsible administration downtown, why will they not take administrative action? Why

do they not limit the number of websites out there? Why do they not limit the expenditure?

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

I assume the gentleman's amendment is prompted by the Inspector General's report that they are spending $100 million to $200 million annually on websites, and I share the concern he has. I was alarmed when I saw the report. The subcommittee has been working with the department to understand the costs of web technology and to ensure that technology is used only for appropriate purposes and used in the most economic and efficient way.

There are good websites and bad websites and this has been complicated by court action that is underway right now.

My concern with the gentleman's amendment, and I commend him for always trying to save taxpayers' money because I certainly try to do that and I encourage him throughout his career to do that, but my concern is that the department uses the web to conduct business both internally and with industry. The use of the web is consistent with the best practices both in government and industry. Limiting web spending to $50 million will prevent the department from fully using web technology to save both itself and public industry.

For instance, the Minerals Management Service is implementing a web based system to communicate with oil and gas industry that will allow industry to obtain information and provide necessary filings electronically. Now, there are many other positive things with the websites. We are also, as I say, we have court action that is confusing. A lot of the work we are trying to do to get the department to eliminate those websites that are unnecessary, save the taxpayers' money and keep those websites that are necessary for communication.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, hearing of the chairman's concern and knowing of his good work in this area, I ask unanimous consent to withdraw the amendment.

I would also like to answer an earlier question posed. I think it is very interesting that the gentleman earlier had indicated an interest in finding waste, fraud, and abuse but fought the amendment that would cut 1 percent, a mere 1 percent of waste, fraud and abuse from the Federal budget. Also, those gentlemen on the other side of the aisle voted to increase Federal spending over a trillion dollars in our last budget.

Mr. TAYLOR of North Carolina. Reclaiming my time, I commend the gentleman's action to bringing this to our attention.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas to withdraw the amendment?

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following new section:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to kill, or assist other persons in killing, any bison in the Yellowstone National Park herd.

Mr. HINCHEY. Mr. Chairman, I have been advised that there is a plan that has been agreed upon to do one more amendment this evening. I understand that the gentleman from Arizona (Mr. FLAKE) has a need and a desire to have his amendment considered before we stop our deliberations here this evening, and that the amendment that I was about to offer will be allowed to be offered first tomorrow morning.

Under those considerations, I ask unanimous consent to withdraw the amendment and bring it back tomorrow morning.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The gentleman's amendment is withdrawn without prejudice to his ability to offer the amendment again later in the bill.

□ 2130

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Arizona?

Mr. OBEY. Mr. Chairman, reserving the right to object, I will not object because the majority extended a similar unanimous consent request to a Member of the minority earlier this evening, and I think it is only fair to reciprocate, but before I withdraw my objection I just would like to ask a question.

I referred earlier this evening to the fact that we had reached 4 years ago an agreement in this House to a certain funding schedule for a variety of conservation programs, and then the committee had walked away from that agreement. As I understand the gentleman's amendment, it is an effort to reduce some accounts in the bill in order to add some funding to PILT; is that correct?

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

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. FLAKE. That is correct.

Mr. OBEY. Mr. Chairman, further reserving the right to object, I happen to agree with the desire to add more money for PILT, but the problem is there are a wide variety of other programs which are not being assisted because the budget resolution and the action of the committee has effectively wiped out almost $800 million in funding for other, equally deserving programs.

Federal land acquisition is being cut by $170 million. State wildlife is being cut by $11 million; forestry legacy, cut by $57 million. We are seeing historic preservation in urban parks both cut significantly and hugely in comparison to the scheduled funding.

So, even though I personally would like to see more money in PILT, I feel that it is not fair to try to provide additional funding for one program while the others are continuing to be put in the closet. I will not object procedurally, but I really question the fairness of trying to restore funding for only one of the six major programs involved.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Without objection, the gentleman from Arizona will be allowed to offer his amendment at this point in the bill.

There was no objection.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, line 8, after the first dollar amount insert ''(increased by $15,000,000)''.

Page 99, line 10, after the dollar amount insert ''(reduced by $13,000,000)''.

Page 104, line 5, after the dollar amount insert ''(reduced by $2,000,000)''.

Mr. FLAKE. Mr. Chairman, I thank the gentleman from Wisconsin for the point he raised.

He mentioned that several other areas of the bill had been cut. I am aware of that, precisely because I recommended some of those cuts. In fact, I testified both before the Committee on the Budget and before the Committee on Appropriations to reduce the money available for land acquisition, Federal land acquisition, because we keep adding Federal land, and it just adds to the PILT problem.

PILT, as we all know, is short for payment in lieu of taxes. This is a program whereby counties in rural areas, in particular I am from Arizona, 87 percent of Arizona is publicly owned. Some 50 percent, 60 percent of the State is federally owned, and counties find it difficult to provide the services that other counties with more private land are able to provide, and when we continue to add Federal land, we exacerbate the problem of these counties being able to fund services.

I come from a rural area of the State and I have seen these problems firsthand. So what we need to do is fully fund PILT. We do not need to add more land for the Federal Government. That is why I made those recommendations, and I think it is fitting and proper that we can find the money in other accounts to actually fund this.

What we have recommended is that we find savings of $13 million in the facilities capital account of the Smithsonian and $2 million from the grants and administration account of the National Endowment for the Humanities. Both of these accounts were increased by that same amount or more in this past year. So we are simply slowing the rate of growth in these areas and fully funding PILT.

The PILT program has been authorized at $340 million; yet it has only received $226 million in this bill. That is $1 million more than last year's level and woefully short of what is needed. It is important to note that this year's budget resolution stated that the budget resolution can accommodate funding for the PILT at a fully authorized level; however, it was only increased by $1.3 million.

As I mentioned, we are not advocating an increase in PILT overall. That is important to all fiscal conservatives. What we are saying is that we should move some of the funding and increases in areas that have increased over the past year and move them into this area where we all recognize, and the gentleman from Wisconsin said it well, that we ought to increase the funding in this area.

I should note that this amendment is supported by the Western Caucus, and I know a few of these Members will be speaking on it shortly.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

While this may be a worthy area to consider for an increase, I cannot accept the offsets. I hope that we will be able to increase this as we go through conference. The gentleman raised an important point. As we have more and more government land, it takes money away from the ad valorem tax, as we continue to cut less and less in forest service. Twenty-five percent in our area used to go to schools. They lose even more money, and so the gentleman raises a good point, but I will have to object to this and oppose the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

I have to rise in very strong opposition to this. The Smithsonian Institute is one of the most popular agencies of government in the United States. Here we are, coming up on the summer season and at a time when people are going to come in and visit the Smithsonian, and I just wonder, this is cutting construction but construction goes across the board and affects every one of these.

Do we really want to cut out money for the Anacostia Museum and Center for African American History and Culture; the Archives of American Art; the Arthur M. Sackler Gallery, the Freer Gallery of Art; the Center for Folklife and Cultural Heritage; the Cooper-Hewitt National Design Museum; the Hirshhorn Museum and Sculpture Garden; the National Air and Space Museum; the National Museum of African American History and Culture; the National Museum of African Art; the Smithsonian American Art Museum; the National Museum of American History; the National Museum of the American Indian; the National Museum of Natural History; the National Portrait Gallery; the National Zoological Park; the Astrophysical Observatory; the Center for Materials Research and Education? I mean, the Smithsonian is important.

This is a bad amendment. Let us defeat it and let us send the young man home this evening with his tail between his legs.

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

Mr. Chairman, the date October 21, 1976, is the date that may go down in history, maybe in infamy, because it was the date in which the Federal Government changed its attitudes toward public lands. The State of Utah enabling act said that lands would be given to the Federal Government until such time as they shall dispose of that land. In fact, the BLM was established 70 years ago to facilitate that.

But in 1976, we changed our attitude towards Federal land, and it is not insignificant that that was the same year we established PILT, the payment in lieu of taxes program. It was in some ways to prohibit the double whammy that goes on in many Western counties, specifically rural counties who no longer can develop their land for a tax base but still must provide the benefits that urban counties and eastern counties still provide.

Since our attitude is to keep the land, to mandate the use of the land, mandate the services that have to be required, it is in essence nothing more than the government's saying we have rent that is due to this land that needs to go to those particular counties, and if we as a Federal Government do not pay that rent who are being hurt by it?

In Kane County in my State only 4 percent of the land is private, and yet that county wanted to continue on with the hospital so the people in Kanab did not have to drive 70 miles to the nearest hospital so they created a special service district. The PILT funds help run that hospital for Kane County.

Daggett County has only 2 percent of its land that is not Federally owned, and the 730 people of Daggett County in my State have to provide for 2.5 million people who come from my colleagues' States and their districts in there, that have to provide services and access for that, and because the population is so low, the funding source that we have within this bill even does not allow them to get the full force of the PILT money that we are actually allowing to them.

Emery County in my State has only 7 percent of its land privately owned, and yet a travelogue that was published said Black Box in Emery County was a wonderful place to go rafting. Indeed, it is not. It is a dangerous place with deep water, the water going wall to wall. Two years ago, within a 6-month period of time, two people coming back from the East who decided to go tubing down that river in Emery County died, which meant that the sheriff's posse in Emery County had to go a half a mile into wilderness study area land, rappel down a dangerous cliff and risk their lives to bring those bodies back, and they had to fully fund the cost of all that program.

That County of Emery, if they simply allowed greenbelt laws for the tax structure of that land, the cheapest type of property taxes we have, would generate $900,000 if we fully funded PILT. The appropriation we have in here will give them $300,000, even though they are still required to have the same kind of services as if the money was fully funded of that.

It is interesting to note that the 10 States with the slowest growth in their education funding all have 50 percent or more of their land owned by the Federal Government.

Who are we hurting when this government is not fully paying the rent that is due? We are hurting the elderly, we are hurting the people who need medical aid, we are hurting kids in the West. This is what this particular program is doing.

I support this amendment with a heavy heart because indeed the Smithsonian is something I admire. I belong to it, I give to it, but what we did is we allowed them to find alternate sources to come up with some of their revenue. We have not allowed the counties in the West, especially rural counties, alternate forms of coming up with the revenue that they desperately need.

PILT is essential for us to pay the rent that is due, and I am hopeful that if we would actually approve this amendment we would allow them to go into conference committee where they could do right by the Smithsonian but also do right by the counties that need that PILT funding. We are underfunding our rural counties, we are underfunding our western counties, and all it is is the rent that they are due, and we should have the courage to stand up and pay for that.

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

I rise in support of the amendment. The PILT program was created in the mid-1970s. At the time it was created, it was created in a bipartisan way. People recognized all of the issues about what is fair and what is equitable. As we have heard from the previous speaker, it is about the lack of an ability to collect property tax on the Federal land and the services that are provided by the counties.

What has happened since the mid-1970s is our Federal lands are being used more and more and more. The pressures, the uses, the demands for county services have increased more and more and more; yet PILT funding has just not been maintained.

Again, as the previous speaker said, I have great fondness for the Smithsonian as well, and anytime we have got to find an offset, it is a tough one, but in this case I think it is very important that this $20 million, which may not sound like a lot of money relative to the total cost of this appropriations bill, but it is a big deal for the local counties in States like mine, where so much land is federally owned. It makes a big difference to those county budgets. It makes a big difference in providing those services to people who use those public lands.

I encourage people to support this amendment.

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

The hour is late. I would like to begin just by associating myself with the comments by the gentleman from Arizona (Mr. FLAKE) about where he spoke about the additional lands that we are acquiring and why we do not need that until we can take care of the lands that we have.

I would also like to associate myself with the comments by the gentleman from Utah (Mr. BISHOP), who was speaking about counties that I have represented in the past, and I personally know the problems that those counties have.

I would also like to associate myself with the words of the gentleman from Utah (Mr. MATHESON) who spoke eloquently about some of these issues.

I want to also thank the gentleman from North Carolina (Mr. TAYLOR). I recognize the need for him to oppose this on the basis of what the offsets are. I think the gentleman from Utah (Mr. BISHOP) was fairly articulate about how we can solve that problem in conference. I urge the Members of this body to do so.

I must say I was really offended by the personal attack of the gentleman from Washington (Mr. DICKS) on the gentleman from Arizona (Mr. FLAKE) here. This is not a personal matter. This is a matter that relates intensely to the needs of our people.

Let me just point out that if we look at the West, we have done a study in the State of Utah, Marty Stephens is the Speaker of our House, and he has taken a massive amount of statistical data and shown that we in the public lands area of the United States tax more.

□ 2145

Mr. Chairman, this is a matter of fairness. In the West, we tax more than we tax in the East. We still pay a lower amount per student in educational expenses because and only because we are dominated by Federal ownership of land. That means California and every west coast State, every intermountain State, all of us, tax more and spend less. It is not fair, and this body needs to redress that.

I hope that the Members of this body will vote in favor of the increase in PILT; and as a big fan of the Smithsonian myself, let us hope we can solve the problem in conference. But we need to give more money to our western counties who are fighting fires because of the negligence of the Federal Government who are suffering with educational costs that we cannot meet because the Federal Government owns our land and we are not getting any of the other benefits that should come from that public land. We have an obligation, and I urge this body to meet that obligation by voting for the Flake amendment to increase PILT.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 1 printed in the RECORD of June 15 by the gentleman from West Virginia (Mr. RAHALL); amendment No. 2 offered by the gentleman from Ohio (Mr. CHABOT); amendment No. 3 offered by the gentleman from New Mexico (Mr. UDALL); and amendment offered by the gentleman from Arizona (Mr. FLAKE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 227, not voting 7, as follows:

[Roll No. 251]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
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
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra

Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

DeMint
Filner
Gephardt
Granger
Hastings (FL)
Kingston
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 2211

Messrs. TERRY, NUNES and BURTON of Indiana changed their vote from ''aye'' to ''no.''

Messrs. JOHN, HOYER and JEFFERSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 251, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 215, not voting 9, as follows:

[Roll No. 252]

AYES—209

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
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)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
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)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—215

Abercrombie
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
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

DeMint
Filner
Gephardt
Granger
Hastings (FL)
Kingston
LaTourette
Oxley
Weller

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 2222

Mr. SKELTON changed his vote from ''aye'' to ''no.''

Mr. BISHOP of Georgia changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 252, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN pro tempore (Mr. THORNBERRY). The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 205, not voting 6, as follows:

[Roll No. 253]

AYES—222

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Buyer
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Ford
Frank (MA)
Frost
Garrett (NJ)
Gerlach
Gonzalez
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
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
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—205

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capuano
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Porter
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised they have 2 minutes remaining in this vote.

□ 2230

Mr. TAYLOR of Mississippi and Mr. COSTELLO changed their vote from ''aye'' to ''no.''

Mr. SAXTON and Mr. LINCOLN DIAZ-BALART of Florida changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FILNER. Mr. Chairman, on rollcall No. 253, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. UDALL OF NEW MEXICO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 8, as follows:

[Roll No. 254]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonilla

Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Blunt
DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette
Terry

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 2237

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 254, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

Stated against:

Mr. TERRY. Mr. Chairman, on rollcall No. 254 I was inadvertently detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 332, not voting 7, as follows:

[Roll No. 255]

AYES—94

Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Berkley
Bishop (UT)
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Carter
Chabot
Cox
Davis, Jo Ann
Deal (GA)
Doolittle
Dunn
Emerson
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goodlatte
Graves
Green (WI)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Issa
John
Jones (NC)
Kelly
King (IA)
Kingston
Lewis (KY)
Linder
Matheson
McCrery
McInnis
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Nethercutt
Norwood
Otter
Paul
Pearce
Pence
Petri
Pickering
Pombo
Pomeroy
Porter
Radanovich
Rehberg
Renzi
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Souder
Stearns
Strickland
Stupak
Tancredo
Tanner
Thornberry
Toomey
Turner (TX)
Vitter
Walden (OR)
Whitfield
Wicker
Wilson (NM)

NOES—332

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Platts
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Blunt
DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 2245

Ms. DUNN changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 255, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "no."

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARRETT of New Jersey) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

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

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). 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.

HONORING JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I rise today in honor of Juneteenth, a day of celebration for all Americans. Juneteenth or June 19, 1865, marks the day that Major General Gordon Granger landed in Galveston, Texas to inform slaves that the Civil War was over and they were now free men and women.

Juneteenth is a day honoring President Abraham Lincoln's Emancipation Proclamation. It was a Juneteenth that Lincoln's proclamation was finally enforced nationwide, 2½ years after he issued the decree. President Lincoln should be honored for his tremendous efforts on freeing all of the slaves, and we must recognize this important day in our Nation's history.

Since then, Juneteenth has been a day of celebration largely in the African American culture and especially for African Americans in Texas. Many communities celebrated in churches or in far off rural areas. But as times have changed and more African Americans began to own land and to experience freedom, sites were dedicated specifically for celebrations and more people began to participate.

In 1872, Reverend Jack Yates raised $1,000 to purchase a park in Houston named Emancipation Park in honor of the Juneteenth holiday. With public land acquisitions such as this, more Americans have become aware of this event and began to celebrate its heritage.

Mr. Speaker, I would like to take the time to commend President Abraham Lincoln. Not only was President Lincoln a great Republican abolitionist in history, he was a great leader from my home State of Illinois. His vision and dream of freeing slaves was finally a reality on June 19th, 1865, the day we now know as Juneteenth. His efforts freed thousands, hundreds of thousands of slaves across our Nation.

Another person that I must note is Owen Lovejoy from Princeton, Illinois. Lovejoy is a former Republican Congressman from Bureau County and was a pioneer in the abolitionist movement in Congress. In 1863, he introduced the Emancipation Proclamation in legislative form to the Congress. With the support and leadership of President Lincoln, it was passed and became Public Law. He is yet another example of a fighter for freedom and liberty. Mr. Speaker, I am proud to serve the 11th District of Illinois, the home of former Congressman Owen Lovejoy.

Today, Juneteenth is not only celebrated by Americans, but by people all over the world. More and more communities continue to coordinate celebrations, whether it is in the workplace, school, or at home.

Mr. Speaker, I encourage this Congress to mark Juneteenth as the day in history that forever changed the lives of thousands of Americans in 1865 and continues to have an impact on current future generations.

Mr. Speaker, as this celebration of heritage continues to grow, I would like to honor this day of celebration we know as Juneteenth, June 19, 1865, and encourage all Americans to observe this day of emancipation and strength.

SMART SECURITY AND BUSH ADMINISTRATION CONDONING OF TORTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, American troops are being court-martialed daily for their role in the heinous crimes that took place in Abu Ghraib, the prison in Iraq. For sure, their role in these incidents is embarrassing and shameful.

But if we are searching for the true culprits for these abuses, which include the sexual assault, forced sodomy, and death of Iraqi prisoners, we need look no further than August 1, 2002.

That is the day the Justice Department advised the White House in a memo to Alberto Gonzalez, President Bush's top counsel, that torturing al Qaeda terrorists in captivity "may be justified." The memo also stated that "necessity and self-defense could provide justifications that would eliminate any criminal liability" for the use of torture.

It is not just the physical abuses that took place in Iraqi prisons that is appalling. The thing that is just as appalling is that legal abuses took place here at home too within our own government, when high-ranking officials in the Department of Defense and the Department of Justice affirmed the use of torture as a war tactic.

The White House and the Pentagon approval of torture is not only shameful, it also flies in the face of America's human rights standards. And what happened to the United States setting a positive example for the rest of the world?

That is not what Secretary of Defense Donald Rumsfeld would have us believe. Rumsfeld wants the American public to think that the use of torture was isolated to Abu Ghraib; that by merely court-martialing those directly responsible for inflicting the abuse who he called "a few bad apples," well, now we have gotten to the bottom of it.

But the fact that torture occurred in separate places and under the command of different interrogators leads many to believe that a more systematic failure took place. And I believe that the discovery of the Justice Department's appalling sanctioning of torture confirms that belief.

Furthermore, an investigation by the New Yorker Magazine detailed a Pentagon operation that encouraged the physical coercion, otherwise known as torture, of Iraqi prisoners in an attempt to produce intelligence about the post-war insurgency in Iraq.

This information was also substantiated by Newsweek Magazine, and do not forget about the memo that called the use of torture "justified." What more evidence does one need to understand that this administration condoned and approved the use of torture?

There is an eerie pattern at work here. First Guantanamo Bay, then Abu Ghraib. Now we are learning that prisoners in Afghanistan have been subjected to torture by American soldiers. It is becoming very clear that the really "bad apples" are at the top of the barrel. They are, in fact, in the White House.

There has to be a better way, Mr. Speaker, a more intelligent way, a way rooted in the values that we hold dear in the United States, and there is. I have introduced H. Con. Res. 392, legislation to create smart security for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism.

SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation; and it aggressively invests in the development of impoverished nations,

with an emphasis on women's health and education.

SMART security means interrogation, not torture. It means an open government, one we can trust to do the right thing; not one that will hide behind Justice Department memos condoning torture and secret Pentagon plans on how to use torture to America's advantage during war.

The situation in the Middle East requires the best America has to offer. SMART security relies on the very best of America: our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Let us be smart about our future in this country. SMART security is tough, SMART security is pragmatic and patriotic, and it will keep America safe and honored by the rest of the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. GEORGE MILLER).

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

There was no objection.

BUSH ENVIRONMENTAL RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, ''environment'' is a dirty word in the current administration and they have the record to prove it.

The administration has turned over environmental stewardship to special interests. The Vice President held secret meetings with energy companies to craft the new energy policy. It does not address renewable resources or energy efficiency. Instead, the Cheney Special Interest Energy Task Force called for more oil drilling and more coal production.

Efforts by the public to learn for about these secret meetings were unsuccessful. That is because Attorney General John Ashcroft issued a new directive urging all Federal agencies to deny all Freedom of Information requests whenever possible.

The administration's actions go far beyond our own borders. A new film, ''The Day After Tomorrow,'' depicts a world plunged into a new ice age because we refuse to address global warming. They say the truth is stranger than fiction.

The President called the U.S. out of the so-called Kyoto Protocol. Mr. Speaker, 160 nations had agreed to work together to address critical global warming issues.

Under democratic President Bill Clinton, the U.S. had agreed to be part of this worldwide global initiative to save the world. This President not only withdrew from Kyoto, he also worked to reduce clean air standards at our oldest and most polluted power plants. The administration could not get Congress to reduce Mercury standards, so the administration reduced them on their own.

The administration has proposed something they call a Clear Skies Initiative. They could have called it the Dark Cloud Policy. The effect of dark cloud is to gut clean water and air standards. If they get it through, the industry would have another reason to pollute, direct from the White House. Now, that is a new definition of environmental stewardship.

The administration does not just propose new pollution legislation. This administration has been redefining existing definitions to help industry pollute. A case in point: older coal-fired power plants, among the worst polluters, have a new definition of ''upgrade'' that allows them to avoid installing new technology to reduce pollution.

In one of America's great places, Yellowstone National Park, we now have, surprise, calls by the administration to let snowmobiles continue to pollute the air and noise. But the Park Service plans to phase in banning snowmobiles from the park suddenly needs, yes, more study. That is administration speak for special interests.

There are plenty of places in America, millions of acres available for snowmobiles, but the snowmobile lobby went right through the oval office.

Now, Congress is trying to save Yellowstone from the administration's tactics.

The President turned his back on his own campaign pledge to reduce industry carbon dioxide emissions, a major contributor to greenhouse gases. Oil drilling has been given a green light in the Padre Island National Seashore. It is off the coast of Texas, and it is the fist national park to be open to drilling. It has dramatically increased logging in the Pacific Northwest, and is trying to convince the world that fake salmon are better than natural salmon.

The list of environmental transgressions is so long that 5 minutes is not enough, 5 hours is not enough, and 5 days would not be enough to help the American people understand what has happened to our environment since this President took office. They are polluting the air, polluting our water, and it affects human beings as much as it affects environmental degradation. Ask any one of the youngsters in this country in the epidemic of asthma.

None of this matters to the administration. The special interests have spoken and given hundreds of millions of dollars to Republican political campaigns.

□ 2300

That buys access to the Oval Office and, they hope, to places like Yellowstone.

The rest of us are told there is no problem. We are just reactionaries. The evidence is overwhelming, we are told we need more research. Big tobacco always said that about cigarettes and lung cancer. They said it every time someone else new was diagnosed with lung cancer. Why do we not do some more studies?

Well, this administration is doing exactly what big tobacco did. First, deny, deny, deny. Then attack your critics. Then say we need more study. Then attack the study and call for research.

At a time when the world needs environmental leadership, the Administration offers environmental plunder. We can no longer accept that.

Everyone has heard of Lord of the Rings. In fact, many have seen it. In J.R.R. Tolkien's Return of the King, the character Gandalf says something that should guide us all.

''It is not our part to master all the tides of the world, but to do what is in us for the succor of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clear earth to till. What weather they shall have is not ours to rule.''

The environment is not for sale. The American people need to know that. Look at the record. Save the environment while there is still time. November 2 is coming.

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CHANGES IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I would like to visit today with Members of the body to discuss just one of the aspects of the changes that we have seen in the world. We hear a lot from our friends that the war on terror is not progressing, that there is no significant advancement.

Mr. Speaker, two days ago we were joined by His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan, to talk about the changes in his country. He reports that Afghanistan was one of the poorest countries. They had, of course, the Taliban and al Qaeda working there. They have an economy that is controlled by the drug lords. Private militias have been ever present in their countries.

Yet, today he reports that under their new transitional government that they are rebuilding the schools and starting the children back to school. Boy and girls, 5 million of them, are back in schools today in Afghanistan. They are also developing health clinics to provide basic health services for the inhabitants and the citizens of Afghanistan.

One of the most important things he said is they are beginning to rebuild their economy, beginning by rebuilding highways and roads so that commerce can be conducted throughout the nation. As they conduct commerce, they are also beginning to rebuild the military, the militias, their national guard, and reestablish police forces in order to guarantee security for the people of Afghanistan and to defend the country's sovereignty.

The government of Afghanistan is beginning to fight against the narcotics trade, the one that has been so prevalent in that nation and provides drugs throughout the world to eat the heart and soul out of not only their children, but our children and the children of Europe, Germany, France and all around the world. And when the government of Afghanistan begins to do what they can to stop the flow of illegal drugs throughout the world, we know that the world situation has changed for the better.

He reports to us that the Afghanis are beginning to vote with their feet, that over 3 million refugees have come back to Afghanistan and reestablished permanent residence there, voting with their feet, saying that we believe Afghanistan is a better place today than before the United States entered and began to fight the war on terror inside their borders.

The country has adopted an enlightened constitution, one which for the first time begins to recognize the rights of women. And in that constitution, 25 percent of the elected seats are reserved, 25 seats in parliament are reserved for women. A stunning turn around for a culture that in Afghanistan had simply eliminated women from any positions of authority in that country.

He declares that they have established an open and inclusive society. He reports that there are many things that they still have to do, that they are requesting the help of the United States on. The Islamic State of Afghanistan is requesting the help of the United States, help in disbanding the private militias and demobilizing those tremendous forces of evil inside the country that both protect and encourage the drug trade.

He asked that we continue to fight with them to dismantle the entire drug industry, the illegal drug industry in that country, to help them to reduce the very high infant mortality rate. He explains that Afghanistan is open for business but they need businesses to come and help them rebuild the country. And he has an open invitation that asks American businesses to come there to help establish an economy that will sustain their people now and in the future. But he declares to us, President Karzai, declared to us on the floor of this House when he spoke to the joint meeting of the Senate and the House, that the greatest menace still in Afghanistan is terrorism. And he declared that terrorism is the greatest menace worldwide, as well as in Afghanistan.

He talked about al Qaeda in Afghanistan that killed Muslims prior to the US dismantling the Taliban and chasing al Qaeda out of the country.

Mr. Speaker, we were honored to have the President of Afghanistan visit and bring us up to date on the changes that have occurred in his eyes.

ACCOMPLISHMENTS OF THE REPUBLICAN HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for half of the time until midnight as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, tonight we are going to talk a little bit about the accomplishments of the Republicans in the House of Representatives, accomplishments that are going to help us bring jobs back into America.

Over the last generation, our government has consistently created policies that have prevented us from keeping jobs in America. The Republicans in the House have come up with a plan to change that environment so that we can quit the outsourcing of jobs and start the insourcing of jobs. We have divided the issues that have been created by the Federal government into 8 categories. Each one of those categories or issues is going to get a week of our time, a week of dedication to deal with this issue, bring important votes to the floor, and change the environment and bring more jobs into America.

We started out with health care the week of May 11, health care security. We then went to bureaucratic red tape termination, life long learning. This week was energy self-sufficiency and security. We have 4 more topics that deal with ending lawsuit abuse.

Now, under health care security we passed flexible spending accounts to allow employees more choices in their health care. We passed medical malpractice liability limitations to lower the cost of health care by lowering the liability insurance. And we also passed the Small Business Health Fairness Act which allowed small businesses and other associations to bond together to go out and purchase from health care providers and thereby lowering the cost of health care in the United States.

We went on to bureaucratic red tape termination, and we dealt with 4 bills with Occupational Safety and Health or OSHA. We had small business day in court for OSHA. We had OSHA Review Commission Efficiency Act. We had the Independent Review of OSHA Citations act. We had the OSHA Small Employer Access to Justice Act. And then we completed that week with the Paperwork and Regulatory Improvement Act.

We went on to lifelong learning the next week. We talked about the Teacher Training Enhancement Act, the Priorities for Graduates Studies Act, Back to Work Incentives Act, and we completed that week with workforce Reinvestment and Adult Education Act and having the conferees appointed as well.

□ 2310

This week we passed three pieces of additional legislation: the Energy Policy Act of 2004, the Renewable Energy Project Siting Improvement Act, and the U.S. Refinery Revitalization Act. Fifteen pieces of legislation have been passed. It is part of the plan that we have that is part of the aggressive nature that the House has taken on to bring jobs back to America.

Next week, we are going to be dealing with research and development.

Our opponents on the other side of the aisle, the House Democrats, have come up with an answer to our agenda. They have an alternate agenda, and that agenda is very interesting. It is on their Web site. It consists of 28 proposals compared to our 8. Thirteen of those proposals call for more government spending. Seven of those proposals call for more government regulation. Eight call for some outlandish schemes such as textile summits, other conferences, more lawsuits and targeted tax credits.

The business environment today has been forced to outsource jobs because of government regulations, because of government red tape, because of government policies, and the Democrats think the solution is more government. I think that that is wrong.

I have a quote here, Mr. Speaker. It starts out by saying, America must get to work producing more energy. The Republican program for solving economic problems is based on growth and productivity. A large amount of oil and natural gas lay beneath our land and off our shores untouched because the Democrats seem to believe the American people would rather see more regulation, taxes and control than more energy. That quote was made by Ronald Reagan, July 17, 1980.

The problem is pretty much the same because we have not gotten any bipartisan support on trying to create jobs and improve energy sufficiency in America.

I have a chart here, Mr. Speaker, that talks about America's energy security, a lesson of supply and demand. We can see clearly on this first part of the chart that supply, which is the manufacturing of petroleum and coal product jobs, have gone down since 1995, and we are here at 2003. The consumer price index of energy prices has continued to go up.

You can see there was a dip that came down some in the recession, but our demand has continued to grow, and the reason it has is because our economy is growing. The reason our economy is growing is because of the tax relief that has been passed by House Republicans and signed by the President into law. So we have been fighting this battle for some time, and let me just show one other chart here before we go on to another speaker.

This is what the House Republicans have done to provide America with a comprehensive energy plan. It starts out on January 1, 2001, and indicates on January 3, George Bush takes office. Then we can see that we have made several efforts. President Bush released his energy plan, delivered it to Congress. We responded by passing a House energy bill for the first time. We set up another second passage over on April 11, 2003, almost a year and a half later. We passed it a third time on November 18, 2003, and yesterday we passed it for a fourth time. Each time it has been stopped by the Democrats. We have not had the ability to get it to the President's desk, but the result of not having a comprehensive energy plan is it has driven gasoline prices at the pump from below $1.50 up to in excess of $2.

It is time for us, Mr. Speaker, to move on with the energy policy and get a plan passed and to the President so that we can lower energy costs and create jobs.

I have with me a gentleman from Indiana (Mr. CHOCOLA) who is going to address some additional issues about bringing jobs back to America as related to energy policy, and I yield to him at this time.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for his leadership on this very important issue that I think is crucial to our economic security and job creation in our country.

As we focus this week on energy and its role in ensuring our economic security, I remind my colleagues, as my friend from Kansas just did, that the House of Representatives has passed three energy bills before this week, since 2001, all with the aim of exploring and increasing domestic energy production in hopes of staving off the type of energy crisis we face today.

Even though the employment rate has gone down significantly, and the economy as a whole is showing clear signs of improvement, the greatest impediment and risk to sustaining our growing economy is the rising cost of energy. Energy is the lifeblood of the American economy, and we can ill-afford to ignore the pressing need to pass comprehensive energy legislation. We cannot wait for another blackout of the kind that we saw last August or for another spike in gasoline prices that we see today.

Mr. Speaker, it is imperative that we act now. The energy conference report the House has passed is a jobs bill. We call a lot of things here in the House of Representatives job bills, but this bill clearly fits the description. It is estimated that 838,500 jobs will be created if this energy policy is actually enacted. From natural gas and coal, to nuclear and renewable energy exploration and expansion, our domestic energy reserves will be a dramatic boost to the American workforce.

The rising cost of gas prices is just one of the most visible consequences of lacking a national energy policy, and it is a stark reminder of our need to utilize and explore our domestic energy supply. By hindering exploration and utilization of our country's energy potential, we continue our reliance on foreign energy sources. Since 2001, the United States has sent over $300 billion and countless American jobs to OPEC and other foreign Nations to meet our energy needs here at home. According to the U.S. Department of Commerce, America loses 12,389 jobs for every $1 billion we spend on imports. This translates to 1.7 million jobs America has sent overseas for oil every single year.

This legislation will help ease our dependence on foreign oil by requiring 5 billion gallons of renewable fuel to be included in all gasoline sold in the United States by 2015. This increase in the use of ethanol will save 1.3 billion barrels of oil by 2016, and improve the trade deficit by $28.5 billion over the next 15 years, and adds $135 billion to the American economy by 2016 through increased agricultural demand and new capital spending, and generate $32 billion in income for American consumers over the next 15 years.

Along with oil, natural gas has been an indispensable energy source in this country. Natural gas is responsible for 20 percent of our Nation's energy production and is expected to play an increasingly important role in addressing our Nation's future energy needs. Yet the volatile price of natural gas over the past new years is constricting our economic growth. For example, an estimated 85,000 jobs have been lost by the U.S. chemical makers since U.S. natural gas prices began to rise in mid-2000. Over the past few years, our reliance on natural gas has left our small business community susceptible to the fluctuations of the natural gas market, and it is hurting our economy and our workforce.

Mr. Speaker, I find it ironic that last August, on the same day that we saw a blackout in parts of the Midwest and the northeast, I chaired a hearing in my District, in the 2nd District of Indiana, on natural gas prices. At that hearing, we heard from school districts, we heard from businesses, we heard from social service organizations about the devastating effect that the rising cost of natural gas has had on their endeavors. Probably one of the most interesting things I learned during that hearing is that here in the United States, in our non-park, non-wilderness lands, we have enough natural gas to supply 100 million households for 157 years.

I would like to share just one quick story about a company in my District called Koontz-Wagner Electric that testified at that hearing and talked about the impact that the rising cost of natural gas has. They utilize natural gas to run the energy needs of their plant and much of their equipment, and this year, they saw an increase of $60 to $90,000 above their expected levels in natural gas costs. That is money that could have been invested in their business, could have helped create jobs, but instead went to pay for the energy costs that made them less competitive in the global economy.

Just last week, I spoke with a fertilizer company, one of the largest employers in one of the counties in my District, and they have seen their main input cost, $90 percent of their cost is nitrogen, and over the last 2 weeks they have seen their nitrogen costs increase by 15 percent, putting their company and their employees at risk. They have seen that not only in the last 2 weeks, but week after week they

have seen double digit increases in their most important costs, again, putting their company at risk.

But there is a solution, and it is enacting a comprehensive energy policy in this country. A comprehensive energy bill includes such provision as the creation of a natural gas pipeline from the Alaska North Slope to the lower 48 States. This pipeline will improve access to natural gas and promote competition in the exploration, development and production of natural gas to help secure our Nation's energy future. This legislation also provides for more natural gas exploration and development by providing royalty relief for deep and ultra deep gas wells in the shallow waters of the Gulf of Mexico. Improved access to North America's abundant natural gas resources will help to reduce high utility bills, create jobs and provide more than $500 million of increased revenues for the U.S. economy.

□ 2320

Mr. Speaker, as I said, energy is the lifeblood of our economy. We can no longer afford to ignore this pressing need. We must remain committed to pursuing a comprehensive energy policy in order to reduce our dependence on foreign oil, lessen the cost of gasoline and home utility bills, and help create more jobs right here in America.

Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) for bringing this Special Order to the floor to talk about this very important issue. I urge my colleagues to support enactment of this energy policy.

Mr. TIAHRT. Mr. Speaker, I yield to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate the opportunity to speak tonight on energy week in the House of Representatives. Frankly, it feels a little bit like the movie ''Groundhog Day.'' I think we have been through this at least once before. Each time we go through it we have an opportunity to improve it, and each time we also feel a little bit frustrated that others in this Capitol do not share the same passion for a comprehensive energy policy.

Mr. Speaker, the gentleman from Kansas (Mr. TIAHRT) opened up with a discussion about the impact of higher gasoline prices on a timetable starting when President Bush was sworn in and gas was about $1.35 a gallon. I think it is $1.32 on the chart here. Because of the inaction of being unable to produce a comprehensive energy policy, what American citizens have seen is continuous rise and spikes in gasoline prices, and this has certainly captured the headlines and the lead-off stories on national news as we pay record prices across the Nation, seeing a little bit of relief.

But as we focus on gasoline prices, probably the more devastating aspects to our family budget and our economy is frankly the increase in price of natural gas. Alan Greenspan has spoken several times that the increase in natural gas prices has become a drag on our economy. So let us work through that a little bit. H.R. 6 that we have passed in the House of Representatives four times provides incentives for additional exploration within the continental United States. There is a lot of discussion about drilling in Alaska, but ANWR is not part of H.R. 6, but we provide incentives for exploration in the continental United States, as well as a new pipeline to run from Alaska to the continental United States, and that is one of the issues being stalled here.

What we need to realize is natural gas provides America about 25 percent of its current energy needs and is used by almost two-thirds of American households. That is right. That is for cooking, appliances, that is for heating our homes. But what many do not realize, as this chart shows, not only for electrical generation and residential use, but industrial use, as the gentleman from Indiana mentioned. Natural gas is used in the production of food to fertilizers, from cars to clothes, from aluminum to electronics. Natural gas is so essential a raw material that it is a basic element in many common products such as paints, fertilizers, propane, film, medicines, and almost all power plants which have been built in the last 15 to 20 years use natural gas to generate electricity.

What is great about it is it is low emission. It is a clean fuel to use. Here in D.C. when we walk around downtown, there are bright buses which pass through which say ''Using Clean Natural Gas.'' Yes, we use it in transportation as well.

The issue with the price of natural gas is just basic high school economics: It is supply and demand. Over the last, and here is a chart, it talks about just a few years ago natural gas prices were pretty stable around $1.50 CFM.

This chart here actually is wrong, and I need to take a second to correct it because it shows that it tops off at about $5, but just 2 weeks ago it was trading at $6.70 and it is now trading above $6. In other words, Mr. Speaker, the price of natural gas is off the charts, and we are not doing a darn thing about it.

Now the soaring natural gas prices, let us talk about the ripple effects that it has through our economy. It is putting a pinch on our families. As I understand from our local gas utilities, it is costing the average family in my district several hundred dollars a year just in additional heating and utility costs. But let us talk about what it is doing to our economy and jobs.

The U.S. chemical industry has cut at least 90,000 jobs because of the high price of natural gas. Several plants have closed and moved their doors overseas. Yes, overseas. Now let us talk about why they are moving overseas. Why do our farmers now have to import fertilizer and pay twice as much as they did 3 years ago? Let us look at this. In the United States because of our demand and lack of supply, we are paying about $6.50 CFM. We can go down to Mexico and Central America and pay less than one-sixth. What is a business to do? When we criticize businesses for moving offshore or out of America, yes, it frustrates every one of us that those jobs are moving out, but let us look at some of the causes and deal with that. What is a manufacturer going to do when the basic input, as the gentleman from Indiana said, when it is about 90 percent of the input costs for fertilizer, what is that fertilizer plant going to do? They are going to go where it is a cheaper price and reduce their costs dramatically and sell it back.

I believe these natural gas prices really provide an unfair disadvantage to our American manufacturers, and we need to do something about it.

The Energy Policy Act which the House passed once again yesterday would boost natural gas production by removing barriers and creating sensible incentives. It would increase the depreciation period of natural gas pipelines from 20 to 15 years. It would increase energy conservation and efficiency by 50 percent over 5 years, and it would relieve pressure on natural gas markets, diversifying our energy portfolio by increasing power generation from clean coal, fuel cells, microturbines, emission-free nuclear power, and renewable energy sources. By adopting this balanced plan, we would increase natural gas supplies and save U.S. customers approximately $1 trillion in natural gas costs over the next 20 years. Yes, Mr. Speaker, I said $1 trillion.

Now, it is time that we stop holding Americans hostage, our economy hostage. Let us fight some of the root causes of our loss of manufacturing jobs and pass a comprehensive energy bill.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Nebraska (Mr. TERRY) for that very important information about how we are going to bring jobs back to America by passing comprehensive energy policies that will lower costs for natural gas and make it more economical to do business in the United States.

Mr. Speaker, I yield to the gentleman from New Mexico (Mr. PEARCE) to talk about bringing jobs back to America with a comprehensive energy policy.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) for bringing this issue in front of the body.

Mr. Speaker, there are two things that our standard of living in America is based upon.

□ 2330

Our standard of living is very high in this country because of two basic, essential facts. First, we have affordable food and, second, we have affordable energy. Both of those things determine how we live our everyday lives, how much we have got to spend on our kids' school clothes, how far we have got to

spend on the schools that our kids go to, those things are determined by the basics that we do not have to spend more than a small amount of our income on either food or energy.

Mr. Speaker, House bill 6, the energy bill, really begins to address the fact that jobs are being sent overseas because of high energy costs but it also addresses the more relevant fact of the cost of energy in our homes. I had some high school students in my office today. They asked, what is your position on drilling in ANWR? I said absolutely, that I supported it in my campaign, and that I have supported it since I got here. They asked, why would you do that? And they seemed to be asking it in good faith. You could tell that they had had discussions in their school and they were asking for my opinion because they had received the other side. I said, it is very simple. You hear your parents talking about how much it costs to fill up their car with gasoline, about $40 to $50 to $60 now depending on what size tank you have. I said, you have heard your parents talk about it. Yes, yes, it is very much higher. The fact is that we are talking about supply and demand and they were a little curious about that. They did not really understand it fully. I said, it is simply like cell phones. When cell phones first came out, the supply was very limited so you might pay $450 or $500 for a cell phone but today they will give them to you just to get the business. That is because as the supply of cell phones has increased, the price has gone down. Petroleum is exactly the same way.

If in 1995 President Clinton would have signed the ANWR drilling bill that was put in front of him, both House and Senate in 1995 passed that bill, if he had signed that, today we would have 1.5 million new barrels of oil coming down the Alaska pipeline and into our shores. What our attempt is today to lower the price of gasoline in our cars is we have gone to the Saudi Arabians and we are asking them on bended knee, we the United States is asking Saudi Arabia on bended knee to increase production by somewhere between 1 and 2 million barrels per day. We know that at that figure, the price would come back down to what Americans are used to paying for a gallon of gasoline. But instead, President Clinton vetoed the bill that was passed by the House and by the Senate, he vetoed the bill, so today instead of having the 1.5 million barrels that we are asking the Saudi Arabians for, that 1.5 million barrels would have been produced on American soil and with American jobs, instead it is being produced somewhere else and then we have the higher energy costs and we are more dependent on foreign oil.

My friend from Nebraska talked about the high price of natural gas. There are some very compelling things in the price of natural gas. It is being pushed up because the Federal Government is requiring that many of our electrical generating plants convert from coal into the clean-burning natural gas. The Federal Government demands that we convert electric plants over to natural gas, therefore, pushing the demand up while at the same time the Federal Government at the insistence of some of the extreme environmentalists is beginning to limit access to the natural gas drilling that is available. The drilling that they are stopping, the drilling that the extreme environmentalists are stopping is not in pristine areas. They are exactly in areas on Federal land that have been drilled before. There is no reason to say that we cannot drill there except the extremists believe in their heart that America has too much.

Mr. TIAHRT. Mr. Speaker, to wrap up as our time expires, we call our plan to bring jobs back to America ''Careers for the 21st Century.'' This week we have been talking about tonight is the energy self-sufficiency and security. Next week we are going to talk about research and development.

ABUSES OF POWER: ENERGY TASK FORCE

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for the remaining time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, House Republicans are making a mockery of the House floor this week. They are bringing up at least four pieces of legislation they claim will address our Nation's energy needs and begin the process of lowering prices at the pump but the American people should not be fooled. Over the past 3 years, the Bush administration and congressional Republicans have done nothing to help consumers who are now struggling to pay higher gas prices. Instead, the Bush administration is in the pocket of the oil and gas companies and House Republicans are doing their dirty work.

Mr. Speaker, Republicans are claiming the energy legislation they passed last year which we are again voting on this week will provide some much-needed relief at the pump. What Republicans will not say is that a study from the Energy Information Administration concluded the Republican bill would actually increase the average gasoline price by three cents per gallon. Congressional Republicans and the Bush administration are not interested in lowering gas prices. One might ask why, and that is because high gas prices mean high profits for big oil and gas companies. In fact, it was the executives at these very companies that worked in secret with Vice President CHENEY in crafting the Republican energy bill that Republicans are now touting this week. For 3 years now, the Vice President has done everything he can to keep the records of his energy task force secret. This secret task force developed President Bush's energy policy, a policy that was then made into legislation here in Congress, legislation that has now stalled in the other body. Nevertheless, the end result was bad energy policy. There is no doubt that the energy industry succeeded with its influence during these secret closed-door meetings in crafting a policy that benefited them rather than benefiting Americans now that Americans are paying that price at the pump. For 3 years, the Vice President has refused to let the American people know who made up his energy task force. For 3 years now, the Vice President has refused to let the American people know how and why the task force came to the conclusions that it did. Finally, after 3 years of hiding the information, it appeared that we would finally get some of the information CHENEY was fighting so hard to keep secret thanks to the Sierra Club and the conservative group Judicial Watch who sued Vice President CHENEY in the courts. The two groups wanted to find out exactly who from the energy industry participated in crafting the Bush administration's destructive energy policy. A district court ordered the administration to provide the information last year but the Bush administration still refuses to turn it over. The administration's reason, constitutional immunity from such inquiries. The district court rejected that contention, pointing out that the administration was attempting, and I quote, to cloak what is tantamount to an aggrandizement of executive power with the legitimacy of precedent where none exists.

But, Mr. Speaker, as we know, the Vice President refused to give in. He has appealed the district court decision to the U.S. Supreme Court and last December the Supreme Court agreed to take the case and heard arguments this spring. I have to point out that it does not make any sense to me why the Vice President would be so concerned about keeping his energy task force records secret. I would like to know or ask the congressional Republicans why they continue to allow the Bush administration to get away with this secrecy. Could it be that they know if the records are ever made public that the American people would finally realize that the Republican energy bill was never intended to help the American consumer but instead from the very first day its main goal was to provide oil and gas companies billions of dollars in tax breaks?

Mr. Speaker, I wanted to point out a problem with a potential conflict of interest, I think clearly a conflict of interest with regard to Justice Scalia and the Supreme Court. It appears in my opinion that Vice President CHENEY will do anything to keep these documents of the energy task force secret. That is why I think that what happened is that 3 weeks after the Supreme Court announced it would hear Vice President CHENEY's appeal of the case, Justice Scalia accompanied Vice

President CHENEY on an Air Force Two flight from Washington, D.C. to Morgan City, Louisiana for a duck hunting visit. There, according to news reports, Justice Scalia and the Vice President were guests of Wallace Carline, president of an energy services company. Neither the Vice President nor Justice Scalia made this duck hunting vacation public. Had it not been for the investigative work of the L.A. Times, we might still not know that these two spent several days together hunting duck in Louisiana. One would think that these two bright men would realize how such a vacation would look to the American people if it ever became public but unfortunately it does not seem like either one of them cared.

□ 2340

What happened is, and I think there is no doubt, that this vacation serves as a conflict of interest, and because of that, I believe that Justice Scalia should recuse himself from hearing the Cheney case in the Supreme Court. But even more importantly, Vice President CHENEY should have realized how this would look and should have cancelled the trip before he even went.

But regardless of that, there is no disputing that Justice Scalia should recuse himself on ruling on the case involving the energy task force. The Sierra Club asked Justice Scalia to do just that, but Justice Scalia continues to refuse to recuse himself. What he did instead was to defend his decision in a 21-page memo. In the memo Scalia describes how he enjoyed going hunting every year with his friend Wallace Carline. And Scalia writes: ''During my December, 2002, visit, I learned that Mr. Carline was an admirer of Vice President CHENEY. Knowing that the Vice President, with whom I am well acquainted, is an enthusiastic duck hunter, I asked whether Mr. Carline would like to invite him to our next year's hunt.''

And Scalia continues in this memo that ''The answer was yes. I conveyed the invitation, with my own warm recommendation, in the spring of 2003 and received an acceptance, subject, of course, to any superseding demands on the Vice President's time. The Vice President said that if he did go to Louisiana, I would be welcome to fly down with him.''

Mr. Speaker, just think about this explanation that Justice Scalia is giving for not recusing himself in this case involving Vice President CHENEY. Think about the apparent relationship these two men have, a relationship between two men who have worked in Washington for so many years and even worked in the Ford administration together.

And then try to look at it another way. The columnist E.J. Dionne did a Washington Post column earlier this year, and he said: ''Imagine you were in a bitter court fight with a former business partner. Would you want the judge in your case to be someone who went duck hunting with your opponent and flew to the hunt on your opponent's plane?'' That is the reality here.

Dionne continues: ''And now consider that you, as a citizen, have a right to know with whom Cheney consulted in writing an energy bill that was overwhelmingly tilted toward the interests of an industry in which the Vice President was once a central player.'' Scalia admits that recusal might be in order where the personal fortune or the personal freedom of the friend is at issue. And Dionne writes that one should not worry because what is at stake here are only CHENEY's political fortunes, the interests of the industry that CHENEY once worked for, and the public's right to know, and that is no big deal.

But it is a big deal. Vice President CHENEY should have realized the conflict of interest and declined to join the Supreme Court Justice once he knew the Supreme Court would be hearing CHENEY's case. I do not know. It just does not seem like Vice President CHENEY cares and he just basically will do anything to ensure that the records of his energy task force are never made public.

I would like to ask a question because, again, this is the energy task force, remember, put together by the Vice President that put together the energy legislation that my colleagues on the other side are saying is a good bill and is something that we should pass here again this week. But I have to say if all that is true, if it is such a great bill and if they continue to tout, as my colleagues did just before I spoke tonight, how wonderful this legislation is that came out of this task force, then what are they trying to hide? What is the Vice President trying to hide? Why does he not just say who was on the task force and when the task force met and what they did? Why would anybody have a problem with it if my colleagues on the Republican side think that this is such a great bill that is going to benefit the American people?

But I think we have to think about it. Would it be an embarrassment maybe to the Bush administration to have to admit that every member of this task force was an oil or gas executive? I do not think so. I mean I think that is pretty obvious. I do not think they are trying to hide that in any way. I think that would be nothing new. So there has to be something else that they are trying to hide. What is so damaging in these documents?

And I would venture to ask could it be that somewhere within these documents there is proof that the Bush administration was looking at taking out Iraqi leader Saddam Hussein in order to take control of that nation's rich oil reserves? I am not just saying that as a matter of speculation. There is some evidence that that may be, in fact, the case.

Former Treasury Secretary Paul O'Neill stated in a book that he wrote recently that Vice President CHENEY strongly suggested U.S. intervention in Iraq well before the terrorist attacks of September 11. Then this spring President Bush's former top anti-terrorism adviser also talked about how almost from day one the Bush administration was consumed with taking out Saddam Hussein.

It began back in 2001, months after the new administration came to power. Clarke says that he had been trying to schedule a cabinet-level priority meeting on terrorism. His first opportunity was a meeting with Deputy Secretary of Defense Paul Wolfowitz, and Clarke said that he started the meeting by saying that we needed to deal with bin Laden. And Wolfowitz's response: ''No. No. No. We don't have to deal with al Qaeda. Why are we talking about that little guy? We have to talk about Iraqi terrorism against the United States.''

Clarke then responded to Wolfowitz: ''Paul, there hasn't been any Iraqi terrorism against the United States in 8 years.'' Clarke turned to the deputy director of the CIA, who agreed with his assessment.

This conversation took place 3 months after Bush and CHENEY took control of the White House. Clarke's assessment seems to support that of former Treasury Secretary Paul O'Neill.

Clarke goes on to detail conversations with both President Bush and Defense Secretary Rumsfeld after 9–11. Both wanted to go after Iraq and Saddam Hussein. Additional evidence exists that CHENEY played an early planning role in the war in a National Security Council document dated February 3, 2001, months before September 11. According to a report in New Yorker Magazine, the document, written by a high National Security Council staffer, directed the NSC staff to cooperate fully with the energy task force as it considered the melding of two seemingly unrelated areas of policy: the review of operational policies towards rogue states, such as Iraq, and actions regarding the capture of new and existing oil and gas fields.

So now we have the melding of the national security policy and the energy task force policy. This document that I mentioned is essentially instructing the National Security Council staff to fully cooperate with the energy task force in melding together two different policies, one, a foreign policy towards Iraq versus an energy policy towards Iraq, and once again the document mentions the review of actions regarding the capture of new and existing oil and gas fields.

Does this mean, Mr. Speaker, that somewhere within the energy task force documents there is a possible strategy towards taking control of Iraqi oil and gas fields? Keep in mind this was before 9–11 and well before the administration now claims it began looking into the possibility of going to war against Iraq.

So my question is, Mr. Speaker, does Vice President CHENEY want to keep

his energy task force secret because he does not want to admit that the administration was exploring ways of taking out Saddam Hussein before 9–11 strictly for the purpose of taking control of Iraq's oil fields?

I do not know the answer to that question, Mr. Speaker, and I do not think the American people know either. But the reason we do not know is because Vice President CHENEY again refuses to allow the American people to see these documents of the energy task force.

Another possibility, and again I am not just speculating, there is some evidence, is whether these energy task force documents were potentially hiding documents involving Enron. Could it be that the Bush administration also wants to keep the records of its energy task force secret because it wants to continue to distance itself from the Enron scandal? According to a 2002 report by the Committee on Government Reform, seven of the eight recommendations that then Enron Chairman Ken Lay gave to Vice President CHENEY miraculously made their way into the final energy task force report. Back in January, 2002, the San Francisco Chronicle released a memo given by Enron Chairman Lay to Vice President CHENEY at a meeting on April 17, 2001. Enron's memo contains recommendations in eight areas. In total, the White House energy plan adopts all or significant portions of Enron's recommendations in seven of these eight areas. Enron representatives had six meetings with the White House energy task force, including four meetings that occurred before release of the final report. The White House has consistently refused to disclose what Enron requested during these meetings. And despite all these meetings and the fact that Enron Chairman Ken Lay was President Bush's largest financial supporter, another reason the administration may want to keep these documents secret is that they do not want the American people to see more collaboration between the Bush administration and former Enron executives.

□ 2350

Now, once again, Mr. Speaker, I do not know whether or not these documents would reveal the collaboration between Enron and President Bush, and neither do the American people. But we will never find out if the documents continue to remain secret.

Mr. Speaker, I would like to conclude this evening, and, of course, I listened to some of the comments that my colleagues on the Republican side made earlier before I spoke about energy policy, but I wanted to say, Mr. Speaker, if the Republicans really want to address our Nation's current energy crisis, which they say they do, then they should finally wrestle legislation authorship away from the oil and gas executives and craft bipartisan legislation between Democrats and Republicans that truly modernizes our Nation's energy needs and finally ends our dependence on foreign oil.

The Republicans have to get away from the special interests and get away from writing legislation that just is for the benefit of the oil and gas executives. Otherwise, we are never going to see something pass here that actually helps the average American.

The facts about the Republican energy bill are clear: It provides billions in benefits to companies run by over 20 executives who have raised more than $100,000 each for the President's reelection campaign. One thing we do know, is when the policy was being written, the task force met with 118 energy groups, but only 13 environmental groups, and only one consumer group. Based on those statistics, who do you really think would benefit from this Republican energy bill?

For over 3 years, Democrats have been fighting for a short-term plan to bring down high prices and a long-term plan for energy independence. We want to create a more reliable power grid, reduce our dependence on foreign oil and encourage research on new energy technologies and alternative fuels. Democrats want to lower gas prices. We want to force OPEC to make a meaningful increase in production, and we want to defer deliveries of oil to the Strategic Petroleum Reserve and put it into the marketplace.

Lastly, and maybe most important, we want the FTC, the Federal Trade Commission, to investigate, to make sure that oil and gas companies are not working together to keep prices high.

In my opinion, Mr. Speaker, the Republicans are doing everything they can to create a diversion. This week with their Energy Week they are creating a diversion and trying to shift attention away from their failed energy policy. I have often said they are in the majority; they are the majority here, they are in the majority in the other House, and they also have a Republican President. If they pass a bill here which they think is a good bill, then why is it they cannot pass it in the Senate where they have the majority?

Why is it they cannot collectively pass a good energy bill? The reason is, it is not a good bill. It is a terrible bill. The other body will not pass it because they know it is not a good bill.

What we have here is a failed energy policy, and this Republican Energy Week is nothing more than an effort to create a diversion, to keep passing the same old legislation in different forms. But, again, it is not working. This is a ruse by the Republican leadership. Americans know that it is not working, and they are reminded of it every time they fill their tank and see the high gas prices.

So I would say to the Republicans, stop fooling around; stop with this mockery, if you will, of the legislative process by keep passing the same failed legislation. Nobody out there is paying any attention. Americans realize that gas prices are high and that nothing is happening here in Congress to make a difference.

Instead, the Republicans should sit down with the Democrats on a bipartisan basis and try to put together an energy policy that will really work to lower gas prices and to reduce our dependence on foreign oil, particularly Mideast oil, and, until they do that, no one is going to seriously believe that their so-called Energy Week really matters or makes any difference.

RECESS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

NOTICE OF ADOPTION OF AMENDMENTS TO THE PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 16, 2004.

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

DEAR MR. SPEAKER: This transmittal letter supersedes the transmittal letter of June 15, 2004.

Section 303(a) of the Congressional Accountability Act of 1995 (''Act''), 2 U.S.C. 1383(a), the Executive Director of the Office of Compliance shall, ''subject to the approval of the Board [of Directors of the Office of Compliance], adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.'' The Executive Director and Board of Directors of the Office of Compliance are transmitting herewith the enclosed Amendments to the Procedural Rules of the Office of Compliance for publication in both the House and Senate versions of the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal. See 303(b) of the Act, 2 U.S.C. 1383(b).

The amendments to the Procedural Rules of the Office of Compliance shall be deemed adopted by the Executive Director with the approval of the Board of Directors on the date of publication of this Notice of Adoption of Amendments to Procedural Rules on both the House and Senate versions of the Congressional Record.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, DC 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.

WILLIAM W. THOMPSON II,
Executive Director.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

INTRODUCTORY STATEMENT

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944.

As specified by the Congressional Accountability Act of 1995 (''Act'') at Section 303(b) (2 U.S.C. 1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

On February 26, 2004, the Board of Directors of the Office of Compliance caused a Second Notice of Proposed Amendments to the Procedural Rules to be published in the Congressional Record at H693 and S1671. The Second Notice included changes to the initial proposed amendments, together with a brief discussion of each proposed amendment, and afforded interested parties another opportunity to comment on these proposed amendments. (The Second Notice was also published in the House version of the Congressional Record on February 24, 2004. However, because the Senate did not publish the Second Notice on that date, the Second Notice was published on February 26, 2004.)

The comment period for the Second Notice of Proposed Amendments to the Procedural Rules ended on March 25, 2004. The Board received a number of additional comments regarding the proposed amendments.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice and the Second Notice, have made certain additional changes to the proposed amendments *inter alia* in response thereto, and herewith issue the final Amendments to the Procedural Rules as authorized by section 303(b) of the Act, which sates in part: ''Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.'' *See* 2 U.S.C. 1383(b).

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These amendments to the Rules of Procedures are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

HOW TO READ THE AMENDMENTS

The text of the amendments shows changes to the preexisting text of the Procedural Rules as follows: *[*deletions within italicized brackets*]*, *and added text in italicized bold.* Only subsections of the rules which include amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not amended, please access the Office of Compliance web site at www.compliance.gov.

Included with these amendments are "Discussions" which are not part of the Procedural Rules, but which have been added to provide additional information regarding the adoption of these amendments to the Procedural Rules.

DISABILITY ACCESS

This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice is also available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540; 202–724–9225; TDD: 202–426–1912; FAX: 202–426–1913.

PART I—OFFICE OF COMPLIANCE RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and As Amended by the publication of this Notice of Adoption of Amendments to the Procedural Rules on June ____, 2004.

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§9.07 Revocation, Amendment or Waiver of Rules

* * * * *

§1.03 Filing and Computation of Time.

(a) *Method of Filing*. Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

Discussion: The Office is beginning the process or migrating to electronic filing of documents. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or fled by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility in the use of comparable document delivery services is needed.

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding; Formal Request for Counseling*. In order to initiate a proceeding under these rules, an employee shall ***[***formally***]*** ***file a written*** request ***for*** counseling ***[***from***] with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All ***[***formal***]*** requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: Requiring a written request for counseling provides the Office with documentation of the request. Such documents remain confidential, as required by section 416 of the Act, and by the Procedural Rules.

* * * * *

(c) *When, How, and Where to Request Counseling*. A ***[***formal***]*** request for counseling ***must be in writing, and [***: (1)***]*** shall be ***[***made***] filed*** **pursuant to the requirements of section 2.03(a) of these Rules** ***with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999, [telephone 202–724–9250;] FAX 202–426–1913; TDD 202–426–1912***, not later than 180 days after the alleged violation of the Act***.[***;***] [***(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.***]***

Discussion: This amendment conforms to the amendment at section 2.03(a).

* * * * *

(l) *Conclusion of the Counseling Period and Notice*. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery evidenced by a written receipt.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police*.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within ***[***10***] 60*** days after the expiration of the period recommended by the Executive Director, if the matter has not ***[***been resolved***] resulted in a final decision***; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, ***the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure. [***or i***] I***f no request to return to the procedures under these rules is received within ***[***the applicable time period***] 60 days after the expiration of the period recommended by the Executive Director,*** the Office will ***[***consider the case to be closed in its official files***] issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.***

Discussion: Section 401 of the Act authorizes the Executive Director, "after receiving a request for counseling . . . [to] recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation." The extension of the grace period in the case of a matter which has not been concluded in 60 days provides the parties additional time to complete the grievance process. The issuance of a Notice of End of Counseling rather than the administrative closure of a matter ensures that no employee inadvertently loses the opportunity to continue to pursue a matter, which has not been successfully concluded through the agency grievance procedure. If an employee notifies the Office of a desire to return to the Office dispute resolution procedure pursuant to subsection (ii) above, the time remaining in counseling shall not include any time between the filing of the request for counseling, and the date of issuance by the Executive Director of a recommended referral. Thus, for instance, if the Executive Director recommends referral 5 days after the filing of a Request for Counseling, the time remaining in counseling as of the date the Office receives a notification of return would be 25 days.

2.04 Mediation.

. . . . .

(e) *Duration and Extension*.

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***or of the appointed mediator on behalf of the parties to the attention of the Executive Director.*** The request ***[***may be oral or***] shall be*** written and ***[***shall be noted and***]*** filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: This amendment authorizes a mediator or both parties to submit a request for extension. The Office will accept joint requests by the parties in which the signature of a party has been authorized to be executed by the other party, as long as that authorization is stated in the submission.

* * * * *

(i) *Conclusion of the Mediation Period and Notice*. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be [hand] personally delivered, evidenced by a written receipt,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court. The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.

Discussion: The Office of Compliance is required by the Act to educate Members of Congress, employing offices, and employees regarding their rights and responsibilities

under the Act (section 301(h)); to ensure that an employee has not filed both a District Court and an administrative complaint in violation of section 404; and to monitor any judicial interpretation of the Act or review of Office regulations pursuant to sections 408 and 409. Requiring such notice by a party to a matter which has been processed through counseling and mediation before this agency pursuant to a duly promulgated rule of this agency does not violate any applicable attorney rule of professional conduct.

* * * * *

§ 5.03 Dismissal, *Summary Judgment,* and Withdrawal of Complaints.

. . . . .

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

Discussion: This amendment clarifies the existing authority of Hearing Officers to issue summary judgment or partial summary judgment.

(d***]e***) *Appeal.* A ***[***dismissal***] final decision*** by the Hearing Officer made under section 5.03(a)-***[***(c)***] (d)*** or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. ***A final decision under section 5.03(a)-(d) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.***

Discussion: This amendment clarifies that any final decision which does not completely dispose of a matter will be treated as an interlocutory appeal.

(***[***e***]f***) . . . . .

(***[***f***]g***) . . . . .

* * * * *

§ 7.02 Sanctions.

(a) The Hearing Officer may impose sanctions on a party's representative necessary to regulate the course of the hearing.

Discussion: This rule is procedural. The Office of Compliance is required by section 405(d)(3) of the Act to conduct its hearings "to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of [the Administrative Procedure Act found at] title 5, United States Code." The phrase "necessary to regulate the course of the hearing" is derived from section 556(c)(5) of the Administrative Procedure Act, 5 U.S.C. 556(c)(5). Agency tribunals operated under the Administrative Procedure Act possess broad authority to regulate the practice and conduct of attorneys and other representatives appearing on behalf of parties to proceedings before them.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

(***[***a***]1***) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

(***[***1***]a***) . . . . .

(***[***2***]b***) . . . . .

(***[***3***]c***) . . . . .

(***[***4***]d***) . . . . .

(***[***5***]e***) . . . . .

(***[***6***]f***) . . . . .

(***[***7***]g***) . . . . .

(***[***b***]2***) . . . . .

(***[***c***]3***) . . . . .

* * * * *

§ 8.01 Appeal to the Board.

. . . . .

(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the appellee's responsive brief, the appellant may file and serve a reply brief.

(3) Upon written delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any post petition for review document or-submission with the Board in any case in which the Executive Director has not rendered a determination on the merits. Such delegation shall continue until revoked by the Board.

Discussion: This ministerial delegation is not a "substantive" rule. The extension of filing deadlines is limited to the parameters of a written authorization from the Board, and cannot affect the requirement of section 406(a) that a party must "file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office."

* * * * *

§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number.* One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or a party to any other matter or determination reviewable by the Board*** files an appeal ***or other submission*** with the Board, one original and seven copies of ***[***both***]*** any [appeal brief***] submission*** and any responses must be filed with the Office. ***The Office[r], Hearing Officer, or Board may also request a party to submit an electronic version of any submission [on a disk] in a designated format, with receipt confirmed by electronic transmittal in the same format.***

Discussion: The addition of the phrase "or other matter or determination reviewable by the Board" references those controversies over which the Board has jurisdiction, but which are not initially determined before a Hearing Officer. These other matters or determinations include collective bargaining representation and negotiability determinations made by the Board pursuant to Part 2422 of the Office of Compliance Rules, review by the Board of arbitration decisions pursuant to Part 2425 of the Rules, determination of bargaining consultation rights under Part 2426 of the Rules, requests for statements of policy or guidance by the Board under Part 2427 of the Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor of Labor Management Relations pursuant to Part 2428 of the Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the Rules. Some of these matters are addressed to the Board in the first instance. Submission by electronic version is an option in addition to the existing methods for filing documents. See also amended rule 1.03(a), supra. This addition reflects the decision of this agency to begin migrating toward electronic filing of submissions. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

§ 9.03 Attorney's fees and costs.

(a) *Request.* No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer. T***he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. ***Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer. A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.***

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

* * * * *

§ 9.05 Informal Resolutions and Settlement Agreements

. . . . .

(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§ 9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 4050, 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§ 9.07 Revocation, Amendment or Waiver of Rules.

. . . . .

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8544. A letter from the Director, Economic and Policy Analysis Staff, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill — Conservation Reserve Program — Long-Term Policy (RIN: 0560-AG74) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8545. A letter from the Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Timber Sale Contracts, Modification of Contracts (RIN: 0596-AC16) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8546. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Definition of Animal [Docket No. 98-106-3] (RIN: 0579-AB69) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8547. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Plum Pox Compensation [Docket No. 00-035-3] (RIN: 0579-AB19) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8548. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Spring Viremia of Carp; Payment of Indemnity [Docket No. 02-091-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8549. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. 04-038-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8550. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas [Docket No. 04-025-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8551. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 04-036-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8552. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerance [OPP-2004-0174; FRL-7362-9] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8553. A letter from the Chairman and Chief Executive, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; OFI Lending (RIN: 3052-AB96) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8554. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2004-IA-0001; FRL-7672-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8555. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for Virginia [FRL-7658-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8556. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for West Virginia [FRL-7657-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8557. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound [IL218-2a; FRL-7661-8] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8558. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Volatile Organic Compounds and Nitrogen Oxides Motor Vehicle Emissions Budgets for Conformity for the El Paso Ozone Nonattainment Area [TX-70-2-7347a; FRL-7672-7] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8559. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementaiton Plan [GA-62, GA-64-200418; FRL-7672-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8560. A letter from the Chief Counsel, Foreign Assests Control, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Traffickers. — received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8561. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8562. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2005 Annual Performance Plan; to the Committee on Government Reform.

8563. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8564. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8565. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8566. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled ''Review of the Financial Operations of the Village Learning Center Public Charter School''; to the Committee on Government Reform.

8567. A letter from the Chairman, Securities and Exchange Commission, transmitting the Office of Inspector General Semiannual Report to Congress and Management's Response for the period of six months ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8568. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8569. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office of Compliance for printing in the Congressional Record, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

N O T I C E

Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, JUNE 16, 2004 No. 83

Senate

The Senate met at 9 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, change and decay encompass us, but You alone are changeless. Transform us by the renewing of our minds so that we may do Your work. Set our affection on eternal things to enable us to keep life's vicissitudes in their proper perspective. Give us the grace to find the time to reflect on Your wisdom and to discover Your plans.

Deliver our lawmakers from reflex conformity that aborts Your providence. Teach them to decide based on enduring principles that have stood the test of time. Renew their strength and give them vigor for life's emergencies and patience for the sometimes pedestrian monotony of daily labors. Reveal to us life areas that need Your touch. Illuminate all of our paths that we may walk in Your truth.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Today the first 30 minutes of morning business will be under the control of the minority, to be followed by 30 minutes under the control of this side of the aisle. Following this morning business period, the Senate will resume consideration of the Defense authorization bill. The agreement reached last night allows for 30 additional minutes of debate prior to a vote in relation to the amendment of Senator DODD relating to the use of contractors and the custody of prisoners. Therefore, that vote can be expected shortly after 10:30 this morning.

Last night, Senators WARNER and LEVIN began working through a list of amendments and potential time agreements. Real progress was made. We will continue those discussions this morning to see which amendments both sides are prepared to vote on over the course of today. I hope we can have another productive day today and dispose of a number of these defense-related amendments prior to this evening's commitment.

Having said that, we are coming to the close of our third week of consideration of this bill. We have had somewhere around 78 amendments offered, and we have disposed of 74 of those 78 amendments. I do appreciate the effort of my Democratic colleagues to facilitate moving toward closure on this bill. I know they, working with Chairman WARNER, are doing everything possible to narrow the list of remaining amendments. Both sides are working hard in that regard. They must continue to do that because we have a number of amendments still before us.

I have not ruled out filing cloture on this Defense bill if it becomes necessary, just from a management perspective. Obviously, it would be easier if we could see an end point to the amendments and know that we can complete this bill in a short timeframe. So, again, I encourage everyone to show restraint in the amendment process. Over the course of the day, the leadership on both sides will monitor the course of the bill.

We will likely revisit our situation on the bill later today and see if there is an end point that is near, something to which we can agree. If not, then cloture may be necessary to bring the bill to conclusion.

As a reminder, we will stack judicial nominations for votes throughout the day as well. As always, Members will be alerted as these votes are set.

VISIT TO IRAQ

Mr. FRIST. Mr. President, I have a few remarks on leader time that have to do with a discussion I began on Monday, and that is a followup on a trip about 12 days ago to Iraq. Again, we awoke today to increased terrorist activity in Iraq, with assassination and with sabotage of the oil supply lines there. I am saddened by the fact we see this terrorist activity, but I will have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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to say, as I said on Monday, this increased terrorist activity was anticipated. It is unfortunate we have to anticipate this increased terrorist activity, but it was very clear from our discussions with the Iraqi leadership, as well as with our civilians and military leadership in Iraq, that the terrorists' goal is to do everything possible to obstruct this rule of law, to obstruct this transfer of power, this transfer to sovereignty, this transfer from us being an occupying force to a mission.

It is not aimed just at the United States or just the coalition, or not just the new Iraqi interim government, but it is ultimately aimed—and this is from the Iraqi leadership perspective—at the Iraqi people.

The trip we took was with Senator BENNETT and Senator ENSIGN. We did have the opportunity just a few days after the appointment of the new Prime Minister to meet with the Prime Minister and have an extended discussion. The new Prime Minister is Dr. Ayad Allawi. He is a neurologist by training. He is someone who 3 weeks ago did not anticipate being the new Prime Minister.

As I said earlier in the week, what we found in our discussions with our leaders there, but even more importantly with the Iraqi leadership, is that in spite of this anticipated and actual occurrence of increased terrorist activity—really since late March, and it will likely extend until several weeks or maybe longer after passage of sovereignty on June 30—was a lot of optimism and a lot of confidence in this new interim government. That optimism was tempered with caution and hope, but it was also paired with a real determination to succeed. Backing down in response to these terrorists is simply not an option. That is what the Iraqis told us, what the new Iraqi interim government told us.

In addition, we were encouraged by the confidence that our civilian leaders, Ambassador Bremer and his colleagues, have in the new ministers, or 33 of these new ministers who have been appointed, as well as the new Iraqi leadership, the Prime Minister, the President, who was here last week, and with whom the Democratic leadership and our leadership had an opportunity to meet. It is this interim government to whom we will be passing sovereignty on June 30. So to hear this confidence come from people who are on the ground in Iraq, the Iraqi people, as well as our leaders, again, was very reassuring to us.

Dr. Allawi has been a longstanding opponent of Saddam Hussein's regime.

He is a man of great character, and he is widely respected throughout Iraq. He made it very clear to us that he shares our strategic goals—strategic goals which become a partnership in many ways.

In our meeting with the Prime Minister, he stated very clearly that we—he spoke in terms of ''we,'' the Iraqi people, the Iraqi government and the United States and the coalition—must again and again come back to what we and they are fighting for; that is, freedom and human rights and the rule of law.

This fight on terrorism is one that he knows will be long. He says it is now an Iraqi responsibility, and if these acts of terrorism are acts of terrorism against the Iraqi people and their hope for prosperity and their livelihood—and he would be saying that again and again as Prime Minister, and indeed he has done that over the last several days. He said there are some in Iraq who want to destabilize Iraq, that tyranny works hand in hand with terrorism. He said Iraq has a responsibility at this point to confront this evil in the region and the world; that Iraq needs help but it is Iraq's responsibility.

He was quite clear. The forces aligned against us understand that if Iraq is successful and succeeds in establishing the rule of law, those forces are defeated, but if Iraq fails as a state, then terrorism may be uncontrollable there—but also throughout the Middle East. He told us that a healthy Iraq will lead to a healthy and more stable Middle East region.

He also made clear that Iraq cannot succeed without the assistance of the United States, the international community, and the coalition forces.

He outlined to us various processes that must be worked in parallel if Iraq is to succeed in rebuilding the Iraqi institutions that were hurt, destroyed, and run in the ground by Saddam Hussein. We talked about the court system, the police force, the transformation of Iraqi society, and ensuring that political reform leads to Iraqis choosing their own leaders.

He said these two goals are, No. 1, security, and No. 2, free elections.

As we all know, this interim government will serve for a period of about 6 months at which time free elections will take place in January of next year.

A fourth point he made is to pursue economic development.

Again, he came back to the terrorists—that the terrorist activity there and the fighting going on there discourages investment in Iraq.

A major goal of the Prime Minister is to build consensus so that in Iraq a national identity will prevail. Their goal, though, continues to be hindered by Saddam's policy of divide and rule that Saddam purposely used to fracture Iraq over decades.

The Prime Minister said we need to help the country in order to move forward, and to do that we need to put that Iraqi face on security, to put that Iraqi face on the reconstruction and other efforts to rehabilitate the country.

He assured us that under the new leadership of the interim Iraqi government which will occur that it will be the Iraqis who will be telling the Iraqi story.

The central part of the Prime Minister's policy will be to combat terrorism.

We very quickly moved into the importance of having a strong judicial system—a strong rule of law to support the system, as he described it.

He pointed out that Iraq must improve and expedite the training of police and security forces in the country. He thanked us for providing tremendous assistance as they rebuild that police and security force.

Iraq needs to take steps with the help of its neighbors to tighten border controls and stop terrorist trafficking.

The Prime Minister also intends to make clear to the Iraqi people that the terrorist attacks we are seeing on this infrastructure—such as the tragedy of the sabotage of the oilfields over the last 24 hours—are attacks on the Iraqi people. He says this again and again—that terrorism hurts the Iraqi people, and thus it is the responsibility of the Iraqi people to come back and confront the terrorists.

As we wrapped up our meeting with the Prime Minister, he very soberly said that as Iraq moves closer and closer to democracy, the more the terrorists will attack. Indeed, that is exactly what we are seeing over the last several weeks since late March, and again will likely continue for the next several weeks.

He wanted us to understand that he and most Iraqis deeply appreciate the sacrifices that the United States of America has made for his country, for freedom, for rule of law, and for that move toward democracy.

Thus, while the road ahead will be difficult, the Iraqi people we believe—having just been there—are fortunate to have such a dedicated public servant with his vision and the will to work toward a free and democratic Iraq. The Iraqi people have a true leader in Prime Minister Allawi.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that our 30 minutes of morning business be divided as follows: Senator BENNETT for 15 minutes, Senator CHAMBLISS for 8 minutes, and Senator DEWINE for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING 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 under the control of the Democratic leader or his designee and the second half under the

control of the majority leader or his designee.

Who seeks recognition?

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Democrat time this morning will be dispersed as follows: 8 minutes to Senator LINCOLN, 8 minutes to Senator CORZINE, and 8 minutes to Senator HARKIN. We will reserve the rest.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

AMERICAN SPIRIT

Mrs. LINCOLN. Mr. President, we have so much to do in this body and so much to talk about. But I can't think of anything more important for us to talk about than relieving the stress on working families and the American people.

We had a joint session yesterday where we heard the President of Afghanistan who very joyously spoke of the brilliant spirit of the American people. I think if we look at that brilliant spirit and what composes us as American people and the things we are able to do, it ultimately depends on what makes us the kind of people we are.

I rise today to pay tribute to the American people. For well over 200 years, the American people have proven their ability to overcome all manner of obstacles. At times they have done so with the help of their duly elected government officials, and at times they have done so in spite of their duly elected government officials. But either way, in the end, the spirit and character of the American people move this Nation toward a greater realization of the principle written about by Thomas Jefferson over 228 years ago.

I am not normally a betting person, but I say that putting your money on the American people is about as close to a sure bet as you are going to get.

In 1945, when millions of soldiers came home from the war, this Nation put its money on the American people, and it gave those who served this country the GI bill so they could educate themselves and make a better life for them and for their families. That investment helped to create an economic boom the likes of which this Nation has never seen—not to mention the talented minds that were nurtured and those who were given the opportunity to reach their potential. Millions of families were able to raise their economic standing and take part in the American dream. That economic expansion is one of the clearest examples that investments in education can pay off.

As I mentioned, we have many issues to talk about, much to do for the security of our Nation and the people. One of the key factors in making sure we deal with these issues and we have the ability to provide the security—whether it be economic, whether it be social, or whether it be the values and simple security of families in this country—depends on the American spirit. It is simple. If we invest in the American people, the American people always bring this Nation a good return.

Now we are faced with new economic realities and new challenges in an information age as well as an age where wars will be fought in many different ways than what we have seen in the past. The question is, Are we investing in the American people the way we once did in 1945? Are we providing for another of the greatest generations of Americans, or are we missing the opportunity to provide for the children of today who will be the future of this country?

Last month I was in Garland County, AR, for the grand opening of the new Head Start Center there. It was a proud day for me. The center was named in my honor, but it was not just because the center would be associated with my name that I was proud, but more importantly because my name would be associated with a center of learning. I remarked that day that programs such as Head Start were practical ways we could provide opportunity for working mothers to raise their economic standing, to eliminate some of the stress on these working families, these working American families who are at the base of what this Nation is all about. Head Start can be the difference between a family becoming part of the economic mainstream. When mothers have a nurturing place to send their children, they can go to work or to school with the kind of confidence they need to reach their potential. They are not put in the terrible position of having to choose between employment and the safety or health of their children.

With the rise we are seeing in both child abuse and neglect because of the cuts in so many vital assistance programs, the need for childcare is at an alltime high in this country. More than just relieving the stress of finding good childcare, a program such as Head Start helps to prepare children for a lifetime of learning.

Everyone knows the more you learn, the more you earn. In seeing the children in that Head Start Program walking by, all of those little 4-year-olds with their Styrofoam cup, with their individual toothbrush in their hand, so proud they were learning something that was going to be a part of their life forever—good dental hygiene. It is not just teaching reading, writing, and arithmetic; it is teaching these children how to be a person who can then contribute their whole potential to their community and Nation. They returned from having brushed their teeth with this huge smile on their face about what they had learned.

These are programs vital to this country and its well-being. Families in Arkansas recognize the hope that programs such as Head Start and childcare assistance programs provide. Right now, 800-plus Arkansas families are waiting for childcare assistance. Think of that. There are 800 families in line for hope in reaching the American dream. However, for some reason this administration does not want to give that hope a chance. In the President's budget request, almost 40 programs to help low-income working families make that transition into the economic mainstream through programs such as Head Start were not adequately funded.

In addition to cutting programs to help working families, this administration has failed to fully fund the bipartisan No Child Left Behind Act. Last year, No Child Left Behind was underfunded by as much as $9 billion. I supported No Child Left Behind because I believed that with proper funding it would give children an opportunity to reach their full educational potential. I still believe that it can be an effective engine of reform in our public education system. For that reform to be effective, it is going to require significant investment, which so far has not been forthcoming from this administration.

Unless we make education a priority, an entire generation of Americans could miss out on the American dream. The fact is our economy has changed, but our approach to supporting and funding education has not. We are training our children to take on manufacturing jobs that no longer exist or are quickly disappearing. Not only are we losing manufacturing jobs, but now technical and highly skilled tasks are leaving our shores for cheaper highly educated workers. We can no longer settle for doing what we have always done.

This administration believes we can have champagne for the price of beer. The reality is, if you poorly fund education, you get a poor educational system.

But the good news is that if you properly fund education—from Head Start through high school—the chances of a world class education system go up exponentially.

If we are to give working mothers, fathers and their children an opportunity to live the American dream we must invest in their future.

As I said at the outset, every time we have put our money on the American people it has paid off. Let's take that bet and make the investment one more time.

I believe the children of today who are the brilliant spirit of the American people of the future, are worth the investment.

Mr. REID. I yield 4 minutes to the Senator from Florida, Senator NELSON.

FLORIDA VOTING ROLLS

Mr. NELSON of Florida. Mr. President, I call to the attention of the Senate the potential disaster in the making with regard to the Presidential election in the State of Florida. Everyone in the country knows what we went through 4 years ago in the Presidential election. It ended up being the difference of 537 votes that then cast Florida's electoral votes to decide the national Presidential election.

To the great surprise and dismay of many registered voters who arrived at the polling places ready to cast their votes 4 years ago, they were told their names had been struck from the voting rolls because they were convicted felons, when, in fact, they were not. They had a similar name, like John Doe or Jane Doe, that was on a list of 100,000-plus convicted felon names that had been sent out to the 67 county election supervisors. They had struck these names.

Members of the Senate, we have a disaster in the making again. The State of Florida has now sent out a list of 48,000 convicted felons whose names are to be struck from the voting rolls when, in fact, the matches are not guaranteed. To the contrary, several election supervisors have already received the list and noticed, in fact, they have employees in their own offices who were to be struck. They are not convicted felons.

We simply cannot allow this to happen. This raises questions about our ability to cast our vote in a Presidential election.

Mr. REID. Will the Senator yield?

Mr. NELSON of Florida. I certainly yield to the distinguished Senator from Nevada.

Mr. REID. I appreciate very much the Senator bringing this matter to the attention of the Senate and the country.

I have strong views that if someone has been convicted of a crime and has fulfilled the terms of the sentence by that court and completed their probationary period or period of parole, that person should be able to vote. If a sentence is too short, give them longer sentences. But if someone, in effect, has been punished and completed their terms of punishment—retribution, call it whatever you want—that person should be able to vote.

It should be a national law that when someone completes the terms of their imprisonment, parole, probation, they should be able to vote. It is unfair to people who are trying to get back on their feet to not be able to be part of the American system. That is what we want them to do. We send them to prison to be rehabilitated. Part of their rehabilitation is the ability to vote.

Would the Senator acknowledge there is some merit to my statement?

Mr. NELSON of Florida. The Senator has pointed out an underlying principle of fairness. Florida is only one of seven States that has a process whereby a convicted felon has to restore their voting rights.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. REID. Mr. President, 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Senator.

I conclude by saying to the Senator from Nevada, it is important. This is another principle that is about to be violated; that is, the principle of the right to vote—that if you are a registered voter, and you get to the voting precinct, you find you cannot vote because your name has been mistakenly struck because it happens to be a match with the name of a convicted felon under another Florida law.

So what I have done is filed a friend of the court brief, an amicus curie, along with the CNN suit against the State of Florida that says the public ought to have a right to inspect those voting rolls and those lists of 48,000 names to be struck.

The State of Florida says, under a law, the public cannot inspect those records and copy them. I hope the suit will be successful in declaring the law unconstitutional and remove this cloud from our ability to vote.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from the great State of Iowa.

Mr. HARKIN. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes.

Mr. HARKIN. I thank the Presiding Officer.

HAMMERING THE MIDDLE CLASS

Mr. HARKIN. Mr. President, what we see happening in America today, after 3½ years of this administration, is what I call the middle-class squeeze, a squeeze which has been tightened incredibly by the policies of the Bush administration. The truth really is, it is not so much they are being squeezed, the middle class is actually being hammered.

Think about it. Since Mr. Bush took office in January of 2001, nearly 2 million private sector jobs have been lost, putting downward pressure on wages and salaries. There has been some job growth over the last couple of months, but just since the passage of the 2003 tax bill, 11 months ago, our economy created 1.2 million fewer jobs than the President's own Council of Economic Advisers predicted would be created without the tax bill. We have 2 million fewer jobs than what they predicted if they passed the tax bill.

Now, again, there have been a few jobs in the last couple months. Of course, when the glass is dry, a drop of water seems like an ocean. That is what we have had. We have had a couple drops of water. We have had a couple months of job growth, but you don't judge an administration by 2 months, you judge it by 4 years, and over 4 years we have lost almost 2 million jobs. That is not even the half of it.

Family income has fallen 2 percent. Housing prices have increased 18 percent. Health insurance premiums are up 50 percent. Utility bills are up more than 15 percent. Credit card fees have doubled. And, in large measure, because of the Bush tax cuts and their negative impact on our State budgets, college tuition, under the Bush administration, is up a whopping 35 percent.

Do you know who pays college tuition? The middle class. Meanwhile, as the middle class gets squeezed, Mr. Bush's base has never had it so good. I refer my colleagues to an article in yesterday's Wall Street Journal titled "U.S. Led a Resurgence Last Year Among Millionaires World-Wide." This article, in yesterday's Wall Street Journal, reports that the number of North Americans with over $1 million in financial or liquid assets increased by 13.5 percent last year, and their assets increased by 13.6 percent. At the same time, the wealth of the ultra-high net worth individuals—those with over $30 million in assets—grew to a total of $2.5 trillion.

In the last 3 years, corporate profits are up over fourfold—62 percent over the past 3 years—but private wages are actually down. When we look at all compensation, private wages are less than one-third of normal growth.

It says in this journal article that the number of millionaires in the U.S. is up, as I said, 14 percent—actually 13.6 percent—and that "the U.S. and Canada together added more new millionaires last year than Europe, Asia, Latin America, and the Middle East combined."

Well, so much for the Bush tax breaks for the wealthy. That is exactly who they are helping. Clearly, the President's policies—tax cuts for the rich, lower taxes on investment income—are working for those at the top, but it is not working for those on Main Street. This administration is ignoring Main Street. It might be listening to Wall Street, but it is ignoring Main Street. Quite frankly, what Main Street is telling us, loudly and clearly, is that their No. 1 concern is economic security.

In the State of Iowa and across America, despite all the happy talk about the economy, people fear losing their jobs, their retirement, their health care. They are also worried about losing their right to time-and-a-half overtime. With the Labor Department's new overtime rule, people will be obligated to work 45, 50, 55, 60 hours a week with zero additional compensation. That is what is happening to the middle class.

Basically, it is hitting women more than anyone else. This is one group disproportionately harmed by the proposed new overtime rules. Why? Because the fact is, women tend to dominate in retail services and sales positions that would be particularly affected by this new overtime rule.

Married women increased their working hours by nearly 40 percent in the last 30 years. Consequently, their contribution to family income has also risen. So you have the squeeze on the middle class, which is now seeing the administration taking away their right to time-and-a-half overtime.

I have not even mentioned the discrimination against women in the workplace in terms of wages. Millions of women are working in female-dominated jobs, as social workers, teachers, childcare workers, and nurses, with equivalent skill, effort, responsibility, and working conditions as similar jobs dominated by men, but these women are not paid the same as their counterparts in the male sector.

This is wrong and it must end. That is why I introduced the Fair Pay Act in April 2003 to make sure women who are in these jobs are treated fairly and equitably.

In summary, this President, George W. Bush, has presided over the largest job loss of any President since the Great Depression. Yet he remains wedded to policies that are making the problem worse for the middle class. His administration has praised the outsourcing of jobs as something good for our economy. This administration opposes any increase in the minimum wage. They oppose extending unemployment benefits. They are trying to take away the overtime rights of millions of American workers. This administration has done nothing to help equalize pay for women in the workplace.

It all adds up to one thing: The middle class in America is getting hammered. It is time for a change. It is time to change our economic course. It is time to quit squeezing and hammering the American middle class.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from the great State of New Jersey.

Mr. CORZINE. Mr. President, may I inquire how much time I have?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator has 8 minutes.

Mr. CORZINE. Thank you, Mr. President.

Mr. President, before I begin, let me compliment the Senator from Iowa for addressing a topic on which I also want to speak. I think ''hammered'' probably is the right term for what is happening to the middle class as opposed to ''squeezing.'' That would be more reflective of the real desperation that many families feel.

Twenty-five years ago, generally, one member of a family was working. Now it takes two just to get by. Real wages are not growing in this economy. I think the Senator from Iowa points out very clearly how that is so painful in the lives of middle-class Americans.

Particularly apt is his reference to this overtime pay, which absolutely goes to the heart of the middle class. The idea that we are trying to squeeze down or hammer down the ability to generate real earnings for working Americans is just inconceivable.

I think the efforts of the Senator from Iowa are absolutely remarkable. We need to make sure America understands what is going on with regard to putting pressure on the earnings of the middle-class. That is what makes America great. It always has. It built America.

As one can see from this chart, average weekly earnings are up 1 percent during the time the President has been in office. Those are the lost jobs about which the Senator spoke. In the last 4 months, real wages for working Americans have gone down. We saw another statistic yesterday that indicated they are declining.

In that context, as the Senator from Iowa pointed out, college tuition costs are up. He said 35 percent. The numbers depend on how one calculates it. We have near 30 percent. Family health care premiums are up 36 percent. Gas prices are up 28 percent. At least in New Jersey, there have been property tax increases of 7 percent-plus every year under this administration's leadership. All we are doing is transferring tax breaks to those who are already doing well, the 13-percent increase in millionaires who got the tax cuts, while the property tax on middle-class folks has gone up. That is why people don't feel comfortable. That is why polls tell people the economy is not working, even though we have seen some statistics in the last 3 to 5 months that indicate it is working.

It is not happening for the breadth of America. People don't focus on averages; they focus on what happens in their lives. By the way, speaking of averages, if we put together the 500 times earnings that CEOs make versus the low-wage earner in a company, we will come out with a nice average. But what happens to the bulk of the people working at the company? They are not seeing wage growth. They are not seeing their income going up with these kinds of numbers. It translates into a ''hammering.'' The Senator from Iowa picked the right term.

My effort today is to focus on dependent children and elderly family members because that is another part of where the squeeze is actually happening. It is real. Under this President, we have seen increases in childcare for a two-child family go up $2,050 over the last 3½ years. For each individual child, it is about $6,000 a year to maintain childcare. Today, 65 percent of all mothers who are in the labor force have children under the age of 6. We have two partners working in a family to try to make ends meet, and childcare costs are going off the charts. That is the squeeze. That is money that comes out of their ability to have a positive quality of life.

There is a lot to be done. We had a bipartisan bill, the Snowe-Dodd proposal, to increase the welfare proposal by $6 billion worth of additional funding for childcare. Instead, we are getting proposals from the administration to cut 300,000 kids from childcare. It makes no sense. This is a fundamental area. When talking about family values and the importance of helping out communities, lifting them up and making ends meet, childcare is fundamental. We have one group of folks who want to actually invest in it so that we can make the quality of life for Americans better, and we have another group that wants to take away that ability and has cut 300,000 children from receiving childcare. That makes no sense.

Only 1 in 10 children who are eligible to receive Federal assistance today are actually receiving it because they don't have the resources to match against the demand. That doesn't fit with this picture where we are seeing real earnings not going up and the cost of living for the middle class going up and childcare costs going up and we are not doing anything but cutting what we do here.

Then is the issue of taking care of the elderly, making sure you have family care, a sick spouse, taking care of a senior, mothers and fathers who are retired. It is an incredible burden on all families, particularly if both partners in the family are working. Estimates are that there are about $250 billion worth of services provided by families to their own families that have no recognition in our national accounts, no recognition by our Federal Government in providing support for it. And 80 percent of home care services are provided by family caregivers. That is good. That is a real family value. But what are we doing to support them, and how does that fit into this whole process of a middle-class squeeze? It is an important topic that is completely underdescribed.

Let me tell you a story about a lady in Monmouth County, NJ. Her name is Bernadette Discon. She starts her 20-hour day at 3 in the morning. She works from 3 to 7 a.m. doing medical transcription in her home. She wakes her husband who has advanced dementia, and drives him to daycare. It costs $55 a day for her to do that—no support, no help at all. She also has the responsibility of taking care of her 85- and 87-year-old mother and father. Neither drives. Neither is able to take care of themselves completely. One must use a walker. Bernadette works all day after she drops off her husband. She returns home at 6 o'clock, goes back to transcription work from 7 to 11 at night, trying to make ends meet. This is the kind of story that is actually happening. Her wages are going up 1 percent on average across this country. And she is having to deal with the

kinds of family care problems we talked about that actually happen with childcare.

It is not right that America is not addressing some of these social needs while we are seeing these kinds of costs go up. That is why we on this side of the aisle—as well as Senator JOHN KERRY—are talking about a middle-class squeeze because it is real in people's lives. It is not the same as what is happening to the GDP or whether you are seeing disposable income which takes in dividends and capital gains at the high end and mushes them together and comes out with an average result.

What we need to do is look at what is actually happening in the lives of working men and women. Bernadette Discon's story is real. It shows how the pressure impacts on an individual's life. If she had kids, college tuition is going up 28 percent. She is paying 30 percent more for gas. That puts real pressure on a family.

It is time to recognize that economics is more than just statistics that are announced on Friday morning at 8:30 to say whether employment is up or down. It is the quality of life that goes with those statistics. A lot of people are feeling squeezed. As the Senator from Iowa said, a lot of families are feeling hammered.

It is time for a change, and it is time to recognize the reality of what is happening in the lives of middle-class Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized for up to 15 minutes.

ECONOMIC STRENGTH

Mr. BENNETT. Mr. President, I intended to come to the floor to speak about Iraq. I will do that. But I must make a comment or two about the speeches that have preceded mine with respect to the economy and what is happening.

I remember 4 years ago when the Presidential election was in full heat. One candidate said the prosperity that we have been experiencing is starting to slow down, and the economy is showing signs of being at the end of the business cycle and heading toward a recession. His political opponent said he was trying to talk down the economy for political purposes.

Well, it turns out he was right. We started a slowdown in the economy in the last two quarters of 2000. We ended up with a recession in the first three quarters of 2001. He was not trying to talk down the economy just for political purposes. He was telling the truth. This was, of course, Governor George W. Bush of Texas.

The fact is, the economy is doing extremely well, and there are those who are trying to talk it down for political purposes. This is the fact, no matter who is elected President. Whether it is George W. Bush, JOHN KERRY, Ralph Nader, or the Libertarian, or whoever else may be out there seeking the Presidency, he or she will inherit an extremely strong economy come January of 2005. And whoever it is, if it is not George W. Bush, will take credit for that strength and say: See, because I got elected everything is now wonderful.

In fact, the business cycle does not operate that way. The business cycle does not pay attention to election days; it pays attention to long-term policies put in place. We had the recession in the beginning of 2001 because of economic pressures that built up in the nineties. We have the recovery now taking hold in 2004 that will come into play through the balance of this year and strongly into next year because of policies that were put in place over the last several years. You cannot turn the economy around by a single election. You have to put policies in place and see them go forward.

It is very interesting to see those particular items President Bush's opponents are now focusing on to say this is terrible, this is terrible, this is terrible. They have changed now because the items they used to be focused on as the bellwethers of economic activity have turned positive. They cannot use the old measuring sticks they said were so important to make the case that the President's economic plan is a failure because those measuring sticks have all turned positive and now indicate the President's policies were the right ones, so they pick up new measuring sticks and find an opportunity to blame President Bush.

I am fascinated to know that the increase in property values in New Jersey in the last few years is President Bush's fault; that when the New Jersey officials increase property taxes to go along with that increase in property values, it is President Bush's fault, and so on and so on. We will hear more of that in the months to come. Let us remember that the economy responds to a whole series of pressures. No President can wave a magic wand and create jobs, as one candidate is promising to do. Let us realize on that measure, which the President's opponents no longer use, jobs are being created now at a faster rate than the President's opponent is promising he would do if he became President. If you like the rate that the Democratic presumptive nominee is proposing for job creation, you have to like the record of George W. Bush because jobs are being created at a faster rate right now than that proposed rate.

Well, Mr. President, I rose to discuss Iraq, and I will do that in the time I have remaining. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 10 minutes remaining.

IRAQ

Mr. BENNETT. Mr. President, there is an old statement which has become enshrined in our society now as the alcoholic's prayer. It goes like this:

> God, grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.

I suggest that as we face the world today as the world's strongest power economically, militarily, culturally, educationally—in almost every category—we should view our responsibilities through the prism of the alcoholic's prayer: Grant us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference.

As I listen to the debate on Iraq, as I listen to the partisan and political comments, many of them well-meaning and properly addressed, I pray for the third leg of that saying—the wisdom to know the difference between the things we can change and the things we cannot because many of the things being raised with respect to our situation in Iraq are things we cannot change. Many of the complaints are against things we can change, but we are not because we are wallowing in complaint and self-criticism when we should be moving ahead.

Let me give you an example. The first question we need to address with respect to our military activity in Iraq and elsewhere in the region is this: Are we engaged solely in a military exercise with respect to Iraq or are we, in fact, in a world war against terrorism? We need the wisdom to get the answer to that question and know the difference because the difference is vast.

I am one who believes that we are, in fact, engaged in a worldwide war against terrorism. We must have the serenity to accept the fact that war is not going to go away if we ignore it. There are many who say there is no connection between Saddam Hussein and 9/11; therefore, we should spend all of our time going after those who dealt with 9/11 and not pay any attention to Iraq. Well, that may have been a legitimate argument prior to the time we went into Iraq, but it is now irrelevant because we are there. We are there because this body, with over 70 votes, gave the President our support for going in there; and the United Nations, by a unanimous vote in the Security Council, gave the President support to go in. This body and the United Nations overwhelmingly, along with the House of Representatives, said this is the right thing to do. We did it, and we must accept the fact that we are there, and complaining about maybe we made a mistake doesn't change the reality that we are there.

I am one who thinks we made the right decision. I am happy that David Kay, the inspector for weapons of mass destruction who went into Iraq, thinks we made the right decision. When I talk to audiences in Utah, I say: How many of you know that David Kay discovered there were no weapons of mass destruction in Iraq? Everybody raises

his hand. Then I say: How many of you know that David Kay said, based on what he discovered, that Saddam Hussein was more dangerous than we thought? Well, we didn't know that. But that is a fact that we must recognize and have the wisdom to go forward in the face of that fact.

Now, if indeed we are engaged in a worldwide war on terror, that means that our being in Iraq is not only for the sake of the Iraqis, it is for the sake of Americans. Some say we have no business being there, it is not our country, we don't care. Well, one of the realities we have to face is we are involved in the world whether we like it or not. Those on the campaign trail who are saying bring the troops home are the same people who are saying stop buying at any retailer who purchases goods abroad. Those who are saying don't have anything to do with any company that has any employees abroad do not realize the fundamental truth that America is involved in the world whether we like it or not, and we cannot withdraw. We cannot become isolationists. We cannot hide behind our two oceans militarily or economically.

The world has fundamentally changed. It fundamentally changed when the Berlin Wall came down and the ''evil empire'' ceased to exist. We are engaged around the world whether we like it or not. We must have the wisdom to recognize that fundamental truth and act accordingly; we must have the courage to act according to the truth.

I went to Iraq with the leader and my colleague Senator ENSIGN from Nevada and spent a day with the commanders there. You can say that in one day in Iraq, what do you learn? Obviously, you don't learn everything you need to in one day to know the whole situation, but you learn a whole lot more in one day in Iraq than you do sitting in America reading the newspapers.

I learned the forces that are opposed to us in Iraq have as their goal civil war and a failed state. Ultimately, what they want to have happen is for the Iraqi government that is being created now to fail. They want the Iraqis in anarchy. They want the economy destroyed. Why would they want such terrible things? They think out of that chaos they can seize power and come back into control.

Most who are involved in this insurgency are former supporters and officers of Saddam Hussein. They are hoping that through chaos they can recapture that which they could not hold in the face of the American military incursion into that country.

Grant us the wisdom to know the difference between a difficult situation and an impossible one. There are those who are saying Iraq is Bush's Vietnam. I do not think Iraq is Bush's Vietnam because Bush did not go into Iraq with the same motives that President Kennedy went into Vietnam, with the same naivete that President Kennedy and President Johnson pursued Vietnam.

We should have the courage to change the situation in Iraq by persistence, by holding the course steadily, and by recognizing that there are people in the Middle East who do want freedom.

There are pessimists who say: No, come on, BENNETT, you say to accept the things you cannot change, and one of the things you cannot change is that the Muslim people do not want freedom.

I refuse to accept that. Maybe I do not have the wisdom to recognize the difference, but I refuse to accept that.

Having visited with some of the Iraqis, I have found some who said they clearly do, most particularly the new Prime Minister Allawi. We visited with him. He struck me as a very clear-headed, careful guy who fully understood the situation.

As we were finishing our conversation, I said to him: Accept our thanks for your willingness to put your life on the line for this effort.

His life is in jeopardy. Two ministers of his government have already been assassinated, and he is clearly the chief target of those who would plunge Iraq into civil war.

I was interested in his answer. When I thanked him for his willingness to risk his life to make this government work, he looked at me and responded: It is my country.

There is an Iraqi leader willing to risk his life for his country. We have the responsibility, I believe, to do everything we can to help him.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

The Senator from Ohio is recognized for 7 minutes.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. DEWINE. Mr. President, I rise today because, frankly, I am alarmed. I am alarmed by bottlenecks and barriers blocking the ability of our law enforcement and intelligence agents to fight terrorism. These bottlenecks and barriers are hampering our law enforcement's ability to use the Foreign Intelligence Surveillance Act, known as the FISA statute. In setting up surveillance against foreign powers working inside the United States, all Americans should be concerned. All Americans should be concerned, frankly, as the FISA statute is one of the most important weapons we have to fight terrorism.

Bottlenecks in the Justice Department's process of FISA applications could mean if there were a terrorist attack being planned against Americans today, we might not know about it. We would not know about it because a FISA request simply did not get processed.

We would not know it because the bureaucracy in Washington, DC, simply did not get to the application in time, did not have the time or the people or the resources to process an agent's request allowing him or her to gather that pivotal piece of intelligence, that vital piece of information that very well could be the key to preventing a terrorist attack at home. That scares me, and that should scare every Member of this Senate, and that should scare every American.

Although the FBI has been more aggressive in submitting FISA requests since the September 11 terrorist attacks, the Department of Justice has been unable to keep pace with the resulting surge in applications. Here is what the staff of the independent 9/11 Commission tells us:

> The application process . . . continues to be long and slow.

That process is still subject to ''bottlenecks.''

I was very concerned about that. So on May 20, the last FBI oversight hearing held by the Judiciary Committee, I asked Director Mueller how well he thought the FISA statute was being utilized, and this is what Director Mueller said:

> We still have concerns. There is still frustration out there in the field in certain areas where, because we have had to prioritize, we cannot get to certain requests for FISA as fast as perhaps we might have in the past.

What does this mean? Does that mean it is now taking longer post-9/11 to process certain FISA requests? If that is the case—and it is—that is a shocking statement and one that is certainly disconcerting and also downright frightening.

Later in a Judiciary Committee hearing just last week, Attorney General Ashcroft made equally troubling statements. I told him I felt it was dangerous to have to prioritize FISA requests because we can never know what kind of information we will get from these warrants. Even our best guess is still just a guess, and this is what the Attorney General said:

> . . . we are prioritizing among FISA applications . . . so that at least the most promising of those applications are the ones that would be first attended to, but frankly, it is not easy always to know where you are going to get the best intelligence, and it is not a situation where I am confident in saying, ''Oh, well, we do not have to worry about that one.''

The Attorney General was very candid. He was very honest, and he said it very well. You never can be sure where a promising lead will take you or which lead will be the one lead that uncovers the information that will save many lives. They have to prioritize. To have to prioritize, to have to pick and choose among these leads, is very risky and dangerous business. It is almost this kind of Russian roulette. We should not be in that business. We should not have to do it.

The Justice Department should be able to look at each FISA request individually and do whatever is necessary to process that request, not prioritize it, not just put it higher up in the pile, but actually process it immediately so

that the court can issue a warrant and agents can go about the business of catching terrorists.

This is a very real problem we have. So I say to the Justice Department, you have to put more resources into this. You have to do a better job. Of all that you do in the Justice Department, what could be more important? Do you need more FISA lawyers at Justice? Do you need more people in this unit? If you do, then put them there. Do you need more FISA training for agents?

Do you need more resources? How far behind are you in the FISA process? These are all questions that the Justice Department needs to answer right now. No excuses. Our national security is at stake.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 8 minutes.

IRAQ AND THE UNITED NATIONS

Mr. CHAMBLISS. Mr. President, last week the G8 summit was held in my State of Georgia, and I had the honor of serving as one of the hosts, along with our Governor, the senior Senator from Georgia, Congressman KINGSTON, and Congressman BURNS in greeting the other seven members of the G8. Together with President George W. Bush, we received the heads of state and government from Britain, Canada, Germany, France, Italy, Japan, and Russia, along with a number of other leaders of countries from the Middle East who were specially invited to the G8 summit, including the new President of Iraq, Ghazi al-Yawer.

I liked what I saw in the new President of Iraq. When I shook his hand, I shook the hand of a true Iraqi patriot who is determined to see his country become secure, stable, prosperous, and free. He insists on full sovereignty for the Iraqi people, and he is already an eloquent and tough defender of their interests.

This is why he has publicly stated, not once or twice but at almost every opportunity he gets, that the Iraqi people are grateful for America's sacrifice in freeing them from the tyranny of Saddam Hussein.

He also made it absolutely clear that his new government will continue to need the help of America and other coalition forces as it regains its strength and fends off efforts by terrorists, thugs, and foreign enemies to strangle Iraq's democracy in its cradle.

President al-Yawer has a vision for Iraq, a nation with a history stretching back beyond the storied walls of Babylon to the mists of prehistory. He sees his nation gaining a position of leadership in the Middle East and forming an example of democracy, peace, progress, and prosperity for the entire region.

He made it clear to me that Iraq very much sees the United States, the United Kingdom, and the other nations in the coalition as partners and friends that took risks to free his nation from the tyranny of Saddam Hussein and are now working together to help rebuild Iraq.

President al-Yawer is a strong pragmatic leader who wants to put his government on a sound fiscal footing. When it was proposed to destroy the Abu Ghraib prison—and I was one, frankly, who advocated that following the prisoner scandal—and to replace it, he made a poignant observation about the symbols of Saddam's barbaric treatment of his own people.

He told ABC's ''This Week'' that Saddam tortured people not just in prisons but in the basements of each and every government building, and it would not be prudent to destroy all government entities because of what happened in them. President al-Yawer said:

> We are people that need every single dollar we have in order to rebuild our country, instead of demolishing and rebuilding.

This shows a practical approach to governance which is a very welcome change to the grandiosity and extravagance which, along with cruelty and aggression, marked the reign of Saddam Hussein.

I know there is not one Senator in this Chamber who would begrudge Iraq, its people, and President al-Yawer the assistance needed to continue the transition of Iraq to full sovereignty and democracy.

In my State, we know a real friend stays with you the whole way through difficult times and does not abandon you when the going gets tough. You do not lead someone halfway home and then abandon him to the wolves. And we know those wolves are baying at the door. Al-Qaida, the Baathists, and all the enemies of democracy are already stepping up their attacks to drive us from Iraq so they can rip apart this young democracy.

Only the cowardly, only those without a vision for a newer, better Middle East would urge us to leave Iraq to its fate. History has left its inscriptions in Iraq from time immemorial, from cuneiform inscriptions on clay tablets to the stone pillar of Hammurabai. These judgments have been read and pondered by men in the centuries following their inscriptions.

In the distant future, let no traveler see inscribed in weathered stone the withering judgment of history that the United States had an opportunity to help democracy take root in the Middle East but failed to see it through. Let him read instead: They defeated the forces of darkness so the people of Iraq could live in the light.

The Senate will surely debate what our national policies and priorities should be as we seek to provide assistance for Iraq. We will debate the relative merits of the different ways we can help our friends in Iraq. In fact, this is our job, and it is our duty. But I, for one, will not entertain any policy option that would allow the people of Iraq, so recently freed from the horror of despotism, to be submerged again into the darkness by a different set of tyrants.

Let me now touch on some international aspects of the Iraqi situation. In addition to the forces from the United States, there are 14 other NATO allies with us in Iraq. Military forces from Bulgaria, the Czech Republic, Denmark, Estonia, Hungary, Italy, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, Slovakia, and the United Kingdom are all there with us. And we have great support from another 17 countries, such as Australia, Japan, New Zealand, South Korea, and the Ukraine. Now the international support helping to secure the future of Iraq is growing even more.

At the G8 summit, President Bush gained the unanimous support of the member states to help Iraq. They agreed to form a ''Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa'' to support political, social, and economic reform in this region. This builds on President Bush's ''forward strategy of freedom'' that he announced last November.

President Bush also secured a U.N. Security Council resolution supporting the plan for handing sovereignty back to the Iraqi people. On June 8, the Security Council unanimously passed Resolution 1546 which supports free elections and authorizes a multinational security force to help stabilize the security situation in Iraq.

The U.N. has done exactly the right thing in passing Resolution 1546, and I applaud them for taking this important step. However, I would be remiss if I did not mention a subject which hinders the effectiveness of the United Nations, not only in Iraq but in its dealings around the world, and by this I mean the Oil-for-Food scandal.

The Oil-for-Food Program, established in 1995, was designed to alleviate the impact of the economic embargo on the people of Iraq, while continuing restrictions on military and technology sales. It was a humanitarian program that was supported by the United States as a way to help average Iraqi citizens get basic food and medical supplies while Saddam Hussein was still in power.

The Oil-for-Food Program was administered by the United Nations Assistant Secretary General Benon V. Sevan who oversaw sales of $111 billion worth of Iraqi oil. While under U.N. auspices, the U.S. Government Accounting Office estimates that over $10 billion of that $111 billion was stolen from the Iraqi people by Saddam's regime. While children were dying for lack of medicine or food, Saddam was importing Mercedes limousines, weapons, and building his grand palaces. Skimming off this vast amount of money involved kickbacks and bribes to a wide variety of foreign officials and businessmen.

When the new Iraqi oil ministry recently published a list of foreign officials receiving bribes, kickbacks, and

hidden oil allotments from Saddam, U.N. Assistant Secretary Sevan's name was on a list which included 11 French, 46 Russians, and many other names. These recipients of Saddam's largess were vocal opponents of freeing Iraq from Saddam's chokehold and also were bitter critics of the effects of the embargo on Saddam's regime.

It is ironic that so many of the businessmen and officials who helped skim off the money designed to buy food and medicine for the Iraqi people came from countries that complained the loudest about the U.S.-led effort to oust Saddam from power.

It is imperative that we monitor the U.N. investigation of the Oil-for-Food scandal to make sure it is thorough and transparent. Wrongdoers must be prosecuted, not simply bundled off to retirement. To do any less would greatly compromise the ability of the United Nations to operate future programs with the confidence of the world community. Paul Volcker, who was named by Secretary Kofi Annan to head the investigation into the Oil-for-Food scandal, must receive sufficient personnel, resources, and access to the relevant documents and U.N. officials to carry out his responsibility.

A failed investigation will be a bitter indictment of the United Nations and it would put it on a path that would lead to total—total—obsolescence and irrelevance. The United Nations can be a unifying force in the world, and its resolution on the future of Iraq passed last week is a positive example of this. However, it must also restore its credibility with the people of Iraq who were robbed of over $10 billion in food and medicine while the Oil for Food Program was being administered by the U.N.

It is a critical time for both the future of Iraq and the future of the U.N. In Iraq, it is time to pull together to make it a successful, stable, and democratic country. At the U.N., it is time to show the world that it can be a transparent, accountable, and efficient organization worthy of its noble charter.

We have the unique opportunity to help democracy take root in the Middle East, and we are fortunate that President Bush, Prime Minister Blair, and others have the vision and the courage to recognize this and to do something about it.

Likewise, the United Nations has an opportunity to restore our confidence in its ability to play a meaningful role on the world stage. I hope Secretary General Kofi Annan has the necessary courage to carry his investigation of the Oil for Food scandal to its necessary conclusion, regardless of how difficult it might be.

Let future generations see that neither the United States, nor the United Nations, shirked from the challenges that face us today.

Mr. President, the Oil for Food scandal cannot be taken lightly. We must take this issue seriously to restore credibility to the United Nations, which is headed down a path of total obsolescence if we do not act appropriately and if we do not get to the bottom of this particular and potentially devastating issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask the Presiding Officer to advise the Senate with regard to the standing order.

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 assistant 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:

Reid (for Leahy) amendment No. 3292, to amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts.

Dodd further modified amendment No. 3313, to prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense.

Reed amendment No. 3352, to increase the end strength for active-duty personnel of the Army for fiscal year 2005 by 20,000 to 502,400.

Warner amendment No. 3450 (to amendment No. 3352), to provide for funding the increased number of Army active-duty personnel out of fiscal year 2005 supplemental funding.

Durbin amendment No. 3386, to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment or punishment.

AMENDMENT NO. 3313

The PRESIDING OFFICER. The pending question is the Dodd amendment No. 3313, as further modified, on which there shall be up to 30 minutes of debate evenly divided.

Mr. WARNER. I further inquire of the Chair, at the conclusion of the vote on the Dodd amendment, the Senator from Virginia is to be recognized for the purpose of laying down an amendment; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, may I be notified when 10 minutes have expired so as to leave a few minutes at the end of the debate?

The PRESIDING OFFICER. The Chair will do that.

Mr. DODD. I ask unanimous consent that my distinguished friend and colleague from South Carolina, Senator LINDSEY O. GRAHAM, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I am pleased to offer this amendment on behalf of myself, Senator GRAHAM, and Senator LEVIN this morning. We had a very good debate a few days ago about this amendment. At the suggestion of my friend, the chairman of the Armed Services Committee, we modified the amendment that is now before this body. The modification, very quickly, deletes the prohibition on using private contractors in combat situations. I will not belabor the point. There are existing statutes that provide for such restrictions, but the suggestion of the chairman was that that provision was going to be a rather complicated matter to deal with here, so we have taken it out—it is no longer part of the amendment. Instead, the amendment as modified would merely ask the Secretary of Defense to review and report to Congress on U.S. laws and policies as they relate to the use of contractors by the Defense Department and the Uniformed Services in combat operations.

What is still part of this amendment is the prohibition on using private contractors for the purposes of interrogation of prisoners. It would, however, give the President some flexibility in phasing in this prohibition by providing limited waiver authority for the use of such contractors in interrogations—both as translators and as actual interrogators. The presidential waiver for translators would be extended for 1 year, and for contractors acting solely as interrogators, the waiver would be effective for 90 days from the date of enactment of this legislation.

Why do I offer this amendment? I didn't bring charts or photographs to the floor of the events that occurred in Abu Ghraib prison late last fall or early this winter. Those photographs are very disturbing and can create their own sense of emotion. I am not interested in doing that today. But suffice it to say, there is ample evidence. So today we know at least that interrogations were conducted by private contractors hired by the Department of the Interior, of all agencies, to do interrogations, intelligence work in Iraq and maybe elsewhere, on Guantanamo or Afghanistan as well. The military believes, I believe, and I think most of us believe that this job of interrogation ought not be done by private contractors. This ought to be inherently a governmental function, and one that is not shopped out or outsourced, if you will, to others, where there is no accountability, no chain of command, no responsibility, and virtual immunity if they do anything wrong under the Uniform Code of Military Justice.

I will cite briefly memos and directives from the Department of the Army strongly urging that we not contract out this function. I strongly agree with these opinions because, first, we obviously have suffered terribly in the public relations field as a result of what happened, and we certainly know that private contracting was part of the problem; and, second, with 135,000 of our troops serving in Iraq, 20,000 serving in Afghanistan, and others serving around the globe today, we do not need to have these young men, and women in many cases, be potentially subjected to reprisals as a result of our mismanagement of the interrogation process in Iraq and possibly elsewhere.

This is an important amendment. We have all been through this recently. Again, I am not charting new ground. As we know, in fact, at hearings chaired last month by the chairman of the committee here, it was made very clear, especially in the testimony and comprehensive report of General Taguba, a number of contractors may have played significant roles as interrogators in the Abu Ghraib prison scandal. Their abusive practices have compromised our interests in Iraq, and it remains to be seen whether they will ever be held accountable. Military people can. But contractors, such as those hired by the Department of Interior, may be outside the scope of legal jurisdictions.

Again, I am not the only one who believes that intelligence functions, particularly gathering intelligence through interrogations, should be carried out by Government personnel rather than contractors.

A December 26, 2000, Department of the Army memo dealing with exempting Army intelligence functions from privatization came to the same conclusion:

> At a tactical level, the intelligence function under the operational control of the Army performed by the military . . . is an inherently Governmental function barred from private sector performance.

They are exactly right. It ought to be an inherently governmental function. Outsourcing, where there is no accountability, where you don't have any ability to subject them to criminal prosecution if they do something wrong, I think, is dangerous business. It is dangerous business in the intelligence area.

The report went on to say:

> At the operational and strategic level, the intelligence function performed by the military personnel and Federal civilian employees is a non-inherently governmental function that should be exempted from private sector performance on the basis of risk to national security from relying on contractors to perform this function.

Nor was this view limited solely to the previous administration in 2000. Thomas White, former Secretary of the Army in the current administration, also expressed his opposition to hiring contractors to question prisoners, stating in an interview that ''the basic process of interrogation . . . should be kept in-house, on the Army side.''

He is right. That is exactly where it ought to be. This is dangerous business to go through. I was stunned to learn that the Department of the Interior the was actually the agency through which some of these contracts were awarded. No one knew to whom these contractors reported, what the chain of command was, or what sort of supervision there was.

We are in a new age since 9/11. You have to get people who can speak the language, who know what they are doing. We are in the world of terrorism. The President had it right last night. There is yet no horizon in this war on terrorism. It is going to be here for a long time. We better wake up, and if we need people to speak a language then we ought to hire them and train them. It is almost 3 years since 9/11. The fact that we need to put ads in the Washington Post to find people who can speak Arabic is ridiculous. We ought to get about the business of hiring people and training them. We need interrogators. We need the human intelligence capacity. I am all for fancy satellites and technology, but if you don't have people on the ground who can talk to these people and understand what they are saying, your intelligence is going to suffer.

Again, this practice of hiring contractors to perform interrogations is simply bad business. It goes beyond just the ugly photographs and the outrageous behavior that has cost us terribly in Iraq and elsewhere in our efforts at winning the hearts and minds of the Iraqi people.

And my amendment is limited in scope. It merely says that with respect to interrogations, the Department of Defense would have to hire people within the governmental framework to do the job.

On the translations, I will give you a year. You can use people outside if you want, but after a year let's get some people within the operations themselves who know what they are doing. The other sections of my amendment deal briefly with the transfer of prisoners.

In September, it will be 3 years since the horrific events of 9/11. It is high time that the administration moved forward to build a capacity, in-house, to ensure that our intelligence gathering capacity, including interrogation personnel, is adequate to meet the threats that we confront.

Giving the administration unlimited access to contractors by extending the waiver for interrogators beyond 90 days does not serve our national interest.

I would remind my fellow colleagues that the world has changed dramatically over the past three years. Part of the current mission in Iraq is a larger and absolutely critical mission that we are going to be confronting every single day for the foreseeable future in Afghanistan, Saudi Arabia, Pakistan, and Spain—and the list goes on and on—and elsewhere around the globe. In order to be prepared for that war, we must have within our own governmental structure the expertise to garner intelligence, including intelligence gleaned through interrogations.

The notion that we can simply outsource this critical responsibility when terrorist incidents spike the demand for interrogation skills by our Government seems to be the height of irresponsibility.

We were sidetracked a bit during the debate on Monday. As I said earlier, the chairman made a very good point in the area of combat missions. It is not a clear line. So we put that aside. But on interrogations, this is inherently a governmental function and we shouldn't be contracting out that function.

That is my point. I hope my colleagues will agree with us. I know the administration has some problems with it, but the fact is, let us get about the business of doing our job here and not endangering our own troops—which is what I worry about. The bottom line, one that I believe I share with every parent, sibling, or child who has a relative or a friend serving in these dangerous zones. I don't want our brave men and women, if they are apprehended, to go through what we saw happen to some of these Iraqi prisoners. These abuses put Americans at risk, in my view, if we don't get this business straight. I am determined to see that we fix this situation.

I hope my colleagues will support this. Let me withhold the remainder of my time.

Mr. WARNER. Mr. President, will the Senator engage in a colloquy with me?

Mr. DODD. Certainly.

Mr. WARNER. First, I would like to lay the predicate. The Senator has brought forth an important concept. He asked for a study. I am prepared to support the study. But I urge my colleague, as I did the other day on another part of the amendment—and he accepted my advice and took that out—we have to look at this interrogation section. There is a trigger mechanism, if you look at the amendment, which says in 90 days every one of these contractors has to discontinue their work.

That is what it says. Am I not correct?

Mr. DODD. The Senator is correct—90 days I think after the——

Mr. WARNER. It is signed into law.

Mr. DODD. Just interrogations.

Mr. WARNER. Mr. President, that cripples America's intelligence system in the middle of a war in Afghanistan, in Iraq, and our operations in Guantanamo.

How can the Senate suddenly withdraw our U.S. military interrogation base in the middle of a war in 90 days? There is no way in the world the military—there is a greater burden on the Army—can hire and train in this short period of time all the replacements that would be required if the Senator's amendment became law.

Mr. DODD. Mr. President, first, I don't believe necessarily that the military doesn't have the capacity to do

this. But the idea that the Department of the Interior is contracting out to private firms to conduct this function, when we have seen already the results when this matter gets out of hand because you have rogue elements doing it—we have suffered terribly as a result of this tremendous abuse that has gone on. I don't buy the idea that we can't get this straight. I think we can get it straight. There are plenty of people within the military services who can perform this function. And I don't put the same limitations on translators. I am giving a year to get that in shape.

The idea that somehow the military shouldn't be doing this—I didn't make this up; this isn't made out of whole cloth. The military themselves, going back several years, has said that this function should not be performed by outside contractors.

In fact, the most recent former Secretary of the Army said this.

Mr. WARNER. That has been stated twice by the Senator. Those are facts and valid opinions. But I am looking at the very practical effect—that under this amendment when the President's signature goes on the bill, in 90 days we are out of business.

Let me point out a few statistics. Take Guantanamo Bay: Right now we have 140 translators of which over 100 are contractors.

Mr. DODD. Translators are not an issue.

Mr. WARNER. Nevertheless, eventually they have to be taken inhouse.

Mr. DODD. That would be over a year from today.

Mr. WARNER. I understand that. That is the very point I wish to make. You give us a year in which to cure that problem, but then you go to the analysts and interrogators, 60 analysts of which 35 are contractors.

Mr. DODD. Interrogators.

Mr. WARNER. They are part of the system—40 interrogators of which 20 are contractors. In 90 days, 50 percent roughly of the operation in Guantanamo ceases to function.

I will tell you that practically there is no way in the world the military can go out and hire and recruit and put into uniform or civilian capacity that number of individuals.

Mr. DODD. I don't ascribe to that. First, the analysts are not included; it is just the interrogators.

The idea that you are going to have people who are immune from prosecution, accountable to no one, with little supervision, or literally none in many cases, I think is a far more inherently dangerous problem than the difficulty in finding 30 or 40 people within the military structure to perform interrogations.

I would point out this job posting, which is from the Web site of CACI International, one of the companies that does interrogations for the Department of Defense. This is what it says you ought to be: The position requires a bachelor's degree, or equivalent, of 6 or 7 years of related experience—whatever that is—preferably in the intelligence field; requires a clearance, strong writing and briefing skills, with competency in automation research in basic software.

This is hardly the job description of someone who is so unique that we can't find the personnel within our own uniformed services.

Mr. WARNER. Mr. President, there is a problem. The Senator has identified it. I acknowledge it. I do not think it is as great as the Senator portrays it, but nevertheless there is a problem.

What I am saying to my colleagues who are momentarily going to be asked to vote is that we cannot in any way possible solve it in the 90-day period, and we are in the middle of a war. The Senator is going to basically dismantle 50 or more percent of our intelligence interrogation, and it is from these interrogations that our troops today are getting valuable information to protect their lives on the battlefronts primarily of Afghanistan and Iraq.

I say to Members, when you come and are asked to vote, if you vote in support of this amendment, then I simply say you are pulling the plug on our intelligence system and the interrogation system and severely dealing them a crippling blow. It is as simple as that.

Does my colleague acknowledge that in 90 days the interrogation is out of business? Am I correct?

Mr. DODD. No. They are not out of business at all. The interrogations would have to be done by governmental authorities. You can bring back military people to do it. There are plenty of guys who can do it, if we put them back on active duty. This is not an overly burdensome problem.

The question is, here we are debating the Defense authorization bill and we have been confronted which a huge problem that galvanized the world's attention only a few days ago. We know that part of the problem was because we had people who were not being held accountable and who have little or no supervision. At least we know that much already. In the midst of this debate, should we step up and try to do something about that problem?

If the argument is that we have no in-house capacity to fill 40 or 50 slots in Guantanamo, or maybe an equal amount in Iraq with 135,000 U.S. forces there and 20,000 in Afghanistan, the idea that we can't find people within the military services to fill 40 or 50 slots, then I don't accept it as a legitimate argument against this amendment.

They may want to keep contracting and have these contractors go through the Department of the Interior, but that is wrong, in my view, and I think it is dangerous. The military has said—I am not opposed to what their thinking is—categorically it ought not be done there. It is dangerous. It causes us problems and it is causing our military personnel problems. It ought to be changed.

I don't buy for a single second, with thousands of people serving in that theater, the idea we can't find people within our own ranks to do this job.

Mr. WARNER. The simple reply is, you can't take an individual, no matter how many degrees they might have, in 90 days, or less, and train them to be an interrogator. Most of the contractors now performing this work are former U.S. military individuals—people who served in the interrogation field, primarily during the cold war when the U.S. military had a significant requirement for interrogators, both in the European theater and the Korean theater.

I see my colleague from Alabama. Does my colleague seek recognition?

Mr. SESSIONS. I would like to speak on this subject.

Mr. WARNER. I yield the floor.

Mr. SESSIONS. Mr. President, I share Chairman WARNER's view.

Mr. WARNER. I yield such time as my colleague requires. Would the Chair advise as to the time on both sides?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Virginia has 6 minutes. The Senator from Connecticut has 5 minutes 23 seconds.

Mr. WARNER. I need a minute or two to wrap up.

Mr. SESSIONS. I will try to keep it to 2 minutes.

I share the concerns of the Senator from Virginia, the chairman of the Armed Services Committee. I note there is nothing inherently wrong with using trained, skilled, and capable contractors. If there is a problem, it may be that we did not supervise contractors well and maybe did not select them well.

To prohibit the utilization of contractors to do interrogations in life-and-death situations is a mistake. We may need the very best interrogator in the United States of America to interrogate someone who has the ability to give information that could save thousands of lives in this country. To say that we have to use the military personnel I believe is clearly wrong. A young MP who is just out of training school should not be, in my view, as good an interrogator as a retired MP who worked in the detective division of the New York Police Department or a retired CIA agent or retired military person who did interrogations for years and had experience and maybe even knows the language.

We cannot have everyone in the military perfectly trained to do all these things and speak every language in the world and do these interrogations.

This would be a terrible deal. We should not agree to this. We should not limit the military from using contract employees. If we need to control them better and do a better job of supervising it, I would support that.

I don't want to use any more time. I know others want to speak.

I yield the floor.

Mr. WARNER. I simply say to colleagues we are putting on them a considerable burden in a very short period of time.

I ask a very clear question of the proponent of this amendment, the Senator

from Connecticut. In 90 days we have to dismantle a great deal of our interrogation—in Afghanistan, in Iraq and Guantanamo Bay—right as this country is in the middle of combat operations, right at a time when men and women of our Armed Forces, of our coalition forces, are at great personal risk.

A few interrogators at this point in time are implicated in the tragic events in the prison situation. As the Senator well knows, the Armed Services Committee is probing that as quickly as we can given the limited time we have had. This bill has been on the floor of the Senate, but we had to temporarily set aside our work. We hope, once I consult with the leadership and members of the committee, to resume that. The point being, this is not the time to put a 90-day jackhammer that severs our ability to continue our interrogation of prisoners with the use of contractors. Several of them did perform in a manner that, hopefully, they can be brought to account in the Abu Ghraib situation, but hundreds of other contractors are carefully and professionally doing their work in interrogation. This amendment would stop that in 90 days.

I see the Senator from Colorado.

Mr. ALLARD. I would like to be recognized to speak against the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I join my colleague from Virginia and my colleague from Alabama in opposing the Dodd amendment.

I will take one part of our interrogating process and look at Guantanamo Bay. We have 140 translators, of which 105 are contractors; 60 analysts there, of which 35 are contractors; and 45 interrogators, of which 20 are contractors. If we pass this amendment, we shut off the interrogation process and we lose the opportunity to gather vital information that could be valuable to what we are doing in Iraq. We would lose 50 percent of intelligence. Generally, these individuals are well qualified, and they have been carefully vetted as contractors.

I join my colleagues in opposing the Dodd amendment.

Mr. WARNER. I will reserve 1 minute to follow the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First of all, let me respond to my friend from Colorado. My amendment grants the President waiver authority in the case of translators for over a year.

We are about to graduate from the training school for Army intelligence in Arizona this year 539 interrogators within the Army. Here we are talking about 20 or 40 positions in Guantanamo Bay of interrogators—but we have 539 people this year who are going to graduate within the Army as interrogators. We know that at least some of the private contractors hired through Department of Interior contracts for interrogations are not well trained. A bachelor of arts degree will get you a job as interrogator. This situation is a mess. We know it is a mess. We have 539 people—double the number from last year—graduating this year. Why are we continuing a system that does not work where the Army themselves have said, stop it? We need to listen and stop it.

One of the most outrageous examples is the effort in Iraq. An outrageous situation occurred just days ago because the system has fallen apart. Do not tell me we will lose our capacity to interrogate people. That is hyperbole when you have 539 people about to graduate in addition to the ones we have in uniform today to do the job.

We know that having private contractors participate in interrogations is a problem. The Army has said that it is a problem. The most recent Secretary of the Army said it is a problem, and to stop it. The question is, will we do it here, today? Do we understand what happened here just a few days ago? Do we understand the problems it has caused?

A recent public opinion poll by the Coalition Provisional Authority in Iraq shows us that a majority of Iraqis believe that all Americans conduct themselves in the way they saw in the photographs taken at Abu Ghraib. But that is not us.

I know people in uniform do a better job than someone who has been plucked off the street under a contract by the Department of Interior to do the job of intelligence. This is intelligence capacity. You do not outsource and farm that out to an unaccountable contractor with little or no experience in interrogations. Don't Members understand what happened here a few days ago, how much trouble our country is in?

We have 539 people about to graduate in the military services to conduct interrogations, and you are telling me we do not have enough and we cannot train people in uniform to do the job? I don't believe it. The American people do not, the international community does not.

This is not a complicated amendment. Let's wake up.

The PRESIDING OFFICER. The Senator has 2 minutes 49 seconds remaining.

Mr. DODD. I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, I am voting today in opposition to Senator DODD's amendment, No. 3313 that would prohibit the Department of Defense from using contractors to carry out certain activities, mostly related to interrogations. While I believe that this amendment would not solve the problems so vividly illustrated by the Abu Ghraib prison abuses, there should be no doubt that the issue it seeks to address is extremely serious. We are all concerned about the grave misconduct of anyone involved in interrogations of Iraqi detainees. The individuals who committed atrocities have marred the reputation of our country and have made the lives of American personnel in Iraq more dangerous and difficult.

It is essential to ensure that there is proper oversight when employing contractors in interrogations or any other military-related function. There must also be clear rules for bringing to justice those who violate our laws or treaty obligations. And, ultimately, I believe that interrogations and other functions should be conducted by uniformed personnel, working directly for the United States government and subject to the web of rules that governs military personnel.

While this should be our ultimate goal, I am concerned that this amendment would bring to a halt a number of critical functions currently carried out by contractors. The reality is that the U.S. armed forces are currently dependent on contractor support to carry out their missions, including interrogations. The Army now has approximately 500 military interrogators, a number far below the number needed to meet our requirements in Afghanistan, Iraq, and elsewhere. Over the next five years, the number of trained interrogators will grow to over 1,200, but in the meantime, we rely on contractors to make up the difference. In addition, over 50 percent of interrogator, interpreter, and analyst positions at Guantanamo Bay are currently filled by contractors. This amendment would cripple intelligence gathering operations there.

The abuses at Abu Ghraib prison did not occur only at the hands of civilian contractors—soldiers have been implicated as well. It is critical to ensure accountability for everyone who may have been involved, and prevent any reoccurrence of such abuses. Throughout the hearings in the Senate Armed Services Committee and in my review of the annexes and documents in the Taguba Investigation, I have observed a lack of sustained focus on the basic principles of leadership at Abu Ghraib. While I believe that immediately prohibiting the use of contractors is not the way to proceed, we need to look comprehensively at a number of facets of our military operations, including the long-term use of contractors, failures of leadership, and the overall size of our armed forces.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I ask my colleague a question. This graduating class to which the Senator refers, am I not correct it is enlisted and 18- to 20-year- olds?

Mr. DODD. All I have here is that the Pentagon has asked the school to boost its output dramatically and expects to graduate 539 interrogators this year, up from 237 in 2003.

Mr. WARNER. I say to my colleague, there are basically young enlisted men with no field experience, in no way a

comparison to the seasoned cadre of contractors now performing this invaluable service.

I wish to move to table, but I will not do it until my colleague has the opportunity.

Mr. DODD. Does my colleague from South Carolina want to take 15 seconds?

Mr. GRAHAM of South Carolina. I appreciate the Senator yielding.

I saw Senator DODD this morning at breakfast. I am sympathetic to what he was trying to do. I said, put me down. I did not look at the substance. I apologize. The Senator is absolutely right in what he is trying to do.

I agree with the chairman that these people coming out of school are not ready to perform this work. But I promise the Senator from Connecticut you will have a Republican ally if we have a transition period that is more reasonable—if not on this bill, we will do it some other time. It bothers me greatly that our interrogation system is being outsourced. We do not know who is interrogating the people in prison because we do not know who they are and who they answer to.

I apologize to the Senator from Connecticut for not being able to live up to my word. I told him I would support the amendment, but I did not look at the amendment. I will never do that again. However, I do want to help—if not on this bill, we will do it soon.

Mr. DODD. Mr. President, I thank my colleague.

I yield 30 seconds to my distinguished ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the Senator from Connecticut. I think this amendment is essential if we are going to make a statement about who is going to do the interrogating of prisoners. We are bound by treaties, and when these treaties are ignored, this country is damaged.

We cannot have contractors where there is no accountability. You can fire a governmental employee. You can demote a governmental employee. You can discharge someone who is in the military who is doing the interrogating. When a contractor does this, there is no accountability except criminal law with all of its difficulties.

An Army memorandum dated December 26, 2000, that is still in effect today, made the express determination that gathering tactical intelligence is an inherently governmental function. According to our law, ''Contracts shall not be used for the performance of inherently governmental functions.''

We must make a critically important statement here today: We are going to hold people accountable for the kind of abuse that occurred. The only way you can do that is by having governmental employees—either uniformed or civilian—carry out these interrogations.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Now, Mr. President, I inquire of the desk, I think the other side has slightly gone over their time. I wonder if we might accommodate the chairman of the Intelligence Committee and ask that he be permitted to speak for 2 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have no objection to that. We have a little more time on our side. But I ask unanimous consent that Senator DODD have 2 minutes to close following Senator ROBERTS.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and that the Senator from Virginia be recognized for the purpose of the tabling motion following Senator DODD.

Mr. REID. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia will have 2 minutes and the Senator from Connecticut will have 2 minutes.

Mr. WARNER. Mr. President, I yield my 2 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank my distinguished chairman.

I rise to join the senior Senator from Virginia in opposing the Dodd amendment. I agree with the concern raised by the Dodd amendment, but let me point out that, as far as I am aware, no committee has held a hearing on how to lessen our reliance on contractors. Our armed services and our other agencies do rely very heavily on contractors.

The distinguished chairman has held three open hearings in regard to all of the incarceration problems and the problems that have been so heavily publicized. We have had three hearings in the Intelligence Committee that have been closed. We are going to follow up with a report by General Fay and others. In the Intelligence Committee, we have asked for the legal memoranda from the Justice Department on this whole issue.

I think this amendment attempts to prejudge the important work we would like to do on issues that are related to contractors and also detainees; yes, the military police; yes, the military intelligence.

Now, let's not forget that while some contractors—or for that matter, MPs, or military personnel—have been highly publicized in actions that nobody wants to see, contractors are saving lives right now in Iraq and Afghanistan, and they are giving their lives in the war on terrorism. So the problems that have come to our attention, it seems to me, my colleagues, are not necessarily inherent simply to contracting, but they are resulting from very poor management and also supervision.

We can address the problems as raised by the distinguished Senator from Connecticut, but we ought to do it in the right way. I do not think the Senate should act hastily on an important area. We are on top of it. We are conducting oversight.

So I must oppose this amendment and urge other Members to do the same.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I think I have made the case. I will just summarize it for you here.

Since September 11, we have been in a different world. Developing our capacity and our ability to conduct interrogations, to be able to understand the languages of other peoples so we understand what is going on, is critically important.

And our ability to have inhouse, within our military services, the capacity to conduct one of the most important functions—that is, to conduct interrogations and gather intelligence that protects our men and women in uniform—should not be outsourced to people whose major qualification is a bachelor of arts degree.

These young people who are being trained in the military may be young, but they are trained interrogators. That is what we ought to be doing. We have 539 new ones, in addition to the ones who exist today, coming out of school soon. We ought to be saying—as the military has asked us now for 4 years—do not contract this out. This administration's most recent Secretary of the Army said: Do not contract this out.

This ought to be an inherently governmental function: to conduct interrogations, to gather intelligence, to protect our men and women in uniform, and to advance our cause. The idea, somehow, that this is going to slow us down or make us incapable of doing our job is foolishness. We all know what is going to happen. If we have a partisan debate here that rejects the idea that we ought to have an in-house capacity in intelligence areas, then the Army, or some in the military, will read that as a signal that they can continue doing what they are doing.

That is dangerous, in my view, dangerous when you have a Department of the Interior agency actually doing the contracting out to private companies, where the desired capability, according to their own Web site, is not much more than a bachelor of arts degree. That is it.

It is the 21st century. The war is on terrorism. Let's wake up. I urge my colleagues to support the amendment and reject the tabling motion.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I simply say, this is not a vote or debate on a partisan issue. We both feel this issue has to be corrected. I simply plead for

reasonable time within which to do it, hopefully, to give greater security to our fighting men and women.

Mr. President, I move to table the amendment.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CORNYN). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) 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 54, nays 43, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—54

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Rockefeller
Bunning	Graham (SC)	Santorum
Burns	Grassley	Sessions
Campbell	Gregg	Shelby
Chafee	Hagel	Smith
Chambliss	Hatch	Snowe
Cochran	Hutchison	Specter
Coleman	Inhofe	Stevens
Collins	Kyl	Sununu
Cornyn	Lott	Talent
Craig	Lugar	Thomas
Crapo	McCain	Voinovich
DeWine	McConnell	Warner

NAYS—43

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dodd	Leahy	

NOT VOTING—3

Bingaman	Edwards	Kerry

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I will suggest the absence of a quorum. I wish to advise Senators we are making progress. We are working out a UC request right now, and I hope to resume the bill very shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. WARNER. Madam President, the UC request is still under consideration. Very clear and forthright efforts are going forward on both sides. But in order to proceed on the bill, I ask unanimous consent that we turn to the Senator from Illinois, who will speak for a few minutes, and then it is my understanding a voice vote will be acceptable on his amendment. Following the adoption of that amendment, we will turn to the distinguished Senator from Kentucky for the McConnell-Bunning amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3386

Mr. DURBIN. Madam President, I ask at this point for consideration of amendment No. 3386.

The PRESIDING OFFICER. That amendment is pending.

Mr. DURBIN. Thank you very much, Madam President.

Madam President, I thank the chairman of the committee, Senator WARNER of Virginia, and my close friend and colleague on the Democratic side, Senator CARL LEVIN of Michigan, for their support of this amendment.

I think this amendment comes at the right moment in history. All across the world, many who are our friends and those who are not question whether the United States is abandoning its time-honored commitment to oppose torture, cruel, inhuman, and degrading treatment of detainees and prisoners.

The scandal at Abu Ghraib touched the heart of every American because it sent entirely the wrong message about the values of this country. We are not a country that will look the other way when it comes to this sort of horrific treatment. This amendment is a reaffirmation of our statement as Americans that we are committed, as every administration has been going back to President Abraham Lincoln, to oppose torture and the kind of inhuman conduct and treatment that we saw at Abu Ghraib prison.

I think this amendment also makes it clear to the Department of Defense that we want them to take this seriously, to establish guidelines consistent with our Constitution, with the laws of the land, and with the treaties that have been signed by Presidents, Democrat and Republican alike. These guidelines will be clear signals for every member of the U.S. military in terms of acceptable conduct when it comes to the interrogation and treatment of detainees.

The third step in this amendment says that any violations that are noted by the Department of Defense will be reported to Congress consistent with national security. Should there be a circumstance where classified or secret information would jeopardize the security of this country, it can be reported in that context to the appropriate committee and in no way diminish the security of this Nation.

I hope this overwhelming support for this amendment at this moment in time will say to those of us across America who feel it is important to send this message, and to those listening around the world, that the United States still stands strong by its commitments to oppose torture and the cruel and inhuman and degrading treatment of prisoners and detainees.

I thank the Senator from Virginia for his cooperation in this regard. I thank the Senator from Michigan for cosponsoring this along with Senator SPECTER of Pennsylvania.

Madam President, I ask that the Senate, at this point, accept the amendment which I have offered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, the Senator from Illinois and myself and others were here well into the night last night as the Senator gave a very detailed dissertation on this subject.

I find the amendment basically recites this administration's policy. The unambiguous policy of this and preceding administrations is to comply with and enforce this Nation's obligations under international law. These obligations are embedded in American domestic law, including the Uniform Code of Military Justice, which explicitly incorporates the law of war.

President Bush has recently stated:

> We are a nation of law. We adhere to laws.

Secretary Rumsfeld, on June 13, stated:

> There is no wiggle room in my mind or the President's mind about torture. That is not something that's permitted under the Geneva Conventions or the laws of the United States. . . . It's required that people in custody be treated in a humane way.

So I think it is very appropriate that we do the codification, as the Senator recommends. I am hopeful that in the conference status Senator LEVIN and I can work to incorporate basically this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, let me congratulate our good friend from Illinois for his leadership and determination to offer an amendment which will reflect our best instincts, our best values and our laws, both domestic and international laws to which we have subscribed. This amendment reaffirms the military's high standards, which are embodied in the Army's own field manual. Army regulations, which are cited in the ''findings'' sections of this amendment, explicitly require that all prisoners will receive humane treatment. They prohibit, among other things, torture and all cruel and degrading treatment.

The high standards in the manual, which are reinforced by this amendment, protect American soldiers. It is not just the right thing; it is not just

representing our own values. This protects American soldiers. If we lower our standards, it is only going to encourage others to engage in the torture or mistreatment of American prisoners of war in enemy custody.

The reaffirmation of our commitment to treat detainees humanely preserves our ability to demand full protections for American prisoners of war. This amendment is a clear way of reaffirming to the American people and to the world that the United States recognizes it is legally bound by international agreements. Indeed, we have promoted, we have been the leader in producing many of those international agreements relative to torture. We are going to comply with those obligations. There is one rule that applies to all. It applies to us. It applies to every other country. And we accept—indeed, we promote and proclaim—the wisdom of that rule.

I congratulate the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that Senators LEVIN, SPECTER, FEINSTEIN, LEAHY, and KENNEDY be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3386.

The amendment (No. 3386) was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3438

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING], for Mr. MCCONNELL, for himself and Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT, proposes an amendment numbered 3438.

Mr. BUNNING. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BUNNING. Madam President, I rise today to offer an amendment cosponsored by Senator BINGAMAN and 16 other Senators including Senators GRASSLEY, CLINTON, DOMENICI, KENNEDY, STEVENS, CANTWELL, VOINOVICH, SCHUMER, ALEXANDER, MURKOWSKI, MURRAY, DEWINE, TALENT, DURBIN, BOND, and FEINSTEIN.

This amendment will fix the problems with the Department of Energy's compensation program for sick and injured cold-war workers at Energy sites throughout the country.

Since the end of World War II, workers at Department of Energy sites across the country helped our Nation face threats from our enemies by creating and maintaining our Nation's nuclear weapons.

Many of these workers sacrificed their health and safety and were exposed to harms unknown at the time in their work to preserve our freedoms.

In 2000, as part of the DOD authorization bill, Congress enacted the Energy Employee Occupational Illness Compensation Act.

This act was intended to give timely and reasonable compensation to Department of Energy employees suffering from diseases caused by working in the nuclear weapons program.

This program was split into two parts.

Subtitle B of the program is run by the Department of Labor for those workers with diseases from radiation and beryllium; and

Subtitle D of the program is currently run by the Department of Energy for those workers made ill from toxic substances.

Subtitle B of the program has been running well. The Department of Labor has completely processed more than 95 percent of the 54,000 cases it has received.

Subtitle D of the program, however, is completely broken and the Department of Energy has done an abysmal job running it.

For almost 4 years now, the Department of Energy has failed to process and pay claims of workers who were made ill by their work.

The Energy Committee has held 3 hearings on this issue which revealed the DOE's failure at administering this program. I should note that both the chairman and the ranking member of the Energy Committee are cosponsors of this amendment.

GAO has also studied this issue and found the DOE's performance subpar.

More than 24,000 workers or survivors have filed claims with the DOE for compensation for their illnesses.

DOE has now received $95 million for this program from Congress and only four claims have been paid.

Further, the program under the DOE has an uncertain process for compensating workers. Even if a worker is found to have an eligible claim, DOE has not identified an entity for all claimants who will pay those claims and serve as a ''willing payer.''

DOE's miserable job with this program is particularly troubling because of the Kentucky workers at the Paducah gaseous diffusion plant, where the uranium shipped to sites throughout the country was refined.

Under DOE's program, out of almost 3,000 former Paducah workers who have filed for compensation for their illnesses. Zero workers have received any compensation for their illnesses.

The Department of Energy's current track record for slow processing of claims makes me believe that it lacks the capability to handle the compensation program effectively.

The amendment transfers subtitle D claims processing operations from the Department of Energy to the Department of Labor, who is currently handling thousands of similar claims under subtitle B of the program.

The Department of Labor is one of the largest and most efficient claims operations in the country.

Payments will be made directly by DOL to the worker or survivor. This solves the current issue of no willing payer for all eligible claims.

The funds continue to be subject to annual appropriations as they currently are today.

CBO anticipates only minor costs associated with the transfer of the program to DOL.

This amendment fulfills the promise that Congress made to DOE workers in 2000 to provide payment and benefits for their illnesses due to toxic substances.

Many of these workers are dying and should not have to wait any longer for the Department of Energy to get its act together to process and pay the valid claims in a timely manner.

The current DOE program's lackluster performance is not what Congress envisioned when it passed this act in 2000.

It is imperative that we protect those workers who risked their health and safety to help us win the cold war.

I urge you to support this amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I rise to speak in strong support of the Bunning-Bingaman amendment, of which I am a proud cosponsor.

At the outset, I want to thank Senator BUNNING and Senator BINGAMAN for their leadership and hard work on this amendment, and in bringing this to the floor. I also want to thank Senator GRASSLEY, Senator DOMENICI and the many other members who have worked on this amendment. The full list of cosponsors is a long, bipartisan list: BUNNING, BINGAMAN, GRASSLEY, CLINTON, DOMENICI, CANTWELL, VOINOVICH, SCHUMER, ALEXANDER, KENNEDY, MURKOWSKI, MURRAY, DEWINE, FEINSTEIN, TALENT, DURBIN, STEVENS, and BOND.

The purpose of our amendment is simple: We're here to help fulfill the promise that Congress made 4 years ago to some of our Nation's cold warriors. In 2000, thanks to the leadership of Senators VOINOVICH, KENNEDY, and many others, Congress passed the Energy Employees Occupational Illness Compensation Act as part of the FY

2001 Defense Authorization Act. That law was both a recognition of the Government's responsibility for exposing energy program workers to deadly radiation, and a promise that the Government would provide timely assistance and compensation to workers who were harmed by exposure to radiation and other toxic substances.

I think it is worth briefly revisiting some of the findings of that 2000 act, because I think it sets the context for this amendment. The findings of that act stated:

Since the inception of the nuclear weapons program and for several decades afterwards, a large number of nuclear weapons workers at sites of the Department of Energy and at sites of vendors who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

Many previously secret records have documented unmonitored exposures to radiation and beryllium and continuing problems at these sites across the Nation, at which the Department of Energy and its predecessor agencies have been, since World War II, self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to be carried out under such sweeping powers of self-regulation.

The policy of the Department of Energy has been to litigate occupational illness claims, which has deterred workers from filing workers' compensation claims and has imposed major financial burdens for such employees who have sought compensation. Contractors of the Department have been held harmless and the employees have been denied workers' compensation coverage for occupational disease.

Over the past 20 years, more than two dozen scientific findings have emerged that indicate that certain of such employees are experiencing increased risks of dying from cancer and non-malignant diseases. Several of these studies have also established a correlation between excess diseases and exposure to radiation and beryllium.

To ensure fairness and equity, the civilian men and women who, over the past 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy and its predecessor agencies should have efficient, uniform, and adequate compensation for beryllium-related health conditions and radiation-related health conditions.

Although the findings of the 2000 act still stand, its promise of efficient, uniform and adequate compensation simply has not been met. That is what this amendment is about—Congress needs to make good on the promise it made in 2000.

Before I describe the amendment in detail, I want to make it clear that this amendment is a compromise. It does not contain everything that I would have liked to include, and I know that it reflects compromises on both sides. But there is no question in my mind that it will help workers in New York, and virtually everywhere else that our nuclear weapons production facility workers are found, and therefore I strongly support it.

As Senator BUNNING has described, Subtitle D of the 2000 act required DOE to review evidence to determine if a worker's illness was caused by exposure to toxic substances in their DOE work. Claimants with positive findings from the DOE physician panels were to be assisted by DOE in filing for and receiving State workers' compensation benefits due to them.

Processing of claims by DOE has been extremely slow. In 4 years, only 3 percent of claims have been processed by DOE. Eighty percent of subtitle D claims are languishing in the DOE system at the very earliest stages of development or with no work begun on them at all. There have been three Senate hearings in recent months examining the DOE's failed operation of Subtitle D of the EEOICPA program. GAO has studied DOE's efforts under subtitle D and found significant problems with both DOE's claims review process and DOE's ability to pay valid claims.

The bottom line is that after 4 years and more than $90 million in administrative funding, DOE admits that they have only provided compensation to four claimants of the more than 24,000 that have applied for assistance under the Subtitle D program. Our amendment addresses this problem by transferring claims processing operations to the Department of Labor, one of the largest and most efficient claims operations in the country. DOL is already processing thousands of similar claims under Subtitle B of EEOICPA and has already processed more than 90 percent of their claims. Our amendment assures that benefits due to workers or survivors will be paid according to the State laws covering the worker or survivor. The payments will be made directly by DOL to the worker or survivor. Benefits will be paid with appropriated funds, just as they would have been had DOE performed as expected. The Department of Labor's operation of this program is likely to be significantly more efficient and less expensive than DOE's current claims processing operation.

Although I would have preferred to see a uniform benefit established under subtitle D in this amendment, I believe that moving the subtitle D program to the Department of Labor will be a very significant improvement.

The amendment also corrects a significant problem associated with subtitle B of the 2000 Act. Under subtitle B of the Energy Employees Occupational Illness Compensation Program Act, workers are eligible for a payment of $150,000 and medical coverage for expenses associated with the treatment of certain illnesses resulting from exposure to radiation at atomic weapons plants. This part program is administered by the Department of Labor, and though its administration has been far better than the subtitle D program administered by DOE, it has had its share of problems as well. One of the problems is that workers who became sick from working in contaminated atomic weapons plants after weapons production ceased are not eligible to apply for benefits under subtitle B of the Act.

Recognizing that this was a potential oversight in the 2000 act, Congress directed the National Institute of Occupational Safety and Health to study the issue and report back to Congress. In 2003, NIOSH finished its study, entitled ''Report on Residual Radioactive and Beryllium Contamination in Atomic Weapons Employer and Beryllium Vendor Facilities.'' The report concluded potential for significant residual radioactive contamination existed in many of these plants for years and decades after weapons production ceased, posing a risk of radiation-related cancers or disease to unknowing workers.

In fact, the report found that: 97, 44 percent, covered facilities have potential for significant residual radioactive contamination outside of the periods in which atomic weapons-related production occurred; 88, 40 percent, such facilities have little potential for significant residual radioactive contamination outside of the periods in which atomic weapons-related production occurred; and 34, 16 percent, such facilities have insufficient information to make a determination.

In my State of New York, 16 of 31 covered facilities were found to have the potential for significant contamination, 10 had little potential for significant contamination, and 5 of the 31 had insufficient information. In other words, more than half of the New York Atomic Weapons Employer Facilities in New York were contaminated after weapons production ceased. As a result, workers were exposed to radiation, and deserve to be eligible for benefits under EEOICPA.

But this is not just a New York issue. The 97 facilities where NIOSH found the potential for significant residual radioactive contamination outside the periods during which weapons-related production are spread across 16 States. I want to briefly list these States for the benefit of my colleagues. They are California, Connecticut, Florida, Illinois, Indiana, Kansas, Massachusetts, Maryland, Michigan, Missoiuri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Texas.

Once the NIOSH report came out, it was clear that the law needed to be changed. The fact is that many of the facilities remained contaminated after weapons production ceased, and workers continued to be unwittingly exposed to radiation. That is why I introduced the Residual Radioactive Contamination Compensation Act, RRCCA, earlier this year, and I am pleased that with some modifications, it has been incorporated into this amendment.

The most important change that this provision will accomplish is that it will provide eligibility for benefits under subtitle B to workers who were employed at facilities where NIOSH has found potential for significant radioactive contamination. This just means that these workers will be eligible to

apply for benefits like the workers who were exposed to radiation during weapons production. We are not automatically granting them benefits. We are just saying that they ought to be eligible to apply. And that is only fair.

In addition to expanding eligibility to workers employed at facilities where NIOSH has found potential for significant radioactive contamination, the amendment would require NIOSH to update the list of such facilities by 2006. This addresses the fact that there was insufficient information for NIOSH to characterize a number of sites in its 2003 report.

As I pointed out earlier, fixing this so-called ''residual contamination'' oversight in the 2000 act will be very helpful to a small number of deserving workers in my State, particularly in western New York. And it will be similarly helpful to workers in the other 15 States that I mentioned.

Due to the efforts of Senator SCHUMER, the amendment would also establish a center in western New York to help people navigate the claim system. I want to applaud his work on this provision which will also be extremely helpful to New Yorkers. These are steps forward, and paired with the changes to the workers compensation portion of the program that Senator BUNNING has outlined, represent significant improvements.

Before I close, I want to make several additional points.

First, this is a modest amendment. The Congressional Budget Office estimates that making workers who were exposed to residual contamination eligible for benefits under subtitle B of the act, as I have described, will cost only $2.9 million per year over 10 years. The changes to subtitle D, the workers' compensation component of the program, are also relatively inexpensive. CBO anticipates the program will need an appropriation of an additional $2 million in FY 05 from the current program to pay for these changes, and that annual costs in future years will be on the order of $25 million per year annual costs. This is very close to the current scored amount for this portion of the program. All of these costs are fully offset in the amendment. This is a very small price to pay to help fulfill the promise that Congress made to weapons workers in 2000. It is not everything that I and others involved in the negotiations would have wanted, but it will make a significant difference.

Finally, I note that last week we celebrated the life and service of Ronald Reagan. Many of the tributes to President Reagan focused on his role in ending the cold war. Ronald Reagan was a commander in chief in that war—one of the last in a line of commanders in chief that stretched back to the end of World War II. As we all know, the cold war was a different kind of war—one that relied on deterrence, the credible threat of a massive retaliatory attack by the U.S. In a very real sense, the foot soldiers of that cold war included the men and women who toiled in the weapons production related facilities run by DOE and its contractors. These people were true cold war heroes, working in hazardous conditions, and in some cases, paid a heavy price in terms of their health. We owe it to them to fix the glaring flaws in the Energy Employees Occupational Illness Compensation Program.

As the Senator from Kentucky explained, the purpose of the program in 2000 was to remedy and provide compensation for workers who had been the warriors during the cold war. It was not a hot war. It was a cold war.

One of the commitments made by our Nation in passing the legislation in 2000 was to recognize our responsibility to workers who were exposed to radiation and to help them with medical and living expenses all these years later. One of the problems is that workers who became sick from working in contaminated atomic weapons plants or their contractors, after weapons production ceased, were not eligible to apply for benefits under the act. Recognizing that this was a potential oversight, the Congress directed the National Institute of Occupational Safety and Health to study this issue and report back to Congress.

In 2003, NIOSH—the national institute—submitted a report entitled ''Report on Residual Radioactive and Beryllium Contamination in Atomic Weapons Employer and Beryllium Vendor Facilities.'' That is a long way of describing that the NIOSH investigators found that some of the plants people have worked in were contaminated for years after the actual weapons production ceased or after the actual components for the weapons production in the contractor's plant ceased. The report concluded there was a potential for significant residual radioactive contamination that posed a risk of radiation-related cancers or diseases to unknowing workers. In fact, the report found that 44 percent or 97 of the facilities that fell into the category of being potentially residually contaminated did have evidence of such contamination; 88 such facilities have little potential for such contamination; 34 had insufficient information on which to base a determination.

In New York, 16 of 31 facilities that could have been considered residually contaminated were found to have significant contamination. I am not satisfied with the NIOSH findings because I think we now know more about where to look for and how to discover this residual contamination. The bottom line is that, even under the NIOSH report of 2003, we had workers in New York who were found to have been exposed to radiation and beryllium because of the work they did for our country through the contracting in order to produce the weapons needed in the cold war.

This is not just a New York issue, obviously. There are 16 States where this residual contamination has been found. So out of the NIOSH report it became clear that we needed to amend the law. I introduced the Residual Radioactive Contamination Compensation Act. I am pleased that, with some modifications, it has been incorporated into this amendment.

The most important change is we now will provide eligibility for benefits under subtitle B of the original act to workers who were employed at facilities where NIOSH has found potential for significant radioactive contamination. That means they will be able to apply for benefits just like the workers who we know were directly exposed to radiation during weapons production. They are not automatically eligible for benefits, but they now have a right to apply. That is only fair.

In addition to expanding eligibility for workers employed at facilities where the potential for residual contamination was discovered, my amendment requires NIOSH to update the list of such facilities by 2006. I have met with these men who worked in these plants. They came home from World War II—the vast majority of them—and they went to work in the industrial plants that were all over western New York in the late 1940s and 1950s, and they worked hard. They have distinct memories of rolling big coils of uranium around the floor of the plants, and uranium residue was falling into the fires of the steel mills. It is a very touching experience because they did what they were supposed to do. Many of them fought in Europe, in the Pacific, and came home after the war to lead their lives, raise their families. They worked hard for years, and now they are sick. So we need to fix this.

I am grateful for this amendment moving us forward. I am going to focus hard on NIOSH as they continue their work to meet the 2006 update deadline that this amendment imposes because I think there are other facilities—certainly in my State—where it is indisputable that they were contaminated by residual radioactive materials.

We are also establishing a center in western New York to help people navigate the claims system. As the Senator from Kentucky pointed out, the DOE has not done the job. We need to have a place where all of these workers, many of whom are in their seventies and eighties now, can go and get the information about this new law and they can get their claims expedited accordingly.

This is a modest amendment. The CBO estimates that making workers who were exposed to residual contamination eligible for benefits under subtitle B of the act will cost only $2.9 million per year over 10 years. The changes to subtitle D, the workers' compensation component of the program, are also relatively inexpensive. CBO anticipates the program will need an appropriation of an additional $2 million in fiscal year 2005 from the current program to pay for these changes, and that annual costs in future years

will be on the order of $25 million per year. This is very close to the current scoring amount for this portion of the program. The difference is we are not only going to do the program better and take care of more people, these costs are fully offset in this amendment.

Madam President, this is a very small price to pay to fulfill the promise Congress made to weapons workers in 2000 and that Americans made to these men over decades as they labored in these facilities. It is obviously not everything some of us would wish for, but it is a very honorable compromise, and the sponsors of the bill have worked very hard to bring it about.

So I hope that, in the wake of dedicating the World War II Memorial and the week of honors to President Reagan and his legacy, we recall that during the cold war we relied on deterrence. What that meant is we had to have a credible threat of a massive retaliatory attack by the United States against the Soviet Union in the event that they were to even consider acting against us.

In a very real sense, the soldiers of the cold war were also the men and women who toiled in these weapons production facilities run by DOE and the contractors, many of whom were in western New York and throughout my State. These were people who worked in hazardous conditions; many have paid a heavy price in terms of their health.

I am very pleased that today we are taking a step to fix the glaring flaws in the Energy Employees Occupational Illness Compensation Program, and I urge my colleagues to join in supporting the Bunning-Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York, Mr. SCHUMER, is recognized.

Mr. SCHUMER. Madam President, I want to join all of my colleagues, including my good friend, the Senator from Kentucky, my colleague and friend, Senator CLINTON, Senator BINGAMAN, and so many others who are in support of this bipartisan amendment, which would not only improve many of the unsuccessful provisions of the Energy Employees Occupational Illness Compensation Program Act, but it would also address critical areas of concern important to workers that were not properly dealt with in the original legislation.

For decades during the cold war, thousands of New Yorkers labored in hazardous conditions at DOE and contractor facilities, unaware of the considerable health risks. Workers at these facilities handled high levels of radioactive materials and were responsible for helping create the huge nuclear arsenal that served as a deterrent to the Soviet Union during the cold war.

Although Government scientists knew of the dangers posed by radiation, workers were given little or no protection, and many have been diagnosed with cancer.

During the cold war, New York alone was home to 36 former atomic weapon employer sites and DOE cleanup facilities. In the 8 counties of western New York—in the Buffalo and Niagara region, where this is particularly a problem—there were 14 facilities that participated in the manufacture of America's nuclear arsenal.

Despite having one of the greatest concentrations of facilities involved in nuclear weapons production-related activities in the Nation, western New York continued to be seriously underserved by the Energy Employees Occupational Illness Compensation Program, not just for a year or two but for many years. Many constituents from my State went unaware of the program entirely or were not provided with sufficient information about how the claimant process worked. In the opinion of my constituents, this program was completely ineffectual in its ability to address their questions and concerns properly.

Despite statutory language in section 3631 of the original legislation, which required DOL to provide outreach and claimant assistance, the only assistance applicants received when applying for this program was from a traveling resource center that came to the area too infrequently to serve the public.

Today I am happy to say that the Bunning-Bingaman amendment would substantially improve the effectiveness of outreach and claimant assistance to applicants from the New York region by recognizing the need for a resource center in western New York. This is something we have been pushing for years. This would be a substantial step toward improving services for workers in my home State.

Upon successful passage of this legislation, I look forward to working with the newly established Office of the Ombudsman to locate a resource center in the western New York region. A permanent facility would not only increase awareness of the program among residents but would help serve workers throughout the claimant process.

Furthermore, this legislation would repair the definition of an ''atomic weapons employee'' to assure that those exposed to residual radiation after a facility finished processing radioactive materials for nuclear weapons programs would qualify to apply for benefits—a truly fundamental expansion on which my esteemed colleague Senator CLINTON has been a leader.

In a report released at the end of 2003, NIOSH identified 86 atomic weapons employer facilities across the country where there was a potential for significant residual radiation outside the period in which weapons-related production occurred, and 14 of those are in my home State of New York.

Passage of this new legislation would provide a significant opportunity for sick nuclear workers from across New York and the country who were formally excluded from this program to receive the compensation they deserve.

While the act was enacted to provide compensation to employees of the Department of Energy and its contractors who were exposed to radiation or other toxic substances, a significant portion of this program utterly failed—utterly failed—in its obligations to thousands of Americans who dutifully acted as soldiers on the front lines of the nuclear arms race.

After 4 years and more than $90 million in administrative funding, DOE admits they have only provided compensation to 4 claimants of the more than 24,000 who have applied for assistance under subtitle D. There have been multiple Senate hearings examining the failures of this program and particularly of subtitle D. GAO has studied DOE's efforts under subtitle D and found significant problems with both DOE's claims review process and the ability to pay valid claims.

Today we owe it to those who sacrificed their health and safety for the security of America to pass the Bunning-Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I express my appreciation to the Senator from Kentucky, and the Senator from New Mexico as well. The Senator from Kentucky has worked diligently, consistently, persistently, and made certain that this amendment saw the light of day.

I thank the Senator from Virginia for permitting it to be considered in this way.

I only have a brief comment to make, but this is an important comment. As the Senator from New York said, this amendment will fulfill the intent of the act in 2000 which intended to provide for our cold-war veterans, our sick workers. The Senator from Alaska, who is in the chair, has been one of those who have spoken eloquently about this in the Energy Committee on which we both serve.

Over 24,000 of our Nation's cold-war veterans have filed claims with the Department of Energy, and over 18,000 of those claims are still being developed or awaiting development. There are more than 4,800 cold-war veterans in Tennessee who are sick and are getting the runaround from the Department of Energy. It needs to stop. We should be treating our cold-war veterans with the same respect they have treated our country.

As of March 18 of this year, 60 percent of these cases were still awaiting development—60 percent. The Department of Energy has had, as has been said already, nearly 4 years to get its act together and has yet to do so. This amendment will transfer the responsibility of claims from the Department of Energy to the Department of Labor. The Department of Labor currently

runs several workers' compensation programs and is well equipped to handle those claims. The changes will provide uniform medical benefits and allow a large number of claimants in the process to receive compensation much sooner.

I am proud to be a cosponsor of the amendment. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today to join my colleagues, Senators BUNNING and BINGAMAN and the other supporters of this legislation, to support this very important amendment. This amendment will improve an existing program which provides financial and medical compensation to workers who were made ill as a result of their employment at the Department of Energy's nuclear weapons facilities.

Since the end of World War II, at facilities all across America, tens of thousands of dedicated men and women in our civilian Federal and contract workforce helped keep our military fully supplied and our Nation fully prepared to face any threat from our adversaries around the world by developing and building our Nation's nuclear weapons stockpile. The success of these workers in meeting this challenge is measured in part with the end of the cold war and the collapse of the Soviet Union. However, for many of these workers, their success came at a very high price. They sacrificed their health and even their lives, in many instances without knowing the risks they were facing, to preserve our liberty. I will not go into the details, but I saw the memoranda and all the other items they should have had available to them but which were kept from them. What happened to these workers was worse than what happened to the workers in the movie ''Erin Brockovich'' that many of us saw.

I believe these men and women have paid a high price for our freedom, and in their time of need this Nation has a moral obligation to provide some financial and medical assistance to these cold-war veterans. That is what they are—cold-war veterans.

To meet that goal, I worked with a bipartisan group of my colleagues 4 years ago to create a program that would provide financial compensation to Department of Energy contract workers whose impaired health has been caused by exposure to beryllium, radiation, or other hazardous substances. I have been pleased to be involved with this program from the beginning. In fact, the passage and creation of this legislation in 2000 was one of my proudest moments as a Member of the Senate. It took monumental efforts by a bipartisan group of my colleagues, many of whom cosponsored this amendment we are debating today. I said at that time the Holy Spirit was working because, without divine help, this would never ever have gotten done.

Under the current program, the Energy Employees Occupational Illness Compensation Program, workers suffering from beryllium disease, silicosis, or cancer due to radiation exposure because of their work in our national security programs are eligible for Federal compensation. The Department of Labor was assigned primary responsibility for administration and adjudicating these claims under part B of this act.

Under part D, the Department of Energy would assist claimants filing for compensation through State workers' compensation programs if a physicians panel found an occupational illness caused by chemical or other toxic exposure at a DOE site. Claims were not to be contested by contractors, and any compensation was to be paid by the Department of Energy.

This compromise package that was ultimately agreed to by Congress and signed into law was not what I originally supported in 2000. I introduced a bill which called for a Federal program administered entirely by the Department of Labor, but during congressional negotiations on the language authorizing the program, I agreed to this multiagency concept in order to reach a compromise creating the program. The fact is, if we did not agree to that, we would not have gotten a bill out of conference. So I agreed to it.

I have been pleased with the excellent program the Labor Department is running. Over 3 years after enactment, we have seen over 13,000 claimants receive compensation from DOL. On the other hand, I am becoming extremely frustrated with DOE's administration of part D of the program. More important than my frustration, however, is the fact that claimants who deserve answers and compensation are experiencing endless delays. I visited with some of those people. They cannot understand why this bureaucracy in Washington does not work.

While over 24,000 claims have been received by the Department, only 646 final decisions have been sent to claimants. Think about that: Out of 24,000, only 646 have been sent to claimants.

Even more shocking is that only four claimants have any compensation at all from the DOE portion of this program. I have always been skeptical of the capability of the Department of Energy to administer this because of their lack of experience in administering workers' compensation programs. I could have told them that when we started out, but no one would have listened.

Additionally, I was concerned about the role of State workers' compensation programs outlined in part D. As a former Governor, I was doubtful that a Federal program such as this would be able to work in each of the individual State programs.

There are two inherent problems within the existing program: continued delays and slowness in processing claims, and the so-called willing payer issue.

This amendment addresses both of those issues. In order to speed up claims handling and processing, this amendment moves administration of part D from the DOE to the DOL. I believe DOL is better suited to administering this program because they have significant experience in administering workers' compensation programs, including part B of the program.

This amendment also addresses the willing payer issue, another very important aspect. Under the current program, I understand it will be difficult for DOE to fulfill congressional intent in Ohio because there is not a contractor in place at the sites that can be compelled to pay the claims. They are no longer there. Many other workers nationwide are facing the same shortcomings in this program. In fact, the Ohio Bureau of Works' Compensation has tried unsuccessfully to work with DOE to ensure that this program works in Ohio.

The current administrator of the Ohio Bureau of Workers' Compensation is probably the best public administrator I have met in my life. He started with me when I was Lieutenant Governor, worked with me when I was mayor, and came to work with me as Governor of the State of Ohio. I would like to just quote from his letter to me and Senator DEWINE. He stated:

> I understand DOL's and DOE's concern with this amendment, but BWC must ultimately look at what is best for the customer, in this case, the injured workers; consequently, we feel the changes proposed by the amendment will result in positive developments. Since the program's inception, DOE has failed (for whatever reasons, some of which may not be the department's fault) to process its claims in a timely fashion. A recent General Accounting Office report stated that DOE had only processed 6 percent of the 23,000 received claims. Clearly, the current system is not working. We believe throwing more money into a system that does not work will only compound the problem.

The amendment we are considering today enjoys broad bipartisan support in the Senate. It is also supported by many State compensation systems and local labor organizations, including the Ohio Bureau of Workers' Compensation, the PACE locals at Mound and Portsmouth, and the Fernald Atomic Trades and Labor Council in my home State of Ohio.

I urge my colleagues to vote in favor of this amendment. It simply fulfills the promise that we made to these veterans of the cold war. We have kept them waiting too long.

I ask unanimous consent to have this letter from Administrator Conrad printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE OHIO BUREAU
OF WORKERS COMPENSATION,
Columbus, OH, June 7, 2004.

Hon. MIKE DEWINE,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. GEORGE VOINOVICH,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DEWINE AND SENATOR VOINOVICH: I write today to express the Ohio Bureau of Workers' Compensation's (BWC's) support for the pending Bunning-Bingaman amendment to reform portions of the Energy Employees Occupational Illness Compensation Act of 2000. As you know, portions of this program, especially Subtitle D, have failed to process claims and assist injured workers with receiving their rightful benefits in a timely fashion. As stated in our previous letters, the Department of Labor (DOL) has found success implementing its part of the program (Subtitle B); however, the Department of Energy (DOE) has not met with the same results. Over the past two years, BWC has actively sought a positive solution to this problem with DOE and we are prepared to support the Bunning-Bingaman amendment to help move this program in the right direction.

I understand DOL's and DOE's concern with this amendment, but BWC must ultimately look at what is best for the customer, in this case the injured workers; consequently, we feel the changes proposed by the amendment will result in positive developments. Since the program's inception, DOE has failed (for whatever reasons, some of which may not be the department's fault) to process its claims in a timely fashion. A recent General Accounting Office report stated that DOE had only processed 6% of the 23,000 received claims. Clearly, the current system is not working. We believe throwing more money into a system that does not work will only compound the problem.

We believe the Bunning-Bingaman amendment will reform the system to speed up claims processing and benefit payouts. It will allow states to serve as consultants to advise the federal government on the benefit levels eligible injured workers should be receiving. In effect, the federal workers' compensation program outlined in this amendment offers fewer limitations and easier access to benefits for the injured workers of Ohio than did the previous system that was in place. The states will serve as guides to the federal government to help determine the correct benefit levels.

In addition, by shifting causation determinations and case development from DOE to DOL, it removes subjecting similar injured workers from having to go through multiple federal and state jurisdictions for approval. Injured workers receiving Subtitle B benefits are determined to be eligible for Subtitle D benefits, which will speed up claims and benefit distributions since 50% of all Subtitle D claims have already been awarded Subtitle B benefits.

In sum, we believe the amendment will help steamline the program and take the burden off the states while speeding up the process for the injured workers. It is our belief that the Bunning-Bingaman amendment will help resolve this problem and help bring relief to injured and ill Ohio workers and their families. As has been our history with this program, BWC stands ready to assist the process in any way possible.

Sincerely,

JAMES CONRAD,
Administrator/CEO.

Mr. GRASSLEY. Madam President, I rise to speak in support of the amendment offered by Senators BUNNING and BINGAMAN. This amendment, of which I am a cosponsor, makes significant and much needed reforms to the Energy Employees Occupational Illness Compensation Act of 2000.

Congress passed this law to provide timely, uniform, and adequate compensation to sick nuclear workers. These Department of Energy employees or contractors were made sick from exposure to toxic substances or radiation while assembling our nuclear deterrent. This law required DOE to help these former workers compile employment and medical records to assist in the filing of State workers compensation.

There are two facilities in Iowa that are covered under this law. Over 600 claims have been filed by former workers of the Iowa Army Ammunition Plant located in Middletown, IA. These patriots served on our Nation's homefront during the cold war, putting themselves at risk building nuclear weapons. The least our Government can do is provide the necessary assistance to ensure that those eligible for compensation receive it.

However, one thing has been made perfectly clear. The Department of Energy does not have the capability or expertise to fulfill their responsibilities under this act. I began to question DOE's ability to process these claims in April of 2003, when I noticed they had received over 15,000 claims and only a handful had been fully processed.

I questioned Secretary Abraham on this point. I followed up with Under Secretary Card a few months later. I was told on both occasions that all DOE needed was more time and more money. I was skeptical, to say the least.

Then, last fall, the General Accounting Office confirmed my suspicions. Their conclusions, in a report I had requested, were stunning. Of the more than 19,000 claims filed with the Department of Energy, only 6 percent had been completely processed, and over 50 percent remained untouched. Even more, GAO concluded that more money alone would not result in more timely processing.

Becasue it was clear that DOE had a substandard operation in place to implement this important program, Senator LISA MURKOWSKI and I took action. We offered and had accepted an amendment to the Energy and Water appropriations bill to transfer the claims processing from DOE to the Department of Labor.

We knew at the time that DOE was not on the right track, and that DOL had the experience and expertise to handle this compensation program. While we were successful in the Senate, the Department of Energy and their contract had their way, and our amendment was stripped in conference.

Since that time, I have testified before Chairman DOMENICI's Energy Committee twice to outline the abysmal performance of the Department of Energy. It was at the second hearing where I shared information I had uncovered about the contractor that DOE had hired to do this work.

While only 6 percent of claims had been fully processed, DOE believed it was perfectly reasonable to pay the program manager of their hired contractor $401,000 annually. The head of DOE's contractor costs the taxpayer more than the salaries of Secretary Abraham and Secretary Chao combined.

Today's bipartisan amendment is a comprehensive approach to finally put an end to the perpetual delay in claims processing and address the lack of a willing payor to pay valid claims in Iowa.

It is my understanding that the administration opposes our amendment because they believe it will create an unworkable process and delay the processing of claims. This is precisely the same position they held last October when Senator MURKOWSKI and I pushed similar reforms.

It is unfortunate that the administration hasn't realized during this time that the unworkable process and unnecessary delay is not a result of our efforts here in Congress but the result of 4 years of ineffectiveness at the Department of Energy. This amendment simply makes the original law work.

I hope my colleagues can support our efforts on behalf of the thousands of sick nuclear workers across the Nation. Through this amendment, these sick workers will finally receive the compensation they so richly deserve.

Mr. BINGAMAN. Madam President, I rise today to offer my support for the amendment offered by my colleague, Senator BUNNING, to reform the Energy Employees Occupational Illness Compensation Act.

The purpose of this act was straightforward when enacted in 2000: to compensate sick workers at Department of Energy facilities, and industrial sites, who performed work involving radioactive and hazardous materials associated with nuclear weapons. More importantly, it was to compensate them quickly, and with a minimal amount of bureaucracy, given that many of these workers are dying.

Unfortunately, 4 years later that does not appear to be the case for subtitle D of this act, as administered by the Department of Energy, which handles claims that are to go forward to State compensation boards.

Let me cite some statistics that indicate to me that there appears to be a structural problem with subtitle D. As of June 4, 2004, the Department of Energy has 24,354 cases pending to determine whether working at a DOE facility was the cause of their illness. Yet as of June 4, 2004, only four of the cases have received a favorable determination from State Worker Compensation Boards. The amount paid out for these four cases is approximately $139,000.

Over the past 4 years, the administration of this program has cost the taxpayers $95 million.

The Energy and Natural Resources Committee has held two hearings on this program to explore solutions to the problems we face under subtitle D. The first hearing was on November 23, 2003. It had seven witnesses, including Senator GRASSLEY and Under Secretary Card from the Department of Energy. The other five witnesses were experts in the field of injured worker compensation; all had worked on this program since its inception. At that hearing, the expert witnesses confirmed there were major problems processing the claims under subtitle D. Dr. David Michaels, the former DOE official who developed this program, told the committee that subtitle D, as administered by the DOE, was a failure.

The second hearing on March 30, 2004, included Senator GRASSLEY, DOE Under Secretary Card and officials from the GAO, Department of Labor and NIOSH. At this hearing, the DOE proposed several legislative changes to the processing of the claims, such as reducing the physician panels from 3 to 1 and increasing the pay for qualified physicians. In my opinion, these administration proposals fell short, yet these proposals are in the current Department of Defense bill the Senate is debating.

Because of these two hearings, Senator BUNNING and I are now proposing this amendment, which we believe will help fix some of the problems found under subtitle D. The amendment has undergone many hours of bipartisan staff discussion over several months.

The most significant element of the amendment is the shift of subtitle D from the DOE to the Department of Labor, which specializes in handling such claims. If the claim is found to have been caused by employment at a DOE site, the Department of Labor then pays the sick worker his lost wages at the time of his employment plus medical expenses, according to their State compensation formula at the time of employment.

This payment scheme is a positive step forward. It eliminates an adversarial adjudication in front of a State compensation board, which in some cases, even if positively adjudicated, will have no willing payer as the contractor has long since vanished. Sick workers who performed inherently unique governmental functions associated with nuclear weapons should not be subjected to this adversarial adjudication process.

I believe the remedy that Professor John Burton of Rutgers University proposed is the better approach. Professor Burton is the Nation's leading expert on workers compensation, and he has given advice on this legislation since it was first enacted. At the March 30 hearing, Professor Burton recommended a single formula modified according to the degree of disability. In this way, the Department of Labor is not tied to each State's compensation formula as in this amendment.

Nevertheless, I think this amendment reflects a bipartisan effort, and in doing so, compromises had to be struck by all parties.

I also ask unanimous consent to have printed in the RECORD a letter in support of the New Mexico Workers' Compensation Administration for fixing the program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW MEXICO WORKERS' COMPENSATION COMMISSION STATEMENT ABOUT EEOICPA REFORM—JUNE 2, 2004

The NM Workers' Compensation Administration strongly supports concrete steps by the federal government to provide meaningful implementation of the EEOICPA. By meaningful implementation, we mean federal monetary compensation and medical care for workers made ill by exposure to radiation and toxic substances while performing jobs related to atomic weapon production and Cold War efforts. Our state, along with others, dedicated its most valuable resource, human lives, to the strengthening of the nation. New Mexico citizens are proud to have served. Many dignified New Mexicans, including our friend and beloved state Representative Ray Ruiz, have tragically passed away from work related illnesses while waiting for the federal government to fulfill promises contained in the Act. These fine people are patriots that were seriously injured while working on federal priorities. They are still waiting for federal help. The NM Workers' Compensation Administration stands ready and willing to assist in any way it can, and certainly will not stand in the way of federal authorities finally fulfilling the promises made to these citizens.

Sincerely,

ALAN M. VARELA,
Director, New Mexico Workers' Compensation Administration.

Mr. BINGAMAN. Let me note that even though this amendment proposes to move subtitle D from the DOE to the Department of Labor, the DOE will continue to play a vital role in locating and interpreting the workers' employment and medical records. This move will let the DOE concentrate solely on performing this important function without trying to administer a large claims processing program.

I conclude by thanking those who have contributed to this effort. I thank Ms. Kate Kimpan from Senator BUNNING's Office, who has provided never-ending technical support on a complicated subject. I also thank Mr. Richard Miller of the Government Accountability Project, Mr. Jay Powers of the AFL–CIO, and others of the building trade unions. Richard Miller and Jay Powers have worked to help sick atomic workers since this program was initiated, and have continued to make Congress aware of its failings 4 years later; we owe both these gentlemen a debt of gratitude.

These workers and their families have suffered the pain of serious illnesses for so long—we should not make them suffer the indignity of trying to navigate Government red tape a moment longer. I urge my colleagues to support this amendment.

Mr. REID. Madam President, on June 10, the Las Vegas Review-Journal published an editorial about the program my friend from Kentucky seeks to fix. As the editorial noted, this program was created to compensate our cold war veterans who are sick from their work at nuclear facilities around the country, including the Nevada Test Site, during the cold war.

These brave men and women were not told that they were exposed to dangerous levels of radiation and other toxic substances. In fact, for years the Department of Energy knew the deadly effects of these substances but still resisted workers' attempts to seek compensation for their work-related illnesses.

The Energy Employees Occupational Illness Compensation Program, which began in 2000, was created to remedy the decades of stonewalling and deception by the DOE. When we worked to create this program in 2000, we put part of it under the auspices of the Department of Energy. We intended to provide relief to sick workers and their widows who are strapped with medical bills. As of April, only one worker in Washington State had received any compensation through the DOE program. Three more workers have now received compensation.

More than 24,000 workers have filed claims with the Department of Energy. After 4 years and about $74 million worth of work, exactly four of these workers have received compensation. The Review-Journal calls the DOE's program a ''boondoggle.'' I couldn't agree more. Many of these workers, if not most of them, are very sick. They are aging. If they have to wait much longer, they may not live long enough to receive the compensation they deserve. That isn't fair, and it isn't right.

My colleague from Kentucky is offering his amendment because these workers' illnesses will not wait for the DOE to fix this program on its own. This program has another serious problem that his amendment seeks to correct: some workers who file claims and deserve compensation have no entity to pay their claims.

In Nevada, for example, 482 workers have filed for compensation. If they were exposed to toxic substances at the Nevada Test Site before 1993, they would have no so-called ''willing payer'' of workers' compensation.

For 3 years, Congress has asked the Department of Energy to suggest a way to fix this problem. The best answer we have received is, we are looking into it.

In its last hearing on this program, the DOE said it had no responsibility to help workers through their State workers' compensation programs. The bureaucrats at DOE are missing the point of this program. Yes, DOE is finally beginning to admit to some of its workers that their jobs made them sick. That is a step in the right direction. But admitting responsibility for

these illnesses, and then declining to offer any help, is not in the spirit or the letter of the law we passed 4 years ago.

The Department of Energy was given a huge opportunity with this program to rectify its previous mistakes that caused these workers to become sick. I am very disappointed with what the DOE has done with that opportunity, but I am not surprised considering how they have botched our nuclear waste program.

I hope our action today will move us toward fulfilling the promises we made to these workers. Just as we would never leave a soldier on the battlefield, we must not leave behind these Americans whose work in the nuclear industry helped our Nation win the cold war.

Mr. KENNEDY. Madam. President, I support Senator BUNNING's amendment to improve the Energy Employees Occupational Illness Compensation Program Act. The program, for all its growing pains, is becoming a long-awaited success. It has now provided benefits to over ten thousand employees or their surviving family members.

Four years ago, I joined my colleagues Senators Thompson, BINGAMAN, and VOINOVICH to pass this program to compensate workers for the dangers they have faced from chemicals and radioactivity in their work in producing nuclear weapons many years ago. Many of them suffered debilitating and often fatal illnesses directly related to their exposure. The health and safety hazards they faced were not as well known as they are today, but in many cases, the government decided that production of the weapons was more important than the safety and health of the workers.

The compensation program was intended to right this wrong, and many of its goals have been achieved in the past 4 years. The Department of Labor has processed over 30,000 out of 55,000 claims, and made payments of over $870 million in compensation and medical bills.

Unfortunately, not all parts of the program have been as successful. The part handled by the Department of Energy is not functioning as it should. The Department has moved very slowly. After four years and more than $90 million in administrative costs, 80 percent of the 24,000 claims the Department has received have still not been fully processed.

Even workers who do make it through the system are not being paid. Because the payments are funneled through State workers' compensation systems, even persons who we acknowledge were made sick by their work have to fight for the compensation they are owed. At this point, we know of only four claims that have been paid.

This is why this amendment is needed, and I commend Senator BUNNING and Senator BINGAMAN for their leadership in developing this bi-partisan solution. I also commend the many other colleagues on both sides of the aisle who have been working on this amendment for several months in order to guarantee that the relief the workers and their families deserve as soon as possible.

The amendment will transfer the administration of claims from the Department of Energy to the Department of Labor, which will pay these claims directly. This step will make it substantially easier for thousands of deserving workers, retirees, and surviving family members to obtain the compensation and medical care they are owed. The amendment also expands eligibility to include workers exposed to residual contamination. I commend Senator CLINTON for her work on this specific problem, which is critical to many workers in Western New York.

The use of a State workers' compensation formula to calculate benefits should not be taken as a model in other cases. This was a unique compromise we reached in order to achieve timely payment of these claims, and is in no way an endorsement of a change in the benefit levels or structure of other Federal workers' compensation programs.

Clearly, we should be using a uniform Federal compensation formula to compensate these workers, because they were performing work for the federal government. A uniform formula is in keeping with the structure of other federal workers' compensation programs. It would also be far easier for the Department of Labor to administer, and I know the Department shares my views on this point.

In addition, other aspects of the compensation program deserve our concern. Thousands of workers are seeking entrance into a Special Exposure Cohort under another part of the program, and the rules for admission have just been issued by the National Institute of Occupational Safety and Health. Also, the dose reconstruction estimates still await processing for some workers in the building and construction trades. I urge the Institute to give high priority to this task so that further legislation will not be necessary.

This amendment is a needed step to carry out the compensation program. I welcome this bipartisan compromise and I urge my colleagues to approve the amendment.

Ms. MURKOWSKI. Mr. President, it is an honor to come to the floor today to speak in support of this amendment to the Department of Defense Authorization Act on behalf of nuclear workers. I am proud to cosponsor this amendment. Why am I am honored to speak on behalf of this amendment? Simply put, because it is the right thing to do. The nuclear workers who will receive compensation under this amendment helped America win the cold war. They worked in our nuclear research facilities, our weapons facilities or, in the case of Alaskans, at the site of the largest nuclear test our country ever conducted. It was through their hard work and courage that our Nation was able to triumph in the most significant challenge we faced during the second half of the 20th century.

Will the compensation to be provided nuclear workers under this amendment really repay our Nation's debt to them? Of course not. It will not come close. Sylvia Carlsson is the widow of an Amchitka worker. Her husband was a mine shaft workers on the Project Cannikin at the Amchitka, AK, nuclear test site in 1971. Project Cannikin was our Nation's largest nuclear bomb test. He was exposed to ionizing radiation during the course of his employment. He died of colon cancer before his 41st birthday. Bev Aleck and Nancy Woodward-Tremper are two of a number of other Alaskan widows with similar stories. Other former Amchitka workers, such as Andrew Akula, are still living but are suffering from life-threatening conditions. Ask any of these Alaskans whether this compensation will make up for lives lot or a lifetime of debilitating disease. It wouldn't. However, the compensation they have earned will at least show that a grateful Nation acknowledges their contribution to our national security.

Let me briefly talk about what this amendment actually does. First, and perhaps most importantly, my colleagues should recognize that this amendment does nothing more than cure deficiencies in Energy Employees Occupational Illnesses Compensation Program Act that Congress passed in 2000. It is narrow, focused legislation. It certain is no brand new entitlement program.

The Energy Employees Act of 2000 established two programs for compensating nuclear workers. The program under subtitle B of the act is administered by the Department of Labor. Numerous claims have been processed and many claimants found eligible have received compensation under the Department of Labor program. Indeed, the Department of Labor's implementation of subtitle B has been universally recognized as a success.

In sharp contrast to the Department of Labor's record, the processing of claims under subtitle D of the Act by the Department of Energy has been unacceptably slow. In 4 years, only 3 percent of claims have been processed by DOE. The great majority of claims remain unprocessed by DOE.

DOE's failure to successfully implement its portion of the Energy Employees Act has been the subject of two recent Senate Energy Committee hearings. The record of these hearings unequivocally reflects both DOE's dismal claims processing record and its failure to develop any plan to provide funds to a significant percentage of nuclear workers found eligible for compensation.

In addition to the Senate hearings, the GAO recently issued a report on DOE's implementation of subtitle D of the Energy Employees Act. It found numerous problems with both DOE's

claims processing efforts and confirmed the findings of the two Senate Committee hearings concerning DOE's ability to assure that claimant's found eligible would actually receive compensation.

I try to stay away from dry statistics when discussing issues that have such a direct impact on so many Americans' lives and health. However, I think that in this instance one statistic starkly illustrates the need for this legislation. After 4 years and more than $90 million in administrative funding, DOE has provided compensation to only 4—yes, 4—of more than 24,000 individuals that have applied for assistance under the subtitle D program.

There is nothing new or difficult about this legislation. There is nothing that requires lengthy reflection or consideration. This amendment simply implements legislation Congress passed 4 years ago. Unfortunately, what Congress intended in the 2000 Energy Employees Act has not occurred. This amendment addresses that failure.

I close my remarks as I began. Our Nation owes a debt of gratitude to the nuclear workers. It is well past time that we provided Alaskans and other Americans the compensation they have earned in service to our country. The workers and their survivors deserve no less.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Does the Senator from Kentucky wish to modify his amendment?

Mr. BUNNING. I will, following the Senator from Iowa.

Mr. WARNER. Fine. I ask my colleague to be able to wrap up this very important debate shortly.

Mr. HARKIN. Shortly.

Mr. WARNER. We are anxious to move on, and there will not be a requirement for a rollcall vote. I appreciate very much the cooperation because given the bipartisanship on this matter, it will be a timesaver as we move ahead on this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I ask unanimous consent that I be added as a cosponsor to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I thank the Senator from Kentucky for also agreeing to modify his amendment with a provision of mine that would shorten the period of time that Congress has to review an administrative determination to add a class of nuclear weapons workers to a ''Special Exposure Cohort'' entitling them to automatic compensation from 180 days to 60 days. I appreciate the willingness of the Senator from Kentucky to accept that and to shorten that period of time to 60 days which will speed the process of compensating workers.

Senator BUNNING has worked very hard on this amendment. It takes some very important steps toward addressing very serious defects in an existing compensation program, and I hope that my colleagues will support the amendment today and hopefully we will not even need to have a rollcall vote.

In my State of Iowa, between the years of 1947 and 1975, almost 4,000 people were employed assembling, disassembling nuclear weapons. So great was the secrecy surrounding the facility, which was located inside an existing ammunition facility, that I did not even learn of its existence until late in 1997. I might add that when I was informed by certain workers that they had been exposed to dangerous radiation, I then submitted this to the Department of Army.

The Department of Army denied that they had ever worked on nuclear weapons at this facility. Well, I thought that was the end of it. I thought surely the workers must have been mistaken. Then I found out that it was the Army that was mistaken and, in fact, thousands of workers had worked at this plant in Iowa. Five and a half years later we are still trying to learn the full extent of the weapons activity and the radioactive materials to which Iowa workers were exposed.

During this same period, as the realization sank in that the cold war really was over, it became clear that nuclear weapons workers all over the country had been exposed to extremely dangerous radioactive materials without their knowledge and without adequate protection. As a result, many of the workers developed cancer and related occupational illnesses. That is why in 2000, Congress acted to create a compensation system for former atomic weapons workers.

The compensation system that we created had two distinct parts. The part addressed by the Bunning amendment today applies to workers who show that they have an illness that was more likely than not caused by the work they performed in these nuclear weapons facilities, and that they have been disabled by that illness.

Since the creation of the compensation program, this part has been administered—or I should say, quite frankly, has been NOT administered—by the Department of Energy. There are 23,000 workers who have filed claims with the Department of Energy. As of April of this year, exactly one person has received compensation.

When confronted with this appalling record, the Department of Energy continued to assert that it was making improvements and would have all the claims through the first stage of the process in no less than 5 more years! Of course, even if the Department had done a better job of processing the claims, not one single worker in Iowa would ever have been able to get paid. That is because the program was totally dependent on the existence of a current Department of Energy contractor who would be available to pay the claims.

This is a catch-22 situation for Iowa workers because Iowa has not had a DOE contractor since 1975. So as the program stands today, there is no way that any former Iowa atomic workers will be able to get compensation for their illness.

So I welcome the Bunning amendment, which transfers this program known as Title D from the Department of Energy to the Department of Labor and permits the Department of Labor to pay the claimants directly. This will mean that Iowa workers can actually receive compensation and medical benefits under this program. The Bunning amendment simply carries through on our original commitment in the 2000 bill that Congress believes that former nuclear weapons workers made ill by their employment are entitled to compensation.

I do believe this amendment should be a little bit better, and I will talk about an amendment that Senator BOND and I will be offering at some other point later on. First, the amendment continues to require that the amount of compensation under this program be determined based on the State compensation formulas. That means if a worker in Iowa and a worker in Kentucky or New Mexico had the exact same illness, they could nonetheless be receiving very different compensation awards. That makes no sense and creates a ridiculous burden on the Department of Labor in attempting to get these claims processed and paid.

In addition, the level of compensation paid under this program is in my opinion inadequate. The amount that a former worker can receive is calculated based on his or her wage at the time of the disability. In Iowa, this means that the absolute best case scenario is that a worker would receive eighty percent of a 1975 wage, a wage from almost 30 years ago, with no adjustment for interest or inflation.

Under the absolute best case scenario, where a worker is determined to be 100-percent disabled by an injury, that worker would receive about $105 a week, or about $5,000 a year. That is the best case scenario. Most will receive much less.

I think every atomic worker in America who can show they have been injured ought to receive the same pay, whether they worked in Kentucky, Ohio, New Mexico, Colorado, Iowa, Alaska, or Missouri. Basing this on workers' comp wages in each State, again, skews it that way. I believe the amount they are being paid is too low. To base it on a wage of 30 years ago is totally inadequate.

But nonetheless, I believe this amendment is a major step forward for workers in Iowa and across the country. I just wish we could find a more simple and uniform and more generous method for awarding this compensation.

In addition, this amendment essentially leaves untouched the other half of the energy workers compensation program. Basically, we are talking about two titles: Title D, which the

Bunning amendment addresses, and then there is Title B. That provides a flat sum of $150,000 and medical benefits to workers with cancer and beryllium disease.

There are two ways for a worker to qualify for this compensation under Title B. The first is to qualify for automatic compensation as a member of a special exposure cohort. When we originally passed the bill, workers from Kentucky, Ohio, Tennessee, and Alaska were designated for this automatic compensation. My question is, Why not all the other atomic workers around the country? Why were they left out? Why should they not be included in part B? Why should those who worked in Iowa who were exposed not be included? So that is the special exposure cohort.

The second way to qualify for the title B, the cancer and beryllium title, and the only method available to the workers in Iowa at the Iowa Army ammunition plant and at facilities in Missouri and at other facilities across the country, is to go through a process where a worker's dose of radiation is reconstructed based on all the documents and information gathered from the site.

At the time the bill passed Congress in 2000, Congress recognized there would be situations where it was simply not feasible to reconstruct workers' doses because relevant records of dose are lacking or do not exist, or because it might take so long to reconstruct a dose for a group of workers that they will all be dead before we have an answer to who is eligible.

That, unfortunately, is precisely the situation in which we find ourselves in Iowa. The Iowa Army ammunition plant facility was in operation, as I said, from 1947 to 1975. The people who worked there who are still alive are elderly, and they are ill. Many have died since we first passed the bill. Bob Anderson, the gentleman who first wrote to me about the fact that they made nuclear weapons in Iowa at this facility, will undergo surgery for thyroid cancer this week. That is in addition to the lymphoma from which he already suffers. Yet almost 4 years into this program, only 38 Iowans have received compensation, and that 38 does not include a single person who suffers from cancer—not one.

These people cannot afford to wait any longer. That is why I will be offering an amendment with Senator BOND to allow workers from our facility to receive automatic compensation as part of a special exposure cohort, the same as the workers in Kentucky, Ohio, Tennessee, and Alaska.

Why should Iowa workers be added to the category entitled to this automatic compensation? Because what we have learned since 2000 is that Iowa has the single worst record of any facility in the country involved in nuclear weapons production. After 3 years of hard work by researchers at the University of Iowa and by the National Institute of Occupational Safety and Health, they have concluded there are no records anywhere that document the level of internal radiation exposure to which workers in Iowa were exposed—none, no records.

With regard to external doses, which are measured by having workers wear badges, between 1948 and 1958 not one single worker in Iowa wore a dose badge—not one. So how can you reconstruct it when, for 10 years, they didn't even wear a dose badge? And, when they did begin wearing badges, it was minimal. Between 1959 and 1965, somewhere between 8 and 35 workers a year wore badges out of a workforce of 800 to 1,000 at that facility. This is despite the fact that just this week, at a meeting of former workers, they told my staff that based upon the way the plant was set up, at least 156 workers a year were exposed to the highest levels at the plant.

Listening to these workers, some of whom worked side by side while one wore a badge and the other didn't, gives a sense of just how totally lacking the facility was in terms of monitoring the radiation that these workers received. Up until 1968, the highest percent of the DOE employees who were monitored was 7 percent, and I am told that these were badges that workers wore on their collars while they were working with nuclear material at waist level.

Just in the last couple of months, NIOSH, the National Institute of Occupational Safety and Health, has completed a ''site profile'' of the Iowa Army Ammunition Plant that acknowledges these grossly inadequate records. But what is their approach now? They believe they can reconstruct this dose that Iowa workers got by looking at an entirely different facility in Texas during an entirely different time period. This is not fair and it is not right. It is time to admit that Iowa is a site where it simply is not possible to perform dose reconstruction. The Government simply doesn't know what went on at the facility and to what the workers were exposed. That makes it impossible to perform timely dose reconstruction based on science.

For example, in a site profile, NIOSH assumed that the entire work of the facility consisted of assembly work where the workers were protected from the most virulent types of radiation because the neutrons were already shielded with a hard coating when they arrived at the plant. But in a meeting with former workers, they spoke of how weapons were regularly disassembled. The protective outer coat was removed, exposing them to high doses of neutron radiation.

I know the chairman is anxious to get on, but this is extremely important to hundreds of people in the State of Iowa who are sick today with cancer, who are sick today with other diseases, who worked in these plants, who never were told to what they were exposed. We have been fighting, I say to my friend from Virginia, we have been fighting for years to get these poor people covered and they are dying every day and they are not being compensated.

Mr. WARNER. Mr. President, I have personally observed the Senator from Iowa and the Senator from Kentucky for years, and finally they have brought it to fruition. We are ready momentarily to act and accept the amendment.

Mr. HARKIN. I know. I am supporting the amendment. What I am trying to say here on the Senate floor is that even with this amendment there are certain people in Iowa who, because of the way it is structured, will not be adequately compensated. What I am saying to my friend from Virginia and others on the Senate floor is there is a special program that exists in about four different States where if workers have cancer or beryllium illness, they are automatically compensated. In Iowa, because we have no records of dosages and these people have cancer from beryllium, they should have also been put into that special program. Why should atomic workers from one State be put into that and atomic workers from another State exposed to the same kind of radiation not be?

That is the case I am making here. I support the amendment. It takes us a long way. It gets us out of the Department of Energy into the Department of Labor. But it does not address the part of the compensation program that provides for people with cancer. I am saying NIOSH cannot do it, cannot reconstruct the radiation doses of people suffering from devastating cancers. These people in Iowa I believe are being discriminated against. They cannot reconstruct valid doses.

This is exactly the type of situation Congress foresaw when we passed this legislation in 2000. Former weapons complex workers in Iowa are old, they are sick, and they are dying. I mentioned one who just had a lymphoma operation, and he is now undergoing a thyroid operation this week. He was exposed year after year to deadly radiation.

I will close by saying that at a meeting of workers in Burlington, IA, earlier this week we heard from a number of workers—one who worked with weapons for 3 years in the 1960s. Two of her children were born with very serious birth defects which the doctors themselves attributed to radiation exposure. She herself has now developed cancer. We heard from workers who talked about the hair on their legs and arms standing on end when they were near the weapons even though the weapons were cool to the touch. We heard from children whose parents had died when they were young because of lung cancer, kidney cancer, and other cancers, and who worked for years in this facility.

What these people are seeking is not just about money; it is about an acknowledgment that they were put in harm's way without their knowledge. They are seeking an acknowledgment that they made a sacrifice on behalf of the good of this country and for the protection of this country. To require these workers to continue to wait for that justice is not fair and it is not right.

I thank Senator BUNNING and Senator BINGAMAN for their hard work on this amendment. This amendment, as I say, fixes one-half of the compensation system. This is a major step forward. I also say to my colleagues that we are not doing justice for all these workers.

Senator BOND and I will be offering an additional amendment as we proceed on this bill.

There is no reason we should not add the workers from these two facilities to the special exposure cohort. When we originally passed this bill, we created a fund with mandatory spending in the Department of Labor. The Congressional Budget Office analysis devotes almost $700 million for payment of compensation to workers included in the special exposure cohorts—the cancer cohorts. Today, even though the vast majority of claims by workers in those four States who are eligible for this cohort have been paid, just over $400 million has been spent. But the Congressional Budget Office devoted $700 million. The money is there. The money has already been accounted for. We just ask that these workers be acknowledged for the sacrifices they made for their country and that they be included in the special cohorts.

I again thank the Senator from Kentucky.

I yield the floor.

MODIFICATION TO AMENDMENT NO. 3438

Mr. BUNNING. Madam President, I ask unanimous consent that my amendment be modified by the language currently at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification is as follows:

At the end insert:

REVIEW BY CONGRESS OF INDIVIDUALS DESIGNATED BY PRESIDENT AS MEMBERS OF COHORT

Section 3621(14)(C)(ii) of that Act (42 U.S.C. 10 7384*l*(14)(C)(ii) is amended by striking ''180 days'' and inserting ''60 days''.

Mr. REID. Madam President, before this amendment is agreed to, I ask unanimous consent that the Senator from Washington be allowed to speak for up to 3 minutes on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Madam President, I rise as a sponsor of the Bunning amendment, and I thank the Senator from Kentucky for his hard work—both on the Energy Committee and here on the floor of the Senate.

Obviously, we are taking a giant step forward in moving major responsibility for the Energy Employee Occupational Illness Compensation Program at the Department of Labor.

There are thousands of people in Washington State who have been impacted by exposure while working at the Hanford Reservation. The issue is that in 2000, with passage of the original act, as my colleague from Iowa stated, we set up specific exposure cohorts that allowed workers in particular regions of the country to get compensation based on their exposure to beryllium. But where we are today is there are still thousands of workers who have not had their claims processed.

One of the reasons why claims haven't been processed is specific information doesn't exist or was not kept by the various employers at these reservation sites across the country to show what exposed employees endured. The issue then becomes that they have been left to fight their own battles—to fight to get compensation, to fight to prove they actually had exposure, and to fight to pay their medical bills.

With thousands of people in Washington State affected by this, I have been a big supporter of those responsibilities over at the Department of Labor. Besides that, this great ombudsman program is where individual employees can go to ask for help and support in moving their cases.

It also helps in establishing a willing payer. Some of the companies that have been involved in the cleanup process throughout the U.S. no longer exist. We have had employees who wanted to get compensation, and have proven their cases, only to find that no employer existed. This helps in establishing a willing partner and payer.

But the most specific and positive aspect of this legislation is the step forward in saying, let us do site profiles. Site profiles are specifically the responsibility of the Department of Labor to go to a place such as the Hanford nuclear reservation and say, even though some of the employers may not have kept day-to-day logs and details about every specific employee and how they were exposed—and my colleagues have articulated on the Senate floor already how so many people in their States did not have records kept and went to get records by the Department of Energy only to find they didn't exist for the individual employee. When the Department of Labor does a site profile, it will help us when we come back and say that a large class of people at the Hanford Reservation and possibly these other sites around the country now qualify for compensation. This will help expedite that.

The amendment that was modified by the Senator from Kentucky, which the Senator from Iowa worked on, is a very helpful amendment because it actually helps speed up that process of those site profiles.

I don't think it is lost on my colleagues that many of these people are dying. Many of these people, by the time this program under the DOE was going to be finished, were never going to get the help they deserved.

This amendment takes a very positive step forward in getting site profiles done, getting the information needed to prove that these people have been impacted, that they have had illness due to exposure on the job, and that they will not get some help.

I yield the floor.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER (Mr. HAGEL). The question is on agreeing to the amendment, as modified.

The amendment (No. 3438) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I will address the Senate with regard to a unanimous consent which has been crafted carefully on both sides of the aisle.

I ask unanimous consent that Senator GRAHAM now be recognized to call up his amendment No. 3428, and that it be further modified with the changes at the desk. I further ask consent that there be 15 minutes for debate equally divided on the amendment, and that following that time the amendment be agreed to and the motion to reconsider be laid upon the table.

If further ask that following disposition of the Graham amendment, Leahy amendment No. 3292 be the pending question, and that I be recognized to send up a second-degree amendment, No. 3452.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3428, AS MODIFIED

Mr. GRAHAM of South Carolina. I send my modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. CRAPO, Mr. CRAIG, and Mr. ALEXANDER, proposes an amendment 3428, as modified.

The amendment is 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 affect, 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, the State of Oregon or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

NATIONAL ACADEMY OF SCIENCES STUDY

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(b) MATTERS TO BE ADDRESSED IN STUDY.—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgment of the National Research Council directly relate to the focus of this study.

(c) TIME LIMITATION.—The National Research Council shall conduct the review over a one year period beginning upon execution of the contract described in subsection (a).

(d) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(e) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

The PRESIDING OFFICER. The Graham amendment is so modified.

Mr. GRAHAM of South Carolina. We have 7½ minutes?

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. GRAHAM of South Carolina. Mr. President, I would like to speak for 2 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM of South Carolina. Mr. President, many thanks to a lot of people for resolving an issue important to South Carolina. This amendment is a work product of Senators CRAPO, CRAIG, myself, and others. Senator CRAPO has been terrific to work with, along with Senator CRAIG.

We have now put into place an amendment that well defines what we were trying to do. I am trying to clean up 51 tanks of 37 million gallons of high-level nuclear waste in South Carolina, 23 years ahead of schedule, saving $16 billion. My intent has been to do just that and no more.

The Crapo-Craig-Alexander amendment clearly says the agreement between DOE and South Carolina is South Carolina specific. Senator ALEXANDER's language says the Nuclear Regulatory Commission will always retain the power to determine what high-level versus low-level waste is. The $350 million in question will flow to Idaho and Washington regardless of an agreement or the lack thereof. The Crapo-Graham amendment has been worked with Senator CANTWELL, and it does not prevent the disposition plan that has been agreed to in South Carolina.

I thank all Members. There will come a day when Idaho and Washington will need like help, and I will be there. I want the people in South Carolina to know without the help of Washington and Idaho, this would not have happened. There will be a day when they need our assistance, and I will be there. This is a win-win. There is nothing in this amendment that will prevent section 3116 from moving forward.

I yield back any time I have.

Mr. ALEXANDER. Mr. President, I express my gratitude to the Senators from Idaho, and the Senator from South Carolina for working with me on this amendment. I voted against the Cantwell motion to strike because Senator GRAHAM agreed to work with me in making some modifications to the underlying bill.

I am not opposed to reclassification of radioactive waste. What I believe is that the Nuclear Regulatory Commission must have a central role in this process.

The bill as it stands now grants the Department of Energy the right to reclassify nuclear waste from high-level to low-level waste. Under current law, only the NRC has authority to define high-level and low-level radioactive waste. Congress gave the NRC that authority in the Nuclear Waste Policy Act of 1982. The NRC's authority should be maintained. We should keep that authority in the hands of one regulatory agency.

This perfecting amendment ensures that the NRC has the final say in any re-classification criteria. One amendment would modify Section 3116 of the bill to require the NRC to approve the criteria that the DOE uses to determine whether waste incidental to reprocessing is high-level or low-level radioactive waste. This would maintain the NRC's authority over defining radioactive waste.

I hope my colleagues will support quick adoption of this amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. I appreciate the opportunity to speak on this amendment. I appreciate the hard work of all those involved as we have negotiated these very important issues to the Nation, particularly to the States of South Carolina, Idaho, and Washington.

When we put together the South Carolina language last week and debated it in the Senate, there was a question raised whether that would cause any impact with regard to agreements that had been reached or to negotiations that were underway between the State of Idaho and the Department of Energy and Washington and the Department of Energy.

This amendment makes it very clear that there is no precedent value of the South Carolina language that would impact or in any way alter or amend the agreements of the State of Idaho and the State of Washington that they have with the Department of Energy, or create any precedent for any negotiations now underway between those two States.

The language says that nothing in the section shall alter, affect, or modify the full implementation, and it lists the various agreements for Idaho, most important of which is the Batt agreement.

Then it says:

(2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, the State of Oregon, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

It is very clear by statutory language now—if it was not already clear before, which we believe it was—that the South Carolina agreement stands by itself. The States of Idaho, Washington, and all other States will be free to negotiate their own arrangements and relationships with the Department of Energy.

Again, I thank Senator CRAIG, Senator ALEXANDER, and Senator GRAHAM for working so closely with me. Senator CANTWELL from Washington has worked closely with us on this issue. I appreciate everyone coming together with a strong resolution to resolve these critical issues.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the chairman of the Defense Authorization Committee for his cooperation and the ranking member for allowing Idaho and Washington and South Carolina to resolve what was and has been, at some points along the way, a contentious issue. But foremost, I thank my colleague from Idaho, MIKE CRAPO, for the diligence that he has put into making sure that Idaho remains whole in its agreement, that Washington remains whole in its agreement, and that South Carolina be allowed to gain an agreement with the Department of Energy, and, if you will, to wipe away the fog that had been created by a court decision that did not, in the opinion of the Department of Energy and the OMB, allow them a clear path forward to continue to spend money for the purposes of cleanup.

We think this language allows that clear path forward while allowing the State of South Carolina to arrive at an agreement different from that which the State of Idaho or the State of Washington has.

I agree, the language is not precedent-setting. Idaho is still very whole in the relationship it has currently with the Department of Energy. My goal, and the goal of the other Senator from Idaho, MIKE CRAPO, has always been to assure that cleanup goes forward without a hitch, and this language will allow that to happen, for the $90-plus million that was dedicated to cleanup in Idaho for this coming year to be allowed to be applied for that purpose. We think that is critically important as we move down this path.

We have worked closely with the State of Idaho. We think this does meet the concern of the State of Idaho. They have vetted this language and understand it clearly. We hope we have now resolved any question anyone might have as to Idaho's role and primacy as it relates to its relationship with the Department of Energy for the purposes of cleanup.

I say to the chairman, thank you for your willingness to be flexible as we have worked out these difficulties.

I appreciate the positions and concerns of the Senator from Washington. We hope this language keeps Washington as whole as we believe it does and as we believe it keeps Idaho, while allowing the State of South Carolina to proceed down a path that could be somewhat different from that which we might choose.

With that, I yield the floor.

Mr. ALEXANDER. Madam President, I wish to express my gratitude to the Senator from Idaho and the Senator from South Carolina for working with me on this amendment and allowing me to be a cosponsor. I voted against the Cantwell motion to strike because Senator GRAHAM agreed to work with me in making some modifications to the underlying bill.

I am not opposed to reclassification of radioactive waste. What I believe is that the Nuclear Regulatory Commission must have a central role in this process.

The bill, as it stands now, grants the Department of Energy the right to reclassify nuclear waste from high-level to low-level waste. Under current law, only the NRC has authority to define high-level and low-level radioactive waste. Congress gave the NRC that authority in the Nuclear Waste Policy Act of 1982. I think the NRC's authority should be maintained. We should keep that authority in the hands of one regulatory agency.

This perfecting amendment ensures that the NRC has the final say in any reclassification criteria. Our amendment would modify Section 3116 of the bill to require the NRC to approve the criteria that the DOE uses to determine whether waste incidental to reprocessing is high-level or low-level radioactive waste. This would maintain the NRC's authority over defining radioactive waste.

I hope my colleagues will support quick adoption of this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, are we ready to vote on this matter?

I urge adoption of the amendment.

The PRESIDING OFFICER. There is still 7½ minutes remaining for debate.

Mr. WARNER. Mr. President, I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3428) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I had wished to speak on the previous amendment. I thought that was part of the agreement, but I will be more specific now, since the amendment has just been adopted by voice vote; and that is to say, the amendment allows us to do a study, it allows the Department of Energy to receive information from the National Academy of Sciences in the future about the ground water conditions and environmental conditions from any kind of proposal or plan on which the Department of Energy would like to move forward.

I think my colleague from South Carolina said it best when he said our colleagues in the Senate have probably learned more in the last few weeks about nuclear waste and our responsibilities as the Federal Government than they have at any previous time.

But I guess I disagree with my colleagues. This debate is far from over. I do not agree with the underlying bill or where it is going in changing the definition of nuclear waste. No State in America should be allowed, on the Environmental Protection Act, on the Clean Water Act, on any legislation, to cut a deal behind closed doors with the Federal Government and think they are going to stick the American consumer with waste in their backyard.

While this particular amendment that we just voice-voted will allow us to say that we want this to look no further than what South Carolina is proposing, and that we want DOE to do its job in providing an environmental study and analysis of this issue, this issue is far from over for the American people.

This issue not only impacts my State, and the States of Oregon and Idaho, it affects every Western State. The reason it affects every Western State is because the Department of Energy has been trying to reclassify waste all over the West, push it into New Mexico, cut it across Arizona, and demand that waste from South Carolina be accepted in Washington State. We just had to file suit recently because high-level waste from South Carolina was illegally sent to Washington State.

So while I support my colleagues' efforts today to clarify that, more study and analysis should be made. This debate is far from over, and this body needs to understand that it is reclassifying the definition of high-level waste to a lower level, which will make all Americans less secure, and certainly the drinking water in South Carolina and in Washington State, if this is not resolved, less secure for people.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, very briefly, the amendment has been adopted, and I would like to make a comment or two for those who may still be listening.

The membership has been challenged for 3 weeks now to find a way to deal with the problem. Here is the simple problem: For over a year, South Carolina, Washington, and Idaho have been trying to negotiate with DOE a way to clean up tank farms that have a lot of high-level waste.

In my State, there are 37 million gallons of high-level liquid waste in tanks that are over 50 years old. There are only 51 of them. For about a year now we have been negotiating with DOE to define what is ''clean'' and how we can best close up those tanks. We have been able to take the liquid out of two of the tanks and come up with a plan that has been approved by the Nuclear Regulatory Commission that says that the inch and a half of waste left in those two tanks is no longer high-level waste because of scientific treatment.

We want to apply that same concept to the other tanks. What I am trying to do in South Carolina is good for South Carolina's environment. It has been approved by the Nuclear Regulatory Commission as being safe. It has been approved by the Defense Waste Policy Board as being safe. It does not prejudice Idaho or Washington that have similar problems.

I do appreciate the fact that the body has allowed this agreement to go forward. South Carolina will save $16 billion, and it will allow the tanks to be closed up 23 years ahead of schedule.

I am willing to work with any Senator from any State who has similar problems. I am not willing to sit on the sidelines and disallow my State to move forward in an environmentally and economically sound fashion to address a real problem South Carolinians face. We have done nothing to prejudice anybody else. We have not changed any standards, given any authority to DOE at the expense of the Nuclear Regulatory Commission.

A lot of demagoguery is going on here, but it is time to clean up these sites and stop demagoguing. I hope one day Washington can find an agreement to clean up the tanks and alleviate their ground water problems. If they need help from Congress, I will be there. But I urge Idaho and Washington and other States to try to work to get these matters behind us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator for his hard work.

AMENDMENT NO. 3452 TO AMENDMENT NO. 3292

Mr. President, I believe the Senate is ready to turn its attention to the amendment from the distinguished Senator from Vermont. Am I correct in that?

The PRESIDING OFFICER. That is correct.

The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3452 to amendment No. 3292.

The amendment is as follows:

(Purpose: To extend jurisdiction and scope for current fraud offenses)

On page 1, strike line 2 and all that follows through page 4, line 11, and insert the following:

(a) STATEMENTS OR ENTRIES GENERALLY.—Section 1001 of title 18, United States Code, is amended by adding at the end the following:

''(d) JURISDICTION.—There is extra-territorial Federal jurisdiction over an offense under this section.

''(e) PROSECUTION.—A prosecution for an offense under this section may be brought—

''(1) in accordance with chapter 211 of this title; or

''(2) in any district where any act in furtherance of the offense took place.''.

(b) MAJOR FRAUD AGAINST THE UNITED STATES.—Section 1031 of title 18, United States Code, is amended by adding at the end the following:

''(i) JURISDICTION.—There is extra-territorial Federal jurisdiction over an offense under this section.

''(j) PROSECUTION.—A prosecution for an offense under this section may be brought—

''(1) in accordance with chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

Mr. WARNER. Mr. President, my understanding is that the second-degree amendment from the Senator from Virginia is now before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as I understand it, there is no time agreement on the second-degree amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Nor do I think there will be. I realize the second-degree amendment is designed—whether intentionally or otherwise—to protect a number of the major corporations now working in Iraq, some of which have been involved with overcharging our military and profiting on the war. It is unfortunate that we would try to protect those who are gouging the American taxpayers.

After World War II and after the Korean War, we put in a war profiteering amendment similar to what I offered, and I would say to my distinguished friend from Virginia, we passed a similar war profiteering amendment on the Iraq supplemental appropriations bill last year. But when it came up in conference with the other body, even though they are independent Members of the House, several of them were very candid and told me they had been directed by the White House to remove it and had heavy pressure brought by Halliburton and others. So they had to remove the war profiteering amendment.

I actually thought we were elected not by corporations, whether it is Halliburton or anybody else, and not appointed by the White House, but, rather, are here to do the American people's business.

Now, be that as it may, I would hope that at some point we would get to the underlying amendment, and it would actually be the law today except that the White House and Halliburton and others told the Republican majority, the leadership in the other body, that they had to take it out, which they did.

I commend the majority of Senators, both Republicans and Democrats, who supported it originally and have been willing to resist the pressure of the White House.

Over the last few weeks, the news has been dominated by events in Iraq. We are still trying to figure out exactly what went wrong in Abu Ghraib prison as well as other detention centers around the world. There has been some disagreement on this issue, but I think we have already learned a couple of lessons.

We need to improve transparency. We need to improve accountability. We need to put in place strong measures to prevent illegal and immoral acts. The reason for doing this is simple. Bad behavior by a few can lower morale among American soldiers. It can undermine support at home for the mission, and it could damage the work of the vast majority of brave men and women who are trying to do the right thing, trying to make life better, and are putting themselves in harm's way every day. By all means, we ought to take action in this body to make sure that no corporation or group can come in and make obscene profits or engage in war profiteering while our American men and women are putting their lives on the line for their country. We should not have anybody come in and say: Here is a great way to make some huge profit off their suffering and off the suffering of the Iraqi people.

So my amendment does not have anything to do with the recent prison abuses in Iraq, but it does address the serious issues I mentioned. It addresses the serious and sinister problem of war profiteering that can harm our mission there and around the world.

Senator Harry Truman served with distinction in this body and conducted Senate committee investigations into war profiteering during World War II. Then-Senator Truman, later President, said on this issue:

> No one objects to a fair profit . . . [I]t is our duty . . . to protect the patriotic majority of war contractors against a stigma of profiteering generated by the self seeking minority. We intend to see that no man or corporate group of men shall profit inordinately on the blood of the boys in the fox holes.

Today we have both men and women on the frontlines. And we have a lot of companies over there who are putting their own people in harm's way. They are doing it with the best interests of our country and the best interests of the Iraqi people. They are doing it very bravely. They are not doing it to profit from the war. As Harry Truman said: We have to take care; we have ''to protect the patriotic majority of war contractors against the stigma of profiteering generated by the self seeking minority.''

All my amendment says is that while most of the people over there will be playing by the rules, for those who are not, we are going to hold you accountable.

As a former prosecutor, I know nothing focuses the minds of those who are committing crimes more than knowing somebody can put them in prison for a long time. I will give you an easy example. If you have five warehouses lined up and four of them have heavy locks on the doors and one doesn't, that is the one that usually gets burgled. In this case, most people are going to be very honest. But without the locks on the doors, there are going to be some who try to get away with ripping off the American taxpayers.

I would hope that everybody in this body, Republican and Democrat, would agree with what President Truman said. I am concerned because we have seen one bad headline after another—the Wall Street Journal, the Washington Post, the New York Times, and others—about Government contracts in Iraq.

In addition, Time magazine recently reported on an e-mail sent by a Pentagon official that raises serious questions involving Vice President CHENEY's office, the White House, and the Vice President's former employer, Halliburton. This is what the e-mail says: A multibillion-dollar Halliburton contract was approved ''contingent on informing White House tomorrow. We anticipate no issue since action has been coordinated with Vice President's office.''

And right on schedule, 3 days later, the Army Corps of Engineers gave Halliburton a multibillion-dollar contract, and they did it without seeking any other bids. This does not look like a typical heads-up memo, as the Vice President's office is now claiming. To this former prosecutor from Vermont, it looks like a coordinated scheme to enrich Halliburton at taxpayer expense with no-bid contracts.

This latest revelation underscores the need to address this issue. Even if there is a reasonable explanation for this outrageous e-mail—and I am still waiting to hear what it is—we have to put in place tough measures to address this issue. I think we have to send a clear message that lining one's pockets, especially while our troops are in harm's way, is simply unacceptable.

I hope my amendment, if we are allowed to vote on it, will put a stop to these scandals. This amendment should pass unanimously. I am sorry that the Republican leadership has decided to put what I could only call ''a hold Halliburton harmless'' second-degree amendment in here. I hope that those majority of Senators, Republicans and Democrats alike, who voted for this amendment last year will vote against the second-degree amendment and vote for this amendment. Vote against the ''hold Halliburton harmless'' amendment and vote for the war profiteering prevention amendment.

The war profiteering prevention amendment, if it becomes part of law, will send a very clear signal. I don't care what the corporation is, whether the corporation is from Vermont or anywhere else, it will send a very clear signal: Play by the rules. But if you don't play by the rules, just as Harry Truman said after World War II, we are going to hold you accountable.

Mr. President, I ask unanimous consent, at the request of the distinguished chairman, that we be allowed to go into a quorum call until the hour of 2 p.m.; that then, by consent, the call of the quorum be rescinded and the Senator from Vermont be recognized again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, under the unanimous consent request, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I appreciate the concern of the distinguished senior Senator from Virginia in trying to find a way through this.

I want to make it very clear about what we have. The war profiteering bills President Truman spoke of after World War II were civil bills. This is a criminal statute. Actually, the criminal statute is more protective of the contractors because it requires a higher level of proof. As a former prosecutor, I much prefer the idea that someone thinks they are not just going to pay a fine, they might face prison.

Second, this passed in almost exactly this form in the supplemental appropriations bill. It was debated and passed as a separate measure in the committee. The amendment then became part of the Supplemental which passed the Senate by a wide margin. The amendment we are considering today is different only in two respects. This one applies to all countries; at that time, it applied only to Iraq. Second, the amendment the Senate passed earlier contained a sunset. The amendment here today does not.

When we went to conference, the House did not have a similar piece of legislation. The distinguished chairman of the Appropriations Committee, Senator STEVENS, proposed they accept ours. They had a rollcall vote and, by party line, refused it. Senator STEVENS had modified it with, I believe, a 7-year sunset. That was not accepted.

Several Republicans were very forthright in saying they were under pressure from the White House not to accept it. Some suggested they were under pressure from corporations that were major contributors. I suggested if there is a bad case of war profiteering, they may come back to regret it.

Senator STEVENS very correctly wanted to make it clear that all Republicans and all Democrats on the Appropriations Committee, in the committee of conference, had supported this. It had been part of a bill we passed overwhelmingly, if not unanimously, in this body early. Because the House would not accept it, it was dropped.

Obviously, every Senator has to vote the way he or she wants, but as war profiteering goes on, it is something each Senator has to answer to his or her constituents.

Mr. DURBIN. Will the Senator yield?

Mr. LEAHY. I yield, without losing my right to the floor.

Mr. DURBIN. I think the Senator said this, but I believe it should be repeated. Is this not the same issue we have voted on before? Did the Senator from Vermont offer earlier an amendment which would have created criminal penalties for those companies which are illegally profiting from the war in Iraq? Did the Senator offer a similar amendment last year?

Mr. LEAHY. Mr. President, if I might retain my right to the floor, the senior Senator from Illinois is absolutely correct; I did. I offered it. We had a debate within the Appropriations Committee to accept it within the Appropriations Committee and it became part of the bill.

My earlier statement may have left confusion, and I apologize. There was no intention of doing that. It was part of the appropriations bill and thus not voted on by the Senate although there was not a single amendment to strike that provision. There were various amendments, as the Senator may recall, that were proposed during the appropriations bill on the Senate floor, but no one moved to strike this. It passed 93–0. About the only difference in that bill, as I recall, was the amendment spoke only to Iraq. This includes other countries besides Iraq.

Yes, we voted on it, we passed it, and then the Senate offered it as their position. Both Republicans and Democrats offered it as our position to the other body, which rejected it on a party-line vote at the request of the White House.

Mr. DURBIN. I ask, through the Presiding Officer, if the Senator from Vermont would further yield for a question, if I am not mistaken, the Senator from Vermont came to Members initially and said creation of a criminal penalty for companies that profiteer illegally from the war in Iraq is modeled after a similar law proposed and enacted during the time of Harry Truman when he was looking at the very same question relative to World War II.

I recall during the course of that debate—and I will ask the Senator if my recollection is correct—that the Senator said, when we were asked to vote for this amendment, we were really trying to establish the same type of standard we used in every war when some individuals and some companies exploited the situation in a war to make an illegal profit. We do not want that to occur. It is not the fair to the taxpayers, it is not fair to the soldiers, it is not fair to America, and they should be held criminally accountable.

I ask the Senator from Vermont, if this amendment passed so overwhelmingly before, why is there any hesitation today to take this Harry Truman precedent and say those who misuse a war, where American lives are at stake, and profiteer should be held criminally liable for their misconduct?

Mr. LEAHY. Mr. President, if I might, the Harry Truman proposal, course, was civil. This is a criminal law.

Mr. WARNER. That is very important. Harry Truman was civil.

Mr. LEAHY. If the Senator would let me finish.

The Harry Truman amendment was civil. This is criminal. Thus, this is more protective of a defendant because, as the distinguished Senators know, and certainly those who have been prosecutors know all too well, in a criminal case you have to prove beyond a reasonable doubt. A civil case can often be the preponderance of the evidence. This is more protective of both sides. But it holds the hammer of a criminal proposal. This has tough criminal penalties for individuals who defraud the American taxpayer. It provides a maximum criminal penalty of 20 years in prison and fines of up to $1 million.

The reason we did criminal rather than civil, there was a time when if you proposed a $10 million fine back at the time of Harry Truman, that was a lot of money. We have had at least one company that has already had to pay back money on overcharging and profiteering. They spend more than that $10 million on a weekend running ads saying how good they are at feeding the troops. But if you are facing a criminal penalty and might go to the slammer, then you think about it.

I will state why this is necessary. For example, if we wanted to use current law, which is basically what the second-degree amendment is, current law does not specifically outlaw war profiteering. My amendment, which the Senator from Illinois has spoken about, does specifically outlaw war profiteering. We wanted to go as a second-degree amendment. Current statute does not say that U.S. courts have explicit and uncategorical jurisdiction over fraud and profiteering in Iraq. My amendment does. If we tried to just take current law, where are we? My amendment eliminates unnecessary thresholds, for example, to prove mail and wire fraud, and the current statutes do not. And, of course, a 20-year felony.

There really are no laws on the books that address war profiteering. There are laws on the books for murder, laws on the books for rape, laws on the books for armed robbery, but there is nothing that goes specifically into war profiteering. Frankly, what I want to do is not just to throw people in the slammer; I want to stop them from doing it in the first place.

This is a real deterrent. If you have a prosecution that says you can go to jail, not just pay a fine, which is small change for some of these companies, but you might actually go to jail, somebody is going to say: Wait a minute. We can't triple charge for this. We can't triple charge for these hotels. We can't triple charge for these cars—and so on.

Mr. DURBIN. If the Senator from Vermont will further yield for a question?

Mr. LEAHY. Yes, without losing my right to the floor.

Mr. DURBIN. Mr. President, I would like to ask the Senator from Vermont about three specific reports that have come out in the news recently about Halliburton and about their practices with sole-source contracts in Iraq, where they literally are not competing with any other company for these contracts, and they are cost-plus contracts.

I would like to ask the Senator from Vermont if the amendment which he is proposing might apply with a criminal penalty in these cases. It was reported last week that Halliburton and its subsidiaries were literally driving empty trucks back and forth on the highway, billing the Federal Government for each trip, when in fact they were not even transporting any supplies or equipment for our troops.

It was reported this morning that this same Halliburton operation, if they had a flat tire on a truck, they would abandon the $85,000 truck by the side of the road or torch the truck rather than try to get it repaired because each and every truck was just another cost-plus item on a Federal contract.

And then it was further disclosed they were incorrectly billing the Federal Government, charging for 240,000 cases of soda pop—if you can imagine—but they were delivering 240,000 cans of soda pop. So it was a dramatic overstatement of what they were supposed to be providing for the troops.

I ask the Senator from Vermont, when you consider the fact that we have 138,000 of our finest men and women risking their lives literally in Iraq, how can we possibly turn our backs on this type of outrageous profiteering that has been alleged? Why would it not be a crime? And why would this Senate even hesitate from establishing a criminal penalty when we have a situation that is costing the taxpayers over $1 billion a week to sustain our war effort in Iraq?

Mr. LEAHY. Mr. President, the Senator from Illinois raises the exact right point. You read these accounts in the press. I referred to the e-mail traffic which has just come out about a multi-billion-dollar noncompetitive contract given to Halliburton after they had sent e-mails saying it was being cleared by the Vice President's office or it was OK with the Vice President's office, and there are the things you have talked about, the obvious things about war profiteering.

Now, had the other body left the amendment in, the amendment that was part of the appropriations bill that we passed overwhelmingly—I think 87 to 12 here in the Senate—had they left that in the final bill, had they stood up to the White House and not allowed them to convince them to strip it out, then the kinds of actions the Senator from Illinois is talking about would be prosecutable.

I would suggest they probably never would have happened. The taxpayers would have saved those millions upon millions of dollars because somebody would have told them back at corporate headquarters: Hey, guys, you can go to jail if you do this. It is not just the case that if you get caught, you might have to pay the money back, but you can go to jail if you do this. And that would stop it.

Now, if we pass this today, it still has to be signed into law, and it would be prospective. Unfortunately, because the other body basically gave in to the importunings of the White House and took out the amendment, the war profiteering amendment which had been part of the bill that every one of us on this floor voted for, we cannot do anything about that. Had that been put into law, as it should have been, I suspect the activities that the Senator from Illinois has talked about would not have occurred because whoever is on the ground is going to call back and say: Hey, guys, it might sound good to you back home there, but I am not going to go to jail. I am not going to go to jail just to raise a little more money. I am not going to go to jail just because you say if you get caught you may have to pay it back, and it wouldn't happen.

What I am saying is this: When companies, especially some companies that have been accused of this, will spend more money in a few days here in Washington running ads to convince 535 Members of Congress how wonderful they are than they could possibly pay in fines, they do not care. You could leave whatever laws are on the books now. You could leave the possibility of paying it back. Because what happens? If you are a company and you go ahead and profiteer, you do war profiteering, you overcharge, you do whatever these other things are, and you do it 10 times, and you get caught 3 times, and they say: You are going to pay back those millions you overcharged—you say: Gosh, almighty, you got me. Gee, I'm sorry. Gee whiz. Here it is. And you tell your bookkeepers: They didn't find the other 7. We are ahead of the game.

On the other hand, if you do it 10 times, and you get caught on 3 of them, and suddenly people start going to jail, these other companies are going to say: Wait a minute, no-bid contracts or not, I am not going to take the chance.

If we want to stand up for the American taxpayers, if we want to say we are tough on crime, let's say criminals go to jail. That is all there is. Let's try this law. Let's see. Maybe if this is on the books people will stop profiteering.

What drives me up the wall is we have 140,000 very brave men and women—American men and women—over there under arms who are trying to do their best and getting shot at every day. I was at a funeral in Vermont this week for one of them, as I have been on several other occasions. They are putting their lives on the line. They are getting paid what a corporal or a sergeant gets paid, and they should not have to be putting up with companies back here making obscene profits on what they do. They put their lives on the line.

What I am saying is, some of the people who are making these obscene profits, they ought to at least go to jail. They ought to at least go to jail. I was thinking of that this week when I was at that funeral in Vermont. These are brave American men and women. I know every one of us here applauds their bravery. But I do not want to see companies, whether they are American companies or any other companies, making money on our sons and daughters who are over there putting their lives on the line.

That is why I want this amendment. That is why we should have kept it in the bill before. Frankly, we ought to keep it in now. Now, I fully understand that the White House comes out here and says: We don't want to tamper with these people. We don't want to put the brakes on them. They can get the votes to knock down this amendment, but it is wrong. It is wrong. And I suggest that some of those who lobby against this kind of amendment go to some of these funerals—go to some of these funerals—and tell them we will protect the people who are profiteering. It is wrong. It is wrong. We ought to be protecting them.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. LEAHY. Mr. President, I yield without losing my right to the floor, of course.

Mr. WARNER. A question: Is there some opportunity such that I can present the Senate with an explanation of why I felt there should be a second degree? I would like to do it in just a dispassionate, straightforward manner, and let the Senate then make its decision. So I would like to have the opportunity. I hope in due course to present my side of this issue.

Mr. LEAHY. Mr. President, regaining my right to the floor, of course I am willing to offer the appropriate courtesy, very soon, to the Senator from Virginia. He is one of the most distinguished Members of this body, and, more importantly, he and I have been close friends for over a quarter of a century.

I say to the Senator, I wonder if you might consider this: have a vote on your amendment, and have a vote on my amendment separately, and let the Senate work its will. The distinguished senior Senator from Virginia is going to be the Senate chairman in the committee of conference. It gives him that much more control. But why not let the U.S. Senate vote on each amendment separately and then see where it goes from there?

I will say this very frankly. I think the reason nobody moved to strike my amendment out of the appropriations bill was that—I heard this from both sides—they said: OK, we understand this is not a bad amendment, and we don't want to be on record as saying we are against it.

I think the reason both Republicans and Democrats in the Senate urged it upon the other body was for them. I think the obvious embarrassment by some, not all, but the obvious embarrassment by some who had to vote against it on the other side was they wished they had not. They wished they could have kept it in. So I would ask my dear friend from Virginia—and he is truly my dear friend—what do you think of that idea? Let's vote on both of them?

Mr. WARNER. Mr. President, as the Senator well knows, the distinguished leaders on both sides are now looking at that while I am engaging in debate with him. We are looking at that proposition.

I would like to have the opportunity at the earliest convenience to state the purpose for which I initiated the substitute amendment. And I think it is going to meet the majority of objections the Senator from Vermont has with his proposal.

Mr. LEAHY. Mr. President, certainly, if the distinguished Senator from Virginia wishes to speak, I am not going to withhold the floor from him. He has accommodated me when I have wanted to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague. I will not try and make reference to the consideration of language similar to this underlying amendment and what occurred in the appropriations cycle and what occurred or didn't occur in the conference. I was not there. I don't have the specific knowledge. I am pleased that the distinguished Senator from Vermont, when I did discuss with him privately some of the earlier statements, has now corrected them. And I accept at face value what you have said about what took place in the appropriations cycle.

But we are now, at this point in time, on this bill, presented with this amendment and a second-degree submitted by myself.

First, the Senator observes that there is a need for legislation to impose criminal penalties on persons who commit wrongdoing in contracting in the course of our military operations. I concur with that very simply. So how best to do it, I think, is as follows.

My amendment would strike the language of the Leahy amendment and substitute language which would make it explicitly extraterritorial, which means we can reach out to these companies that are alleged to have done wrong and make applicable existing criminal statutes, statutes which have been on our books for a long period of time, which have been tested in the courts, and we know precisely what the language means.

My amendment would do the following. There are two existing Federal criminal statutes. The first is 18 USC 1001 dealing with false statements; and, secondly, 18 USC 1031, dealing with major frauds against the United States.

Those are the statutes, the body of law, which Congress put in place to deal with problems such as may be occurring in our operations in Afghanistan, Iraq, and, as the Senator said in his amendment, any other country in which members of the United States Armed Forces are engaged. So we have reached out not just to those two countries, Afghanistan and Iraq, but we have reached out to accommodate all of those areas. And these companies or individuals can be held accountable.

So the second-degree amendment takes care of the potential problems in covering overseas contracting without the problems inherent in the Leahy amendment.

I turn now to the Leahy amendment. This was the primary reason I put forward the second-degree amendment because you have added language. Frankly, I say with some modesty, I was a lawyer and a criminal prosecutor. But if I could draw your attention to section D in which you apply all of the penalties of your amendment, D says: Knowingly and willfully an individual or a contractor or an entity or corporation ''materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or such other country. . . .''

I say to my good friend, I am not sure what the derivation of that language is and the extent to which the courts have addressed that language in the context of not a civil but a criminal prosecution. So I pose that as a question.

Mr. LEAHY. If I might respond to that, they have. The Senator from Virginia asked whether they have done it in a criminal prosecution. No, this is not a criminal statute. They have done it in a civil case, and there is a huge amount of case law on this in civil cases. The only difference is, if the Senator is worried about the rights of contractors and others, in a criminal case, of course, you have to prove specific intent. In civil cases, you have to prove it with a preponderance of the evidence. Here you have to prove it beyond a reasonable doubt. But these are words of art: ''overvalues a good or service with specific intent to excessively profit from the war, military action. . . .'' Those are words of art. They have been interpreted by the courts.

The difference, again, as I said, if you are doing it in a criminal case, as the Senator from Virginia well knows, you have to prove it beyond a reasonable doubt.

''Excessively profit'' is taken from the renegotiation act, which is, as I said, a civil act. The constitutionality of that was upheld; I believe it was in the Lichter case.

Mr. WARNER. I thank my colleague. Let me bring to his attention that we are quite fortunate as a nation to have literally several thousand contractors engaged in supporting the men and women of the Armed Forces of the United States in many areas of the world. And now we are about to take

language which, as the Senator said, perhaps was a basis for a civil penalty and subject these thousands of contractors and individuals to the following language in your amendment: They ''shall be fined under paragraph (2), imprisoned not more than 20 years.''

I say to my good friend, we were taught in law school the difference between civil and criminal law. We were taught the tremendous burden of proof and so forth that is associated with depriving one of one's freedom and liberty. You are about to subject these contractors to that, up to 20 years, using only civil standards. I understand you have specific proof in there.

Mr. LEAHY. It has to be beyond a reasonable doubt. And I have prosecuted thousands of cases, tried hundreds of them as a prosecutor. I know that is one high hurdle.

Mr. WARNER. Mr. President, I can't remember. It has been too long. That is one of a senior citizen's benefits. But I spent 5 years as an assistant U.S. attorney in the criminal and appellate divisions of the courts here in the Nation's Capital. I point out to the Senator, I recognize the high bar. I am just saying I think the Congress should deliberate very carefully a criminal penalty of up to 20 years for these thousands upon thousands of companies that are currently engaged. Carefully, first go through a series of hearings, and then floor debate, rather than come up here and in a matter of an hour or two of time try and make the decision to impose criminal law on an existing framework of contractor support at the very time we are engaged in combat operations in Iraq, Afghanistan, and, to a lesser extent, in other parts of the universe.

The Senator is asking the Senate to take a very serious step. That is why the substitute amendment would incorporate, if adopted, a statute—basically existing law—and extraterritorial ability to reach the company under existing law in title 18.

Mr. REID. Does the Senator from Vermont have the floor?

The PRESIDING OFFICER. The Senator from Virginia controls the floor and has yielded only for the purpose of allowing an inquiry to be made through the Chair.

Mr. WARNER. If the Democratic whip wishes to address the Senate, I am more than happy to allow that.

Mr. REID. I will wait my turn.

Mr. LEAHY. Will the Senator yield for a question?

Mr. WARNER. Absolutely, Mr. President.

Mr. LEAHY. My question to the distinguished senior Senator from Virginia probably reflects my confusion. He was concerned about the 20-year penalty to which this might subject some of these contractors. Obviously, thousands of contractors are not going to be subjected to that. It is only going to be the most grievous ones.

He is proposing, if I am correct, a statute that would subject overseas contractors to a 30-year penalty. I thought I was a tough prosecutor. The Senator from Virginia complains about my 20-year penalty; he is proposing 30 years. I don't mean to get into a bidding war on penalties, but if my 20 years is too Draconian, 30 years sounds even more so.

Mr. WARNER. Mr. President, I will reply to that. My criminal penalty is under existing statutes, which were carefully debated by the Congress and have been on the lawbooks for a number of years. I will soon address the Senate as to how long these statutes have been in place. That is the basic difference.

My statutes don't have in it ''materially overvalues any good or service.'' I say to my good friend, that is too vague on which to send someone, as we used to say, as an old prosecutor, ''up the river.'' I don't care whether it is 20 or 30 years. I don't know how the burden of proof of ''materially overvalues'' is reached. You are asking for a criminal penalty predicated on that phrase.

Mr. LEAHY. Mr. President, if I may respond without the Senator losing his right to the floor, he is relying on a statute—if I recall, without hearings; there was an amendment to the Sarbanes-Oxley bill a couple years ago on the floor. If we are talking about criminal statutes and changing them by whim, that is one that said no more debate on this. I am bringing up something that was debated rather thoroughly in the Appropriations Committee, including a bill the Senator from Virginia and I voted for last year.

Mr. WARNER. Mr. President, I wonder if the Senator could point to the RECORD in which the Senate—in the course of the deliberation on the Appropriations bill in which his amendment is included—debated that.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is yielded to for the purpose of answering a question.

Mr. LEAHY. It was debated, of course, in committee. It was well noted here before all Senators. Nobody, either Republican or Democrat, made the normal motion to strike that was done when you have a part to which you object. The Senator from Virginia is right that this is slightly different. That one was just for Iraq. This includes Afghanistan and elsewhere and does not contain a sunset provision.

I must admit that we are somewhat inclined to do that, especially after hearing of these e-mails that have just been made public. We are not talking about somebody who shows up and provides five dozen baseball caps to one of our military groups somewhere around the world. We are talking about people getting a billion dollars, with no-bid, no-competition contracts. I think we ought to at least be able to look at them and make sure they are spending our money correctly.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, my colleague has challenged me on the underlying statute that I include in my amendment. I draw his attention to the title 18, section 1001. That statute was put on in 1948.

Now, the second statute I utilize is 1031, which was adopted in 1988. So the first was in 1948; the next was in 1988.

I question my friend, who challenged me that they were just adopted, it seems to me that both of these Federal laws have been on the books for a sufficient time to have been examined by the courts and others.

Mr. LEAHY. Mr. President, I am confused by the response. Is the Senator saying that section 1001 of title 18 was not amended by the Sarbanes-Oxley Act about a year and a half ago?

Mr. WARNER. It might have been amended.

Mr. LEAHY. Whatever it was——

Mr. WARNER. On October 11, 1996, there was one amendment.

Mr. LEAHY. It was not increased back in—if the Senator tells me the Sarbanes-Oxley Act was not amended on section 1001 at all, I will accept that.

Mr. WARNER. I am reading from the Federal Criminal Code, 2004 edition. I imagine it supersedes the 2003 edition.

The point is that the statute, 1001, originated on June 25, 1948. This shows the last amendment to be October 11, 1996. Very clearly, I think my good friend has to acknowledge that this is proof that the two statutes upon which I rely have clearly been on the books for a considerable period of time and have been presumably tested in the courts and otherwise. That is the basic difference.

I can find no reference in the Criminal Code to the use of the language that my good friend uses here, ''materially overvalues.'' I think that is too vague a standard upon which to send anybody up the river. I don't care whether it is 20 or 30 years, or whatever period of time.

Mr. LEAHY. Mr. President, is it the position of my friend from Virginia that the kinds of things we have heard about—and he sees it more than I do as chairman of the Armed Services Committee—about the hundreds of millions of dollars being overcharged in meals, and hundreds of millions of dollars being overcharged on vehicles, housing, and construction. Any of those would be covered by his statute.

Mr. WARNER. That is a legitimate question. I answer in the affirmative, that the anecdotal types of things we have discussed on the floor would be covered by the existing criminal statutes, provided they found the requisite level of ''beyond a reasonable doubt.''

I challenge my friend, I cannot find any criminal law that employs this type of verbiage that he seeks here. There is reference in civil statutes to that type of language, but the Senator from Vermont is now asking that these words become a part of the criminal statute.

I think what is going to happen, if your amendment will be adopted, is

that this infrastructure of tens of thousands of individuals and companies out there right now is going to say: We are out of this; we are not going to subject our people, we are not going to subject our business to the risk of this type of prosecution under these vague standards of ''materially overvalues any good or service.''

Mr. LEAHY. Mr. President, if I might, obviously the statutes on the books have not stopped them from overcharging, have not stopped them from the kinds of things we have seen.

Nobody wants to use the word ''Halliburton'' around here, but we constantly pick up the paper and read about a number of these companies. They are obviously overcharging, and nothing is happening to them. I am just one frustrated American who wants them to stop.

Mr. WARNER. I have a very quick and simple answer to the Senator's question. Adoption of the amendment by the Senator from Virginia would be the first time the jurisdiction of these two titles is extended beyond the shores. Criminal convictions could be brought against defendants, if my amendment is adopted.

Mr. LEAHY. Mr. President, will the Senator yield for another question?

Mr. WARNER. Yes.

Mr. LEAHY. Let me ask the Senator from Virginia this: Suppose we have an item, and one of these contractors about which we are talking charges $2,000 for an item. It cost him $5. We remember back to the days of the $500 hammer. He charges the Government $2,000 for an item that costs $5, but he does not lie about this. He does not conceal the cost. He simply says: Here is my bill.

He says: OK, it is $2,000. He paid $5. He does not conceal that cost. He does not lie. He just says: Here is the bill for $2,000. He has not lied. He did not conceal—the bill is not hidden somewhere else. It is a straight-out bill, but he is obviously gouging the Government, charging $2,000 for a $5 item. Does the Senator's statute cover that situation?

Mr. WARNER. Section 1031 of title 18, ''Major fraud against the United States'':

> Whoever knowingly executes, or attempts to execute, any scheme or artifice with the intent to defraud the United States—

That is fairly broad.

Mr. LEAHY. That is not a scheme. He said: I just delivered this widget. Here is your bill for $2,000. And there are so many other things going on, the Government says: Here is your 2,000 bucks. It is not a scheme. It is not an artifice. He is not hiding the fact at all. He said: Here is your bill for $2,000 and somewhere gets paid in the bureaucracy. He has obviously gouged. He has not lied about it. He is up front about it. Does the Senator's statute cover that because that happens a lot?

Mr. WARNER. Mr. President, this framework of laws embraces enough provisions that they could establish a case of fraud using the example the Senator from Vermont stated because the contract will have provisions in it with regard to the amount of profit, and there would have to be some reasonable examination of that. The contract is not going to be silent on that issue.

Mr. LEAHY. Mr. President, is the Senator from Virginia saying, then, it would require fraud?

Mr. WARNER. I am reading the statute. That is what it says here:

> Whoever knowingly executes, or attempts to execute, any scheme or artifice with the intent to defraud the United States—

And the contract is going to set the profit margins.

Mr. LEAHY. We are getting a lot of no-bid contracts with basically the company, as we found in these e-mails, saying: Here is what it is going to be.

There are no bids. There is nothing else. The Government says: OK, go forward. But there is no question there has been war profiteering there. There has been no fraud, no artifice, nothing else. He just sent the bill, and the bill gets paid. It is profiteering, but I do not see where your statute covers that situation.

Mr. WARNER. Would that be in the nature of some sort of trick they were trying to perform?

Mr. LEAHY. Mr. President, if I may respond, they realize there are not going to be bids on this contract. They realize it is going to be OK'd as soon as they send it in. They have not done any tricks at all. They just say: Here is our bill. There is nobody else bidding, and it gets passed.

Some may say that may be fraud; that may not be. Mine does not say maybe. It just says to do it is a crime.

Mr. WARNER. Let's look at section 1001:

> Except as otherwise provided in this section, whoever, in any matter within the jurisdiction—

So forth—

> knowingly and willfully—
>
> (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
>
> (2) makes any materially false, fictitious, or fraudulent statement, or representation; or
>
> (3) makes or uses any false writing or document knowing the same to contain—

I say to my good friend, these statutes cover most of the situations, if not all, in which there could be a wrong perpetrated, a wrong of the type you say is profiteering.

To bring this to a conclusion, the very fact that the two of us have had some experience and cannot reconcile differences on the meaning of the language of the Senator from Vermont brings home the fact we should not be asking our colleagues to make that the law of the land on a vote this afternoon after this short debate. The Senator is bringing a brandnew dimension into the Criminal Code.

Mr. LEAHY. Mr. President, if I might respond to that, it is not a brandnew dimension. It is basically what we had in the Appropriations bill last year.

Secondly, it is completely appropriate to apply this new law to Iraq when we see these huge cost overruns on no-bid contracts, and nobody seems to be held accountable. Defense offered by lawyers for the contractor might be that there are no false statements and, therefore, no crime, even though one is ripping off the taxpayers.

It is similar to the guy who comes in and says: I will sell you this hammer for $2,000. He is not claiming it is a $2,000 hammer. He is not claiming he paid more than $5 for it. He says: I will sell it for $2,000. Has he made excess profit? Of course, he has. But when it comes to the point when our men and women are putting their lives on the line while others sit back in the boardrooms in America, I think every single lawyer in these boardrooms is going to know exactly what this amendment does, and it will be a strong deterrent.

Mr. President, as the White House proved last year when this amendment was debated during the Iraq supplemental conference, I am sure the Senator can pull up the votes to defeat me. I think it is a mistake. Frankly, I will keep on trying to bring up commonsense amendments to prevent war profiteering. Maybe sooner or later some of these people in the same boardrooms who are involved, who are getting no-bid contracts, may think: Maybe we better slow up because maybe one day the Senate will actually say we are going to hold you accountable if you engage in this sort of activity.

The PRESIDING OFFICER. The Senator from Virginia controls the floor.

Mr. WARNER. I think we are at the point, unless there are other colleagues who desire to discuss this—does the Senator from Alabama wish to speak?

Mr. SESSIONS. I will just make a few brief comments, if that is appropriate.

Mr. WARNER. Yes.

The PRESIDING OFFICER. Does the Senator from Virginia yield for a question from the Senator from Nevada?

Mr. WARNER. Yes, of course, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I was wondering if the Senator from Virginia had yielded the floor, but he has not.

Mr. WARNER. I was hoping I could yield to the Senator from Alabama for a question or observation.

Mr. SESSIONS. Well, I want to make a comment or two unless the debate is basically finished, in which case I have an amendment that will hopefully come up a little later that covers some of these same issues. I have some observations that I would like to share about this particular amendment. I would not be able to support it, and I wish to explain why, but if the Senator is ready to move along, I am willing to yield the floor and move along.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are trying to complete this Defense bill. The

Senator from Vermont has made his case. The Senator from Virginia has made his case. The record should be spread with the fact that Senator LEAHY is going to get a vote on his amendment before we finish this bill, and I would hope we could move on. As far as I am concerned, the issue is very clearly defined. I have heard people ask all during the day, What is happening with this bill? Why can we not move it more quickly?

The Senator from Michigan, the manager of this bill on the side of the minority, and I have worked very hard the last 24 hours to try to clear amendments, and on our side there are a definite number of amendments. As I understand it, this is our 11th day on this bill. We have spent weeks on these bills in the past. We know the importance of the Senate agenda. There are so many other things to do. We have just wasted a tremendous amount of time, obviously for the reasons the majority does not want to vote on Senator LEAHY's amendment. So I would certainly hope that everyone understands that anything that is being slowed down on this bill is not because of us.

There are a number of issues we need to debate on a Defense bill. Certainly, we should have an amendment that deals with end strength; that is, what should be the troop levels. The person who is offering that amendment is a graduate from West Point, a retired major from the Army. Certainly, Senator JACK REED of Rhode Island is qualified to offer that amendment. We should do that. We should get to that.

Another issue that we need to debate is the missile defense system. Some feel very strongly that it is an important program on which we should spend lots of money. Others believe we are spending too much money on it. That is an issue that should be debated.

The distinguished senior Senator from Delaware wishes to offer an amendment to cut some of the higher tax cuts that were given and have those moneys spent on Iraq.

We have a number of important issues. There are a number of issues that may not seem important in the overall scheme of things, but to the individual Senators they are extremely important.

I repeat, I want everyone to understand we are doing everything we can to move this bill along. In the last several days, we have heard threats of filing cloture because we are slowing the bill down. We are not slowing the bill down. Nothing can be guaranteed around here, but I would certainly suggest if there is a cloture motion filed on this bill, I do not think the majority is going to get cloture on this bill. We want the opportunity to offer a few amendments.

Now, we all understand that President Reagan died. There is never a good time for someone to pass away. We all felt so strongly about President Reagan, and we joined in the celebration of his life last week. But we should not be punished on this bill because of that. So I would hope that we could move this bill along.

As everyone knows, tonight we are not going to be able to go very late. We can finish this bill, but we are not going to finish the bill tomorrow. We cannot finish the bill tomorrow.

I have said on this floor so many times—but when something is good, it has to be repeated—there are no two finer people in the Senate than the distinguished senior Senator from Virginia and the distinguished senior Senator from Michigan, the two managers of this bill. But we have to move on.

Through the Chair, I say to my friend, the chairman of this most important committee, we are not trying to slow this bill down. We have done what we can to move it forward, but I have stated there are some issues that we must address. We are going to continue to work. I have talked to the Democratic leader on many occasions. He is, of course, always aware of what is going on on the floor. He wants this bill completed as much as the rest of us. So I would hope that we could get a vote on the amendment of Senator LEAHY as rapidly as possible and move on.

I do not know if this is true, but I have been told the majority wants to vote on some judges tonight. That is also going to take some time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in reply to the distinguished Democratic whip, I certainly commend him. I would say to him that practically as long as I have been in the Senate he has been on the floor for the Senate authorization bill all these many years and has been a tremendous help to us, and he continues at this moment. I assure him we are working on a UC which I hope will accommodate the distinguished Senator from Vermont and his requirements. So I am simply asking for a few minutes on which this matter may be presented to the Senator, unless someone wishes to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if my friend from Virginia would yield for a question relative to his amendment?

Mr. WARNER. Yes, of course.

Mr. LEVIN. I listened to most of the debate—I had to leave for a moment.

Mr. WARNER. Yes.

Mr. LEVIN. I understand the position, or the statements of the Senator from Virginia. Much of his opposition to the language of the Senator from Vermont is that it is in the form of a criminal statute.

Mr. WARNER. Well, not exactly. We will just have a colloquy. Mine is likewise a criminal statute.

Mr. LEVIN. I understand that.

Mr. WARNER. They are both criminal, except mine uses the underlying statutes and legislation adopted into law after the normal process through the Senate.

Mr. LEVIN. I do understand that. There is no reason both of these amendments should not be adopted. They are perfectly consistent with each other.

Mr. WARNER. Oh, no, I cannot buy off on that. There is one portion of the amendment of the Senator from Vermont which is a brandnew concept being introduced of standards for criminality, and I cannot accept that.

Mr. LEVIN. That is my question to my friend from Virginia. My question is, Is the objection to his language that it is a criminal statute—if this, for instance, simply restored the civil penalty for this material overvaluation of a good and service, would the Senator from Virginia still object to it?

Mr. WARNER. Well, I would have to look at it. At this late hour, with votes momentarily to occur, I would not want to conjecture. My predicate is that criminal penalties deserve the most exhaustive consideration by the legislature, be it State or Federal. This new standard that my colleague from Vermont has raised has a legislative as well as a judicial history in civil penalties. It does not have a comparable record in any Federal system.

Mr. LEVIN. Which is the reason—if I can be recognized?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. The reason I sought the floor to ask the Senator from Virginia the question is because the argument he makes seems to be based on a premise that there is a civil penalty history to this language but not a criminal penalty history. It would seem to me that would be greater protection for any potential defendant or contractor because there is a higher standard of proof.

But putting all that aside, my question is, then, would there be any objection to simply restoring the civil penalty for that violation, material overvaluation of any good or service? Since the Senator says there is a history in terms of civil penalties for that activity, then I was very curious to find out whether he might object if we simply restore the civil penalty for that violation.

Mr. WARNER. Mr. President, it is a situation I would want to examine with great care and see how it is phrased. I think right now we have two very distinct pieces of legislation before this body. This is legislation proposed by the Senator from Virginia which is predicated on statutes that have been in existence for a number of years—one, 1948 is the origin; the second is 1988. We simply extend the jurisdictional reach of those statutes to areas in which these contractors are performing beyond the continental boundaries. It is a very clear way of bringing to justice those operating beyond our shores. To me, that does it. I am firmly opposed to the introduction into the criminal statutes a standard of criminality which I feel is far too vague to support the extreme of deprivation of

life, liberty, and freedom—not life, perhaps, but liberty and freedom.

Mr. LEVIN. If I could reclaim the floor, what the amendment of the Senator provides, and I have no objection to it although I don't believe it adds much to existing law—I don't have any objection to the Senator's amendment making clear there is this extraterritorial jurisdiction. That is fine. But what it leaves out is the language previously in the law providing for a civil penalty for material overvaluation of a good or service. What it says is ''with the specific intent to excessively profit.'' That is a specific intent which is appropriate, I believe, either to civil or criminal law. From my perspective, this can be either civil or criminal. But the key point is that the amendment of the Senator does not include that subsection 1(d), which, it seems to me, is essential if we are going to get to that profiteering issue which the amendment of the Senator from Vermont gets to.

But I would be interested, if the amendment of the Senator from Vermont is defeated, and I hope it is not, as to whether then the Senator from Virginia might accept a civil penalty for this exact same language which was previously a civil penalty.

The PRESIDING OFFICER. Without objection, the Senator from Virginia is recognized to answer the question.

Mr. LEVIN. And I yield the floor.

Mr. WARNER. In reply, I think you framed the question very clearly. My response I hope is equally clear. I could not make a proffer as to what I might do until I have looked at it. I want to know how this particular language is employed in those civil penalty provisions. It may have added words in it. I haven't read any of those clauses, so I would have to wait. But you have accurately stated there is a very significant difference between the legislation proposed by the Senator from Virginia and the legislation proposed by the Senator from Vermont.

I think at this point we are about ready to receive the unanimous consent proposal; am I not correct?

Mr. REID. Close.

Mr. WARNER. I have been informed by the distinguished Democratic whip that we are close, in which case I suggest the absence of a quorum, at which time we can all draw a breath.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, the leadership has been working with the managers and has worked out a unanimous consent request which I would like to propound to the Senate at this time.

I ask unanimous consent that at the hour of 4:30 today, the Senate proceed to a vote in relation to the Warner amendment No. 3452, which is to be modified to be in the form of a first-degree amendment, to be followed by a vote in relation to the Leahy amendment No. 3292, with no amendments in order to the amendments prior to the votes; I further ask consent that following those votes, the Senate proceed to executive session and immediate votes on the confirmation of the following: Executive Calendar No. 567, William Duffey; No. 590, Lawrence Stengel; No. 607, Paul Diamond.

I further ask consent that following those votes, the President be immediately notified of the Senate's action and the Senate resume legislative session.

I finally ask consent that following those votes Senator SESSIONS be recognized in order to offer his amendment No. 3372, which is to be further modified with changes that are at the desk; provided further that following 10 minutes of debate equally divided in the usual form, the amendment be agreed to.

Mr. REID. Reserving the right to object, I would ask the distinguished Senator to modify the request to allow 2 minutes prior to the votes on Mr. Duffey, Mr. Stengel, and Mr. Diamond.

Mr. WARNER. So modified.

Mr. REID. I would also ask the distinguished chairman of the committee, we understood there would be an up-or-down vote on the second-degree amendment offered by the chairman and also an up-or-down vote on the amendment offered by the Senator from Vermont.

Mr. WARNER. My understanding is, that is correct.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the managers of the bill are grateful to the leadership for the cooperation we are getting in moving this bill along, as well as all Members. We have had a preliminary meeting with regard to tomorrow's schedule. I would like to acquaint the Senate with the thinking at the moment with the leadership.

We would start off the morning with no morning business, proceeding promptly to the bill at the hour of 9:30, with the first amendment to be brought up on our side, the Bond-Harkin amendment. Am I correct on that?

Mr. LEVIN. That is my understanding.

Mr. WARNER. We will try to establish time agreements during the course of the votes today. That is to be followed by the Reed amendment which goes to end strength, a very significant issue. That amendment currently has an amendment in the second degree, not an amendment which is a substitute but just an amendment. That is under consideration and will be debated at that time and then, in all probability, a voice vote, not on that, a voice vote on the first one I hope, but on the second there would likely be a rollcall.

Mr. REID. Will the Senator yield?

Mr. WARNER. Yes.

Mr. REID. In our conversation on the floor, we talked about what we wanted to do. We did talk about Bond-Harkin, Reed end strength. I ask the two distinguished managers of the bill, because of the difficult schedule that the ranking member of the Foreign Relations Committee and the minority leader have on Friday, if we could have one amendment that the Senator from South Dakota is going to offer dealing with health. He would take a very short time agreement on that. And the Senator from Delaware wishes to offer an important amendment dealing with taxes, and he will take a relatively short period of time. He has to decide that. But we are talking about this before we get to missile defense. They say they would certainly like to get that done because, as you know, their schedules are extremely difficult in the next day or two.

Mr. WARNER. That is a new dimension which I have not had the opportunity to review.

Mr. REID. At least we got it down a little ways.

Mr. WARNER. We will take that into consideration. I cannot commit at this point in time, but I do know there is an amendment by the distinguished Senator from Delaware regarding taxation.

Mr. REID. That is the one.

Mr. WARNER. I see.

Mr. LEVIN. After Daschle.

Mr. REID. And Senator DASCHLE would take a very short time agreement. We have not had the opportunity to fully vet this with Senator BIDEN other than he wanted to get up early because of his schedule on Friday, but we will discuss this with them.

Mr. WARNER. I defer to my colleague here with regard to the very important amendments on missile defense.

Mr. LEVIN. Before I make reference to the missile defense amendments, which it is our hope that we would be able to take up and dispose of tomorrow, the reference that the chairman made to the end strength amendment, I understand the Senator from Rhode Island, his end strength amendment at the moment could lead to a second-degree amendment.

Mr. WARNER. It is at the desk.

Mr. LEVIN. But there is still an effort being made, as I understand it, to see if there can't be a resolution to that.

Mr. WARNER. Fine. Mr. President, the Senator from Rhode Island approached the Senator from Virginia earlier today, and he said he would provide some language. Thus far, we haven't had that opportunity.

Mr. LEVIN. We are also hoping to dispose of either three or four amendments tomorrow relative to missile defense. We would like to talk to the Senators involved in that during these votes. But I believe the logical order here is that the Boxer amendment be first and then Reed, either one or two amendments on missile defense after the Boxer amendment, and then I would have an amendment after the Reed amendments. That is the current informal intention. We would talk to those Senators to see if they agree that that is the logical order, try to get time agreements on all of these amendments.

Mr. WARNER. Mr. President, to conclude this brief colloquy, I am not able to speak to the Daschle amendment or the Biden tax measure. I will have to engage people on the tax committee to look at that. The others, I would say, as chairman and I hope you as ranking, if we are able to get through the agenda we have outlined, this bill is really down in its final stages; would you not agree?

Mr. LEVIN. Well, there are a lot of outstanding amendments.

Mr. REID. If the distinguished chairman will yield, Senator DASCHLE would be happy to wait until Monday with a very short time agreement. But we do have some other amendments on this bill.

Every year, as you know, there are a few abortion amendments. They don't take a lot of time because we have debated a number of them on previous occasions. We have a number of other issues. But as we talked about earlier today, if we do end strength and missile defense, we get Senator BIDEN's amendment out of the way, the others should go fairly quickly.

Mr. LEVIN. If the Senator will yield, in fairness to our colleagues, we do have listed a number of amendments from a number of colleagues who expect—and I think reasonably so—their amendments would be addressed before this bill goes to final passage. I wouldn't want to give an assessment that we are near the end because there are many Senators. We are, by the way, successfully reducing the number of amendments. We want to give credit to Senator REID as always for his Herculean efforts in this regard. We have, under his leadership on our side, been able to successfully reduce the number of outstanding amendments, but there are still many left.

Mr. WARNER. I would say in response to that, we have likewise successfully reduced and I think have only one left on our side compared to what you may have before you.

Mr. REID. If the Senator will yield.

Mr. WARNER. Yes.

Mr. REID. I don't usually deal in the minutia of things, rather broader issues. But I just wanted to say something to the distinguished Democratic leader of this important committee, I do believe we are near the end. I say that because we have been on this bill 11 days. If we spend a few more days on it, we are near the end.

Mr. LEVIN. If we spend a couple more days, yes, we are near the end.

Mr. WARNER. Wait a minute, let's just leave it ''we are near the end.''

Mr. LEVIN. I subscribe to my leader's comment.

Mr. WARNER. I thank the distinguished Democratic whip and my colleague from Michigan. The unanimous consent agreement is in order. The vote should start momentarily.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask the distinguished manager, I understand that the measure that Senators HARKIN, TALENT, GRASSLEY, and I have proposed is in order for 9:30 tomorrow morning.

Mr. WARNER. Yes. Could the Senator, in the interim, talk to his cosponsors on both sides of the aisle and give me an estimate of the time that would be required?

Mr. BOND. We hope it will be brief. We will talk with you. We hope that perhaps it may be accepted.

Mr. WARNER. Without a rollcall vote.

Mr. BOND. I would like to spare the body a rollcall vote.

The PRESIDING OFFICER. Under the previous order, amendment No. 3452 is modified to be a first-degree amendment.

Mr. WARNER. 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 on agreeing to the amendment.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—97

Akaka	Campbell	DeWine
Alexander	Cantwell	Dodd
Allard	Carper	Dole
Allen	Chafee	Domenici
Baucus	Chambliss	Dorgan
Bayh	Clinton	Durbin
Bennett	Cochran	Ensign
Biden	Coleman	Enzi
Bingaman	Collins	Feingold
Bond	Conrad	Feinstein
Boxer	Cornyn	Fitzgerald
Breaux	Corzine	Frist
Brownback	Craig	Graham (SC)
Bunning	Crapo	Grassley
Burns	Daschle	Gregg
Byrd	Dayton	Hagel
Harkin	Lott	Sarbanes
Hatch	Lugar	Schumer
Hollings	McCain	Sessions
Hutchison	McConnell	Shelby
Inhofe	Mikulski	Smith
Inouye	Miller	Snowe
Jeffords	Murkowski	Specter
Johnson	Murray	Stabenow
Kennedy	Nelson (FL)	Stevens
Kohl	Nelson (NE)	Sununu
Kyl	Nickles	Talent
Landrieu	Pryor	Thomas
Lautenberg	Reed	Voinovich
Leahy	Reid	Warner
Levin	Roberts	Wyden
Lieberman	Rockefeller	
Lincoln	Santorum	

NOT VOTING—3

Edwards	Graham (FL)	Kerry

The amendment (No. 3452) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. I asked unanimous consent—I have discussed this with the senior Senator from Virginia—that we have 2 minutes equally divided on the next amendment.

Mr. WARNER. Two minutes on each side.

Mr. LEAHY. Two minutes is fine with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Madam President, I do not want to start until the Senate is in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. Madam President, I voted, as did others, for the Warner amendment even though I see it as only the tiniest step toward addressing what we read about in the paper every single day, and that is war profiteering in Iraq. His amendment does not cover war profiteering; mine does. In fact, his, I believe, removes my prohibition against war profiteering. What I have in here is an amendment, very similar to what we passed in the appropriations bill earlier, about real war profiteering.

This Monday I was at the funeral in Vermont of a young sergeant who was killed in Iraq, just as my wife and I have been at other funerals of Vermonters killed over there, and I suspect most Members of the Senate have. They are over there defending their country. They are over there doing what their country asked them to, being paid as corporals and sergeants, and dying.

We have a lot of other people sitting in boardrooms back here in America, watching enormous profits, watching the American taxpayers pay for things that are never delivered, for trucks that are never there, for meals that are never there, and we can't stop them. My amendment would stop them. My amendment would put, if not patriotism in them, it will put the fear of going to jail in them.

Let us stand up for our American men and women over there. Let us stop the war profiteers. Let us say no to them, and let us say, if you continue, you are going to go to jail because that is where you belong.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, my amendment does everything that my colleague stated as a desired goal. His amendment goes a step further. This is the reason we have two votes. He establishes a new criterion for a crime that could result in incarceration up to 20 years. It is so vague that I assure you it could not get through the first year of law school. It says you could go to jail if ''you materially overvalue any good or service.'' There is no regulation, no criterion by which to judge that. As a consequence, this body would be enacting a new criminal statute without any hearings, without any thoughtful process, and would subject the contracting community, which numbers in the tens of thousands of individuals supporting the men and women of the Armed Forces all over the world, to this very vague proposed criminal statute.

I urge strongly that you vote against the Leahy amendment.

I regret that, I say to my good friend, but we cannot put on our books this statute. It would be wrong.

Mr. LEAHY. Madam President, my amendment very simply says to the Halliburtons all over the country that you can't profit on the backs of our men and women in Iraq or Afghanistan. We all know that is what it is.

The PRESIDING OFFICER. The Senator's time has expired.

Does the Senator from Virginia yield his remaining 35 seconds?

Mr. WARNER. Yes, Madam President. I yield it knowing that the good wisdom and sound judgment of this body will follow my views.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—46

Akaka	Byrd	Dayton
Baucus	Cantwell	Dodd
Bayh	Carper	Dorgan
Biden	Clinton	Durbin
Bingaman	Conrad	Feingold
Boxer	Corzine	Feinstein
Breaux	Daschle	Graham (FL)
Harkin	Leahy	Reed
Hollings	Levin	Reid
Inouye	Lieberman	Rockefeller
Jeffords	Lincoln	Sarbanes
Johnson	Mikulski	Schumer
Kennedy	Murray	Stabenow
Kohl	Nelson (FL)	Wyden
Landrieu	Nelson (NE)	
Lautenberg	Pryor	

NAYS—52

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NOT VOTING—2

Edwards	Kerry

The amendment (No. 3292) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, this afternoon, while debating my amendment on war profiteering, we became mired in a debate about what is or what is not in the criminal code.

I will not revisit that issue now. However, I will say to the senior Senator from Virginia, who asked from where the language in my amendment originated in the criminal code, that I have more information on that issue that should be to his satisfaction.

First, the term ''material'' appears in terrorism laws prohibiting ''material'' support. In fact, all falsity in the criminal code must ''material''. Pursuant to a Supreme Court ruling, part of proving a false statement must be ''material.''

Second, the term ''overvaluation'' is in Title 15 prohibiting ''criminally overvaluation'' of securities.

Third, with respect to ''intent to excessively profit,'' this is taken, in part, from ''significantly profit'' in 12 U.S.C. 1297 which criminalizes bank crimes. ''Significantly profit'' is, in fact, a lower standard that ''excessively profit.'' We erred on the side of caution and raised the standard.

Although I made this point clear during the debate, this should leave no doubt that my amendment is carefully constructed legislation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, my understanding is we will now go off the bill. We will remain off the bill for the remainder of the evening. We now have three votes on judicial nominations. I stand corrected. After the votes on the three judicial nominations, there is a short matter with Senator SESSIONS. It is in the UC.

Madam President, I ask unanimous consent that the votes for the three judicial nominations be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF WILLIAM S. DUFFEY, JR. TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session, and the clerk will report the first nomination.

The legislative clerk read the nomination of William S. Duffey, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

The PRESIDING OFFICER. There will now be a period of 2 minutes evenly divided on the nomination.

Mr. HATCH. Mr. President, I am pleased today to speak in support of William Duffey, who has been nominated to the United States District Court for the Northern District of Georgia.

Mr. Duffey is a cum laude graduate of South Carolina University Law School, where he had been a member of the Order of the Coif. His illustrious legal career includes a tour of duty in Turkey with the U.S. Air Force; deputy and associate independent counsel with the Office of the Independent Counsel's Whitewater investigation; and a long, successful law practice with the prestigious firm of King & Spalding.

Mr. Duffey is a gifted and experienced attorney whose familiarity with Federal trial procedure will benefit him immensely on the Federal bench. I am confident that he will make a fine jurist on the Federal bench.

Mr. CHAMBLISS. Madam President, I rise in support of the confirmation of William S. Duffey to be a district judge for the North District of the State of Georgia.

Bill Duffey is a well-respected lawyer in our State, one of the best lawyers in the State of Georgia. He has served in private practice. He served in the Judge Advocates Corps of the United States Air Force. He served in the Office of the Independent Council.

For the last 4 years, Bill Duffey has served as the U.S. attorney for the Northern District of Georgia. He comes highly recommended by his peers, by those who have appeared before him, as well as those who have been on the other side in cases.

He is a true gentleman in every sense of the word, an outstanding advocate for the judiciary. He will make an excellent judge, and I ask for his confirmation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, it is interesting, I think I heard one of the

Republican campaign committees talking about Democrats treating the South unfairly on judges. Southern States comprise about 25 percent of the States, but 60 of the nominees, about one-third of the nominees, have come from the South. With my colleagues, I have moved to get virtually all of them through.

Today we are asked to consider the nomination of William S. Duffey, Jr., to the Northern District of Georgia. The ABA found Mr. Duffey to be well-qualified to be a district court judge. He also has the support of both of his home State Senators.

Mr. Duffey is currently serving as the United States Attorney for the Northern District of Georgia. Prior to this Presidential appointment, he was in private practice and served for a number of years under the Office of the Independent Counsel during the 1990s. In this capacity, Mr. Duffey had administrative and general oversight responsibility for investigative activities and staffing in Arkansas. I questioned Mr. Duffey about two speeches he gave about his involvement in the Whitewater investigation. For example, while serving as the United States Attorney in northern Georgia and using the seal of that office, Mr. Duffey recently gave a speech entitled ''Whitewater, White Powder and White Paper'' at a local university. Despite his use of pejorative editorial cartoons, Mr. Duffey claimed that this speech was really about the value of public service. I am somewhat reassured by Mr. Duffey's answers to my questions and hope that if he is confirmed, he will avoid appearances of impropriety and conduct himself in a manner beyond reproach.

I would also note that some have falsely alleged that Democratic Senators have treated Southern nominees unfairly. That is simply untrue. The truth is that Democrats have treated judicial nominees from the South very fairly: Southern States comprise about 25 percent of the States in the Nation, yet out of the 184 judicial nominees of President Bush that we have confirmed as of this vote, 60 nominees, or about one-third, have been appointed to judicial seats in the South. With this vote there will be no vacancies in the entire State of Georgia. Senators on this side of the aisle worked to fill the last vacancy in Georgia. Judge C. Ashley Royal was confirmed December 20, 2001, under Democratic leadership to be United States District Judge for the Middle District of Georgia.

It is very unfortunate that some extreme partisans have tried to divide the American people for political gain with their false accusations that Democratic Senators are anti this group or that group. Democrats have been fair to judicial nominees from all parts of the Nation. We have been far more fair to this President's judicial nominees than Republicans were to the last Democratic President's. Republican Senators blocked more than 60 of President Clinton's judicial nominees, including several southerners.

I congratulate Mr. Duffey and his family on his confirmation today.

Madam President, 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 William S. Duffey, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 121 Ex.]

YEAS—97

Akaka	Dodd	Lott
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (FL)	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	
DeWine	Lincoln	

NOT VOTING—3

Edwards	Kerry	Lugar

The nomination was confirmed.

NOMINATION OF LAWRENCE F. STENGEL TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate, equally divided.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I have sought recognition to speak in support of the nomination of Lawrence F. Stengel for the U.S. District Court for the Eastern District of Pennsylvania.

Lawrence Stengel, who is currently a State common pleas judge in Lancaster County, PA, comes to this nomination with an outstanding background. He has a bachelor's degree from St. Joseph College in 1974 and a law degree from the University of Pittsburgh in 1980. He has an outstanding record in the practice of law, having maintained a practice as a sole practitioner for some 5 years, which is something in this day and age.

For the past 14 years, he has been a State court judge and has established an enviable reputation in Lancaster County. In addition to his judicial duties, he serves as an adjunct professor at Franklin and Marshall, and also as an adjunct professor at Millersville University, demonstrating his versatility and capability.

I have every reason to expect a strong vote.

I yield back the remainder of my time.

Mr. HATCH. Madam President, I rise today to voice my strong support for the nomination of Judge Lawrence F. Stengel for the United States District Court in the Eastern District of Pennsylvania. Judge Stengel has an impeccable record as both a jurist and practitioner, and this body would be wise to confirm him to the Federal bench.

Judge Stengel comes to the floor with not only my strong support, but also the unanimous support of my colleagues on the Judiciary Committee. Before consideration in the committee, Judge Stengel received a ''well qualified'' rating from the ABA—the oft quoted ''gold standard'' for judicial nominees. An alumnus of my alma mater, University of Pittsburgh Law School, Judge Stengel has served with distinction for nearly fourteen years as a Court of Common Pleas Judge in Lancaster, PA. His service on the Court was preceded by 10 years of legal practice, where he focused primarily on civil litigation matters.

Judge Stengel exemplifies excellence in judicial decision making, yet his commitment to enhancing the legal profession does not merely begin and end at the courthouse door. He has had an incredibly positive impact on the legal community outside of the courtroom as well. As president of the Lancaster Bar Association, Judge Stengel formed a diversity task force to investigate ways to increase the number of minority attorneys practicing in Lancaster County. Additionally, Judge Stengel appointed a committee for the creation of the Lancaster Bar Association Foundation—a foundation whose

primary purpose is to raise funds for enhancing the delivery of services to underprivileged clients.

I applaud the President for nominating Judge Stengel and am confident he has the requisite judicial temperament, integrity, compassion, and legal expertise to serve with distinction on the Federal bench. I urge my colleagues to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, today, I vote to support Lawrence Stengel to be a United States District Court Judge for the Eastern District of Pennsylvania. Judge Stengel has served for more than 13 years as a Judge on the Lancaster County Court of Common Pleas, where he has presided over hundreds of civil and criminal cases. In light of his significant judicial experience, it is not surprising that a substantial majority of the American Bar Association found him ''Well-Qualified'' for a lifetime position on the Federal court.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With today's confirmation, 18 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State.

With this confirmation, President Bush's nominees will make up 18 of the 43 active Federal circuit and district court judges for Pennsylvania—that is more than 40 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's influence is even stronger, as his nominees will hold 15 of the 34 active seats—or more than 44 percent of the current active seats. With the additional Pennsylvania district court nominees pending on the floor and likely to be confirmed soon, nearly half of the district court seats in Pennsylvania will be held by President Bush's appointees. Republican appointees will outnumber Democratic appointees by nearly two to one.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House. Although Republicans now decry Democratic filibusters of a mere handful of the most extreme nominees, Republicans denied votes to 10 judicial nominees, 9 district and 1 circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite how well-qualified these nominees were, many of their nominations sat pending before the Senate for more than a year without being considered. Such obstruction provided President Bush with a significant opportunity to reshape the Federal bench and the law.

News articles in Pennsylvania have highlighted the way that President Bush has been able to reshape the Federal bench in Pennsylvania. For example, The Philadelphia Inquirer noted that the significant number of vacancies on the Pennsylvania courts ''present Republicans with an opportunity to shape the judicial makeup of the court for years to come.'' Despite this, I do hope Judge Stengel will be fair to all who come before him.

Madam President, I yield back my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—97

Akaka	Dodd	Lott
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (FL)	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	
DeWine	Lincoln	

NOT VOTING—3

Edwards	Kerry	Lugar

The nomination was confirmed.

NOMINATION OF PAUL S. DIAMOND TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Paul S. Diamond, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. There will be 2 minutes equally divided on the nomination.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Paul Diamond is a distinguished Philadelphia attorney who holds a bachelor's degree from Columbia magna cum laude, demonstrating an excellent academic background, a law degree from the University of Pennsylvania, 2 years experience in the Philadelphia district attorney's office, a law clerk to a supreme court judge in Pennsylvania, a partner in a very distinguished law firm, Obermayer Rebmann Maxwell & Hippel, for more than a decade, and is currently an adjunct professor at Temple University.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I was tied up in a meeting for the prior vote on Judge Stengel. I have the highest respect for the two gentlemen and urge the confirmation of Judge Diamond.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Mr. Paul S. Diamond, who has been nominated to the United States District Court for the Eastern District of Pennsylvania. He is a fine choice for the Federal bench.

Mr. Diamond received his bachelor of arts degree, magna cum laude, from Columbia University, and his juris doctor from the University of Pennsylvania School of Law. Following law school, he spent several years working in the Philadelphia District Attorney's Office as a Assistant District Attorney. He then served as a law clerk to the Honorable Justice Bruce W. Kauffman of the Pennsylvania Supreme Court, now a judge serving on the United States District Court for the Eastern District of Pennsylvania. At the conclusion of his clerkship, he returned to the Philadelphia District Attorney's Office.

In 1983, Mr. Diamond joined Dilworth, Paxson, Kalish & Kauffman LLP., as an associate and in 1986, he was made a partner. Paul S. Diamond is currently a partner in the venerable Philadelphia law firm of Obermayer, Rebmann, Maxwell & Hippel LLP., where he practices in the area of complex criminal and commercial litigation. He is also administrative partner of the firm's litigation department.

Since entering private practice, Mr. Diamond has specialized in the representation of clients in grand jury related litigation throughout the country. In fact, he authored a comprehensive text and several articles on the work of the grand jury. This area of expertise assisted him as he served on the American Bar Association's Grand Jury and Amicus Curiae Briefs Subcommittee where he drafted amicus curiae for the American Bar Association on the novel issue of the propriety of subpoenaing criminal defense attorneys.

In between his many responsibilities, Mr. Diamond has found the time to serve on the Pennsylvania Supreme Court's Lawyers' Fund for Client Security Board. This board helps clients recover some or all losses of money and/or property stolen from them by their attorneys.

Mr. Diamond has also received numerous awards and accolades. I am particularly impressed that Mr. Diamond is listed in Who's Who in the World, Who's Who in America, Who's Who in American Law and Who's Who Among Emerging Leaders. He also received the ABA's highest rating of unanimously well qualified.

I applaud President Bush for his nomination of Mr. Diamond and am confident that he will serve on the bench with compassion, integrity and fairness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, today the Senate considers the nomination of Paul Diamond to be a United States District Judge for the Eastern District of Pennsylvania. Mr. Diamond has a unanimous rating of ''well-qualified'' from the American Bar Association and significant experience serving as an assistant district attorney in Philadelphia for 6 years and serving as a litigator in private practice for over 20 years. He is supported by the senior Senator from Pennsylvania, for whom I have great respect.

With the three confirmation votes today, the Senate will now have confirmed 17 judicial nominees this year alone. Seventeen is the total number of judges who were confirmed under Republican leadership in all of 1996. However, in 1996, the first confirmation did not even occur until July.

With these three confirmations today, the Senate will have confirmed a total of 86 judges this Congress and 186 of this President's judicial nominees overall. With 86 judicial confirmations in just a little more than 17 months, the Senate has confirmed more Federal judges than were confirmed during the 2 full years 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 at the end of the Clinton administration, when Republicans held the Senate. With 186 total confirmations for President Bush, the Senate has confirmed more lifetime appointees for this President than were allowed to be confirmed in President Clinton's entire second term, the most recent 4-year presidential term. We have already surpassed the number of judicial appointments won by President Reagan in his entire first term in office.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With this confirmation, 19 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State.

With this confirmation, President Bush's nominees will make up 19 of the 43 active Federal circuit and district court judges for Pennsylvania. That is more than 40 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's influence is even stronger, as his nominees will now hold 16 of the 35 active seats. In other words, nearly half of the district court seats in Pennsylvania will be held by President Bush's appointees. Republican appointees will outnumber Democratic appointees by nearly two to one.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House.

Republicans denied votes to ten judicial nominees, nine district and one circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Mr. SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite records that showed these to be well-qualified nominees, many of their nominations sat pending before the Senate for more than a year without being considered. Such obstruction provided President Bush with a significant opportunity to shape the bench according to his partisan and ideological goals.

New articles in Pennsylvania have highlighted the way that President Bush has been able to reshape the Federal bench in Pennsylvania. For example, The Philadelphia Inquirer, observed that the significant number of vacancies on the Pennsylvania courts ''present Republicans with an opportunity to shape the judicial makeup of the court for years to come.''

I would note that the Republican leadership has decided to depart from the order of the executive calendar to confirm Mr. Diamond today rather than Juan Ramon Sanchez, a well-qualified Hispanic nominee to the U.S. District Court for the Eastern District in Pennsylvania. That is their choice. I do not want to see the Democrats blamed for any delay in confirmation of Mr. Sanchez. I support that nomination and believe it will be supported by all Democratic Senators.

I congratulate Mr. Diamond and his family today on his confirmation.

I yield back my time.

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 Paul S. Diamond, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 123 Ex.]

YEAS—97

Akaka	Dodd	Lott
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (FL)	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	
DeWine	Lincoln	

NOT VOTING—3

Edwards	Kerry	Lugar

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. 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.

Mr. FRIST. Mr. President, let me take a minute to thank the two managers for their hard work on this Defense bill. As I stated before, this is the 11th day of consideration of this bill.

Although I think we have made real demonstrable progress today, I am concerned that we are not quite certain when we will be able to finish the bill and how many amendments may still be offered.

I have had discussions with the chairman and the Democratic leadership, and I am prepared to file a cloture motion this evening.

With that said, I still hope we can work out an agreement to allow us to finish the bill after a certain number of amendments, and with a time certain for passage. I will continue to discuss our options with the managers of the bill and hope that we can proceed in a balanced way to finish the bill.

CLOTURE MOTION

I send the cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 503, S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed services, and for other purposes.

Bill Frist, John Warner, Bob Bennett, John Cornyn, Mitch McConnell, Norm Coleman, Susan Collins, Lamar Alexander, Kay Bailey Hutchison, Rick Santorum, Lisa Murkowski, Gordon Smith, Thad Cochran, Wayne Allard, Chuck Hagel, Craig Thomas, Jeff Sessions.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Alabama is recognized to offer an amendment on which there will be 10 minutes of debate.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be recognized for 5 minutes and be notified at the conclusion of the 5 minutes, and the senior Senator from New York, Mr. SCHUMER, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3372, AS MODIFIED

Mr. SESSIONS. Mr. President, for decades, civilian employees of the United States working overseas were shielded from prosecution for criminal acts that were committed abroad. These persons were outside the scope of military justice, and they were beyond the jurisdiction of Federal courts in the United States, and also our State courts. Often, foreign countries, when incapable of investigating and prosecuting the cases, or they didn't have adequate laws, or they were not even criminal offenses in the foreign country, did not prosecute. Maybe the foreign country had no interest in prosecuting a fraud against the United States.

In 1999, one of my constituents approached me with a terrible story of how two innocent children were molested while living overseas with their father, who was an Army service person. Because the perpetrator of the crime did the act overseas, he was beyond the scope of jurisdiction in the United States. Moreover, German law didn't cover this, so the person was completely unprosecutable at that time.

After hearing this story, I began to work on and introduce the Military Extraterritorial Jurisdiction Act, which was signed into law eventually in the year 2000.

It provided U.S. Federal courts with jurisdiction over civilian employees, contractors, and subcontractors affiliated with the Department of Defense who commit crimes, and would have subjected that person to at least 1 year of prison had the offense occurred in the United States.

We worked with the Department of Defense, the Department of Justice, and the Department of State and produced legislation which I think was very helpful.

Now, in the war on terrorism, the Department of Justice is finding this statute very helpful. In fact, the contractors involved in the Abu Ghraib prison would probably not be prosecutable had we not passed this law some time ago.

But as we have looked at it, we understand there are some gaps that still exist.

Senator SCHUMER raised this issue in the Judiciary Committee, and I began to work on dealing with those loopholes.

This act will deal with what our previous act dealt with—those who were directly related to the Department of Defense, either contractors or civilian employees. But the abuses in Abu Ghraib involved private contractors who may not have in every instance been directly associated with the Department of Defense, and as such, perhaps those people—or some of them at least—might not be prosecutable under this statute. So it highlighted our need to clarify and expand the coverage of the act.

I offer an amendment today, and I am pleased that Chairman WARNER and Ranking Member LEVIN have agreed to it. I believe it has been cleared on both sides and accepted by the managers.

This amendment would give the Justice Department authority to prosecute civilian contractors employed not only by the Department of Defense but by any Federal agency that is supporting the American military mission overseas.

The number of private contractors working in Iraq is about 10 times as great as it was in the Persian Gulf conflict.

Private contractors are necessary to rebuilding a healthy Iraq. Yet we cannot allow them to escape justice for crimes they may commit overseas.

I am not sure right now the Iraqi government has the ability or the interest in prosecuting a contractor who may have defrauded the United States. It clearly remains true that if they are to be prosecuted, it needs to be done here.

Our mission overseas is an honorable endeavor. It should not be tainted by illegal acts by any, particularly a few, who embarrass our country. Recent events have brought to light the need to ensure that those acting improperly are held accountable in a court of law.

This amendment clarifies existing precedent and leaves no doubt whether wrongdoers can be brought to justice. This includes physical acts against personnel by contractors. It also includes frauds that could be committed against the Department of Defense such as overcharging. Fraudulent activities of any kind could be prosecuted under this act.

I yield the remainder of my time to the Senator from New York, who, having suffered the blows of terrorism firsthand, has taken an interest in these matters for some time now. I am delighted to work with the Senator on this legislation.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is an important amendment to this bill. It is passing with bipartisan cosponsorship, both the House and the Senate unanimously. It shows we can get things done in a bipartisan way. In good part that is because of my colleague from Alabama. I salute him for his leadership on this issue. He originally discovered the loophole about contractors who work for DOE, that they could not be prosecuted should they commit crimes abroad. He successfully passed a law last year about this issue.

When we discovered all the problems in the prisons in Iraq, it was clear that not all the contractors were contracted to by DOD. Other agencies contracted them. It made sense to me that we prosecute them as well. I believe it

made sense to everybody. So I suggest to my colleague from Alabama that we work together to expand the amendment to include all contractors who work abroad who commit crimes or potential crimes.

As usual, we worked very well together on this. I thank the Senator for his leadership in passing the original bill, now law, and now amending this to broaden it.

The amendment Senator SESSIONS and I are offering today will close a dangerous loophole in our criminal law that would have allowed civilian contractors who do the crime to escape doing the time. As I mentioned, Senator SESSIONS closed part of this loophole a few years ago when he passed the Military Extraterritorial Jurisdiction Act and showed a great deal of foresight with that legislation.

The problem is that aside from Senator SESSIONS' bill there are negligently few provisions that give DOJ the power to go after civilian contractors. In short, if they do not contract with DOD, there is too strong a likelihood they will escape prosecution. Nothing in this amendment should be interpreted as undermining ongoing DOJ investigations or providing a basis for argument that DOJ does not have jurisdiction to prosecute contractor crimes in Iraq. Title 18, section 7, of the Criminal Code clearly confers such jurisdiction. This amendment covers contractors and territory for which title 18, section 7, does not confer jurisdiction.

I am proud to have worked with my colleague from Alabama to get this done. By passing this amendment today, this body gains stature because an important amendment is passed in a bipartisan way, and our country gains stature because the world sees when a crime is committed, unlike in so many other places in America, it is prosecuted.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mr. SCHUMER, proposes an amendment numbered 3372, as modified.

The amendment is as follows:

(Purpose: To extend military extraterritorial jurisdiction to cover not only personnel and contractor personnel of the Department of Defense, but also personnel and contractor personnel of any Federal agency or provisional authority supporting the mission of the Department of Defense overseas, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. CONTRACTOR ACCOUNTABILITY.

Section 3267(1)(A) of title 18, United States Code, is amended to read as follows:

''(A) employed as—

''(i) a civilian employee of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

''(ii) a contractor (including a subcontractor at any tier) of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

''(iii) an employee of a contractor (or subcontractor at any tier) of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;''.

SEC. ___. DEFINITION OF UNITED STATES.

Section 2340(3) of title 18, United States Code, is amended to read as follows:

''(3) 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.''.

Mr. LEAHY. Mr. President, 4 years ago, I worked with Senators SESSIONS and DEWINE to pass the Military Extraterritorial Jurisdiction Act, MEJA, which established Federal jurisdiction over crimes committed by civilians employed by, or accompanying, our military overseas. The Sessions-Schumer amendment further extends the jurisdictional authority we created in MEJA by closing a possible jurisdictional gap that could allow persons who commit crimes while accompanying our military overseas to escape justice. I support this amendment, and am pleased that the Senate has adopted it today. In addition, I thank the sponsors for accepting my addition to their amendment, which closes a similar jurisdictional loophole in Federal law.

Attorney General Ashcroft referred to this loophole last week, during his annual appearance before the Senate Judiciary Committee, while attempting to defend the Administration's position on torture. Interestingly, this loophole was created by legislative language that was proposed by the Department of Justice as a means of broadening, not shrinking, Federal criminal jurisdiction. This language, enacted as part of the USA PATRIOT Act, redefined the ''special maritime and territorial jurisdiction of the United States'' to include U.S. military bases and other U.S. Government properties in foreign States. The administration's summary of its proposal explained that it would ''extend'' Federal jurisdiction to ensure that crimes committed by or against U.S. nationals abroad on U.S. Government property did not go unpunished.

Unfortunately, the administration drafters of this proposal neglected to mention to Congress how it would impact on the Federal anti-torture statute. That statute prohibits torture committed ''outside the United States'' by persons acting under color of law, and defines the term ''United States'' to include the ''special maritime and territorial jurisdiction of the United States.'' By extending the special maritime and territorial jurisdiction of the United States, the PATRIOT Act effectively narrowed the reach of the anti-torture statute. Post-PATRIOT Act, the anti-torture statute may not allow for the prosecution of an individual who commits torture on a U.S. military base outside the United States.

My addition to the Sessions-Schumer amendment corrects this problem in a simple and straightforward way. It extends the anti-torture statute to apply, without exception, to acts committed outside the 50 States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

It may be that we should go further. Arguably, the anti-torture statute should be extended to apply anywhere in the world—both inside and outside the United States. I would welcome the views of the Department of Justice on this question. In the meantime, there are other Federal statutes that prohibit violence or excessive force by those acting under color of law within our borders.

Torture is one of the most serious crimes imaginable. I can think of no reason why the Federal Government should create safe havens for torturers anywhere in the world. To the contrary, we should use every means available to track them down and bring them to justice. The language that I have proposed, and that the Senate has accepted, will assist the Justice Department in doing just that.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment.

The amendment (No. 3372) was agreed to.

Mr. LEVIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I rise to thank Chairman WARNER and Ranking Member LEVIN for their acceptance of a very important amendment last evening that was offered by me along with Senators SMITH, CORZINE, KENNEDY, and AKAKA to clarify the important role that the Department of Defense Vaccine Healthcare Centers Network plays in increasing training and competency in understanding vaccine associated adverse events, their diagnosis, treatment and medical exemption management.

My amendment, No. 3392, expands upon the language that originally created the Vaccine Healthcare Centers, or VHCs, in 2001, to better reflect their current function and mission, and recognize the growing importance the Network will play in the future with the recent passage of the BioShield Act.

As one example, the original language referenced only the anthrax vaccine program but the VHCs have played a fundamental role in developing and

testing the DoD Smallpox Vaccine Program with clinical and research follow-up. These functions should be reflected in the authorization of the VHCs and the Bingaman-Smith-Corzine-Kennedy-Akaka amendment does that.

Mr. President, Congress created the Vaccine Healthcare Centers, VHC, Network as part of the National Defense Authorization Act of 2001, but focused the VHCs on establishing ''a system for monitoring adverse events of members of the armed forces to the anthrax vaccine.''

The Vaccine Healthcare Center at Walter Reed Army Medical Center was created in 2001 to respond to that congressional requirement. Subsequently, with the creation of three additional regional centers at Naval Medical Center Portsmouth in Virginia, Womack Army Medical Center in North Carolina, and Wilford Hall Medical Center at Lackland Air Force Base in Texas, the VHC Network today provides educational and clinical support services that are available to 2.4 million Active Duty and Reserve servicemembers and over 6 million family members for all immunizations—not just the anthrax vaccine.

The importance of the VHCs to both servicemembers and the military cannot be understated. The VHCs, particularly the one at Walter Reed Army Medical Center, has established itself as an unbiased, objective source of clinical vaccine-related information to servicemembers, providers, the military and Congress, which is rather a remarkable accomplishment.

In fact, there are strong feelings with respect to the anthrax and smallpox vaccines, and it is no secret that I have grave concerns with the military's policies with respect to the mandatory nature of those vaccines at this time. However, regardless of how you feel about the policy, few would disagree that the VHCs have provided a strong scientific, and unbiased clinical perspective that all sides respect and appreciate.

As the Armed Forces Epidemiological Board, or AFEB, found in a report it published on April 14,2004, ''The VHC Network has become an integral component of the referral and consultation services available on vaccine adverse event issues for the DoD and can play an important role in the study and evaluation of cases or clusters of possible rare vaccine-induced adverse events.''

Furthermore, in testimony before the House Armed Services Committee on February 25, 2004, Dr. William Winkenwerder, Jr., Assistant Secretary for Defense Health Affairs stated, ''And we are delighted to say we now have on-site in the Vaccine Healthcare Center Network, a network of specialty clinics to provide the best possible care in rare situations where serious adverse events follow vaccination. In all our vaccination efforts, we focus on keeping individual service members healthy, so they can return home safely to their families and loved ones.

Although I do not always agree with Dr. Winkenwerder on force protection policy, I do on the importance of the Vaccine Healthcare Centers Network. My amendment with Senators SMITH, CORZINE, KENNEDY, and AKAKA updates and recognizes the importance of the VHCs to our Nation's servicemembers.

The original stated purpose of the language in 2001 was narrowly focused on the creation of a DoD Center of Excellence treatment faculty focused on providing treatment and follow-up as part of a system of monitoring adverse events of servicemembers for the anthrax vaccine. In fulfilling that original mission, DoD found that the VCH Network was needed to improve vaccine safety and efficacy for all vaccines, and not just limited to the anthrax vaccine.

To achieve this purpose, VHCs provide education, expert consultations and problem resolution, medical exemption management, disability assessments, and clinical research. These functions are not adequately recognized in the current DoD authorization language and my amendment reflects these expanded roles on behalf of our Nation's sevicemembers.

In fact, during fiscal year 2003 alone, the VHCs responded to over 160,000 contacts and provided case management for over 600 complicated vaccine-related cases for servicemembers. Moreover, just 4 days ago, the Chicago Tribune reported that a study by a researcher at Walter Reed Army Medical Center in conjunction with the Vaccine Healthcare Center there has conducted research that indicates ''military personnel inoculated against smallpox face a seven to eight times greater risk of heart inflammation'' than those who had never been vaccinated.

The study finds that, since the smallpox vaccination program was resumed in 2002, 615,000 servicemembers have been inoculated and that there have been 77 confirmed or suspected cases of heart inflammation, including at least one in my state.

As exemplified by the myopericarditis issue with smallpox vaccine, the VHCs also provide a place to identify uncommon adverse events and help provide early recognition and interdiction which drives policy changes in real time to protect the health and well-being of our Nation's military personnel.

Mr. President, vaccines are a prescription drug and, like any prescription drug, carry risk and side effects. We, as a Nation, cannot ask our servicemembers to continue with a vaccination policy and not recognize this critical fact. The VHC Network serves everybody by providing objective clinical education, services, and research into these matters that better inform all parties, including policymakers, of both the risk and benefits vaccines carry. Moreover, the Network serves to minimize those risks as best as they can.

Army Surgeon General, Lt. General James Peake, urged repeatedly in a memorandum dated February 10, 2004, to commanders and regional medical commands that clinicians utilize the VHC Network resources, while noting the ''U.S. Army lost a valuable Soldier, Rachel Lacy, in April 2003, a month after receiving five vaccinations during mobilization.''

Unfortuantely, this critical resource could have been lost or severely limited without the passage of our amendment. That would be unacceptable, particularly in light of the high praise from Dr. Winkenwerder, Lt. Gen. James Peake and the Armed Forces Epidemiological Board for the critical work VHCs perform. To that end, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the memorandum from Dr. Peake.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. BINGAMAN. And finally, as the use of passive immune globulin and other immune modulators increases, complex interactions and expert evaluation of adverse events will be needed more than ever in support of both our Nation's servicemembers and to guide both military readiness and homeland defense policy. The VHCs are a critical component in that endeavor.

So again, I thank the mangers of the bill, Chairman WARNER and Ranking Member LEVIN, for agreeing to the Bingaman-Smith-Corzine-Kennedy-Akaka amendment to appropriately reflect and confirm congressional support for the activities undertaken by the VHC Network, as their role is critical to the health and well-being of our Nation's servicemembers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(EXHIBIT 1.)

DEPARTMENT OF THE ARMY, HEADQUARTERS, UNITED STATES ARMY MEDICAL COMMAND,

Fort Sam Houston, TX, February 10, 2004.

Memorandum for Commanders, Regional Medical Commands

Subject: Learning from Adverse Events After Vaccination—Action Memorandum.

1. Immunization is one of the most valuable tools available to keep Soldiers healthy. The overwhelming majority of immunizations are followed by mild symptoms, such as soreness at the injection site; severe adverse reactions are extremely rare. Unfortunately, the U.S. Army lost a valuable Soldier in April 2003, a month after receiving five vaccinations during mobilization. Although the evidence was inconclusive, medical experts determined that vaccination may have contributed to her death (Tab A). Additional information about the case is available at www.vaccines.mil/panelreport.asp.

2. Please relay this message to clinicians in your command, noting these key points: Remind vaccinees to seek medical care if they experience medical problems, or they can call the DoD Vaccine Clinical Call Center at 866–210–6469; Remind clinicians to take a vaccination history during patient assessments. Be particularly alert in post-vaccination cases of fever, chest symptoms (e.g., dyspnea, chest pain), or clinical findings such as pleural or pericardial inflammation;

In conditions not responding to antibiotics, consider the possibility of autoimmune disease and appropriate treatments for such conditions; Seek specialty consultation as clinically appropriate. Consider the unique consultation resources within the Vaccine Healthcare Center (VHC) Network (www.vhcinfo.org, 202–782–0411 (DSN: 662); askVHC@na.amedd.army.mil); Continue to report adverse events after vaccination to the Vaccine Adverse Events Reporting System (VAERS, www.vaers.org); Continue to follow guidelines for managing adverse events after vaccination (www.vaccines.mil/pdf/cpguidelines.pdf). Note there are new guidelines for the evaluation and treatment of myopericarditis after smallpox vaccination; Grant medical exemptions when clinically appropriate. When needed, use consultation services for a second opinion (e.g., Vaccine Healthcare Center Network);

3. For more vaccine resources, take advantage of the experts at the Vaccine Healthcare Center Network (www.vhcinfo.org) and the Military Vaccine Agency (www.vaccines.mil).

4. My points of contact for this action are COL John Grabenstein at 703–681–5101 and COL Renata Engler at 202–782–0411.

JAMES B. PEAKE,
Lieutenant General, Commanding.

Mr. HARKIN. Mr. President, I thank the managers of the Department of Defense authorization bill, Senators WARNER and LEVIN, for their assistance earlier this week in adopting an important amendment. I offered the amendment, now a provision of this bill, to express the sense of the Senate concerning programming on American Forces Radio and Television Service, AFRTS.

As my colleagues know, for American service members and their families stationed in more than 177 countries and U.S. territories around the world, as well as for DOD civilians and their families, AFRTS is intended to broadcast a ''touch of home'' by providing programming that reflects a cross section of what is widely available to stateside audiences. According to the AFRTS website, its programming is meant to ''represent what is seen and heard in the United States.''

I support AFRTS in its mission. Making U.S. entertainment and news programming available to American service members wherever they are located is important for their morale and to keep them informed. I believe the fiscal year 2004 funding level of $47 million for AFRTS is justified.

Several weeks ago, however, it came to my attention that the programming on one AFRTS service—its ''uninterrupted voice,'' or talk radio, service—has what I consider to be a political bias in its social and political commentary.

For the information of my colleagues, the radio broadcast component of AFRTS, which is American Forces Radio, consists of 13 channels, or ''services.'' Seven of these radio services focus on music, with news briefs at the top of every hour. Two are continuous news information services. One service broadcasts National Public Radio 24 hours a day, 7 days a week. Two services are continuous sports talk. The final service is what the network calls uninterrupted voice service, or talk radio service.

Based on conversations between my staff and personnel at AFRTS, I believe the bias that exists in the social and political commentary portions of this talk radio service is not intentional. I commend the openness of American Forces Radio officials in the dialogue we have now begun on this topic. But in my view the bias in this programming is real.

Public criticism of American Forces Radio content has focused on the fact that Rush Limbaugh's commentary is carried daily on the talk radio service. I generally do not agree with Rush Limbaugh's commentaries. But I do not object to the fact that they are run on a daily basis on this service. Some people do object. However, what I do take issue with is the fact that there is no commentary on the service that would even begin to balance the extreme right-wing views that Rush Limbaugh routinely expresses on his program.

Critics have specifically cited Rush Limbaugh's use of his show to condone and trivialize the abuse of Iraqi prisoners by U.S. guards at the Abu Ghraib prison in Iraq. As many of my colleagues know, and as has been pointed out previously here on the Senate floor, Mr. Limbaugh reportedly likened the abuse of Iraqi prisoners by U.S. guards at Abu Ghraib to a fraternity initiation. He called some of the abusive tactics a ''brilliant maneuver.'' I think the critics are right. Limbaugh's remarks—and there are many more offensive remarks by Mr. Limbaugh on this topic than I have mentioned here—are repugnant. They do damage to the American image when they are heard around the world. I would guess that Limbaugh's comments on Abu Ghraib also probably offend a large majority of American service members.

Still, I am not calling for American Forces Radio to pull Rush Limbaugh's commentaries from their talk radio service. I am asking, and I am pleased that the Senate is now on record asking, that AFRTS meet its own mandate, as generally articulated in Department of Defense Regulation 5120.20R. That regulation calls for AFRTS political programming that is ''characterized by its fairness and balance,'' as well as news programming guided by a ''principle of fairness'' that requires ''reasonable opportunities for the presentation of conflicting views on important controversial public issues.''

Liberals, moderates and independents contribute to funding for American Forces Radio through payment of their taxes, just like conservatives do. There is no reason that American service members should receive lengthy right-wing commentaries with regularity on American Forces Radio's talk service, without some balance from competing views as part of that same service. For the good of its listeners, and to meet its own mandate, American Forces Radio needs to make a greater effort to give a balanced, fair representation of varying political viewpoints on its talk radio service.

In conversations with my staff, individuals at AFRTS have said that their programming of Rush Limbaugh on the talk service is driven strictly by national ratings here in the States. That was not the position taken by a DOD official on CNN earlier this month, however. According to news coverage posted on CNN.com, Deputy Assistant Secretary of Defense Allison Barber has said that the appropriateness of content is a factor in deciding what commentaries are broadcast on American Forces Radio.

I agree with the Deputy Assistant Secretary's statement. Content is a factor in deciding which commentaries to run on American Forces Radio. At the same time, I also agree with stated AFRTS policy. There should be fairness and balance in political programming on American Forces Radio.

My amendment in no way prescribes specific content or programming at AFRTS. That is not the role of the Senate. What my amendment does do, appropriately, is state that it is the sense of the Senate that the Secretary of Defense should ensure that AFRTS policies of fairness and balance are being fully implemented. The amendment calls on the Secretary to develop appropriate methods of oversight in this regard. I look forward to working with the Department and others to see that AFRTS meets these proper goals.

Mr. JEFFORDS. Mr. President, I rise to express my strong support for the amendment adopted yesterday to the Department of Defense authorization bill that would strengthen Federal hate crime laws.

This amendment would strengthen Federal hate crimes law in two important ways. First, it would remove the requirement that the victim be engaged in a federally protected activity when the crime occurs. This change will make it easier for hate crimes to be prosecuted and local officials to be assisted when the hate crime is based on race, religion, or national origin. Second, the current statute is expanded to cover hate crimes based on gender, sexual orientation, and disability.

Since the Federal Bureau of Investigation began to track hate crimes in 1991, the incidents of hate crimes based on sexual orientation have more than tripled. If the changes to the Federal hate crimes statute incorporated in this amendment are enacted, it will allow the Federal government to prosecute these crimes and assist local law enforcement officials in dealing with these violent hate crimes.

Any crime hurts our society, but crimes motivated by hate are especially harmful. Many States, including my own State of Vermont, have already passed strong hate crimes laws, and I applaud them in this endeavor.

An important principle of the amendment is that it allows for Federal prosecution of hate crimes without impeding the rights of States to prosecute these same crimes.

The adoption of this amendment by the Senate is an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. The American public knows that Congress should pass this legislation, and I call upon the conferees to retain this important provision during the conference on this legislation.

Mr. LEVIN. I will ask unanimous consent the resolution relative to the Detroit Pistons victory be introduced in 1 minute, but first I ask unanimous consent that I temporarily turn the floor over to Senator BIDEN. Then I will introduce this unanimous consent resolution, Senator STABENOW will be recognized for 5 minutes, I will be recognized for 5 minutes, and then Senator MILLER will be recognized for 8 minutes after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

A TRIBUTE TO BETTY STRONG: THE POLITICS OF DECENCY

Mr. BIDEN. Mr. President, I rise today to pay tribute to an incredible woman. There are a number of benefits that flow, as my friend, the Presiding Officer, knows, even from failed Presidential efforts seeking to get the nomination as he and I have both done. We meet some extraordinary people who put their lives on hold for you because they believe in what you are trying to do. There was such a woman who just passed away in Iowa, in Sioux City. Her name is Betty Strong.

Theodore Roosevelt said:

> The most practical politics is the politics of decency.

There was none more practical or more decent than Betty Strong, the matriarch of the Democratic politics of Iowa. She was a wonderful woman whose friendship and memory I will always cherish and whose friendship with her husband I still cherish.

Anyone who knows Iowa politics—and I know the Presiding Officer knows Iowa politics at least from the Republican side of the effort—knows the name Betty Strong. Senator HARKIN and I have been reminiscing all day with wonderful stories we have about her. Time will not permit me to speak to all of these, but she was a master political craftsman. She understood grassroots organizational politics better than anyone. She was a community leader in the best sense of the word. She brought people together around the process and around the issues.

She was a woman of uncanny insight and extraordinary good sense, basic honest judgment, and something that seems altogether too uncommon these days: a depth of good will, unmatched by anyone I have met in politics.

We can find thousands of examples of strong, tough-minded, powerful women in our history who have left their mark, big and small, on our lives, from Helen Keller to Eleanor Roosevelt. All of them inspired a Nation. All of them gave us hope. But few have had as much of a personal impact as Betty Strong of Iowa, who just followed her heart, got involved, did what she wanted to do, and did what she believed was right for the community.

She was tough, strong, and smart. She started in politics in the early 1950s at a time when back rooms were still smoke filled and the sound of a woman's voice was a cause for heads to turn. I can only imagine that Betty did not hesitate to cut through that smoke and speak her mind, even back in the 1950s, and when she did, I imagine she caused those old party bosses to turn their heads on more than one occasion. When she spoke, everyone listened. I know I did.

Margaret Thatcher said:

> Success is having a flair for the thing that you are doing, and knowing that it is not enough, you have to work hard and have a sense of purpose.

Betty was a success because she worked as hard as anyone I have ever had the pleasure to work with and she had a powerful sense of purpose. She absolutely loved politics as much as she absolutely loved Iowa. She loved the process, and everyone respected her for that.

She was a rare woman who had the depth of an abiding commitment to the rough and tumble of organizational door-to-door politics. Boy, did she know how to work a room. You had to see her work. She could read people. She had, as my mother would say, the sixth sense about how to persuade and bring people to her side, how to convince them she was right. She was, indeed, a very persuasive woman. There was no doubt that when you were with her, you wanted to be on her side.

But I don't think winning was Betty's real goal. It was not what drove her. I think she cared deeply about the fact that people need to be engaged and they contribute to making things better, they find a cause and take a side, they fight for what is in their heart and their gut, and they move the system in the right direction.

For Betty Strong, it was community that mattered most. It was the democratic process she cared about, and she believed that it worked best when you have maximum participation.

That is not to say that she did not have a deeply held set of values and beliefs that drove her politics; she did.

First and foremost, she was a Democrat—a Democrat Democrator, as the folks in Alabama used to say: a Yellow Dog Democrat. She had the hash marks and battle scars of more than 40 years of engagement to prove it.

If I had to categorize her politics, I would say she was an old-fashioned but practical FDR Democrat, an accomplished activist who fought on behalf of organized labor and through the Central Labor Council for the basic dignity of American workers.

I remember how she welcomed my wife Jill and me to her home as she welcomed a host of Democratic candidates over the years. And she did not hesitate to make her opinions known. She did not hesitate to share her love and affection with you.

But partisanship is not a word I think of when I remember Betty Strong. The word I think of is ''democracy.'' To watch her in action was to understand what Teddy Roosevelt meant when he said, ''the politics of decency.'' She was a decent person, as decent as any I have ever met in my public life. She was as engaged as she was engaging, as warm as she was tough, and as wise as she was shrewd.

To see her build a coalition, to watch her rally support, was to realize that all she wanted to do was bring the best out in people.

I first met her in 1987. I stayed in contact with her over the entire time until her death. She was a friend of mine, a friend of Senator HARKIN's, and a friend of many of us here.

I only wish we had more like her in both parties. You have them in your party, as I have them in mine. And, God, they are beloved. They are beloved people. But it seems like the generation is passing of the people who made the commitment she made.

She knew all politics was local, but she also knew local politics made up what this Nation is. She was a nation builder. She was a great woman. I miss her. Our sympathies to Darrell and her family.

I thank the Chair and I thank my colleagues for their graciousness. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

HONORING THE DETROIT PISTONS ON WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 380, submitted earlier today by myself and Senator STABENOW.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 380) honoring the Detroit Pistons on winning the National Basketball Association Championship on June 15, 2004.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator STABENOW be recognized for her approximately 5-minute statement, and that I then be recognized for my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend and colleague from Michigan.

Mr. President, I rise today with my friend from Michigan to offer this resolution congratulating the Detroit Pistons for winning the National Basketball Association Championship.

What a game, and what a win.

In a remarkable display of toughness, talent, tenacity, and old-fashioned hard work, the Pistons made history yesterday by winning their third consecutive home game at the Palace of Auburn Hills to clinch their third NBA title.

It was the first time in NBA Finals history that the home team won the third, the fourth, and the fifth game at home.

The Pistons embody all that I love about the people of Michigan. They are a determined, hard-working team that has shown relentless determination to achieve their goal. The Pistons are a complete team. They sacrifice personal gains for the good of their teammates. And we saw that over and over again last night. They dove for loose balls, and they played great defense.

Like the people of Michigan, the Pistons do not seek the limelight but, rather, let their performance on and off the court speak for itself.

Off the court, the Pistons launched their Read to Achieve Program in October 2001. I was very pleased to participate in one of their reading events. To date, they have opened four reading and learning centers, the most recent last Monday at the Cornerstone Elementary Linwood Campus Library. And they have donated their time to read with over 4,500 students throughout Michigan.

On the court, the Pistons faced many hurdles to win this title. First, they overcame a grueling regular season schedule to win 54 games. Next, they outlasted three of the toughest teams in the Eastern Conference playoffs: the Milwaukee Bucks, the New Jersey Nets, and the Indiana Pacers to make it to the NBA Finals.

In the end, the Pistons prevailed against the storied Los Angeles Lakers, a franchise with 14 titles to its credit, four future Hall of Famers, and a future Hall of Fame coach, Phil Jackson, who has coached nine NBA championship teams.

Our Pistons beat them all and showed they are the best.

I would like to take a moment to recognize members of the Pistons organization who made this remarkable season possible.

Congratulations, first, to Bill Davidson, the Pistons owner, a man who has had a wonderful year. Mr. Davidson, a generous philanthropist for the last 25 years, adds the Pistons' NBA title to the Detroit Shock's 2003 WNBA championship.

I also congratulate the Pistons President of Basketball Operations, Joe Dumars. As an NBA player, Joe was one of the driving forces on the 1989 and 1990 Pistons championship teams, and proved to be equally valuable in the Pistons front office by assembling this terrific team.

Next, of course, big congratulations are in order to Larry Brown, the first coach to win an NBA championship and an NCAA title. The much traveled Hall of Fame coach made his nest in Detroit this year and won this championship by asking his players to play basketball the ''right way,'' emphasizing defense, rebounding, and team play. This kind of old-fashioned philosophy is the kind of workman-like philosophy we value in Michigan.

Finally, and most importantly, cheers to the guys doing the hard work on the hardwood. The Pistons starting backcourt of Richard Hamilton and Finals MVP Chauncey Billups provided the leadership, scoring, and defense when the team needed it most. Each game, the tandem of Ben Wallace and Rasheed Wallace erected a virtual wall around the Pistons basket and blocked shots and collected rebounds that were critical to the Pistons' success—and great fun to watch.

Joining the Wallaces in the front court was Tayshaun Prince, the long-armed forward who made the highlight-reel block of a layup during game 2 of the Eastern Conference Finals that turned that series around and propelled the Pistons to the NBA Finals.

Finally, the contributions of the Pistons reserves, known collectively as the ''Alternatorz,'' proved invaluable, as they always provided a spark whenever they were called upon.

Mr. President, I attended game 3 of the NBA Finals last Thursday evening with my son. It was very exciting, and I can tell you that Pistons basketball is a beautiful thing to watch. And though this Detroit Pistons team is not known for its physical play, as the ''Bad Boys'' teams of 1989 and 1990 were, it is known for the intimidating presence of the Pistons center and spiritual leader, Ben Wallace.

Aside from the Pistons' victory, there was nothing more entertaining and fun to watch than seeing the countless Detroit fans at the Palace wearing wigs resembling Ben Wallace's hair. Looking forward to next year, I want to pass on a message to the NBA I saw on one fan's sign: ''Fear the Fro.''

Again, congratulations to all the Pistons players, coaches, and staff who made this championship possible. This was truly a magnificent accomplishment for fans in Detroit and across the State of Michigan.

Mr. President, I ask unanimous consent that the names of the Pistons players and coaches be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. STABENOW. Mr. President, I might also say, I look forward to collecting, with my colleague, on the bet that Senator LEVIN and I won from our colleagues and friends from California.

Mr. President, I yield the floor.

EXHIBIT 1

DETROIT PISTONS—2004 NBA WORLD CHAMPIONS

Players: Chauncey Billups, Elden Campbell, Tremaine Fowlkes, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, Corliss Williamson,

Head Coach: Larry Brown

Assistant Coach: Herb Brown, Dave Hanners, Igor Kokoskov, John Kuester, Mike Woodson

Athletic Trainer: Mike Abdenour

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, last night before 22,000 fans, a gritty bunch of Detroit Pistons achieved one of the biggest championship basketball upsets in history. In a league that has long emphasized the role of its star players, the Detroit Pistons bring to mind another famous team, the 1980 U.S. Olympic gold medal hockey team, and remind us that teamwork, perseverance, desire, and defense win championships.

The Detroit Pistons president Joe Dumars and his staff, with the full and total support of the owner Bill Davidson, put together a team not built around one or two superstars but on the solid play of all of its members. In their effort to build a team that could advance through the playoffs and win a championship, the Pistons made a midseason trade for Rasheed Wallace, a talented and multidimensional power forward.

In a league where bold season-changing trades are rare, this move gave the Pistons a potent front court scoring option and another rebounding and shot blocking presence to compliment two-time defensive player of the year Ben Wallace. Throughout the series the Pistons were the true definition of a team, with each and every Piston contributing in some way during their run for the championship.

NBA finals MVP Chauncey Billups, who has played for five teams in his short career, looked at home with the Pistons and played a stellar series on both ends of the court. For this year, at least, they could have renamed MVP the MVT for the ''most valuable team,'' because this was truly a team effort. It must have been extremely difficult for the people who selected the MVP to single out just one Piston because they truly were a unit.

In Larry Brown, the Pistons had obtained a coach who over the course of 31 years of coaching had developed a reputation as a keen student of the game, able to motivate players and respect his players and make gametime adjustments with great skill. Focusing his players on his favorite mantra—play the right way—Coach Brown was able to prove that by sharing the ball and sharing the glory, even the star-studded Lakers could be defeated. Over the course of the season Coach Brown became the first coach in basketball history to win both an NBA and NCAA championship title.

The country may have viewed the Pistons as the underdog, but thanks to Coach Brown, his players remained hungry for a championship and always believed in their hearts that they were up to the challenge.

So our heartiest congratulations to the Detroit Pistons, as the players, coaches, staff, and fans celebrate their third NBA championship. The effect of these finals will be felt for a long time.

As a Detroiter and proud citizen of Michigan, I know the huge impetus, the wonderful momentum, the great feeling that pervades and permeates my home State tonight. Since Detroit is now home to both the WNBA and NBA champions, perhaps Detroit, long known as Hockeytown USA, will now be recognized as Hoopstown USA as well.

I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relative to the resolution be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The resolution (S. Res. 380) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 380

Whereas the Detroit Pistons finished second in the Central Division of the Eastern Conference and won the National Basketball Association (NBA) World Championship for the first time since winning back to back Championships in 1989 and 1990;

Whereas the Detroit Pistons is the first Eastern Conference team to win the Championship since 1998;

Whereas the Detroit Pistons by defeating the heavily-favored Los Angeles Lakers 4 games to 1 showed grit, determination, discipline, and unity, thereby securing their third National Basketball Association World Championship;

Whereas the Detroit Pistons completed an incredible season with strong performances from many key players, including Finals Most Valuable Player Chauncey Billups, two-time Defensive Player of the Year Ben Wallace, a new head coach in Larry Brown and savvy front office executives such as Joe Dumars;

Whereas Detroit Pistons owner Bill Davidson became the first owner to win an NBA and WNBA championship, as well as the Stanley Cup championship, in the span of 12 months;

Whereas President of Basketball Operations Joe Dumars built a cohesive championship team through smart draft choices, key free agent signings and bold trades, including the mid-season acquisition of Rasheed Wallace, a vital part of the Pistons' impenetrable frontline;

Whereas Detroit Pistons Head Coach Larry Brown, the oldest coach to win an NBA Championship, became the first coach to win both an NBA and NCAA championship;

Whereas each member of the Detroit Pistons roster, including Chauncey Billups, Elden Campbell, Tremaine Fowlkes, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, Corliss Williamson, made meaningful contributions to the success of the basketball team and proved once again that the whole can be greater than the sum of its parts;

Whereas Detroit Pistons fans made a meaningful contribution to the success of their basketball team through their energy and passion which was on display throughout the regular season and playoffs at the Palace at Auburn Hills;

Whereas the Detroit Pistons became the first team in NBA Finals history to win games 3, 4, and 5 on their home court since the NBA returned to its current format in 1985;

Whereas in honor of the Detroit Pistons' championship, the Palace of Auburn Hills is officially changing its address to Four Championship Drive; and

Whereas the Detroit Pistons have demonstrated great strength, skill, and perseverance during the 2003–2004 season and have made the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Pistons on winning the 2004 National Basketball Association Championship and recognizes all the players, coaches, support staff, and fans who were instrumental in this achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Pistons for appropriate display.

Mr. LEVIN. I thank our friend from Georgia for his patience as we let out our feelings about what happened yesterday in Detroit.

Mr. MILLER. Congratulations to the Pistons.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 8 minutes.

REMEMBRANCE OF D-DAY

Mr. MILLER. Mr. President, D-Day happened when I was 12 years old. But I can remember it better than I can remember some things that happened last week. At that time my mother worked at the old Bell Bomber Plant in Marietta, GA, helping build B–29s or, as they were called back then, ''flying fortresses.''

Sunday before last, I got to realize a lifelong dream, a visit to Normandy. I got to walk around Omaha and Utah beaches. I peered down those steep slopes at Pointe du Hoc. I sat spellbound and misty eyed as I listened to the magnificent speech of our President George W. Bush at that Sunday morning ceremony, amid those nearly 10,000 silent crosses and Stars of David, a sacred spot in the history of freedom, if ever there was one.

I got to talk and meet with many of those members who are left of the ''greatest generation.'' One sat in front of me at the ceremony with his two, big, good-looking, husky, raw-boned sons, who looked as if they were a couple of acorns that had not fallen too far from that sturdy oak. He came in with them a little stooped, moving slowly, an infantryman's blue badge and a Bronze Star proudly attached to his shirt. He told me he had come in on the first wave, ''loaded down with grenades,'' and later ''I threw them everywhere,'' he said. Mostly he was quiet, though.

When our President began to speak, he almost reverently slightly bowed his head, obviously lost in the memory of that longest day long ago.

I sat directly behind him and I couldn't see, but I think his eyes were closed. But he was hearing—no, he was feeling each and every touching word. When our President spoke of ''the whistles of shells from behind them, the white jets of enemy fire around them,'' on several occasions, he would nod softly as if saying to himself: That is exactly how it was.

When the President talked of the sound of bullets hitting the steel ramps that were about to fall, he softly but visibly shivered in agreement and then a more vigorous nod, as his old body stiffened and he was once again that young warrior, that soldier of freedom, charging in to face the enemy, ''throwing those grenades everywhere,'' as he had put it earlier.

His two big sons—strong men, you could tell—were in tears, unashamedly taking off their sunglasses and wiping their eyes with the back of their hands. They did not have any Kleenex. They were not exactly the tissue-carrying kind. I couldn't help but wonder, when was the last time these men had shown such emotion. How long had they talked and planned with their dad on this important moment in his life and the life of this country?

He told me he lived in Florida now, and I am terribly ashamed I did not get his name. But I was hesitant, I was reluctant. I felt like I was intruding on a family gathering.

I did talk with many others. I want to mention 2 whose names I did get, 2 who had been among the 100 awarded the prestigious French Legion of Honor: Marvin J. Perrett and Alan F. Reeves.

Coxswain Perrett is from New Orleans and helped Stephen Ambrose put together that great D-Day museum located there. By the way, visit it, if you have a chance. It is magnificent. This coastguardsman had brought 36 men on to Omaha Beach in a landing craft on the first wave, after piloting them around for hours, around and around on that rough, choppy sea, but with those thick fumes and their own vomit gagging them. Something I had never known before, he also took a landing craft into Iwo Jima in the first wave and later Okinawa. That is what coastguardsmen did.

I met Alan F. Reeves who had been part of General Eisenhower's Supreme Allied Command at one time and is still active with those members who are living. He gave me some insight into that great man who had commanded this greatest of all assaults in world history. He was fascinating and inspiring to talk with. He shared something else with me, a beautiful poem written by his son who once visited the cemetery with his father.

I asked Mr. Reeves if I could have a copy of it, and I want to share it with the Senate. By Christopher Bromley Reeves of Delaware:

Le cimetiere de St. Laurent, and all it holds
Awaits the sixtieth recollection of why it is.
Its rows on rows boxed by Austrian black pines,

Their fallen cones scattered at the edge
Calm, suspended from the world and time
It observes the preparations undisturbed.
Somewhere near, they'll build a stage
For politicians, veterans, other dignitaries.
They'll have their say, then wing their way,
Adding little, detracting nothing.
Fewer seats, more empty chairs,
This commemoration.
I'd rather wait within the esplanade of trees,
Defer the grid of graves behind me,
Lift a pine cone from the path,
Roll it in my hand,
Smell its earth and resin tar,
Gaze across the cliff
Beyond the beach,
Drift the moment,
Delay the turn.
A weepy rain is in the air,
But I can hear the hush press on my back,
The quiet murmur of ten thousand
Crosses sprung from planted souls,
They no longer scream.
The gentle yet relentless passage of these sixty years
Does not diminish any sacrifice; it has removed the sting.
Wounds have eased, their pains appeased.
Time deftly folds the space between those lost and left,
Eventually to wrap them all in common thought,
Collected minds of how this place was wrought
Wrap us
In the mists creeping up the slopes,
Seeping through the burial ground.
Make free wind stall, and pine cone fall.
Let no shadow touch the mall.
The Channel's rough today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Georgia for his excellent works. Once again, he has shown he is one of the most eloquent Members of this body, if not the most eloquent. We are going to miss him. He still has a lot to do between now and the end of this session, but he has certainly done yeoman's service here. His tribute to those soldiers who were there on that special day many years ago is valuable to us all.

Mr. President, I had the opportunity to accompany former Senator Phil Gramm to Pointe du Hoc in Normandy a few years ago. Tears were in his eyes when he showed us exactly where the Texans went up the hill at Pointe du Hoc. It was an incredible achievement.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF COMPLIANCE STATEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to section 304(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1383(a)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 16, 2004.

Hon. TED STEVENS,
President Pro Tempore, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: This transmittal letter supersedes the transmittal letter of June 15, 2004.

Section 303(a) of the Congressional Accountability Act of 1995 (''Act''), 2 U.S.C. 1383(a), the Executive Director of the Office of Compliance shall, ''subject to the approval of the Board [of Directors of the Office of Compliance], adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.'' The Executive Director and Board of Directors of the Office of Compliance are transmitting herewith the enclosed Amendments to the Procedural Rules of the Office of Compliance for publication in both the House and Senate versions of the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal. See 303(b) of the Act, 2 U.S.C. 1383(b).

These amendments to the Procedural Rules of the Office of Compliance shall be deemed adopted by the Executive Director with the approval of the Board of Directors on the date of publication of this Notice of Adoption of Amendments to Procedural Rules on both the House and Senate versions of the Congressional Record.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, SE., Room LA–200, Washington, DC 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.
WILLIAM W. THOMPSON II,
Executive Director.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

INTRODUCTORY STATEMENT

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944. As specified by the Congressional Accountability Act of 1995 (''Act'') at Section 303(b) (2 U.S.C. 1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

On February 26, 2004, the Board of Directors of the Office of Compliance caused a Second Notice of Proposed Amendments to the Procedural Rules to be published in the Congressional Record at H693 and S1671. The Second Notice included changes to the initial proposed amendments, together with a brief discussion of each proposed amendment, and afforded interested parties another opportunity to comment on these proposed amendments. (The Second Notice was also published in the House version of the Congressional Record on February 24, 2004. However, because the Senate did not publish the Second Notice on that date, the Second Notice was published on February 26, 2004.)

The comment period for the Second Notice of Proposed Amendments to the Procedural Rules ended on March 25, 2004. The Board received a number of additional comments regarding the proposed amendments.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice and the Second Notice, have made certain additional changes to the proposed amendments *inter alia* in response thereto, and herewith issue the final Amendments to the Procedural Rules as authorized by section 303(b) of the Act, which sates in part: ''Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.'' *See* 2 U.S.C. 1383(b).

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These amendments to the Rules of Procedures are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

HOW TO READ THE AMENDMENTS

The text of the amendments shows changes to the preexisting text of the Procedural Rules as follows: *[deletions within italicized brackets], and added text in italicized bold.* Only subsections of the rules which include amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (* * * * *) indicates that the

unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not amended, please access the Office of Compliance web site at www.compliance.gov

Included with these amendments are "Discussions" which are not part of the Procedural Rules, but which have been added to provide additional information regarding the adoption of these amendments to the Procedural Rules.

DISABILITY ACCESS

This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice is also available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540; 202–724–9225; TDD: 202–426–1912; FAX: 202–426–1913.

PART I—OFFICE OF COMPLIANCE RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and As Amended by the publication of this Notice of Adoption of Amendments to the Procedural Rules on June ____, 2004.

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* * * * *

§1.03 Filing and Computation of Time.

(a) *Method of Filing*. Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

Discussion: The Office is beginning the process or migrating to electronic filing of documents. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or fled by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility in the use of comparable document delivery services is needed.

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding, Formal Request for Counseling*. In order to initiate a proceeding under these rules, an employee shall ***[***formally***]*** ***file a written*** request ***for*** counseling ***[***from***]*** ***with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All ***[***formal***]*** requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: Requiring a written request for counseling provides the Office with documentation of the request. Such documents remain confidential, as required by section 416 of the Act, and by the Procedural Rules.

* * * * *

(c) *When, How, and Where to Request Counseling*. A ***[***formal***]*** request for counseling ***must be in writing, and [***: (1)***]*** shall be ***[***made***]*** ***filed*** **pursuant to the requirements of section 2.03(a) of these Rules** ***with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999, [telephone 202–724–9250;] FAX 202–426–1913; TDD 202–426–1912***, not later than 180 days after the alleged violation bf the Act.***[;]*** ***[***(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.***]***

Discussion: This amendment conforms to the amendment at section 2.03(a).

* * * * *

(1) *Conclusion of the Counseling Period and Notice*. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery evidenced by a written receipt.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police*.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within *[*10*] 60* days after the expiration of the period recommended by the Executive Director, if the matter has not *[*been resolved*] resulted in a final decision*; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, ***the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure.*** *[*or i*] I*f no request to return to the procedures under these rules is received within *[*the applicable time period*] 60 days after the expiration of the period recommended by the Executive Director,* the Office will *[*consider the case to be closed in its official files*] issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.*

Discussion: Section 401 of the Act authorizes the Executive Director, "after receiving a request for counseling . . . [to] recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation." The extension of the grace period in the case of a matter which has not been concluded in 60 days provides the parties additional time to complete the grievance process. The issuance of a Notice of End of Counseling rather than the administrative closure of a matter ensures that no employee inadvertently loses the opportunity to continue to pursue a matter, which has not been successfully concluded through the agency grievance procedure. If an employee notifies the Office of a desire to return to the Office dispute resolution procedure pursuant to subsection (ii) above, the time remaining in counseling shall not include any time between the filing of the request for counseling, and the date of issuance by the Executive Director of a recommended referral. Thus, for instance, if the Executive Director recommends referral 5 days after the filing of a Request for Counseling, the time remaining in counseling as of the date the Office receives a notification of return would be 25 days.

2.04 Mediation.

. . . . .

(e) *Duration and Extension*.

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***or of the appointed mediator on behalf of the parties to the attention of the Executive Director.*** The request *[*may be oral or*] shall be* written and *[*shall be noted and*]* filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: This amendment authorizes a mediator or both parties to submit a request for extension. The Office will accept joint requests by the parties in which the signature of a party has been authorized to be executed by the other party, as long as that authorization is stated in the submission.

* * * * *

(i) *Conclusion of the Mediation Period and Notice*. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be [hand] personally delivered, evidenced by a written receipt,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court. The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.

Discussion: The Office of Compliance is required by the Act to educate Members of Congress, employing offices, and employees regarding their rights and responsibilities under the Act (section 301(h)); to ensure that an employee has not filed both a District Court and an administrative complaint in violation of section 404; and to monitor any judicial interpretation of the Act or review of Office regulations pursuant to sections 408 and 409. Requiring such notice by a party to a matter which has been processed through counseling and mediation before this agency pursuant to a duly promulgated rule of this agency does not violate any applicable attorney rule of professional conduct.

* * * * *

§ 5.03 Dismissal, *Summary Judgment,* and Withdrawal of Complaints.

. . . . .

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

Discussion: This amendment clarifies the existing authority of Hearing Officers to issue summary judgment or partial summary judgment.

(*[*d*]e*) *Appeal*. A *[*dismissal*] final decision* by the Hearing Officer made under section 5.03(a)-*[*(c)*] (d)* or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. ***A final decision under section 5.03(a)-(d) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.***

Discussion: This amendment clarifies that any final decision which does not completely dispose of a matter will be treated as an interlocutory appeal.

(*[*e*]f*) . . . . .

(*[*f*]g*) . . . . .

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§ 7.02 Sanctions.

(a) The Hearing Officer may impose sanctions on a party's representative necessary to regulate the course of the hearing.

Discussion: This rule is procedural. The Office of Compliance is required by section 405(d)(3) of the Act to conduct its hearings "to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of [the Administrative Procedure Act found at] title 5, United States Code." The phrase "necessary to regulate the course of the hearing" is derived from section 556(c)(5) of the Administrative Procedure Act, 5 U.S.C. 556(c)(5). Agency tribunals operated under the Administrative Procedure Act possess broad authority to regulate the practice and conduct of attorneys and other representatives appearing on behalf of parties to proceedings before them.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

(*[*a*]1*) *Failure to Comply with an Order*. When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

(*[*1*]a*) . . . . .

(*[*2*]b*) . . . . .

(*[*3*]c*) . . . . .

(*[*4*]d*) . . . . .

(*[*5*]e*) . . . . .

(*[*6*]f*) . . . . .

(*[*7*]g*) . . . . .

(*[*b*]2*) . . . . .

(*[*c*]3*) . . . . .

* * * * *

§ 8.01 Appeal to the Board.

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(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the appellee's responsive brief, the appellant may file and serve a reply brief.

(3) Upon written delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any post petition for review document or-submission with the Board in any case in which the Executive Director has not rendered a determination on the merits. Such delegation shall continue until revoked by the Board.

Discussion: This ministerial delegation is not a "substantive" rule. The extension of filing deadlines is limited to the parameters of a written authorization from the Board, and cannot affect the requirement of section 406(a) that a party must "file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office."

* * * * *

§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number*. One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or a party to any other matter or determination reviewable by the Board*** files an appeal ***or other submission*** with the Board, one original and seven copies of ***[***both***]*** any ***[***appeal brief***] submission*** and any responses must be filed with the Office. ***The Office[***r***], Hearing Officer, or Board may also request a party to submit an electronic version of any submission [***on a disk***] in a designated format, with receipt confirmed by electronic transmittal in the same format.***

Discussion: The addition of the phrase "or other matter or determination reviewable by the Board" references those controversies over which the Board has jurisdiction, but which are not initially determined before a Hearing Officer. These other matters or determinations include collective bargaining representation and negotiability determinations made by the Board pursuant to Part 2422 of the Office of Compliance Rules, review by the Board of arbitration decisions pursuant to Part 2425 of the Rules, determination of bargaining consultation rights under Part 2426 of the Rules, requests for statements of policy or guidance by the Board under Part 2427 of the Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor of Labor Management Relations pursuant to Part 2428 of the Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the Rules. Some of these matters are addressed to the Board in the first instance. Submission by electronic version is an option in addition to the existing methods for filing documents. See also amended rule 1.03(a), supra. This addition reflects the decision of this agency to begin migrating toward electronic filing of submissions. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

§ 9.03 Attorney's fees and costs.

(a) *Request*. No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer. T***he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. ***Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer. A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.***

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

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§ 9.05 Informal Resolutions and Settlement Agreements

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(b) *Formal Settlement Agreement*. The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§ 9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 4050, 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§ 9.07 Revocation, Amendment or Waiver of Rules.

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CONGRATULATING RAE ANN RED OWL OF PINE RIDGE, SOUTH DAKOTA ON HER MASTER'S DEGREE IN NURSING

Mr. DASCHLE. Mr. President, as my colleagues will attest, I routinely come to the Senate floor to discuss the numerous challenges facing Native Americans in my state, and across Indian Country. While I've spoken at length about the need to address Indian education, Indian health care, and economic development on Indian reservations, I am here today for a different reason: to congratulate one of my constituents on an extraordinary accomplishment.

Earlier this month, Rae Ann Red Owl of the Pine Ridge Reservation became the first Lakota person, man or woman, to receive a master's degree from the nursing program at the University of North Dakota. More than that, when she walked across the stage, she became the first woman ever from Pine Ridge to earn a master's degree in nursing.

While earning a master's degree is a remarkable achievement, for Rae Ann, this step represents yet another obstacle overcome in a long life of beating the odds. Rae Ann can trace her desire to attend college all the way back to when she was in fifth grade and had to get a ride to school with her grandfather because she had overslept and missed the school bus. As her grandfather drove her to school, he told her, ''education is the most important thing in life.'' That advice made her decide right then and there that she wanted to attend college.

Unfortunately, fulfilling dreams like this one is easier said than done in Indian Country. Rae Ann grew up on Pine Ridge, one of the poorest Indian reservations in the country. In a community where rates of alcohol and drug abuse are well above the national averages, Rae Ann was not immune to such pressures. But, instead of succumbing to these problems, she defeated them, and set a new course for her life.

Rae Ann applied for, and was accepted to, the Indians Into Medicine Program at the University of North Dakota. As she set out to pursue her dream, she found herself away from her home and her family for the first time, all the while caring for her two young daughters. In 1989, after years of studying, she graduated with a nursing degree, returned to Pine Ridge, and landed a job working for the Indian Health Service. Twelve years later, she realized that, with additional training, she could do even more to improve the quality of life on Pine Ridge—especially at the IHS—and returned to the

University of North Dakota in 2002. Last month, Rae Ann received her master's degree in nursing. After hearing about all of Rae Ann's accomplishments, and about the adversity she's overcome, it will come as no surprise to my colleagues that she plans to continue her education by enrolling in law school this fall.

When so many stories exist about the tremendous obstacles Native Americans face—in getting an education, gaining access to health care, and improving their quality of life—it is important for all of us to recognize success stories like Rae Ann's. Not only is Rae Ann a role model for her tribe, she is an example for all people who face adversity as they strive to fulfill their dreams. I would like to extend my personal congratulations on her recent achievement, and wish her the best of luck in all her future endeavors.

U.S. AID AND TERRORISTS

Mr. MCCONNELL. Mr. President, I want to take a very brief moment to speak to an article entitled ''U.S. Aid Goes to Terrorism Backers'' that appeared in today's edition of the Washington Times.

The allegation that American foreign assistance dollars in the West Bank and Gaza are going to Palestinian groups ''working with or fostering terrorist-supporting organizations'' is a serious one. The United States Agency for International Development, USAID, and the U.S. Department of State must immediately clarify these troubling reports, and I urge them to do so in an expeditious and public manner.

My colleagues should note that we already require the Secretary of State to ensure that no assistance for the West Bank and Gaza goes to, or through, individuals or entities ''the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activities.''

I will have more to say on this issue once USAID and the State Department clarify this matter.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In January 2000, a gay Mississippi man, was murdered by Brett David Kabat. Tolbert was kidnapped from a Biloxi gay bar and brutally strangling him and beating him to death before dumping his body in Alabama and stealing his truck. Because his friends say Tolbert was gay, was last seen at a gay bar, and the nature of his murder was particularly brutal, it is believed that Tolbert was targeted because he was gay. When Tolbert's body was discovered, he was beaten beyond recognition with just a few teeth left in his mouth.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WORLD DAY AGAINST CHILD LABOR

Mr. HARKIN. Mr. President, it is with a sense of sorrow that I rise today to speak about the practice of abusive and exploitative child labor, as well as to recognize World Day against Child Labor, which occurred on June 12. Unfortunately, hundreds of millions of children are still forced to work illegally for little or no pay. The International Labor Organization has set aside this day to give a voice to these helpless children who toil away in hazardous conditions.

We should not only think about these children on June 12. We should think about this last vestige of slavery every day. I have remained steadfast in my commitment to eliminate abusive and exploitative child labor. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the U.S.

Since I introduced that bill, we have made some progress in raising awareness about this scourge. In June of 1999, ILO Convention 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, was adopted unanimously in the ILO and here in the U.S. Senate. This was the first time ever that an ILO convention was approved without one dissenting vote. In record time the Senate ratified ILO Convention 2 with a bipartisan, 96–0 vote.

For the first time in history the world spoke with one voice in opposition to abusive and exploitative child labor. Countries from across the political, economic, and religious spectrum—from Jewish to Muslim, from Buddhists to Christians—came together to proclaim unequivocally that abusive and exploitative child labor is a practice which will not be tolerated and must be abolished.

Gone is the argument that abusive and exploitative child labor is an acceptable practice because of a country's economic circumstances. Gone is the argument that abusive and exploitative child labor is acceptable because of cultural tradition. And gone is the argument that abusive and exploitative child labor is a necessary evil on the road to economic development. When this convention was approved, the United States and the international community as a whole laid those arguments to rest and laid the groundwork to begin the process of ending the scourge of abusive and exploitative child labor.

As of today, 50 countries have ratified ILO Convention 182. In fact, since the ILO was established in 1919, never has one of it treaties been ratified so quickly by so many national governments.

In May of 2000, the Senate enacted the Trade and Development Act of 2000. This act included a provision I authored that requires more than 100 nations that enjoy duty-free access to the American marketplace to implement their legal commitments to eliminate the worst forms of child labor in order to keep these trade privileges.

In 2001, Congressman ENGEL and I, along with the chocolate industry, negotiated the Harkin-Engel Protocol. This plan addresses abusive and exploitative child labor within the cocoa and chocolate producing countries of West Africa. This agreement will for the first time make possible the ability to publicly certify that cocoa used in chocolate or related products has been grown and processed without abusive child labor. This historic agreement represents a true partnership between industry and government to stamp out abusive and exploitative child labor.

In an effort to continue to raise awareness, last month the first Children's World Congress about Child Labor was held in Florence, Italy. The Congress was organized by the Global March and my good friend Kailash Satayarthi. At this conference child delegates from all across the world joined with the common purpose of discussing and raising awareness about the atrocities of abusive child labor. I would like to commend Kendra Halter, one of my constituents, from Iowa City, who was selected to participate as a U.S. delegate to the Congress.

The child delegates participated in workshops and were allowed to question foreign leaders and government officials from various countries to include the United States. The Congress produced a declaration that stressed the need for governments to take direct action combating this issue by providing free quality education. The declaration also calls for parents and youth of all countries to get involved in the spreading of awareness of this scourge.

In spite of all of these successes there is much more to be done. Currently, according to the ILO, there are 246 million child laborers in the world. 73 million of those are under the age of 10, and approximately 22 thousand children die in work related accidents every year. Abusive and exploitative child labor is prevalent in many parts of the world, including in our backyard.

In the June 10 edition of the Washington Post, the issue of abusive child labor once again made the headlines. The article brings to light the troubled life of a child aged 14 and his family as they labor dangerously in the sugar

cane fields of El Salvador. The young boy has been working in the fields for more than half of his life. His four brothers and sisters are also forced to work with him, his youngest brother is nine. Their tiny bodies are gashed by machetes and burned by hazardous fertilizers. These children and hundreds more are denied an education and in turn will be destined to a life of poverty. This is not what should be happening in the 21st century.

In fact, the Bush administration has recently finished negotiating a subregional free trade agreement with the Central American countries. El Salvador is one of six countries participating in the Central American Free Trade Agreement or CAFTA. In my view, we should not be negotiating free trade agreements with countries that do not enforce their own labor laws and international standards. Not only is it my view but it is U.S. law.

Abusive and exploitative child labor should be a thing of the past. The United States should not continue to turn a blind eye to this scourge. It is time that we enforce our laws and international standards and ensure that countries are raising their standards on this issue. If we did our part to ensure that children were learning and not laboring, there would not be a need to have a day dedicated to end child labor.

I ask unanimous consent to print in the RECORD declaration to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHILDREN'S DECLARATION

CHILDREN'S WORLD CONGRESS ON CHILD LABOUR—10–13 MAY 2004

We are the Present, Our Voice Is the Future!

We, the delegates of the Children's World Congress on Child Labour, have come to the city of Florence, Italy, from all different parts of the world, speaking different languages, growing up with different cultures and backgrounds, because we all know that child labour must be eliminated.

Although our Congress has been successful, we are missing some of our important delegates. These children were already selected to participate in the Congress. But, these children did not get visas necessary to come to Italy because the Italian government thought them as a security risk. These children who were not allowed to attend, felt very discriminated. We all missed their ideas at the Congress, because these children are from the regions where child labour is most common. At the next Congress, we would like to see them participate because their voice is their vision and the world must hear it.

Each country had a different selection process to choose the delegates. All children who participated in the selection process had either faced child labour in their own experience or had learned about it and joined the fight against child labour. With the passion and desire to solve this terrible crime against 246 million children around the world, we were all qualified to take part in this Congress. This is why the discussions for the last 3 days have been very fruitful.

What follows in our Declaration is the responsibility, of all including the business sector and others who hold the power to help us in our struggle.

Before we even start to discuss about child labour, we must appreciate that the only way the children can have their rights is in the situation of peace. Peace is the most basic human right. We have to ask ourselves why everyone is not able to have something so fundamental. While living in peace, every child has not only a better chance of getting their rights, but also has a stronger potential to improve the world for their generations and those to come.

When we started discussing about child labour, we found that many issues were common to all different parts of the world. We heard personal stories from the children about; child trafficking, sexual exploitation, working on fishing boats, cleaning cars, selling things on street or in market, pornography, collecting garbage, transportation and shipping, brick making and demolishing, the making of medical utensils and other dangerous materials, drug trafficking, domestic servants, bounded labourers, farming, mining, weaving carpets, child soldiers, working in factories and sweatshops. These children are misused everyday and have no one to speak for them.

While most people and governments are aware these problems exist, they are hidden or just ignored. This does not change the fact they all are very dangerous to the physical and mental well being of a child. These forms of child labour must be stopped.

Most of the children have expressed that they are losing faith in the governments because of their empty promises. They have made many promises to end child labour through education and better social services. But they do not act. Their promises are not met with real commitment or resources.

While the governments put an enormous amount of money to weapons and war, there are still children who cannot read or write. They have no homes to live in or food to eat. The government must take the needs of children as a priority. They must provide all that is necessary to live while still protecting our rights.

As it is a responsibility of governments to protect our rights, end child labour, and provide free, equal education or good quality, we have many demands for the governments. When we speak about the governments, we talk not only about the role of national governments but also other governmental bodies at international and regional levels that are responsible for protecting our rights.

First and most importantly, governments must listen to children. The governments make the issues of the children a priority and include the children in the decision-making that affects our lives. Governments must also provide opportunities for children to participate and express their opinions because they are the future as well as the present and their opinion should be valued

Governments must criminalise child labour but should never criminalise the children. The children are victims of child labour. They must create and carry out laws that strictly punish the adults who have abused children for their own interest. Governments must support the children if they want to bring the cases of them being used as child labourers to court, by providing a free attorney. Children should be able to turn in the people who have abused them without fear of getting trouble. Instead, these children should be rescued and rehabilitated.

Governments must fight against trafficking of children. They must enforce the laws they already have. But today's laws may not be enough so they must make more effective ones. The governments in countries where trafficking happens must work together to have laws which can criminalise the traffickers.

Governments must provide compulsory education of quality at free of cost. Schools must provide skilled teachers who are qualified. There should be a mechanism to check that the teachers are doing their job well and these laws to provide education for all children are enforced. The teachers must get paid better. Education must also be provided equally to all children regardless of gender, race, economic status, religion, places of birth, citizenships, caste, disability, indigenousness or languages.

Every country has to make sure the issue of child labour is taught in every school.

Governments should encourage adults to work. Adults should work so they have enough money not to put their children to work. The rights of adults as workers have to be respected. Adult workers always have to be allowed to unionise in their workplace, because the union can help protect them from dangerous working conditions and provide them the minimum wage. It is important that adults are protected as workers so that the children do not have to work.

Governments must establish a National Plan of Action to end child labour. These plans should be made together with children.

Governments must make sure that overseas development aid (ODA) goes directly to its purpose and does not end up in the wrong hands.

Governments must make a system to put some trademarks for the products that are not made by child labourers.

Governments, not only should they work with other governments, they should also work with civil society and trade unions to be at most effective. In return, the civil society must understand the demands of the children and work together with us to watch them closely so that the governments will not fail us again. NGOs also have to use the resources that they have honestly and directly for the children.

It is also parents' responsibility to listen to children.

The children need love, respect and dignity. It is in the hands of parents to provide with happy and stable family life. Parents must take their responsibility and vote. When they vote, they must also speak for the children and vote for someone who respects child rights. If the parents are not acting in the best interest of the child, the state must act on the child's behalf. Parents must talk about issues such as child sexual exploitation or abuse even when they are not comfortable because this is the only way a child will know his or her natural rights of safety and security. Parents must understand the importance of a proper education no matter of the gender of the child.

Having identified the current situation of child labour and our demands to the adults, we now show our commitment and the role in ending child labour.

We, the children, have to start initiatives to spread awareness about child labour in our own local communities and villages. We must educate each other about child labour, from a child to a child to promote child participation.

We must work at national level and establish a Children's Parliament, in every country, that is not just a symbol but a source of power for children to change the situations that we think are wrong. This Parliament would elect a representative to the country's government. These representatives would also meet at a congress at regional and at international to look at the problems at a larger scale, and report back to their governments and local communities.

We have to start a network of children so that we can keep contact with each other to

be educated on the issue all over the world. Only while working together, we can have the power to take action and to end child labour. This network will be made up of children from all over the world, and it will spread the stories of child labour and opinions. The network will help us plan more effective actions in our struggle against child labour. The network will also be a medium to report on the governments' failing or not failing their promises among the children of the world.

We believe that the use of art, dance, music and drama as a form of expression and means to spread awareness about child labour is very important. These are ways in which children from any background can connect with, understand and enjoy. There are many ways to spread the message against child labour, beyond boarders, through performing art.

We must also use media to spread our voices. We would create our own form of media, such as newspaper developed by the children for the children, for us to freely express our opinion. Media also must be more friendly and tell the truth about child labour and help us combat child labour.

We have to bring the efforts to end child labour out to the villages, where the fight is not as strong. Information about child labour sometimes only reaches cities and people in the villages do not have information about the dangers of child labour. We must get them involved.

We promise to continue to take action to eliminate child labour and make a better world for children. Now, we ask all of you to join us, because only together can we truly achieve freedom for all. In this friendship, we will create a healthy and peaceful world for all.

Today, the power is in our hands. We define the future.

We are the present and our voice is the future.

ENERGY BILLS UNDER CONSIDERATION BY THE HOUSE OF REPRESENTATIVES

Mr. JEFFORDS. Mr. President, as the ranking member of the Senate Environment and Public Works Committee, I express my serious concern with several pieces of so-called energy legislation that the House of Representatives is considering this week. This package of bills includes a comprehensive energy bill that differs both from the failed conference report on H.R. 6 and from the Senate energy bill that was introduced on February 12, 2004, and placed directly on the calendar.

These bills are not the product of hearings or of bipartisan consensus between the House and the Senate. The comprehensive energy bill the House is considering is nearly identical to the energy bill conference report we have already defeated. The other bills are equally troubling. They trample States rights and they enact significant new taxpayer subsidies. Most importantly, they are not the right energy policy for America.

I have for many months now said that we should try to reach consensus on targeted pieces of energy legislation. We could pass legislation on issues such as the increased production of renewable motor fuels. We could enact fiscally responsible extensions of needed energy tax provisions, such as the wind energy tax credit. National electricity reliability standards are another area in which Senator CANTWELL, Senator FEINGOLD and I believe there could be agreement and we could pass a bill. I also believe there are a number of energy efficiency measures that could garner broad support.

But, there should be no agreement on the poor environmental policy that is contained in these bills. The Senate should reject them if they are passed and sent over for consideration.

The omnibus bill the House passed yesterday, H.R. 4503, is identical to the failed conference report on H.R. 6, except for the inclusion of two coal-related provisions that are in the pending Senate bill, S. 2095.

As with the energy bill conference report, nearly a hundred sections of the bill are in the jurisdiction of the Environment and Public Works Committee. We were not consulted on any of these sections, the House has made no effort to fix these provisions, and I have repeatedly raised concerns about them on the Senate floor.

The waiver of liability for MTBE producers is included in the House's bill. The Senate has repeatedly rejected this provision.

The House bill unravels the ozone designation process in the Clean Air Act by delaying compliance with the national health-based air quality ozone standards until the air in the dirtiest city is cleaned up. The House insists on this leftover from the failed energy bill conference report, though changing cities' ozone compliance deadlines under the Clean Air Act doesn't increase our Nation's energy supplies.

This bill also provides unprecedented relief for a single region of the country from application of the entire Clean Air Act, without a hearing.

The House continues to insist that oil and gas exploration and production activities be exempted from the Clean Water Act stormwater program.

The Clean Water Act requires permits for stormwater discharges associated with construction activity. The amendment changes the act to provide a special exemption for oil and gas construction activities from stormwater pollution control requirements.

The scope of the provision is extremely broad. Stormwater runoff typically contains pollutants such as oil and grease, chemicals, nutrients, metals, bacteria, and particulates.

I have told colleagues this before, but EPA estimates that this change would exempt at least 30,000 small oil and gas sites from clean water requirements. In addition, every construction site in the oil and gas industry larger than 5 acres would be exempt as well.

The large sites have held permits for 10 years or more. That is a terrible rollback of current law. I want Senators to imagine trying to explain to constituents why an oil drilling site that had to comply with the Clean Water Act for 10 years suddenly no longer needs to do so.

The House is scheduled to act today on another bill, H.R. 4517, called the United States Refinery Revitalization Act of 2004. It gives the Department of Energy a lead role in environmental permitting decisions for refineries in a newly designated ''refinery revitalization'' zone. The Energy Department would get the ability to issue permits and make ''federal authorization decisions'' under our major environmental laws including: the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the National Environmental Policy Act, and our national solid and hazardous waste laws, among others.

The Energy Department would get to make environmental regulatory decisions and set compliance deadlines. This is a classic case of the fox guarding the hen house. Moreover, if a permit is denied , there would only be an appeal to the DOE Secretary and then judicial review in the D.C. Circuit Court. The EPA, which normally makes these decisions, has no role at all.

In an effort to assure Members, there is a savings clause in the bill that is supposed to protect environmental laws. The bill includes language that contradicts the savings clause provisions. It states that if the best available pollution control technology is used at a facility then that facility is in compliance with all environmental permitting requirements. In addition, the role of states is not clear, particularly those with more stringent standards.

While this bill proposes to increase our domestic refining capacity, it will not do so. In fact, it is drafted in a way that will likely reduce our supplies of gasoline and heating oil.

The bill is supposed to restart idled refineries. It defines ''idle refineries'' as those that have shut down after June 1, 2004. Let me say that again for my colleagues, idle refineries are refineries that shut down after June 1, 2004. These are not refineries that have been mothballed and shut down for many years. These so-called idle refineries could be operating now and then shut down after enactment of the bill in order to game the system. The refineries would seek regulatory relief under a newer, inexperienced regulatory agency, and drive prices even higher by further constraining production. This is a tragic outcome, and certainly not one that expands our Nation's refining capacity.

The House passed another bill yesterday, H.R. 4513, that exempts Federal agencies planning renewable energy projects from the National Environmental Policy Act. Federal agencies would no longer have to identify alternative project locations when they site a renewable energy project. They also would no longer have to examine alternatives to the project other than the actions they propose to take, or the option of doing nothing at all. Like the

refinery bill, this bill has bad consequences. While the bill seeks to speed up renewable energy projects, it is really a way to trample over Federal environmental laws or State and local requirements. For example, a city's objections to a windmill or solar panels proposed for the top of a downtown federal building may not have to be resolved or alternatives considered, even if there are local scenic concerns or conflicts with zoning ordinances. In a regular NEPA process, discussion could resolve those concerns and produce a project that meets both Federal and local needs. We should be reaching agreement over the development of renewable energy, not creating conflicts.

Also today, the House will take up H.R. 4545, the Gasoline Price Reduction Act of 2004, a bill that proposes to increase gasoline supplies by capping the number of so-called boutique fuel blends. This bill is not likely to have a beneficial effect in terms of reducing gasoline prices or increasing supplies, and appears designed to significantly worsen air quality. It allows EPA open-ended authority to waive cleaner-burning gasoline or diesel requirements indefinitely based on an undefined ''significant fuel supply disruption.'' In addition, EPA's determination appears not to be judicially reviewable, since the EPA Administrator need only deem a waiver ''necessary.'' Further there is no obligation to mitigate or make up for the excess air pollution that may occur over the waiver period.

This bill also would bar any increase in the number of existing fuels and fuel additives. This would apply to any State-adopted ultra-low sulfur diesel, biodiesel or cleaner-burning gasoline programs, even though these programs do not affect gasoline prices or supply, and regardless of the fact that they may be needed to meet new, health-based air quality standards for ozone or fine particulate pollution.

There are too many serious problems with these bills. The American people do not want us to act at the expense of environmental quality. We should be passing the pieces of the energy bill where we can reach agreement to do so, like those issues I outlined.

We should not be rushing to pass legislation with such serious consequences. These are aggressive, overreaching bills, and are deeply flawed. I will oppose them, and other Senators should as well.

ENERGY TRADING OVERSIGHT

Mr. FEINGOLD. Mr. President, the recent release of audiotapes of Enron traders gloating about their ability to manipulate energy markets should jolt the Senate into passing S. 2015, the Energy Needs Regulatory Oversight Now or ENRON Act.

A public utility near Seattle, which is trying to get back the money it lost to Enron's unscrupulous energy trading practices, received the tapes from the Justice Department. These tapes confirm what we all suspected: Enron manipulated energy markets and gouged consumers. According to these tapes, Enron traders celebrated when a forest fire shut down a major transmission line into California in 2000. This shut down cut power supplies and raised energy prices. An energy trader sang: ''Burn, baby, burn. That's a beautiful thing.'' These taped conversations also provide evidence that Enron made secret pacts with power producers and Enron traders deliberately drove up prices by ordering power plants to shut down. The traders also brag about their ability to manipulate markets and steal money from the ''grandmothers of California,'' who one trader called ''Grandma Millie.'' The arrogance of these traders shocks the conscience. It also demonstrates the need for Congress to protect consumers from energy market manipulation. We cannot let the market abuses that took place during the Western energy crisis of 2000 happen again.

S. 2105 requires the Federal Energy Regulatory Commission to prohibit the use of manipulative practices like these that put at risk consumers and the reliability of the transmission grid. We learned from this crisis that electricity markets need close government oversight to ensure that companies do not engage in risky and deceptive trading schemes leading to soaring energy prices and their own possible financial failure. In both cases, consumers—the people who depend upon the electricity these companies generate or trade—are the losers.

The Senate recently went on record in support of barring abusive energy market practices when it approved an amendment to the fiscal year 2004 agricultural appropriations bill offered by Senator CANTWELL. I am disappointed this language was stripped from the omnibus spending bill. These necessary protections were also omitted from the final energy conference report and the revised energy bill we voted on in April.

We need to send a clear message to the energy industry that this behavior will not be tolerated, and we must show consumers that we will protect them from energy market manipulation. I am proud to cosponsor S. 2015 and encourage my fellow colleagues to pass this legislation.

TRIBUTE TO DR. JUDITH RODIN

Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to Dr. Judith Rodin, who on June 30, 2004, will complete a remarkable 10-year presidency of the University of Pennsylvania, my alma mater.

When she came to the University of Pennsylvania in 1994, Dr. Rodin became the first woman president of an Ivy League school. During her tenure, she has led the University of Pennsylvania through a period of growth and development that has transformed the University academically and greatly improved the quality of life on campus and in surrounding West Philadelphia.

Since 1994, the University of Pennsylvania has doubled its research funding, tripled both its annual fundraising and endowment and attracted record numbers of undergraduate applicants. However, Dr. Rodin's greatest legacy will be her response to the challenge the University of Pennsylvania faces as a citizen of West Philadelphia.

From her first days as President of the University of Pennsylvania, Dr. Rodin made clear that one of her core beliefs was that a great research university must also be a great neighbor.

Dr. Rodin established the West Philadelphia Initiatives—a multi-faceted urban-planning and community-development program which has reduced crime and blight, increased job opportunities and improved the quality of life in West Philadelphia. This program in turn has reinforced the University's ability to attract the best students, faculty, staff and research opportunities.

The success of the West Philadelphia Initiatives in bringing employment, investment and quality-of-life improvements to West Philadelphia has become a model for collaboration between universities and urban communities throughout the United States. Key to the success of the program has been Dr. Rodin's acute understanding of the problems facing the West Philadelphia community, as a native Philadelphian.

Dr. Rodin was born in Philadelphia and attended Girls' High School, where she was a Mayor's Scholar. As an undergraduate at the University of Pennsylvania, she showed great talent both in the classroom and in politics, where, as president of the women's student government, she helped to lay the groundwork for a merger with the men's student government.

Dr. Rodin later earned a doctorate in psychology at Columbia University, and spent two decades on the faculty at Yale University, where she worked tirelessly to research and explain the biological and psychological factors that lead to obesity—a critical health issue facing our country today.

She also helped launch the women's health movement, and expanded our understanding of aging by demonstrating that elderly people who are empowered lead more active, healthier, and longer lives than those who are consigned to helplessness. It is a true testament to Dr. Rodin that she brought with her to the University this same resolve and tremendous passion to serve the students of the University of Pennsylvania and the less fortunate of the West Philadelphia community.

As a graduate of Penn, I am pleased to be able to honor Dr. Judith Rodin today, as a great Philadelphian, Pennsylvanian, and American, and perhaps most important, a great University of Pennsylvania Quaker.

I thank her for her service and wish her the best in the future.

TENTH ANNIVERSARY OF U.N. CONVENTION TO COMBAT DESERTIFICATION

Mr. JEFFORDS. Mr. President, I rise today to mark the tenth anniversary of the United Nations Convention to Combat Desertification. Since its adoption on June 17th, 1994, some 190 countries, including the United States, have become party to the convention. But for those looking for reasons to celebrate on this tenth anniversary, the news on desertification is not good at all. Indeed, the scope and pace of desertification have increased over the last two decades. In some parts of the world, the rate of desertification has doubled since the 1970s. By 2025, according to the United Nations, two-thirds of the arable land in Africa will be gone.

Today, desertification threatens an astonishing one-third of the earth's land surface, directly affecting over 250 million people and threatening the livelihoods of some 1.2 billion more. Most of these people live in the world's poorest countries, caught in a vicious cycle of accelerating poverty and environmental degradation. Disruptions associated with climate change will likely make things worse.

No one has to be reminded of how important fertile soil has been to human societies. But what can take centuries to form can be eroded or blown away in a matter of years. Loss of arable land directly undermines food security, displacing large numbers of people, creating new opportunities for sickness and disease, and, in some cases, contributing to famine. These sorts of pressures also work to exacerbate political instability in so-called weak states.

Indeed, the links between desertification and security are increasingly apparent, as recognized by a recent NATO workshop on the issue. It is high time that policy makers in the United States take these linkages seriously.

But it is also high time to recognize that desertification is fundamentally a humanitarian issue. We cannot remain indifferent while millions suffer from the effects of desertification. This was the impetus that drove the international community to negotiate and adopt a formal convention ten years ago. As we mark the tenth anniversary of the convention, we would do well to remember this and to acknowledge that we must redouble our efforts to combat this global environmental problem.

Unfortunately, the United States has so far failed to play a leading role in the global effort to combat desertification. Although we finally became a party to the convention in 2000, we have never been especially active. I urge the current administration to step up and take a more active role in the convention. Without active participation and leadership by the United States, the effectiveness of international efforts to combat desertification will be limited at best.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF DAVID GRUENWALD

• Mr. BUNNING. Mr. President, I pay tribute and congratulate David Gruenwald of Owensboro, KY on being named a distinguished finalist for the Prudential Spirit of Community Awards. This award honors young people in middle level and high school grades for outstanding volunteer service to their communities.

David Gruenwald has proven himself to be an ideal volunteer. While he is only 14 years old, he has already done more volunteer work than many people will do in their whole life. As a project to become an Eagle Scout, David started a book drive for inmates at the Daviess County Detention Center. He went above the call of duty and began to enlist his classmates at Owensboro Catholic Middle School. Soon they had increased the size of the facility's library from about 30 books to 2,900.

The citizens of Owensboro are fortunate to have a young man like David Gruenwald in their community. His example of dedication, hard work and compassion should be an inspiration to all throughout the entire Commonwealth.

He has my most sincere appreciation for this work, and I look forward to his continued service to Kentucky.•

DR. HENRY N. TISDALE

• Mr. GRAHAM of South Carolina. Mr. President, I wish today to commend and congratulate Dr. Henry N. Tisdale on the occasion of the celebration of his 10th anniversary as president of Claflin University and to wish him continued success as he leads this historic institution of higher education.

Dr. Tisdale has positioned Claflin as one of the premier liberal arts institutions in the Southeast, moving the university to the ''Top Tier'' and ''Top Ten'' ranking among comprehensive baccalaureate granting institutions in the South, according to U.S. News and World Report's ''America's Best Colleges 2003.'' Under his guidance, Claflin University has increased enrollment by 60 percent, added a number of new academic majors to include mass communications, black studies, early childhood education, biochemistry, biotechnology, bioinformatics and the masters of business administration, achieved national accreditation for business administration and teacher education, and transformed the campus through the construction of new facilities, such as the Living and Learning Center and Legacy Plaza, and the restoration of many of its historic buildings.

I congratulate Dr. Tisdale on his remarkable and noteworthy achievements. May you and Claflin enjoy continued success for another 10 years and beyond.•

HONORING CAPTAIN CHRIS CHRISTOPHER

• Ms. LANDRIEU. Mr. President, I speak today to honor the service of Captain Chris Christopher, who is currently the Deputy Director for Future Operations, Communications and Business Initiatives at NMCI. Captain Christopher comes to this position after nearly 20 years of distinguished service to the Navy in the fields of aviation, public affairs and intelligence.

Captain Christopher has spent most of his life in New Orleans, and he has made a wonderful home there with his wife Penny and their two daughters. He received undergraduate and graduate degrees from the University of New Orleans, and his work with NMCI still brings him back to the UNO campus. Though he is now stationed in Virginia, his heart and family remain in New Orleans. As a Louisiana Senator, I like that!

Captain Christopher's work at NMCI has been truly outstanding. The Navy Marine Corps Intranet is a progressive and comprehensive project with an ultimate goal to transform the Department of the Navy's computer and information networks in a way that increases combat readiness and effectiveness. NMCI will revolutionize command and control efficiencies within the Navy, and between the services, to ensure that our forces are operating in unison. This will save American lives, increase combat readiness and effectiveness, and, ultimately, make us stronger. Under Captain Christopher's leadership, many of these goals have been brought closer to reality.

I once again want to thank my friend, Captain Chris Christopher, for his efforts on America's behalf. Future generations of Sailors and Marines will no doubt reap the benefits of his labor and America will be safer as a result. I am proud of your 'Louisiana-bred' success Chris, and I wish you well in your future endeavors.•

COMMENDATION FOR THE LEGACY OF LOUISIANA'S LONGEST MARRIED COUPLE

• Ms. LANDRIEU. Mr. President, today I wish to recognize George and Germaine Briant as Louisiana's longest married couple. George and Germaine Briant of Hammond, LA, were married over eighty years ago on July 20, 1921. The couple currently lives at Sunrise of Live Oak Village in Hammond where their affectionate displays of kissing, hugging, and dancing, regularly prove a true testament of their love. As the residents of Hammond would tell you, George never fails to sing ''Let Me Call You Sweetheart'' to Germaine, at every opportunity.

The Briants contributions to our Nation go beyond their loving example. George served in World War I and was awarded many medals, including the Purple Heart and the French Legion of

Honor, for his courageous and exceptional service to his country. The Briants only son, George H. Briant, a World War II pilot, gave his life for his country. Although the lives of George and Germaine Briant tell tales of patriotism, valor, and loss, the most salient characteristics of their marriage are commitment, loyalty, selflessness, and unconditional love.

I am proud to announce that at a time when people may need shining examples of self-sacrifice and a reminder of the responsibility involved in a commitment to family, George and Germaine Briant offer a portrait of a genuine marriage that has fidelity and trust at its roots. I know that my colleagues here in the United States Senate join me today in congratulating this exceptional couple who have shown the strength of a marriage bond that has only deepened with time.●

RECOGNIZING THE ACCOMPLISHMENTS OF THE ARKANSAS EASTMAN FACILITY

● Mr. PRYOR. Mr. President, I am pleased to have the opportunity to bring to the attention of the Senate very good news about the work of some of my constituents. The Arkansas Eastman facility of Brock Service Painting Company, located in Batesville, AR, has been recognized by the U.S. Department of Labor, Occupational Safety and Health Administration as a ''Star'' site under OSHA's Voluntary Protection Program. The OSHA Voluntary Protection Program recognizes exemplary safety and health efforts demonstrated by company management and employees in a cooperative effort to promote safe and healthy practices in the work environment.

As you can imagine, I am extremely proud of the accomplishments of these Arkansas workers and their managers. The significance of their achievement is underscored when you take into account that since 1982, out of 6.2 million potential sites, only 1,041 sites have been recognized for their efforts in the Voluntary Protection Program. Moreover, only 20 contractors have been selected to receive the prestigious ''Star'' award.

Not only have employees of the Arkansas Eastman facility maintained a safe work environment and adhered to safe work practices, but they also have consistently exceeded the regulatory requirements established by OSHA. According to the Bureau of Labor Statistics, sites participating in the Voluntary Protection Program have overall lost-workday, and injury and illness rates 60 percent below their industries' averages.

The dedication and hard work of these employees are credits to themselves, their company, their family and neighbors in Batesville, and the people of Arkansas. I am happy to recognize their achievements and to salute this notable accomplishment here in the U.S. Senate.●

HONORING LT. WILLIAM P. KERBY AND OTHER WWII VETERANS

● Mr. CRAPO. Mr. President, I am in anticipation of a special event in my home State of Idaho. On Sunday, June 20, the Ashley Inn in Cascade, ID will dedicate Kerby Gardens on their property. For those in Idaho, particularly those in Valley County, memorializing Lt. William Paul Kerby is an important occasion that represents a man, and a generation.

Lt. William Paul Kerby deserves America's appreciation. As Valley County's first serviceman to lose his life in World War II, he displayed the selfless sacrifice of a true American. It is his dedication that Kerby Gardens hopes to honor—a spirit of sacrifice that has defined our country and the State of Idaho since its beginning and continues to do so today.

Lt. Kerby was one of over 1,700 Idahoans who never returned from the battlefield in that great and terrible war. It is to these men that we owe our freedom today. There is still no other event in modern history that so transformed our world as did the Second World War. It brought out the best in our Nation and proved the courage of an entire generation, one that has been called ''The Great Generation.'' It is the courage and sacrifice of those veterans, men including Lt. William Kerby, that this garden remembers and honors.

In commemorating the dedication of Kerby Gardens, I would like to recognize, honor and thank Lt. Kerby and all of Idaho's veterans for their sacrifices. In World War II, as in other conflicts, America's servicemen and women have demonstrated the values and ideals our country holds dear. For their successes and their sacrifices, we are eternally grateful.●

CONGRATULATIONS TO VICE ADMIRAL MICHAEL COWAN, U.S. NAVY

● Mr. CAMPBELL. Mr. President, I wish today to pay tribute to a great American, patriot, Naval Officer, and fellow Coloradoan, Vice Admiral Michael Cowan. This summer, Admiral Cowan will retire from the United States Navy after 32 years of distinguished leadership, selfless service, and tireless commitment to our Navy and Nation.

Admiral Cowan became the 34th Surgeon General of the Navy and Chief, Bureau of Medicine and Surgery on Aug. 10, 2001. Raised in Fort Morgan, CO, he attended the University of Colorado and received his M.D. degree from Washington University, St. Louis. Postgraduate training began at Temple University and after entering the Navy, was completed at the National Naval Medical Center, Bethesda. He is certified in Internal Medicine, and as a Physician Executive of the American College of Physician Executives.

Admiral Cowan began his Navy career as a General Medical Officer at Camp Lejeune, North Carolina in 1971, and was promoted to flag rank while serving as Commanding Officer at the same hospital 25 years later. In between, he has held a wide variety of clinical, research, operational, staff and leadership positions, including Deputy Executive Director, Chief Operating Officer, and Program Executive Officer, TRICARE Management Activity, Assistant Secretary of Defense, Health Affairs; Chief of Staff, Assistant Secretary of Defense, Health Affairs; Surgeon to the Joint Staff; Commander, Defense Medical Readiness Training Institute; Commanding Officer, Naval Hospital Camp Lejeune; Task Force Surgeon, Operation Restore Hope, Somalia Senior Research Fellow, National Defense University; Vice Chairman, Department of Military Medicine, Uniformed Services University of the Health Sciences; Chief of Internal Medicine, U.S. Naval Hospital Rota, Spain.

Throughout his career he has contributed to important advances in the military health system to include: the Military Training Network for Resuscitative Medicine, MTN; the National Disaster Medical System, NDMS; DMRTI; and the integration Force Health Protection Doctrine into Joint Staff Joint Vision 2020. At TRICARE Management Activity, he played a major leadership role in the implementation of the National Defense Authorization Act of 2001, the TRICARE e-health initiative and The National Enrollment Database. Recognized by the Department of Defense, Members of Congress, and the Nation's health care experts as a physician and leader always on the cutting edge of innovation and vision.

Admiral Cowan leaves a legacy of distinction and accomplishments in which he should take great pride and satisfaction. During his tenure as the Navy Surgeon General, he has met every challenge posed including responding to the attacks of September 11, 2001, supporting the response to the anthrax attack on the Hart Senate Office Building in October 2001, Operation Enduring Freedom, Operation Iraqi Freedom, the ongoing Global War on Terror, and most recently the ricin attack on the Dirksen Senate Building.

Mr. President, I ask to extend best wishes on behalf of the U.S. Senate, for continued happiness and success to Admiral Cowan and his lovely wife Linda as they begin the next chapter of their lives, with the thanks and gratitude of a grateful nation for Admiral Cowan's loyal and dedicated service.●

COLONEL EDGAR F. WOODWARD, JR.

● Mr. CRAPO. Mr. President, it is with tremendous gratitude today that I wish to honor Colonel Edgar F. Woodward Jr. for his dedicated service to our country in the Armed Services. Too often we forget the extreme sacrifice involved in keeping our great Nation

free. Colonel Woodward's character reflects this sacrifice and the steadfast resolve so many of our veterans maintain in the preservation of freedom. Allow me a moment to tell you about him.

Colonel Woodward joined the United States Air Force in 1941. Shortly after enlisting, he was called to arms in the European campaign of World War II. Colonel Woodward quickly earned the rank of captain flying B–17 bombers. During his 13th mission flying under the 100th Bomb Group, he was shot down and injured. He received a Purple Heart for these actions.

Colonel Woodward's relentless service to our country does not end here. In addition to his contributions in World War II, Colonel Woodward continued to serve through times of peril. From 1952–1954 he flew in the Korean war. From 1966–1967, he served in intelligence and strategic planning during the Vietnam war. In 1971, after 30 years of service, Edgar F. Woodward Jr. retired as a United States Air Force colonel.

I commend Colonel Woodward for his diligent service. His decision to serve our country places him in my highest esteem, and today I honor him.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2004. The most recent notice continuing this emergency was published in the *Federal Register* on June 12, 2003 (68 Fed. Reg. 35149).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 16, 2004.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7951. A communication from the Secretary of Energy, transmitting, pursuant to law, the report Department of Energy's Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7952. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Review of the Financial Operations of the Village Learning Center Public Charter School''; to the Committee on Governmental Affairs.

EC–7953. A communication from the Chairman, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's report required by the Government in Sunshine Act for Calendar Year 2003; to the Committee on Governmental Affairs.

EC–7954. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Department of the Interior's Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7955. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7956. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–438, ''American College of Cardiology and the American College of Cardiology Foundation Real Property Tax Exemption Act of 2004''; to the Committee on Governmental Affairs.

EC–7957. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–431, ''Lot 878, Square 456 Tax Exemption Clarification Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–7958. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–432, ''Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–7959. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–434, ''Teacher Retirement Incentive Program Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–7960. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–433, ''Honoraria Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–7961. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–428, ''National Capital Medical Center Memorandum of Understanding Approval Act of 2004''; to the Committee on Governmental Affairs.

EC–7962. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–429, ''Lower Income, Long-Term Homeowner Credit Administration Temporary Act of 2004''; to the Committee on Governmental Affairs.

EC–7963. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–425, ''Sibley Memorial Hospital Equitable Real Property Tax Relief Act of 2004''; to the Committee on Governmental Affairs.

EC–7964. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–426, ''Deed Recordation Tax and Related Amendments Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–7965. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–427, ''Office of Administrative Hearings Independence Preservation Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–7966. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–435, ''Retail Incentive Act of 2004''; to the Committee on Governmental Affairs.

EC–7967. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7968. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts; to the Committee on Health, Education, Labor, and Pensions.

EC–7969. A communication from the Director, Regulations Policy, and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Anitidiarrheal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph'' (RIN0910–AC82) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7970. A communication from the Director, Regulations Policy, and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Extension of Comment Period'' (Doc. No. 2002N–0278) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7971. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Department's competitive sourcing activities; to the Committee on Health, Education, Labor, and Pensions.

EC–7972. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7973. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Department of Labor Acquisition Regulation'' (RIN1291–AA34) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7974. A communication from the Director, Regulations, Policy, and Management, Staff, Food and Drug Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled ''Dental Devices; Reclassification of Root-Form Endosseous Dental Implants and Endosseous Dental Implant Abutments'' (Doc. No. 2002N–0114) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7975. A communication from the Director, Regulations, Policy, and Management, Staff, Food and Drug Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Immunology and Microbiology Devices; Classification of the Immunomagnetic Circulating Cancer Cell Selection Enumeration System'' (Doc. No. 2004P–0126) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7976. A communication from the Director, Regulations, Policy, and Management, Staff, Food and Drug Administration, Department of Health and Human Services transmitting, pursuant to law, the report of a rule entitled ''Food and Color Additives and Generally Recognized as Safe Substances; Technical Amendment'' (Doc. No. 2004N–0076) received on June 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7977. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Administrative Detention of Food for Human or Animal Consumption Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Final Rule'' (RIN0910–AC38) received on June 7, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7978. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug-Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Priority and Other Application Requirements under the Emergency Response Crisis Management Grant Program'' (RIN1865–ZA01) received on June 7, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7979. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug-Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Priority, Selection Criteria, Requirements and Definitions Under the Safe Schools/Health Students Program'' (RIN1865–ZA02) received on June 7, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7980. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug-Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Priorities, Requirements, and Selection Criteria Under the Mentoring Program'' (RIN1865–ZA00) received on June 7, 2004; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2523. A bill to exempt the Great Plains Region and Rocky Mountain Region of the Bureau of Indian Affairs from trust reform reorganization pending the submission of Agency-specific reorganization plans; to the Committee on Indian Affairs.

By Mr. GRAHAM of Florida:

S. 2524. A bill to amend title 38, United States Code, to improve the provision of health care, rehabilitation, and related services to veterans suffering from trauma relating to a blast injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPECTER (for himself and Mr. SCHUMER):

S. 2525. A bill to establish regional dairy marketing areas to stabilize the price of milk and support the income of dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND (for himself, Mr. KENNEDY, Mr. DEWINE, and Mrs. MURRAY):

S. 2526. A bill to reauthorize the Children's Hospitals Graduate Medical Education Program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 2527. A bill to suspend the duty on certain educational toys and devices; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. FEINGOLD, and Mr. CORZINE):

S. 2528. A bill to restore civil liberties under the First Amendment, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. FRIST, Mr. DASCHLE, Mr. LUGAR, Mr. LIEBERMAN, Mr. SANTORUM, Mrs. MURRAY, Mr. MCCAIN, Mr. SUNUNU, Mr. FITZGERALD, Mr. DEWINE, Mr. LAUTENBERG, Ms. CANTWELL, Mr. INHOFE, and Mr. CORZINE):

S. 2529. A bill to extend and modify the trade benefits under the African Growth and Opportunity Act; to the Committee on Finance.

By Mr. DAYTON:

S. 2530. A bill to amend part D of title XVIII of the Social Security Act to permit medicare beneficiaries to purchase more than one prescription drug discount card and to receive a refund of the enrollment fee if the prices of prescription drugs change or the formulary used by the card sponsor changes during the life of the program; to the Committee on Finance.

By Mr. WYDEN:

S. 2531. A bill to assist displaced American workers during a jobless recovery, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 2532. A bill to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. BOND, Mr. GRAHAM of Florida, Mr. GRASSLEY, Mr. DASCHLE, Mr. WARNER, Mrs. CLINTON, Ms. COLLINS, Mr. KENNEDY, Mr. ALEXANDER, Mr. BREAUX, Mr. DEWINE, Mr. LAUTENBERG, Mr. ROBERTS, Mr. CORZINE, Mr. TALENT, Mr. SARBANES, Mr. ALLEN, Mr. DURBIN, Mr. HAGEL, Mr. KERRY, Mrs. DOLE, Mr. CARPER, Mr. SMITH, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. EDWARDS, Ms. MURKOWSKI, Mr. DAYTON, Mr. DOMENICI, Mrs. MURRAY, Mr. HATCH, Mr. SCHUMER, Mr. HOLLINGS, Mr. BAYH, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. DODD, Mrs. LINCOLN, Ms. STABENOW, Mr. WYDEN, Mr. JOHNSON, and Mr. HARKIN):

S. 2533. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Finance.

By Mr. GRAHAM of Florida:

S. 2534. A bill to amend title 38, United States Code, to extend and enhance benefits under the Montgomery GI Bill, to improve housing benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Res. 380. A resolution honoring the Detroit Pistons on winning the National Basketball Association Championship on June 15, 2004; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. MILLER, Mr. CHAMBLISS, Mr. GRAHAM of Florida, and Mr. LEVIN):

S. Res. 381. A resolution recognizing the accomplishments and significant contributions of Ray Charles to the world of music; considered and agreed to.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUYE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from California (Mrs. BOXER) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. BOND) 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 Ms. STABENOW, her 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. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1629

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1629, a bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes.

S. 1900

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. LEVIN) 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. 1996

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1996, a bill to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

S. 2133

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2133, a bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the James J. Peters Department of Veterans Affairs Medical Center.

S. 2174

At the request of Mr. BUNNING, the names of the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2236

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2236, a bill to enhance the reliability of the electric system.

S. 2270

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 2270, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 2324

At the request of Mr. CHAMBLISS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2324, a bill to extend the deadline on the use of technology standards for the passports of visa waiver participants.

S. 2338

At the request of Mr. BOND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2413

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2413, a bill to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes.

S. 2419

At the request of Mr. PRYOR, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2419, a bill to amend the Internal Revenue Code of 1986 to provide additional relief for members of the Armed Forces and their families.

S. 2435

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2435, a bill to permit Inspectors General to authorize staff to provide assistance to the National Center for Missing and Exploited Children, and for other purposes.

S. 2474

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2474, a bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

S. 2508

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2508, a bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

S. 2522

At the request of Mr. CORZINE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2522, a bill to amend title 38, United States Code, to increase the

maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

S.J. RES. 30

At the request of Mr. ALLARD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S.J. RES. 33

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S.J. RES. 37

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S.J. Res. 37, a bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 74

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from West Virginia (Mr. BYRD) 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. 379

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 379, a resolution protecting, promoting, and celebrating fatherhood.

AMENDMENT NO. 3264

At the request of Mr. PRYOR, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Texas (Mr. CORNYN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 3264 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3292

At the request of Mr. DAYTON, his name was added as a cosponsor of amendment No. 3292 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3297

At the request of Mr. REID, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 3297 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3301

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3301 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3313

At the request of Mr. DODD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 3313 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3323

At the request of Mr. FITZGERALD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 3323 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3346

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 3346 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3386

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3386 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 3386 proposed to S. 2400, supra.

AMENDMENT NO. 3392

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. SMITH), the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 3392 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3436

At the request of Mr. BUNNING, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) were withdrawn as cosponsors of amendment No. 3436 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3438

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 3438 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

At the request of Mr. BUNNING, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. FEINSTEIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3438 proposed to S. 2400, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2523. A bill to exempt the Great Plains Region and Rocky Mountain Region of the Bureau of Indian Affairs from trust reform reorganization pending the submission of agency-specific reorganization plans; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, today Senator JOHNSON and I are introducing a bill that reflects the concerns of tribal leaders about the lack of progress on trust management reform and their dissatisfaction with the Department of the Interior's reorganization plan to deal with it. It offers an alternative to the Department's approach that tribal chairmen in the Great Plains and Rocky Mountain regions believe will better serve their members.

Trust reform is a particularly vexing issue that has confounded Federal policymakers and frustrated Native Americans for years. But the bottom line is that when the United States Government divided Indian lands in 1887, it made a commitment, through solemn treaty obligations, to hold those lands in trust, to manage them wisely, and to give any income from the sale or lease of the land to its Indian owners. It has never fulfilled that promise.

The Indian trust has been so badly mismanaged, for so long, by Administrations of both political parties, that no one today has any idea how much money should even be in the trust—let alone, how much is owed to individual account holders and to tribes, and for what. Meanwhile, too many individual and tribal community needs go unmet in Indian Country because of the lack of resources. That is the contradiction that simply cannot be allowed to continue.

I know that the Interior Department has gone to great efforts to reform its internal structure to get a handle on the administration of the Indian trust fund. And I appreciate that Interior officials believe that their reorganization plan has been shaped, at least in part, by ''listening sessions'' it held in Indian Country. Yet, the fact remains that tribal leaders around the country do not accept the premise that those meetings represented true consultation, and they do not accept the Department's reorganization plan as a legitimate response to mismanagement of the Indian trust. A number of tribal leaders have told me that the Department's ''listening sessions'' were hardly that, but could more accurately be described as a notification of how the Department would proceed.

Tribal leaders in my State believe strongly that the Department's reorganization plan moves in the wrong direction. Instead of integrating the trust and ''non-trust'' functions of the Department, it separates those functions even further. They also believe the plan ignores the unique character of each region's challenges. The Great Plains Region, for example, has more Individual Indian Money Account holders than any other region and holds 33 percent of the nation's tribal trust assets.

I acknowledge that this is a difficult problem and that some in the Administration sincerely desire to solve the trust management problem in a way that ensures that stakeholders receive what is due them in a timely manner. I also greatly appreciate the attention devoted to this matter. However, I do believe some of that attention has been misdirected. And, given the recent history of the trust reform debate, I have no credible answer to tribal leaders' lament that the Department appears more interested in undercutting the Cobell v. Norton lawsuit than in considering the opinion of tribes in South Dakota or the rest of Indian Country.

Since the Department formally unveiled its reorganization proposal earlier last year, numerous questions have been raised about exactly how this reorganization, which is currently being advanced administratively, will improve the present trust fund management and accounting procedures.

What are the role and responsibilities of the Special Trustee's trust officers who will be dispatched throughout Indian Country, and how will these positions relate to the local and regional BIA offices? Is this a duplication of services?

Who has oversight over these positions, and what accountability mechanism is in place to monitor their performance? What are the lines of authority?

Will Indian preference apply to any new positions that are created by the reorganization?

Why is the reorganization effort affecting the Office of Indian Education Programs when the court mandate affects only trust fund management reform? Does the plan violate the BIA amendments to the Elementary and Secondary Education Act reauthorization?

The list of questions is long, and tribal leaders and their constituents deserve answers. Those answers cannot be gleaned from the 18 pages of organizational charts the Department has provided as a rationale for its plan to reorganize the BIA and the Office of the Special Trustee.

This past February tribal leaders from nearly every Indian Nation in America traveled to Washington for a meeting of the National Congress of American Indians to discuss a variety of issues, including trust reform. They expressed unanimous opposition to the Department of Interior's reorganization efforts, and their urgent plea to Congress was that the federal government work with Native people to find an honorable and equitable solution to the Indian trust fund dispute.

In March, in an appearance before the Senate Indian Affairs Committee, Tex Hall, Chairman of the Three Affiliated Tribes of Fort Berthold and President of the National Congress of American Indians, testified that tribal leaders do not believe that their views are reflected in the Department's trust reorganization plan. And the Chairman of the Lower Brule Sioux Tribe, Michael Jandreau, a member of the BIA-Tribal Task Force on trust reform, told the Committee that ''meaningful involvement [of] and input from tribal leadership'' and the failure by the federal government to recognize ''obvious treaty obligations'' are contributing to the inability to reach consensus on trust reform.

This disagreement between Indian Country and Washington runs deep and cannot be solved by Interior Department officials simply re-drawing lines on organizational charts. The search for resolution must include real, meaningful, and ongoing consultation between Department officials and the tribes and tribal leaders. After all, we are talking about Indian people's money.

At the March Committee hearing, Harold Frazier, testifying in his capacities as Chairman of the Cheyenne River Sioux Tribe and as Chairman of the Great Plains Tribal Chairman's Association, offered both a critique of the Department's reorganization plan and an alternative to it. He emphasized that a majority of Indian tribes opposed the reorganization, not just because it was implemented without ''meaningful tribal consultation,'' but also because ''a one-size-fits-all approach to trust management reform is certain to fail.'' While acknowledging that some aspects of reform, such as land consolidation and improved record-keeping, are better managed at the national level, Chairman Frazier pointed out that basic services provided at the agency level are the key to the most efficient utilization of trust assets and that these resource decisions are best made at the local level

so they may be adapted to serve tribal beneficiaries' unique needs. And he offered the Great Plains Regional Proposal for Trust Reform as an alternative to the Department's reorganization plan.

Senator JOHNSON and I believe that Chairman Frazier has made a constructive contribution to breaking the trust impasse, and the bill we are introducing today codifies the Great Plains Regional Proposal for Trust Reform, as expanded by the inclusion of the Rocky Mountain Regional Tribes. It is based on the principle that differences among tribes in population, employment, revenue base, and even geographic location effect the type of trust reform suitable for each area, and it has precedent in a provision of the FY 2004 Interior Appropriations bill, Section 139, that exempted certain self-governance tribes from the Interior reorganization plan.

Our proposal exempts the Great Plains and Rocky Mountain tribes from the Department of the Interior's trust reform reorganization, excluding current efforts to reform Indian probate and encourage land consolidation, thereby precluding the Department from reorganizing the BIA at the agency level. It also stipulates that any funds appropriated to accomplish trust reform at the agency level within the Great Plains and Rocky Mountain Regions can be expended only under plans developed by local tribes in cooperation with, and with the approval of, the Department of the Interior. And it authorizes $200,000 for the Great Plains Region and $200,000 for the Rocky Mountain Region to be used for the development of agency-specific reorganization plans.

The legislation Senator JOHNSON and I are introducing today is not intended to end the trust reform debate. We still do not have an historical accounting of trust income; we still do not know if certain records exist; and we still do not know how much the United States of America owes to Indian people and to the Tribes. Neither is the legislation intended to limit other regions searching for their own solutions; to the contrary, we and the tribes of the Great Plains and Rocky Mountain regions respect other regions' rights to develop proposals that meet their own unique needs. But we do hope our proposal will help refocus the debate in a more constructive, substantive, cost-effective manner, acknowledging that the tribes know what is best for them and should be consulted—in a meaningful way—and play a key role in this process.

The tribes understand that the Interior and Treasury Departments, the BIA, and the Special Trustee for American Indians must be their allies in the search for a solution. But friction over reorganization has diverted attention from the more fundamental challenge of providing a full and fair accounting to Indian people, and ultimately paying the money that is owed to them and the tribes.

Now that the Department has been given authorization to proceed administratively with its reorganization plan, I hope the Department will submit to Congress a legislative proposal on how to address the underlying, substantive problem that we have been wrestling with for far too long. I also hope the Department will embrace the pilot program Senator JOHNSON and I are proposing today, with the support of the Great Plains and Rocky Mountain Tribal Chairmen's Associations.

In closing, I think it is extremely important to reflect on two central facts about the Indian trust debate as we consider the proposed reorganization of the BIA and the OST, and the Great Plains and Rocky Mountains Tribal Chairmen's Associations' ideas for localizing trust reform.

First, residents of Indian Country have been victimized for generations by persistent mismanagement of trust assets by the federal government. Far too many families for far too long have been denied trust assets to which they are entitled because of Federal mismanagement. And this situation has adversely affected their quality of life.

Second, frustration with the Federal Government's failure to come to grips with this problem has not only led to litigation (Cobell v. Norton), it has also solidified the tribes' determination to be part of the solution to the problem. Effective trust management reform will remain an elusive goal if the tribes are not full participants in this exercise.

We need to recognize the human dimension and consequences of trust mismanagement, and we need to accept that tribal leaders must be equal partners in its reform. The bottom line is that the tribes do not have the resources they need to adequately address the full range of socio-economic challenges they face. In the case of trust reform, the issue is not simply boxes on an organizational chart, but lives that literally hang in the balance.

Yesterday I met with Chairman Frazier, Chairman Jandreau, and Oglala Sioux Tribal President John Yellow Bird Steele. Their frustrations with the Department's reorganization proposal could be summed up with the comments made by one chairman and echoed by the other two: ''They left us out of the equation. We have many of the records, and we know what adjustments need to be made at the agency level to address our local needs. Whether it's historical accounting or reorganization, we have to be part of the solution.''

It's a concept so simple that it should go without saying, but the Administration has not adhered to it. But we still have a chance to turn that around. The tribes of the Dakotas, Nebraska, Montana, and Wyoming have stepped up to the plate. They aren't just complaining about the Administration's proposal; they're offering their own. They've developed regional proposals to fit their unique regional needs. We should respect their judgment, and the judgment of other regions that will undoubtedly follow with their own proposals.

The history of trust management has been a travesty, and, without a concerted and open-minded effort to address the issue, the future will not be any better. The United States has a fiduciary responsibility to Indian Country based on numerous treaty obligations. We must satisfy our obligations. We must work together to craft a solution to the underlying trust problem. Let's start by granting the Great Plains and Rocky Mountain Regions greater autonomy to fashion their own trust solutions.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2523

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

SECTION 1. APPLICABILITY OF TRUST REFORM REORGANIZATION TO THE GREAT PLAINS REGION AND ROCKY MOUNTAINS REGION OF THE BUREAU OF INDIAN AFFAIRS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means an Agency of the Bureau of Indian Affairs within a Region.

(2) REGION.—The term ''Region'' means each of the Great Plains Region and the Rocky Mountain Region of the Bureau of Indian Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) NO REORGANIZATION.—Notwithstanding any implementation of the trust reorganization plan for the Bureau of Indian Affairs in fiscal year 2004 or 2005, the Secretary shall not reorganize the Bureau at the Agency level in a Region except with respect to the reform of probate procedure and efforts to encourage land consolidation.

(c) TRUST MANAGEMENT INFRASTRUCTURE.—The Secretary shall not impose trust management infrastructure reforms on, or alter, the existing trust resource management system of an Agency unless the reforms are expressly agreed to by the Indian tribe covered by the Agency.

(d) AGENCY PLANS.—

(1) IN GENERAL.—Any funds made available to accomplish trust reform at the Agency level shall be expended in accordance with a plan developed by the Indian tribe covered by the Agency, in cooperation with the Secretary and approved by Act of Congress.

(2) TIMING.—An Agency shall submit the Agency plan to the Secretary not later than 180 days after the date on which funds are made available under subsection (f).

(e) REPORT.—

(1) IN GENERAL.—After submission to the Secretary of an Agency plan under subsection (d)(2), the Secretary shall—

(A) prepare a report that includes findings and recommendations of the Secretary concerning the Agency plan; and

(B) provide the Indian tribe covered by the Agency 60 days in which to submit comments regarding the findings and recommendations of the Secretary.

(2) SUBMISSION TO CONGRESS.—After receiving comments of the Indian tribe under paragraph (1)(B), the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives—

(A) the Agency plan;

(B) the report of the Secretary; and

(C) the comments of the Indian tribe.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $200,000 for each Region, to be made available to the Agencies for use in developing an Agency plan under subsection (d).

By Mr. GRAHAM of Florida:

S. 2524. A bill to amend title 38, United States Code, to improve the provision of health care, rehabilitation, and related services to veterans suffering from trauma relating to a blast injury, and for other purposes; to the Committee on Veterans' Affairs.

Mr. GRAHAM. Mr. President, today I introduce legislation to establish a Department of Veterans Affairs War-Related Blast Injury Center. The need for this type of research and treatment facility has become especially pressing in light of the staggering number of veterans returning from the battles raging abroad.

Blasts from such weapons as artillery, mortar shells, and roadside bombs—improvised explosives that blow debris such as broken glass, nails, and gravel upward into the face—have become the most common mechanism of injury in modern warfare. The resulting injuries include those to the lungs, inner ear, limbs, and, quite commonly, the head. In addition to the serious physical wounds, deep psychological wounds also result, including post-traumatic stress disorder.

Despite the fact that injuries from explosive devices currently make up the majority of combat casualties and the most severe, there has never been an established medical program to evaluate, treat, and track the short- and long-term consequences of these specific injuries. This bill is an important first step toward correcting this deficiency. It establishes at least one War-Related Blast Injury Center within VA that would provide comprehensive and specialized rehabilitation programs, as well as targeted education and outreach programs and research initiatives.

The Center would be formed from a collaboration between the Department of Veterans Affairs, (VA) and the Department of Defense, promoting cooperation between the two agencies to reach their respective goals regarding the care of our military personnel. One of the Center's main purposes would be to fill in the gap that now exists in the evidence base for treating victims of blast injuries. Through its specialized evaluation and treatment of the polytrauma that results from blast injuries, the Center would facilitate the identification of trends in those suffering from this trauma and go a long way in determining innovative, more effective treatment approaches.

In addition to its comprehensive rehabilitation program and the conduct of research, the Center will also provide education and training to health care personnel across the care continuum, including first responders, acute-care providers, and rehabilitation staff. It will also develop improved models and systems for the furnishing of blast injury services by VA.

While my legislation does not designate a site for the Center, I mention with pride the work being done at the Tampa VA Medical Center (VAMC) in Florida. The Tampa VAMC has an exceptional Physical Medicine and Rehabilitation (PM&R) Service that serves the largest number of veterans in the Nation. The Spinal Cord Injury, Amputee, and Traumatic Brain Injury Programs are not only VA's largest, but they have also been recognized as providing the highest quality of care in VA by their designation as Clinical Centers of Excellence. The PM&R Service utilizes an interdisciplinary team for patient care that includes physicians, therapists, audiologists, neuropsychologists, and social workers. Among them, this wide-ranging medical staff has access to a broad spectrum of medical and support services to best treat their patients.

In addition, this outstanding hospital serves as one of seven lead centers comprising the Defense/Veterans Brain Injury Center, a cooperative treatment and research program in traumatic brain injury. It also established a Gulf War Program in 1999 and in the past year created a Blast Injury Program. For all these reasons, the Tampa VAMC would serve as an excellent site for a War-Related Blast Injury Center.

An April 2004 article in The Washington Post detailed the experiences of combat surgeons in Iraq currently caring for the heroic men and women serving there. These doctors described their experiences treating an overwhelming flow of soldiers with wounds that probably would have been fatal in previous wars. Increasingly, these wounds involve severe damage to the head and eyes and often leave soldiers brain damaged, blind, or both. This article paints a clear picture of the injuries our soldiers in Iraq are subjected to and must deal with upon their return. I ask unanimous consent that the text of The Washington Post article be printed in the RECORD following this statement.

In addition, a recent update by VA's Physical Medicine and Rehabilitation National Program Office revealed over a 60 percent increase in rehabilitation patients in 2003 compared to 2002. This means that there were 215 additional brain injury patients and 423 more amputee patients. This sizable increase speaks to the great need for the War-Related Blast Injury Center.

This past April, more than 900 soldiers and Marines were wounded in Iraq, more than twice the number wounded in October of last year, the previous high. On May 2, in a tragic event that hit close to home, 5 reservists from the Jacksonville-based Seabee battalion were killed in a mortar attack in Iraq and an additional 30 suffered injuries resulting from the blast. The Jacksonville-based Seabees were in Iraq to do humanitarian work such as fixing electrical and water systems and sewage problems. These brave men epitomized American courage and selflessness. A War-Related Blast Injury Center would serve to care for servicemembers like the Seabees who suffer this type of horrific wound.

After all that these courageous, selfless soldiers sacrifice and suffer in battle, we owe them a place where they may receive the treatment necessary to mend their wounds, both physical and mental.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 27, 2004]

THE LASTING WOUNDS OF WAR; ROADSIDE BOMBS HAVE DEVASTATED TROOPS AND DOCTORS WHO TREAT THEM

(By Karl Vick)

The soldiers were lifted into the helicopters under a moonless sky, their bandaged heads grossly swollen by trauma, their forms silhouetted by the glow from the row of medical monitors laid out across their bodies, from ankle to neck.

An orange screen atop the feet registered blood pressure and heart rate. The blue screen at the knees announced the level of postoperative pressure on the brain. On the stomach, a small gray readout recorded the level of medicine pumping into the body. And the slender plastic box atop the chest signaled that a respirator still breathed for the lungs under it.

At the door to the busiest hospital in Iraq, a wiry doctor bent over the worst-looking case, an Army gunner with coarse stitches holding his scalp together and a bolt protruding from the top of his head. Lt. Col. Jeff Poffenbarger checked a number on the blue screen, announced it dangerously high and quickly pushed a clear liquid through a syringe into the gunner's bloodstream. The number fell like a rock.

''We're just preparing for something a brain-injured person should not do two days out, which is travel to Germany,'' the neurologist said. He smiled grimly and started toward the UH–60 Black Hawk thwump-thwumping out on the helipad, waiting to spirit out of Iraq one more of the hundreds of Americans wounded here this month.

While attention remains riveted on the rising count of Americans killed in action—more than 100 so far in April—doctors at the main combat support hospital in Iraq are reeling from a stream of young soldiers with wounds so devastating that they probably would have been fatal in any previous war.

More and more in Iraq, combat surgeons say, the wounds involve severe damage to the head and eyes—injuries that leave soldiers brain damaged or blind, or both, and the doctors who see them first struggling against despair.

For months the gravest wounds have been caused by roadside bombs—improvised explosives that negate the protection of Kevlar helmets by blowing shrapnel and dirt upward into the face. In addition, firefights with guerrillas have surged recently, causing a sharp rise in gunshot wounds to the only vital area not protected by body armor.

The neurosurgeons at the 31st Combat Support Hospital measure the damage in the number of skulls they remove to get to the injured brain inside, a procedure known as a craniotomy. ''We've done more in eight

weeks than the previous neurosurgery team did in eight months,'' Poffenbarger said. ''So there's been a change in the intensity level of the war.''

Numbers tell part of the story. So far in April, more than 900 soldiers and Marines have been wounded in Iraq, more than twice the number wounded in October, the previous high. With the tally still climbing, this month's injuries account for about a quarter of the 3,864 U.S. servicemen and women listed as wounded in action since the March 2003 invasion.

About half the wounded troops have suffered injuries light enough that they were able to return to duty after treatment, according to the Pentagon.

The others arrive on stretchers at the hospitals operated by the 31st CSH. ''These injuries,'' said Lt. Col. Stephen M. Smith, executive officer of the Baghdad facility, ''are horrific.''

By design, the Baghdad hospital sees the worst. Unlike its sister hospital on a sprawling air base located in Balad, north of the capital, the staff of 300 in Baghdad includes the only ophthalmology and neurology surgical teams in Iraq, so if a victim has damage to the head, the medevac sets out for the facility here, located in the heavily fortified coalition headquarters known as the Green Zone.

Once there, doctors scramble. A patient might remain in the combat hospital for only six hours. The goal is lightning-swift, expert treatment, followed as quickly as possible by transfer to the military hospital in Landstuhl, Germany.

While waiting for what one senior officer wearily calls ''the flippin' helicopters,'' the Baghdad medical staff studies photos of wounds they used to see once or twice in a military campaign but now treat every day. And they struggle with the implications of a system that can move a wounded soldier from a booby-trapped roadside to an operating room in less than an hour.

''We're saving more people than should be saved, probably,'' Lt. Col. Robert Carroll said. ''We're saving severely injured people. Legs. Eyes. Part of the brain.''

Carroll, an eye surgeon from Waynesville, Mo., sat at his desk during a rare slow night last Wednesday and called up a digital photo on his laptop computer. The image was of a brain opened for surgery earlier that day, the skull neatly lifted away, most of the organ healthy and pink. But a thumb-sized section behind the ear was gray.

''See all that dark stuff? That's dead brain,'' he said. ''That ain't gonna regenerate. And that's not uncommon. That's really not uncommon. We do craniotomies on average, lately, of one a day.''

''We can save you,'' the surgeon said. ''You might not be what you were.''

Accurate statistics are not yet available on recovery from this new round of battlefield brain injuries, an obstacle that frustrates combat surgeons. But judging by medical literature and surgeons' experience with their own patients, ''three or four months from now 50 to 60 percent will be functional and doing things,'' said Maj. Richard Gullick.

''Functional,'' he said, means ''up and around, but with pretty significant disabilities,'' including paralysis.

The remaining 40 percent to 50 percent of patients include those whom the surgeons send to Europe, and on to the United States, with no prospect of regaining consciousness. The practice, subject to review after gathering feedback from families, assumes that loved ones will find value in holding the soldier's hand before confronting the decision to remove life support.

''I'm actually glad I'm here and not at home, tending to all the social issues with all these broken soldiers,'' Carroll said.

But the toll on the combat medical staff is itself acute, and unrelenting.

In a comprehensive Army survey of troop morale across Iraq, taken in September, the unit with the lowest spirits was the one that ran the combat hospitals until the 31st arrived in late January. The three months since then have been substantially more intense.

''We've all reached our saturation for drama trauma,'' said Maj. Greg Kidwell, head nurse in the emergency room.

On April 4, the hospital received 36 wounded in four hours. A U.S. patrol in Baghdad's Sadr City slum was ambushed at dusk, and the battle for the Shiite Muslim neighborhood lasted most of the night. The event qualified as a ''mass casualty,'' defined as more casualties than can be accommodated by the 10 trauma beds in the emergency room.

''I'd never really seen a 'mass cal' before April 4,'' said Lt. Col. John Xenos, an orthopedic surgeon from Fairfax. ''And it just kept coming and coming. I think that week we had three or four mass cals.''

The ambush heralded a wave of attacks by a Shiite militia across southern Iraq. The next morning, another front erupted when Marines cordoned off Fallujah, a restive, largely Sunni city west of Baghdad. The engagements there led to record casualties.

''Intellectually, you tell yourself you're prepared,'' said Gullick, from San Antonio. ''You do the reading. You study the slides. But being here . . . .'' His voice trailed off.

''It's just the sheer volume.''

In part, the surge in casualties reflects more frequent firefights after a year in which roadside bombings made up the bulk of attacks on U.S. forces. At the same time, insurgents began planting improvised explosive devices (IEDs) in what one officer called ''ridiculous numbers.''

The improvised bombs are extraordinarily destructive. Typically fashioned from artillery shells, they may be packed with such debris as broken glass, nails, sometimes even gravel. They're detonated by remote control as a Humvee or truck passes by, and they explode upward.

To protect against the blasts, the U.S. military has wrapped many of its vehicles in armor. When Xenos, the orthopedist, treats limbs shredded by an IED blast, it is usually ''an elbow stuck out of a window, or an arm.''

Troops wear armor as well, providing protection that Gullick called ''orders of magnitude from what we've had before. But it just shifts the injury pattern from a lot of abdominal injuries to extremity and head and face wounds.''

The Army gunner whom Poffenbarger was preparing for the flight to Germany had his skull pierced by four 155mm shells, rigged to detonate one after another in what soldiers call a ''daisy chain.'' The shrapnel took a fortunate route through his brain, however, and ''when all is said and done, he should be independent. . . . He'll have speech, cognition, vision.''

On a nearby stretcher, Staff Sgt. Rene Fernandez struggled to see from eyes bruised nearly shut.

''We were clearing the area and an IED went off,'' he said, describing an incident outside the western city of Ramadi where his unit was patrolling on foot.

The Houston native counted himself lucky, escaping with a concussion and the temporary damage to his open, friendly face. Waiting for his own hop to the hospital plane headed north, he said what most soldiers tell surgeons: What he most wanted was to return to his unit.

S. 2524

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

SECTION 1. CENTERS FOR RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES ON BLAST INJURIES OF VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7327. Centers for research, education, and clinical activities on blast injuries

''(a) PURPOSE.—The purpose of this section is to provide for the improvement of the provision of health care services and related rehabilitation and education services to eligible veterans suffering from multiple traumas associated with a blast injury through—

''(1) the conduct of research to support the provision of such services in accordance with the most current evidence on blast injuries;

''(2) the education and training of health care personnel of the Department; and

''(3) the development of improved models and systems for the furnishing of services by the Department for blast injuries.

''(b) ESTABLISHMENT.—(1) The Secretary shall establish and operate at least one, but not more than three, centers for research, education, and clinical activities on blast injuries.

''(2) Each center shall function as a center for—

''(A) research on blast injury to support the provision of services in accordance with the most current evidence on blast injuries, with such research to specifically address injury epidemiology and cost, functional outcomes, blast injury taxonomy and measurement system, and longitudinal outcomes;

''(B) the development of a rehabilitation program for blast injuries, including referral protocol, post-acute assessment, and coordination of comprehensive treatment services;

''(C) the development of protocols to optimize linkages between the Department and the Department of Defense on matters relating to research, education, and clinical activities on blast injuries;

''(D) the creation of innovative models for education and outreach on health-care and related rehabilitation and education services on blast injuries, with such education and outreach to target those who have sustained a blast injury and health care providers and researchers in the Veterans Health Administration, the Department of Defense, and the Department of Homeland Security;

''(E) the development of educational tools and products on blast injuries, and the maintenance of such tools and products in a resource clearinghouse that can serve as resources for the Veterans Health Administration, the Department of Defense, the Department of Homeland Security, and other departments and agencies of the Federal Government;

''(F) the development of interdisciplinary training programs on the provision of health care and rehabilitation care services for blast injuries that provide an integrated understanding of the continuum of care for such injuries to the broad range of providers of such services, including first responders, acute-care providers, and rehabilitation service providers; and

''(G) the implementation of strategies for improving the medical diagnostic coding of blast injuries in the Department to reliably identify veterans with blast injuries and track outcomes over time.

''(3) The Secretary shall designate a designate a center or centers under this section upon the recommendation of the Under Secretary for Health.

''(4) The Secretary may designate a center under this section only if—

''(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

''(B) the Secretary makes the finding described in subsection (d); and

''(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

''(5) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

''(c) PROPOSAL REQUIREMENTS.—A proposal submitted for the designation of a center under this section shall—

''(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities (in this subsection referred to as the 'collaborating facilities') in the same geographic area that have a mission centered on the care of individuals with blast injuries and a Department facility in that area which has a mission of providing tertiary medical care;

''(2) provide that not less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facilities with respect to the center; and

''(3) provide for a governance arrangement among the facilities described in paragraph (1) with respect to the center that ensures that the center will be established and operated in a manner aimed at improving the quality of care for blast injuries at the collaborating facilities with respect to the center.

''(d) FINDINGS RELATING TO PROPOSALS.—The finding referred to in subsection (b)(4)(B) with respect to a proposal for the designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

''(1) An arrangement with an affiliated accredited medical school or university that provides education and training in disaster preparedness, homeland security, and biodefense.

''(2) Comprehensive and effective treatment services for head injury, spinal cord injury, audiology, amputation, gait and balance, and mental health.

''(3) The ability to attract scientists who have demonstrated achievement in research—

''(A) into the evaluation of innovative approaches to the rehabilitation of blast injuries; or

''(B) into the treatment of blast injuries.

''(4) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of services on blast injuries that are provided by the Department at or through individual facilities.

''(e) DEPARTMENTAL SUPPORT ON EVALUATION OF CENTER PROPOSALS.—(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for blast injury matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

''(2) The panel shall consist of experts in the fields of research, education and training, and clinical care on blast injuries. Members of the panel shall serve as consultants to the Department.

''(3) The panel shall review each proposal submitted to the panel by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether or not that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

''(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(f) AWARD OF FUNDING.—Clinical and scientific investigation activities at each center established under this section—

''(1) may compete for the award of funding from amounts appropriated for the Department for medical and prosthetics research; and

''(2) shall receive priority in the award of funding from such amounts insofar as funds are awarded from such amounts to projects and activities relating to blast injuries.

''(g) DISSEMINATION OF INFORMATION.—(1) The Under Secretary for Health shall ensure that information produced by the centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Administration.

''(2) Information shall be disseminated under this subsection through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

''(h) SUPERVISION.—The official within the central office of the Veterans Health Administration responsible for blast injury matters shall be responsible for supervising the operation of the centers established under this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Department of Veterans Affairs for the centers established under this section amounts as follows:

''(A) $3,125,000 for fiscal year 2005.

''(B) $6,250,000 for each of fiscal years 2006 through 2008.

''(2) In addition to amounts authorized to be appropriated by paragraph (1) for a fiscal year, the Under Secretary for Health shall allocate to each center established under this section, from other funds authorized to be appropriated for such fiscal year for the Department generally for medical and for medical and prosthetics research, such additional amounts as the Under Secretary for Health determines appropriate to carry out the purpose of this section.''.

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7326, the following new item:

''7327. Centers for research, education, and clinical activities on blast injuries''

(b) DESIGNATION OF CENTERS.—The Secretary of Veterans Affairs shall designate at least one center for research, education, and clinical activities on blast injuries as required by section 7327 of title 38, United States Code (as added by subsection (a)), not later than January 1, 2005.

(c) ANNUAL REPORTS.—(1) Not later than February 1 of each of 2006, 2007, and 2008, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the center for research, education, and clinical activities on blast injuries established under section 7327 of title 38, United States Code (as so added). Each such report shall include the following:

(A) A description of the activities carried out at each center, and the funding provided for such activities.

(B) A description of the advances made at each of the participating facilities of the each center in research, education and training, and clinical activities on blast injuries .

(C) A description of the actions taken by the Under Secretary for Health pursuant to subsection (g) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(D) The assessment of the Secretary of the effectiveness of the centers in fulfilling the purposes of the centers.

By Mr. SPECTER (for himself and Mr. SCHUMER):

S. 2525. A bill to establish regional dairy marketing areas to stabilize the price of milk and support the income of dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I join today with nine of my colleagues to introduce the National Dairy Equity Act (NDEA), legislation intended to substantially reduce Federal expenditures for the dairy industry and allow for more local authority to regulate milk prices in a particular area. Members of the House of Representatives have introduced similar legislation with 20 cosponsors.

This legislation would establish a voluntary, national program that permits producers and consumers, acting through Regional Dairy Marketing Area (RDMAs), to establish minimum prices for Class I fluid milk, which is intended to stabilize the price of milk. Although the June 2004 Class I fluid milk price is $18.40, the true impetus for this legislation is based on the April 2003 price of $11.89, the lowest milk price in the last 25 years as of October 1978. The recent rise in milk price, while certainly welcome, gives only a temporary respite from the low prices of the past five years that have threatened the survival of thousands of dairy farm. In Pennsylvania alone, since 1999, 1,100 dairy farms have fallen victim to the battle over milk pricing.

Since last spring, I, along with my colleagues in both the Senate and the House representing the Northeast, South and Midwest, have held monthly meetings to address this dire situation faced by the dairy industry. Additionally, I have worked with Pennsylvania Department of Agriculture Secretary Dennis Wolff, the Pennsylvania Dairy Task Force, which represents Pennsylvania's 9,900 commercial dairy farms, and have assembled a working group of 24 Pennsylvania dairy farmers for their input, while holding eight forums in Pennsylvania discussing the merits of the legislation I present today.

Under the NDEA, five RDMAs would be established; three of these RDMAs, the Northeast, the South, and the Midwest, would be automatically deemed

as participating States, but there is a mechanism for any State to opt out. The States within the other two regions, the Intermountain and the Pacific, can opt into the program. Ultimately, the NDEA overcomes previous inter-regional objections to similar plans because it permits regions with low Class I utilization to receive the same benefit as higher regions, and does not require national pooling of money between the various regions.

Within each RDMA, a board, representative of both farmers and consumers, would be appointed by the U.S. Secretary of Agriculture exclusively from lists of nominees provided by the Governors, Ag Commissioners in which they are elected officeholders. The RDMA boards would distribute the payments to the farmers in their regions and would also have the authority to conduct supply management, including the development and implementation of incentive-based supply management programs.

Specifically, this legislation would allow states that do not wish to participate in the NDEA to continue participating in the current Milk Income Loss Contract (MILC) program, which would be extended to 2007 to coincide with the reauthorization of the Farm Bill. The MILC program is set to expire at the end of September 2005. Although I supported the MILC program when it was offered in the 2002 Farm Bill, I am aware that the MILC program is delinquent in providing a producer (farmer) referendum within a region; especially in the Northeast, to establish a regulated over-order price.

Equally, I am concerned about the cost of the MILC program. Since 2002, this program has cost the Federal Government nearly $1.65 billion, when it originally scored at only $1 billion from 2002 to September 2005. If enacted, the NDEA will reduce government spending by 90 percent in the Northeast, 100 percent in the South and 65 percent in the Midwest. Nationwide, this is a cost savings of nearly $700 million, roughly $200 million per year from enactment until 2007.

More specifically in Pennsylvania, the MILC payment program is costing the Federal Government roughly $44.2 million, which is dispersing payments to 8,300 dairy farms with herd sizes of roughly 100 cows or less. Under the NDEA, this cost to the Federal Government would be reduced by 90 percent, and would ultimately pay $35 million more to these farmers for a total of $78.6 million because the maximum price for milk would be capped at $17.50, national pooling under the MILC payment would be eliminated and better supply management techniques would be put into place.

Finally, this legislation clearly does not model a dairy compact because unlike a compact, the NDEA establishes a cap of $17.50 per cwt, hundredweight, on maximum Class I price, which could increase in succeeding years based on Consumer Price Index (CPI), Additionally, this legislation equalizes payments producers receive by establishing a 50 percent Class utilization payment for all regions thereby not placing low Class I utilization areas at a disadvantage, ultimately establishing a level playing field. The NDEA provides for federal authority for the establishment of five RDMAs, and establishes a central dairy producers payment fund at the Federal level that would transfer processor payments and if necessary CCC funds back to each RDMA in order to equalize all payments among regions.

As we continue to celebrate National Dairy Month, I urge my colleagues to cosponsor and support this timely legislation, which would help reduce the Federal deficit and would tighten the huge gap that exists in the stabilization of the milk price for the betterment of our nation's dairy industry.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. FEINGOLD, and Mr. CORZINE):

S. 2528. A bill to restore civil liberties under the First Amendment, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing the Civil Liberties Restoration Act of 2004.

The attacks of September 11 changed this nation forever. Much has been done since then to combat the threat of terrorism and make America safer. But not every measure or policy adopted after 9/11 has been effective, legal, or fair. The strengthening of security has sometimes meant the weakening of civil liberties. Often, the Bush Administration has misused the fear of terrorism as an excuse to ignore basic rights in our society.

Immigrants, especially Arabs and Muslims, became targets as the Administration carried out roundups of individuals based on national origin and religion, rather than any specific assessment of danger. Abusive detention practices took place. Registration programs have made criminal suspects out of legal immigrants.

These changes were implemented without Congressional consultation or approval. They have swept much too broadly and eliminated necessary checks and balances that prevent abuse. They have squandered our limited resources and have been more successful in alienating immigrant communities than in apprehending terrorists. We cannot allow fear to trump and trample the values upon which our country was founded. Our Nation can be both secure and free.

The Civil Liberties Restoration Act of 2004 will provide basic civil liberties protections, and restore balance and fairness to our laws in the treatment of immigrants. It will preserve fundamental rights without endangering national security. It will restore the confidence of immigrant communities, especially those unfairly targeted by recent and current policies.

It will place reasonable limitations on closed immigration hearings. On September 21, 2001, the Attorney General ordered immigration judges to close all hearings on individuals detained in the 9/11 investigation. In a highly critical report issued by the Inspector General of the Justice Department in April 2003 we learned that many were arrested as a result of ''chance encounters or tenuous connections'' to the investigation, rather than ''any genuine indications of a possible connection with or possession of information about terrorist activity.''

Nevertheless, over 600 immigration hearings were held in secret. Visitors, the press and even family members of the detainees were excluded. Consistent with the First Amendment, our legislation authorizes the closing of immigration hearings only when the government can demonstrate a compelling privacy or national security interest.

The bill will restore other due process protections weakened after 9/11. Before that, the INS was required to give notice to detained non-citizens within 24 hours of arrest, informing them of the charges against them. On September 20, 2001, Attorney General Ashcroft issued a regulation extending that period to 48 hours or ''an additional reasonable period of time'' in ''emergency or other extraordinary circumstances.''

This open-ended change led to serious abuses. As the Inspector General reported, some detainees were held for more than a month after their arrest, without being told of the charges against them. Often they were held in harsh and restrictive conditions and prevented from consulting with their attorneys.

Our legislation will require a charging document to be served within 48 hours of an arrest or detention. Noncitizens held for more than 48 hours would have to be brought before an immigration judge within 72 hours of their arrest or detention, with an exception for non-citizens who are certified by the Attorney General, based on reasonable grounds, as having engaged in espionage or a terrorist offense.

After 9/11, the Bush Administration also adopted policies that deny bond to many immigrants with no individual assessment of their danger or flight risk. Two examples of this policy were the ''hold until cleared'' policy criticized by the Inspector General's report, and the Attorney General's precedent decision declaring that all Haitians arriving by sea were a national security threat and must be detained.

Unilateral executive branch decisions mandating detention violate fundamental rights. Blanket detentions of persons who pose no flight risk or harm to the community waste valuable resources that should be used to apprehend criminals and terrorists.

Our legislation will require the Secretary of Homeland Security to provide all detainees with individual assessments to determine whether they pose a flight risk or a threat to public safety, except those in categories specifically designated by Congress as posing a special threat. If the individual is eligible for release, the Secretary must set a reasonable bond or other conditions to guarantee the person's appearance at future proceedings, and this decision would be subject to review by an immigration judge.

The authority of immigration judges was further weakened by an October 2001 regulation that authorizes the Attorney General to stay a decision by an immigration judge to release an individual if bond had originally been denied, or had been set at $10,000 or more. The current regulation goes too far. It allows the government's immigration attorneys to overrule a decision by an immigration judge that an individual does not pose a risk.

The bill puts reasonable limitations on this automatic stay authority. The Board of Immigration Appeals could stay the immigration judge's bond decision for a limited time, only when the government is likely to prevail in appealing that decision and there is a risk of irreparable harm in the absence of a stay.

In early 2002, Attorney General Ashcroft issued a series of ''procedural reforms'' purportedly designed to eliminate the backlog of cases in the Board of Immigration Appeals. Altering its practices in accordance with the new mandates, the Board has issued thousands of single-member decisions affirming without written opinions the decisions of the immigration judges. Before the changes took effect, 1 in 4 appeals was granted, now only 1 in 10 is granted. Instead of eliminating the backlog, however, the cases have shifted to the federal courts. The number of Board decisions being appealed to the federal courts has increased dramatically. The Ninth Circuit has received over 4,200 immigration appeals, more than four times the usual number.

These so-called reforms highlight the degree to which integrity and impartiality of the immigration courts have been compromised. To correct the problem, the bill establishes an independent regulatory agency within the Department of Justice to administer the immigration court system. Integrity would be restored by enabling Board Members and immigration judges to exercise independent judgment and discretion. The reforms will help ensure that individuals and families receive fair treatment in immigration decisions, which can have profound consequences for immigrants and refugees, such as permanent separation from loved ones, or deportation to countries where they may face persecution and even death.

The Act will also end the infamous National Security Entry-Exit Registration System—the NSEERS program which was launched by Attorney General Ashcroft in August 2002 and which required men from predominately Muslim or Arab countries to be fingerprinted, photographed, and interrogated, based on the absurd notion that terrorists would present themselves for registration and be caught.

As Vincent Cannistraro, former director of Counterterrorism Operations at the CIA, has said, policies like the NSEERS program caused fear and distrust and worked ''against intelligence-gathering by law enforcement, particularly the FBI.'' At a time when we needed vital intelligence information, members of these communities were unfairly stigmatized and discouraged from coming forward to help our law enforcement and counter-terrorism efforts.

According to Department of Homeland Security officials, no one registered under the NSEERS program was ever charged with terrorism. Last December, significant parts of the NSEERS program were suspended. Our bill will terminate it completely, and it will also close removal proceedings for certain individuals targeted under it.

A related issue is the exercise of prosecutorial discretion. More than 14,000 individuals who voluntarily complied with the NSEERS program were placed in removal proceedings for technical immigration violations, even though many of them had relief available to them or were in the process of applying for permanent residence. Immigration officers routinely refused to use their discretion not to arrest these individuals, or not to initiate removal proceedings against them, or not to release them from detention. The result was a massive diversion of resources away from investigations, prosecutions, and removals of criminals and terrorists.

Our bill will codify an immigration memorandum which outlines the parameters for the responsible exercise of prosecutorial discretion. The legislation makes clear that such discretion is not an invitation to violate or ignore the law, but is intended to give the government the flexibility to maximize its allocation of resources. Exercise of such discretion is particularly appropriate in light of the complexity of the immigration laws, the harshness of the consequences of enforcement, and the importance of conserving limited enforcement resources so that they are available for use against individuals who threaten our safety and security.

Given the problems inherent in the NSEERS program, the government should reconsider all pending NSEERS cases and determine whether a favorable exercise of discretion is warranted. Family ties, humanitarian concerns, and eligibility for relief are positive factors that should be considered in assessing such cases.

Our bill also protects the integrity of the National Crime Information Center database. For decades, in maintaining the database, the Department of Justice was required to obey the Privacy Act, which requires each agency to maintain its records ''with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individuals in the determination.'' In March 2003, Attorney General Ashcroft issued a regulation stating that these requirements no longer applied to the NCIC database, and justified the exemption because ''in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete.''

Our legislation requires the Attorney General to comply with the Privacy Act in maintaining the database. Circumventing this statutory obligation poses significant risks not only for individuals whose files may be part of this data system, but also for communities that rely on law enforcement to employ effective, reliable methods for protecting public safety.

This requirement is especially important today. The Attorney General announced last year that information on more than 400,000 persons with removal orders and an unknown number of alleged NSEERS violators would be included in the database. The error rate in immigration records has always been very high—a fact confirmed by numerous reports issued by the Inspector General. Requiring the Attorney General to comply with the Privacy Act will help prevent inaccurate and unreliable information from contaminating the database and harming individuals and communities.

The bill also protects privacy by ensuring that constitutional limitations apply to secret surveillance. The Patriot Act amended the Foreign Intelligence Service Act to permit surveillance or searches when a ''significant purpose'', not just the ''primary purpose'', of the surveillance or search is foreign intelligence. Under current procedures, when such evidence is brought before a court, it is nearly impossible for a criminal defendant to contest its introduction, because the government's application for the search is kept secret. When such evidence is used in criminal cases, the court should disclose the application and related materials to the defendant, subject to the Classified Information Procedures Act, which offers a balanced and effective way to protect both national security information and the rights of defendants.

In addition, the legislation provides that when such information from electronic surveillance and other sources is introduced in a criminal case, disclosure of the surveillance application, order, or other materials is permitted under the procedures in the Classified Information Procedures Act.

Finally, the bill addresses the practice of data-mining. Through comprehensive data-mining, many records that people believe are private can be

collected by computer, fed into a database and used by the government without their knowledge. Law enforcement must have the necessary means to protect our safety, but the use of data-mining technology should not be allowed to threaten privacy and civil liberties.

The legislation will require all federal agencies to report to Congress within 90 days and annually in future years on data-mining programs used to find patterns indicating terrorist or other criminal activity and the effect of these programs on civil liberties and privacy, so that Congress can exercise its oversight authority over federal agencies using this technology.

We know that we can protect our nation's security and still respect the basic rights of both citizens and immigrants. The Civil Liberties Restoration Act is a needed effort to end the abuse that has become all too common in the past three years, and Congress has a responsibility to end them. It has been said that our laws are the wise restraints that make us free. The restraints have been weakened in recent years, and we need to make them stronger.

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. 2528

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 ''Civil Liberties Restoration Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Fighting terrorism is a priority for our Nation.

(2) As Federal, State, and local law enforcement work tirelessly every day to prevent another terrorist attack, our Nation must continue to work to ensure that law enforcement have the legal tools and resources to do their job.

(3) At the same time, steps that are taken to protect the United States from terrorism should not undermine constitutional rights and protections.

(4) Some of the steps taken by the Administration since September 11, 2001, however, have undermined constitutional rights and protections.

(5) Our nation must strive for both freedom and security.

(6) This Act seeks to restore essential rights and protections without compromising our Nation's safety.

TITLE I—RESTORING FIRST AMENDMENT RIGHTS

SEC. 101. LIMITATION ON CLOSED IMMIGRATION HEARINGS.

(a) IN GENERAL.—Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

''(e) STANDARDS FOR CLOSING REMOVAL HEARINGS.—

''(1) IN GENERAL.—Subject to paragraph (2), a removal proceeding held pursuant to this section shall be open to the public.

''(2) EXCEPTIONS.—Portions of a removal proceeding held pursuant to this section may be closed to the public by an immigration judge on a case by case basis, when necessary—

''(A) to preserve the confidentiality of applications for asylum, withholding of removal, relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902), or the Victims of Trafficking and Violence Prevention Act of 2000 (Public Law 106–386; 114 Stat. 1464), or other applications for relief involving confidential personal information or where portions of the removal hearing involve minors or issues relating to domestic violence, all with the consent of the alien;

''(B) to prevent the disclosure of classified information that threatens the national security of the United States and the safety of the American people; or

''(C) to prevent the disclosure of the identity of a confidential informant.

''(3) COMPELLING GOVERNMENT INTEREST.—In order for portions of removal proceedings to be closed to the public in accordance with this subsection, the government must show that such closing of the proceedings is necessitated by a compelling governmental interest and is narrowly tailored to serve that interest.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

(1) in paragraph (5)(C)(i), by striking ''subsection (e)(1)'' and inserting ''subsection (f)(1)''; and

(2) in paragraph (7), by striking ''subsection (e)(1)'' and inserting ''subsection (f)(1)''.

TITLE II—PROVIDING DUE PROCESS FOR INDIVIDUALS

SEC. 201. TIMELY SERVICE OF NOTICE.

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) NOTICE OF CHARGES.—The Secretary of Homeland Security shall serve a notice to appear on every alien arrested or detained under this Act, except those certified under section 236A(a)(3), within 48 hours of the arrest or detention of such alien. Any alien, except those certified under section 236A(a)(3), held for more than 48 hours shall be brought before an immigration judge within 72 hours of the arrest or detention of such alien. The Secretary of Homeland Security shall—

''(1) document when a notice to appear is served on a detainee in order to determine compliance by the Department of Homeland Security with the 48-hour notice requirement; and

''(2) submit to the Committees on the Judiciary of the Senate and the House of Representatives an annual report concerning the Department of Homeland Security's compliance with such notice requirement.''.

(b) APPLICABILITY OF OTHER LAW.—Nothing in section 236(f) of the Immigration and Nationality Act, as added by subsection (a), shall be construed to repeal section 236A of such Act (8 U.S.C. 1226a).

SEC. 202. INDIVIDUALIZED BOND DETERMINATIONS.

(a) IN GENERAL.—Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended—

(1) by striking ''On a warrant'' and inserting the following:

''(1) IN GENERAL.—On a warrant'';

(2) by striking ''Except as provided'' and all that follows through the end and inserting the following: ''This subsection shall apply to all aliens detained pending a decision on their removal or admission, regardless of whether or not they have been admitted to the United States, including any alien found to have a credible fear of persecution under section 235(b)(1)(B) or any alien admitted or seeking admission under the visa waiver program pursuant to section 217. Except as provided in subsection (c) and pending such decision, the Secretary of Homeland Security shall—

''(A) make an individualized determination as to whether the alien should be released pending administrative and judicial review, to include a determination of whether the alien poses a danger to the safety of other persons or property and is likely to appear for future scheduled proceedings; and

''(B) grant the alien release pending administrative and judicial review under reasonable bond or other conditions, including conditional parole, that will reasonably assure the presence of the alien at all future proceedings, unless the Secretary of Homeland Security determines under subparagraph (A) that the alien poses a danger to the safety of other persons or property or is unlikely to appear for future proceedings.

''(2) INDIVIDUALIZED DETERMINATIONS.—An individualized determination made by the Secretary of Homeland Security pursuant to paragraph (1)(A) shall be reviewable at a hearing held before an immigration judge pursuant to section 240. An immigration judge who reviews an initial bond determination by the Secretary of Homeland Security, or who makes a bond determination prior to a decision by the Secretary of Homeland Security, shall apply the same standards set forth in subparagraphs (A) and (B) of paragraph (1).''.

(b) REVOCATION OF BOND OR PAROLE.—Section 236(b) of the Immigration and Nationality Act (8 U.S.C. 1226(b)) is amended by striking ''The Attorney General'' and all that follows through the period and inserting the following: ''The bond or parole determination made pursuant to subsection (a)(1)(B) may be revoked or modified only by an immigration judge in proceedings held pursuant to section 240, and only if the party seeking to revoke or modify the bond or parole determination can establish a change in circumstances. The administrative decision finding the alien removable does not, in and of itself, constitute a change in circumstances. At such a hearing, if changed circumstances are established, the immigration judge shall make a new individualized determination in the manner described in subsection (a).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(2) in subsection (e), by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''.

SEC. 203. LIMITATION ON STAY OF A BOND.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by section 201, is further amended by adding at the end the following:

''(g) STAY OF A BOND DETERMINATION.—An order issued by an immigration judge to release an alien may be stayed by the Board of Immigration Review, for not more than 30 days, only if the Government demonstrates—

''(1) the likelihood of success on the merits;

''(2) irreparable harm to the Government if a stay is not granted;

''(3) that the potential harm to the Government outweighs potential harm to alien; and

''(4) that the grant of a stay is in the interest of the public.''.

SEC. 204. IMMIGRATION REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established within the Department of Justice an independent regulatory agency to be known as the Immigration Review Commission (referred to in this section as the ''Commission''). The Executive Office of Immigration Review is hereby abolished and replaced with such Commission.

(2) TRANSFER OF AUTHORITY.—The Commission shall perform all administrative, appellate, and adjudicatory functions that were, prior to the date of enactment of this Act, the functions of the Executive Office of Immigration Review or were performed by any officer or employee of the Executive Office of Immigration Review in the capacity of such officer or employee. Such functions shall not include the policy-making, policy-implementation, investigatory, or prosecutorial functions of the Department of Homeland Security.

(3) ORGANIZATION.—The Commission shall consist of:

(A) The Office of the Director.

(B) The Board of Immigration Review.

(C) The Office of the Chief Immigration Judge.

(D) The Office of the Chief Administrative Hearing Officer.

(b) OFFICE OF THE DIRECTOR.—

(1) APPOINTMENT.—There shall be as the head of the Commission, a Director who shall be appointed by the President with the advice and consent of the Senate.

(2) TRANSFER OF OFFICES.—The following officers shall be transferred from the Executive Office for Immigration Review to the Office of the Director for the Commission:

(A) Deputy Director.

(B) General Counsel.

(C) Pro Bono Coordinator.

(D) Public Affairs.

(E) Assistant Director of Management Programs.

(F) Equal Employment Opportunity.

(3) RESPONSIBILITIES.—

(A) The Director shall oversee the administration of the Commission, and the creation of rules and regulations affecting the administration of the courts.

(B) The Director shall appoint a Deputy Director to assist with the duties of the Director and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed.

(c) BOARD OF IMMIGRATION REVIEW.—

(1) IN GENERAL.—The Board of Immigration Review (referred to in this section as the ''Board'') shall perform the appellate functions of the Commission.

(2) APPOINTMENT.—The Board shall be composed of a Chairperson and not less than 14 other immigration appeals judges, appointed by the President, in consultation with the Director. The term of office of each member of the Board shall be 6 years.

(3) CURRENT MEMBERS.—Each individual who is serving as a member of the Board on the date of enactment of this Act shall be appointed to the Board utilizing a system of staggered terms of appointment based on seniority.

(4) MEMBERS.—The Chairperson and each other member of the Board shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional, legal expertise in immigration and nationality law.

(5) CHAIRPERSON DUTIES.—The Chairperson shall—

(A) be responsible, on behalf of the Board, for the administrative operations of the Board and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed for that purpose;

(B) direct, supervise, and establish internal operating procedures and policies of the Board; and

(C) designate a member of the Board to act as Chairperson in the Chairperson's absence or unavailability.

(6) BOARD MEMBERS DUTIES.—In deciding the cases before the Board, the Board shall exercise its independent judgment and discretion and may take any action, consistent with its authorities under this section and regulations established in accordance with this section, that is appropriate and necessary for the disposition of such cases.

(7) JURISDICTION.—The Board shall have—

(A) such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Board of Immigration Appeals;

(B) de novo review of any decision by an immigration judge, and any final order of removal; and

(C) retention of jurisdiction over any case of an alien removed by the United States if the alien's case was pending for consideration before the Board prior to removal of the alien.

(8) ACTING IN PANELS.—

(A) IN GENERAL.—All cases shall be subject to review by a 3 member panel. The Chairperson shall divide the Board into 3 member panels and designate a presiding member of each panel such that—

(i) a majority of the number of Board members authorized to constitute a panel shall constitute a quorum for such panel; and

(ii) each panel may exercise the appropriate authority of the Board that is necessary for the adjudication of cases before it.

(B) FINAL DECISION.—A final decision of a panel shall be considered to be a final decision of the Board.

(9) EN BANC PROCESS.—

(A) IN GENERAL.—The Board may on its own motion, by a majority vote of the Board members, or by direction of the Chairperson, consider any case as the full Board en banc, or reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel or by a limited en banc panel.

(B) QUORUM.—A majority of the Board members shall constitute a quorum of the Board sitting en banc.

(10) DECISIONS OF THE BOARD.—

(A) IN GENERAL.—The decisions of the Board shall constitute final agency action. The precedent decisions of the Board shall be binding on the Department of Homeland Security and the immigration judges.

(B) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board may affirm the decision of an immigration judge without opinion only if the decision of the immigration judge resolved all issues in the case. An affirmance without opinion signifies the Board's adoption of the immigration judge's findings and conclusion in total.

(C) NOTICE OF APPEAL.—The decision by the Board shall include notice to the alien of the alien's right to file a petition for review in the court of appeals within 30 days of the date of the decision.

(d) OFFICE OF THE CHIEF IMMIGRATION JUDGE.—

(1) ESTABLISHMENT OF OFFICE.—There is established within the Commission an Office of the Chief Immigration Judge to oversee all the immigration courts and their proceedings throughout the United States. The head of the office shall be the Chief Immigration Judge who shall be appointed by the Director.

(2) DUTIES OF THE CHIEF IMMIGRATION JUDGE.—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resources and facilities, and for the coordination of the schedules of immigration judges to enable the judges to conduct the various programs assigned to them. The Chief Immigration Judge may be assisted by a Deputy Chief Immigration Judge and Assistant Chief Immigration Judge.

(3) APPOINTMENT OF IMMIGRATION JUDGES.—

(A) IN GENERAL.—Immigration judges shall be appointed by the Director, in consultation with the Chief Immigration Judge and the Chair of the Board of Immigration Review. The term of each immigration judge shall be 12 years.

(B) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional, legal expertise in immigration and nationality law.

(C) CURRENT MEMBERS.—Each individual who is serving as an immigration judge on the date of enactment of this Act shall be appointed as an immigration judge utilizing a system of staggered terms of appointment based on seniority.

(4) DUTIES OF IMMIGRATION JUDGES.—In deciding the cases before them, immigration judges shall exercise their independent judgment and discretion and may take any action, consistent with their authorities under this section and regulations established in accordance with this section, that is appropriate and necessary for the disposition of such cases.

(5) JURISDICTION AND AUTHORITY OF IMMIGRATION COURTS.—The Immigration Courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Immigration Courts within the Executive Office for Immigration Review.

(6) CONTEMPT AUTHORITY.—The contempt authority provided to immigration judges under section 240(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(1)) shall—

(A) be implemented by regulation not later than 120 days after the date of enactment of this Act;

(B) provide that any contempt sanctions, including any civil money penalty, shall be applicable to all parties appearing before the immigration judge and shall be imposed by a single process applicable to all parties.

(e) OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER.—

(1) IN GENERAL.—The Office of the Chief Administrative Hearing Officer shall be headed by a Chief Administrative Hearing Officer who shall be appointed by the Director.

(2) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the current Office of the Chief Administrative Hearing Officer shall be transferred to the Commission.

(f) REMOVAL AND REVIEW OF JUDGES.—

(1) IN GENERAL.—Immigration judges and members of the Board of Immigration Review may be removed from office only for good cause—

(A) by the Director, in consultation with the Chair of the Board, in the case of the removal of a member of the Board; or

(B) by the Director, in consultation with the Chief Immigration Judge, in the case of the removal of an immigration judge.

(2) INDEPENDENT JUDGMENT.—No immigration judge or member of the Board shall be removed or otherwise subject to disciplinary or adverse action for their exercise of independent judgment and discretion as prescribed by subsections (c)(6) and (d)(4).

(g) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the

Director shall issue regulations to implement this section.

TITLE III—EFFECTIVE LAW ENFORCEMENT

SEC. 301. TERMINATION OF THE NSEERS PROGRAM; ESTABLISHMENT OF REASONABLE PENALTIES FOR FAILURE TO REGISTER.

(a) TERMINATION OF NSEERS.—

(1) IN GENERAL.—The National Security Entry-Exit Registration System (NSEERS) program administered by the Secretary of Homeland Security is hereby terminated.

(2) INTEGRATED ENTRY AND EXIT DATA SYSTEM.—Nothing in this section shall amend the Integrated Entry and Exit Data System established in accordance with section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

(3) ADMINISTRATIVE CLOSURE OF REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—All removal proceedings initiated against any alien as a result of the NSEERS program shall be administratively closed. This paragraph shall apply to all aliens who were—

(i) placed in removal proceedings solely for failure to comply with the requirements of the NSEERS program; or

(ii) placed in removal proceedings while complying with the requirements of the NSEERS program and—

(I) had a pending application before the Department of Labor or the Department of Homeland Security for which there is a visa available;

(II) did not have a pending application before the Department of Labor or the Department of Homeland Security for which there is a visa available but were eligible for an immigration benefit; or

(III) were eligible to apply for other forms of relief from removal.

(B) EXCEPTIONS.—This paragraph shall not apply in cases in which the aliens are removable under—

(i) section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)); or

(ii) paragraph (2) or (4) of section 237(a) of that Act (8 U.S.C. 1227(a)(2) or (4)).

(4) MOTIONS TO REOPEN.—Notwithstanding any limitations imposed by law on motions to reopen removal proceedings, any alien who received a final order of removal as a result of the NSEERS program shall be eligible to file a motion to reopen the removal proceeding and apply for any relief from removal that such alien may be eligible to receive.

SEC. 302. EXERCISE OF PROSECUTORIAL DISCRETION.

(a) SENSE OF CONGRESS REGARDING PROSECUTORIAL DISCRETION.—

(1) FINDINGS.—Congress finds the following:

(A) Exercising prosecutorial discretion is not an invitation to violate or ignore the law, rather it is a means by which the resources of the Secretary of Homeland Security may be used to best accomplish the mission of the Department of Homeland Security in administering and enforcing the immigration laws of the United States.

(B) Although a favorable exercise of discretion by any office within the Department of Homeland Security should be respected by other offices of such Department, unless the facts and circumstances in a specific case have changed, the exercise of prosecutorial discretion does not grant lawful status under the immigration laws, and there is no legally enforceable right to the exercise of prosecutorial discretion.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the exercise of prosecutorial discretion does not lessen the commitment of the Secretary of Homeland Security to enforce the immigration laws to the best of the Secretary's ability.

(b) PROSECUTORIAL DISCRETION.—The Secretary of Homeland Security shall exercise prosecutorial discretion in deciding whether to exercise its enforcement powers against an alien. This discretion includes—

(1) focusing investigative resources on particular offenses or conduct;

(2) deciding whom to stop, question, and arrest;

(3) deciding whether to detain certain aliens who are in custody;

(4) settling or dismissing a removal proceeding;

(5) granting deferred action or staying a final removal order;

(6) agreeing to voluntary departure, permitting withdrawal of an application for admission, or taking other action in lieu of removing an alien;

(7) pursuing an appeal; or

(8) executing a removal order.

(c) FACTORS FOR CONSIDERATION.—The factors that shall be taken into account in deciding whether to exercise prosecutorial discretion favorably toward an alien include—

(1) the immigration status of the alien;

(2) the length of residence in the United States of the alien;

(3) the criminal history of the alien;

(4) humanitarian concerns;

(5) the immigration history of the alien;

(6) the likelihood of ultimately removing the alien;

(7) the likelihood of achieving the enforcement goal by other means;

(8) whether the alien is eligible or is likely to become eligible for other relief;

(9) the effect of such action on the future admissibility of the alien;

(10) current or past cooperation by the alien with law enforcement authorities;

(11) honorable service by the alien in the United States military;

(12) community attention; and

(13) resources available to the Department of Homeland Security.

SEC. 303. CIVIL PENALTIES FOR TECHNICAL VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) REGISTRATION PENALTIES.—Section 266(a) of the Immigration and Nationality Act (8 U.S.C. 1306(a)) is amended by striking ''Any alien'' and all that follows through the period and inserting the following: ''(1) A civil penalty shall be imposed, in accordance with paragraph (2), on any alien who is required to apply for registration and be fingerprinted under section 262 or 263, who willfully fails or refuses to make such application or be fingerprinted, and any parent or legal guardian required to apply for the registration of any alien who willfully fails or refuses to file application for the registration of such alien as required by such section.

''(2) The Secretary of Homeland Security may levy a civil monetary penalty of up to—

''(A) $100 for a first violation of section 262 or 263;

''(B) $500 for a second violation of section 262 or 263; and

''(C) $1,000 for each subsequent violation of section 262 or 263 after the second violation.

(b) OTHER PENALTIES.—Section 266(b) of the Immigration and Nationality Act (8 U.S.C. 1306(b)) is amended to read as follows:

''(b)(1) A penalty shall be imposed, in accordance with paragraph (2), on any alien or the parent or legal guardian in the United States of any alien who fails to submit written notice to the Secretary of Homeland Security as required by section 265. No penalty shall be imposed with respect to a failure to submit such notice if the alien establishes that such failure was reasonably excusable or was not willful.

''(2) Except as provided in paragraphs (4) and (5), the Secretary of Homeland Security shall levy a civil monetary penalty of—

''(A) up to $100 against an alien who fails to submit written notice in compliance with section 265;

''(B) up to $500 against an alien for a second violation of section 265; and

''(C) up to $1,000 for each subsequent violation of section 265 after the second violation.

''(3) Notwithstanding any other provision of this Act, no change of immigration status shall result from failure to submit written notice as required by section 265.

''(4) During the transition period, a failure to comply with section 265 shall not result in a penalty or a change in immigration status. At the conclusion of the transition period, the Secretary of Homeland Security shall collect and maintain statistics concerning all enforcement actions related to this subsection.

''(5) The penalties imposed under this subsection shall not apply to an alien who previously failed to submit a change of address prior to the date of enactment of the Civil Liberties Restoration Act of 2004 or the end of the transition period if the alien submits a change of address within 6 months after the end of the transition period. A penalty shall be imposed, in accordance with paragraph (2), on any alien who fails to submit a change of address within the 6-month period following the transition period.

''(6) In this subsection, the term 'transition period' means the period beginning on the date of enactment of the Civil Liberties Restoration Act of 2004 and ending 1 year after the date of enactment of such Act, at which time the Secretary of Homeland Security shall implement a system to record and preserve on a timely basis addresses provided under section 265.''.

SEC. 304. NCIC COMPLIANCE WITH THE PRIVACY ACT.

Data entered into the National Crime Information Center database must meet the accuracy requirements of section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'').

TITLE IV—PROTECTING PRIVACY AND ENSURING DUE PROCESS FOR TARGETS OF SURVEILLANCE

SEC. 401. MODIFICATION OF AUTHORITIES ON REVIEW OF MOTIONS TO DISCOVER MATERIALS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ELECTRONIC SURVEILLANCE.—Section 106(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(f)) is amended—

(1) in the first sentence, by striking ''shall,'' and inserting ''may,''; and

(2) by striking the last sentence and inserting the following new sentence: ''In making this determination, the court shall disclose, if otherwise discoverable, to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.), portions of the application, order, or other materials relating to the surveillance unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case.''.

(b) PHYSICAL SEARCHES.—Section 305(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825(g)) is amended—

(1) in the first sentence, by striking ''shall,'' and inserting ''may,''; and

(2) by striking the last sentence and inserting the following new sentence: ''In making this determination, the court shall disclose, if otherwise discoverable, to the aggrieved person, the counsel of the aggrieved person,

or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.), portions of the application, order, or other materials relating to the physical search, or may require the Attorney General to provide to the aggrieved person, the counsel of the aggrieved person, or both a summary of such materials unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case.''.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 405(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(f)) is amended by striking paragraph (2) and inserting the following:

''(2) Unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose, if otherwise discoverable, to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.), portions of the application, order, or other materials relating to the use of the pen register or trap and trace device, as the case may be, or evidence or information obtained or derived from the use of a pen register or trap and trace device, as the case may be.''.

(d) DISCLOSURE OF CERTAIN BUSINESS RECORDS.—(1) Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended—

(A) by redesignating section 502 as section 503; and

(B) by inserting after section 501 the following new section:

''DISCLOSURE OF CERTAIN BUSINESS RECORDS AND ITEMS GOVERNED BY THE CLASSIFIED INFORMATION PROCEDURES ACT

''SEC. 502. Any disclosure of applications, information, or items submitted or acquired pursuant to an order issued under section 501, if such information is otherwise discoverable, shall be conducted under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.).''.

(2) The table of sections for that Act is amended by striking the item relating to section 502 and inserting the following new items:

''Sec. 502. Disclosure of certain business records and items governed by the Classified Information Procedures Act.

''Sec. 503. Congressional oversight.''.

SEC. 402. DATA-MINING REPORT.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the department or agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 90 days after the date of enactment of this Act; and

(B) updated once a year and include any new data-mining technologies.

By Mr. WYDEN:

S. 2531. A bill to assist displaced American workers during a jobless recovery, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, as many as half a million Americans in the services sector have lost their jobs in the past three years; off-shoring threatens to wipe out 3.3 million more jobs in the coming decade. An off-shoring tsunami is bearing down on workers in the information technology and services sector. The most vulnerable jobs are those considered the cream of the new economy: highly paid database managers, software coders, financial analysts and accountants.

In places like my own State of Oregon, the prolonged jobless recovery is causing many people real pain. Highly educated and experienced workers are being forced to walk an economic tightrope. Displaced software workers with advanced degrees are forced to search for entry-level positions, but employers won't hire them because they're overqualified. In Oregon and elsewhere, the number of discouraged workers leaving the workforce altogether is unprecedented. If these folks were counted the national unemployment rate would be 7.4 percent rather than the current 5.6 percent.

Something in the country's tax and trade policy is seriously awry when productivity is generating wealth for a few, but not employment for the many who want to work. Something just isn't right when people can't find jobs but productivity is growing faster now than in the late 1990's, corporate profits as a share of national income are at an all-time high and all of the extra $220 billion in GDP has gone into corporate profits. In my view part of problem can be traced to U.S. tax and trade policies that actually encourage U.S. corporations to move jobs overseas rather than encourage American business to invest in American workers. These policies need to be changed.

The legislation that I am introducing today, the Keep American Jobs at Home Act, takes a first step toward eliminating tax and trade policies that favor off-shoring and overseas outsourcing at the expense of American workers. It will eliminate tax breaks for off-shoring and extend wage and training and health care premium assistance to serviceworkers who lose their jobs because of trade.

The first key feature of the bill will eliminate tax breaks for U.S. corporate off-shoring so that corporations cannot ship millions of jobs overseas courtesy of the American taxpayer. The average American probably does not know that his or her taxes are used to offset the off-shoring of their own jobs. That's right: current law allows the taxes of hard-working Americans to go right into the pockets of corporations to help them offshore and outsource American jobs. No corporation should get such a tax break, and no American taxpayer should be asked to foot the bill for their own pink slip.

Today, when a corporation sends executives and staff overseas to scope out a new facility, to buy an existing firm, or to hire foreign workers to replace employees in the United States the corporation can deduct the costs from its gross income. This means that the corporation gets a tax break on the compensation of the executives, the salaries and wages of workers, travel, lodging, meals, the cost of Internet access, computer time, copies, faxes and anything else that falls into the broad category of deductions from gross income for trade and business expenses. This means a corporation get a business expense write-off for just about any item imaginable related to off-shoring.

The bill says the costs of off-shoring and outsourcing will no longer be ''ordinary and necessary expenses.'' When is it ever necessary that a taxpayer foot the bill for her own pink slip? When is it ever necessary that taxpayer dollars subsidize the traveling expenses of a group of executives looking to relocate a manufacturing facility in a foreign country?

A respected industry research group predicts that by the end of this year, one of out every ten jobs in the U.S. IT provider industry will move to emerging markets and one out of every 20 IT jobs within user enterprises. And these figures cover jobs only in the IT sector. Under current law, all of the ''ordinary and necessary expenses paid or incurred'' in moving these millions of jobs overseas would be deductible from corporate gross income.

If a corporation opts to fire U.S. workers here at home and instead hire workers overseas, then the company should make that business decision based on the full cost of the transaction, not the cost subsidized by tax deductions courtesy of the American taxpayer.

Another important part of the bill will put in place a safety net for displaced IT and other service workers. Such a safety net, known as Trade Adjustment Assistance, or TAA, has been in place since 1962 for displaced manufacturing workers. This provision will make service sector workers displaced by trade eligible for TAA, giving them retraining, income support and a health insurance tax credit.

I was disappointed when this part of the legislation won a majority vote in the United States Senate recently, but failed to reach the 60 vote threshold needed to overcome a point of order raised by opponents. I believe it is more necessary than ever to provide assistance to workers who lose their jobs because of policies the Federal Government has adopted.

Globalization of technology is globalizing the technology workforce. Geography is increasingly less important in determining where a job can be done. The transformation from an economy built on smokestacks to one built on packets of light has come at a heavy price. Today, a software programmer in Beijing or Bangalore can perform the same tasks as a programmer in Beaverton, OR, but the programmer in Beijing or Bangalore will cost the company as little as one-fifth to one-tenth what the American programmer will be paid.

The irony is that some of the very same workers who launched the technology revolution have now become its victims. Hardly a day goes by without a front page story about an American programmer on his way out having to train a foreign worker who will replace him.

The average American may think the Federal Government is helping those tech workers displaced by trade. But it is not. That's because U.S. trade assistance laws were designed for the manufacturing era. Since 1962, when a worker lost his job in a manufacturing plant as a result of trade, he could get help through the TAA. TAA has helped hundreds of thousands of displaced workers.

But workers in the services sector—which now accounts for four-fifths of the U.S. workforce—are not eligible for TAA. Time after time, when a displaced software developer, accountant, or telemedicine support staff has gone knocking on TAA's door for help, they have been turned away. Our bill will open TAA's door to these and other displaced service sector workers. All of these workers who have been displaced by trade deserve the same benefits.

This part of the bill will establish equity in the Trade Adjustment Assistance program between manufacturing and service workers. It will cover three categories of trade-impacted service workers: 1. those who lose their jobs when their employer closes or lays off because of import competition; 2. public and private sector service workers who lose their jobs when their facility moves overseas; and 3. secondary service workers who provide services to a primary firm where workers are eligible for TAA and whose closure causes the layoff or closure at the secondary firm.

Why is TAA so important? Because it provides retraining, income support, health insurance tax credit and other benefits to workers who lose their jobs due to trade. It can also help ''secondary workers''—those supplying parts or services and who may lose their jobs when the facility they service shuts down due to import competition or moves overseas.

Another innovative way to encourage the unemployed to reenter the workforce is to provide wage insurance for qualifying displaced workers upon reemployment. Eligible workers receive up to $10,000 over two years to cover up to 50 percent of the difference in salary between a new, lower paying job and their former position. The bill also would lower the qualifying age from 50 to 40. Wage insurance helps ease the burden of reentry for eligible workers who cannot find new employment at wages comparable to their previous positions.

Workers reeling from the off-shoring of service sector jobs cannot afford to wait for the higher-skilled jobs economists promise are around the corner. Higher-value, higher-paid systems integration jobs may come along, but in this jobless recovery unemployed IT professionals are more likely to see Elvis than a sudden proliferation of help wanted ads for new, highly-skilled IT jobs. The wage insurance and TAA pieces of this legislation address what American workers really need: a fighting chance to survive in a relentlessly global economy.

This provision offers corporate boards of directors and officers a safe harbor against shareholder lawsuits involving a business decision not to outsource or off-shore American jobs. A corporation that chooses to keep its workers out of breadlines over the numbers on its bottom line should not run the risk that it could be sued for potentially lower profits or return to shareholders.

In 2002, Congress offered TAA workers help in paying for health insurance while they pursue TAA training or retraining. The vast majority of unemployed workers just don't have the money to afford health care for themselves and their families. The Health Care Tax Credit program was intended to help workers keep coverage until they are reemployed. Unfortunately, the level of premium assistance and bureaucratic obstacles led to fewer than five percent of eligible workers taking advantage of the health care tax credit.

The provisions in Title II of the bill seek to remove these barriers to participation. The bill would boost the premium coverage from 65 percent to 75 percent, clarify that any TAA worker who had three months coverage prior to losing his job is eligible for the HCTC, allow workers to get less expensive group coverage, give coverage to spouses of Medicare-eligible TAA recipients workers, and require the IRS to expedite refunds of the first month's tax credit.

In closing, I recall that the Chairman of the Council of Economic Advisors just a few months ago called off-shoring ''just a new way of doing international trade. More things are tradable than were tradable in the past, and that's a good thing. When a good or service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.''

If this is the ''new way of doing international trade,'' the United States needs a new policy to help the nearly 4 million Americans whose information technology and related jobs have been or are expected to be moved overseas. The country needs a tax and trade policy that promotes rather than discourages investment in American workers. The country needs a tax and trade policy that eases rather than increases the pain of worker dislocation and that eliminates the tax breaks that entice U.S. businesses to move overseas. These are the goals of the Keep American Jobs at Home Act, and 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. 2531

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 ''Keeping American Jobs at Home Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Senate finds the following:

(1) The unusually prolonged period in which there has been negative job growth has caused an unprecedented number of people to refrain from actively looking for work and, therefore, to be excluded from the unemployment measurement, effectively creating a ''missing'' labor force. If the unemployment rate in February 2004 took into account this missing labor force, the unemployment rate would have been 7.4 percent or 1.8 percent greater than the official rate of 5.6 percent.

(2) Newly released unemployment figures show that the trend toward growing long-term unemployment continued last year, the second year after the recession ended.

(3) An analysis of long-term unemployment from 2000 to 2003 shows that the number of people without work for 6 months or more has risen at the extraordinarily high rate of 198.2 percent over this period, from just over 649,000 in 2000 to nearly 2,000,000 in 2003.

(4) According to the Bureau of Labor Statistics, in 2003, 22.1 percent of all unemployed workers had been out of work for more than 6 months, an increase from 18.3 percent in 2002. This proportion is higher than at comparable points in the recovery periods of the 4 most recent recessions, and is the highest rate since 1983.

(5) In 2005, 588,000 American jobs are projected to be moved overseas. In 2010, that number is expected to grow to 1,600,000 and by 2015, 3,300,000 American jobs will be moved overseas.

(6) In February 2004, the Chairman of the Council of Economic Advisors, called offshoring ''just a new way of doing international trade. More things are tradable than were tradable in the past, and that's a good thing. When a good or service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.''.

(7) Immediate action is necessary to encourage United States companies to keep American jobs at home, to assist displaced American workers in finding new, family wage jobs, and to assure that the current American workforce has the skills to compete and win in the global economy.

(b) PURPOSE.—The purpose of this Act is to assist displaced American workers during a jobless recovery by—

(1) ensuring displaced workers in the software, information technology, and services sectors have access to the same trade adjustment assistance and health care tax credits as displaced manufacturing workers;

(2) providing wage insurance for qualifying displaced workers upon reemployment (to make up part of the difference between a new, lower salary and a previous, higher salary); and

(3) providing a legal safe harbor for United States businesses that choose to keep American jobs at home.

TITLE I—ASSISTANCE FOR DISPLACED AMERICAN WORKERS

SEC. 101. ELIMINATION OF TAX SUBSIDIES FOR OUTSOURCING OF AMERICAN JOBS.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following new section:

''SEC. 280I. ELIMINATION OF TAX SUBSIDIES FOR OUTSOURCING OF AMERICAN JOBS.

''(a) IN GENERAL.—No deduction or credit shall be allowed under this chapter with respect to any applicable outsourcing item.

''(b) APPLICABLE OUTSOURCING ITEM.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable outsourcing item' means any item of expense (including any allowance for depreciation or amortization) or loss arising in connection with 1 or more transactions which—

''(A) transfer the production of goods (or the performance of services) from within the United States to outside the United States, and

''(B) result in the replacement of workers who reside in the United States with other workers who reside outside of the United States.

''(2) CERTAIN ITEMS INCLUDED.—The term 'applicable outsourcing item' shall include with respect to any transaction described in paragraph (1)—

''(A) any amount paid or incurred in training the replacement workers described in paragraph (1)(B),

''(B) any amount paid or incurred in transporting tangible property outside the United States in connection with the transfer described in paragraph (1)(A),

''(C) any expense or loss incurred in connection with the sale, abandonment, or other disposition of any property or facility located within the United States and used in the production of goods (or the performance of services) before such transfer,

''(D) expenses paid or incurred for travel in connection with the planning and carrying out of any such transaction,

''(E) any general or administrative expenses properly allocable to any such transaction,

''(F) any amount paid or incurred in connection with any such transaction for the acquisition of any property or facility located outside the United States, and

''(G) any other item specified by the Secretary.

''(3) CERTAIN ITEMS NOT INCLUDED.—The term 'applicable outsourcing item' shall not include any expenses directly allocable to the sale of goods and services without the United States.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the provisions of this section. The Secretary shall prescribe initial regulations not later than 180 days after the date of enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 280I. Elimination of tax subsidies for outsourcing of American jobs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring on or after the date of enactment of this Act.

SEC. 102. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking ''firm)'' and inserting ''firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''agricultural firm)'' and inserting ''agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)'';

(B) in paragraph (1), by inserting ''or public agency'' after ''of the firm''; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking ''like or directly competitive with articles produced'' and inserting ''or services like or directly competitive with articles produced or services provided''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided, by such firm, subdivision, or public agency; or

''(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''agricultural firm)'' and inserting ''agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)'';

(B) in paragraph (2), by inserting ''or service'' after ''related to the article''; and

(C) in paragraph (3)(A), by inserting ''or services'' after ''component parts'';

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by inserting ''or services'' after ''value-added production processes'';

(ii) by striking ''or finishing'' and inserting '', finishing, or testing'';

(iii) by inserting ''or services'' after ''for articles''; and

(iv) by inserting ''(or subdivision)'' after ''such other firm''; and

(B) in paragraph (4)—

(i) by striking ''for articles'' and inserting '', or services, used in the production of articles or in the provision of services''; and

(ii) by inserting ''(or subdivision)'' after ''such other firm''; and

(4) by adding at the end the following new subsection:

''(d) BASIS FOR SECRETARY'S DETERMINATIONS.—

''(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

''(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a firm in a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

''(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.''.

(c) TRAINING.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking ''$220,000,000'' and inserting ''$440,000,000''.

(d) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting ''or public agency'' after ''of a firm''; and

(B) by inserting ''or public agency'' after ''or subdivision'';

(2) in paragraph (2)(B), by inserting ''or public agency'' after ''the firm'';

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

''(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

''(8) The term 'service sector firm' means an entity engaged in the business of providing services.''.

(e) TECHNICAL AMENDMENT.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking '', other than subchapter D''.

SEC. 103. WAGE INSURANCE FOR QUALIFYING DISPLACED WORKERS UPON REEMPLOYMENT.

(a) IN GENERAL.—Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended to read as follows:

''SEC. 246. WAGE INSURANCE FOR DISPLACED WORKERS.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Secretary shall establish a wage insurance program for displaced workers that provides the benefits described in paragraph (2).

''(2) BENEFITS.

''(A) PAYMENTS.—A State shall use the funds provided to the State under section 241 to pay, for a period not to exceed 2 years, to a worker described in paragraph (3)(B), 50 percent of the difference between—

''(i) the wages received by the worker from reemployment; and

''(ii) the wages received by the worker at the time of separation.

''(B) HEALTH INSURANCE.—A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive, for a period not to exceed 2 years, a credit for health insurance costs under section 35 of the Internal Revenue Code of 1986, as added by section 201 of the Trade Act of 2002.

''(3) ELIGIBILITY.—

''(A) FIRM ELIGIBILITY.—

''(i) IN GENERAL.—The Secretary shall provide the opportunity for a group of workers on whose behalf a petition is filed under section 221 to request that the group of workers be certified for the wage insurance program under this section at the time the petition is filed.

''(ii) CRITERIA.—In determining whether to certify a group of workers as eligible for the wage insurance program, the Secretary shall consider the following criteria:

''(I) Whether the workers in the workers' firm possess skills that are not easily transferable.

''(II) The competitive conditions within the workers' industry.

''(iii) DEADLINE.—The Secretary shall determine whether the workers in the group are eligible for the wage insurance program by the date specified in section 223(a).

''(B) INDIVIDUAL ELIGIBILITY.—A worker in the group that the Secretary has certified as eligible for the wage insurance program may elect to receive benefits under the wage insurance program if the worker—

''(i) is covered by a certification under subchapter A of this chapter;

''(ii) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment; and

''(iii) earns not more than $50,000 a year in wages from reemployment;

''(iv) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

''(v) does not return to the employment from which the worker was separated.

''(4) TOTAL AMOUNT OF PAYMENTS.—The payments described in paragraph (2)(A) made to a worker may not exceed $10,000 per worker during the 2-year eligibility period.

''(5) LIMITATION ON OTHER BENEFITS.—Except as provided in section 238(a)(2)(B), if a worker is receiving payments pursuant to the program established under paragraph (1), the worker shall not be eligible to receive any other benefits under this title.

''(b) TERMINATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no payments may be made by a State under the program established under subsection (a)(1) after the date that is 5 years after the date on which such program is implemented by the State.

''(2) EXCEPTION.—Notwithstanding paragraph (1), a worker receiving payments under the program established under subsection (a)(1) on the termination date described in paragraph (1) shall continue to receive such payments provided that the worker meets the criteria described in subsection (a)(3)(B).''.

(b) CONFORMING AMENDMENT.—The table of contents for title II of the Trade Act of 1974 is amended by striking the item relating to section 246 and inserting the following:

''Sec. 246. Wage insurance for displaced workers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to workers certified as eligible for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 on or after the date of enactment of this Act.

SEC. 104. BUSINESS JUDGMENT DEFENSE FOR NON-OUTSOURCING.

Notwithstanding any other provision of law, a determination by the officers or directors of a corporation that it is in the best interest of the corporation to keep jobs within the United States and to not locate the domicile of the corporation outside of the United States, or move or carry out production or other business activities of the corporation or any portion thereof, outside of the United States, shall be considered in any action brought against the corporation based on such determination by the court of competent jurisdiction to be a matter of business judgment, and such officers or directors may not be found to have violated their fiduciary duty to the corporation in any such action, based on that determination.

TITLE II—IMPROVEMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS

SEC. 201. EXPEDITED REFUND OF CREDIT FOR PRORATED FIRST MONTHLY PREMIUM AND SUBSEQUENT MONTHLY PREMIUMS PAID PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following:

''(e) EXPEDITED PAYMENT OF PREMIUMS PAID PRIOR TO ISSUANCE OF CERTIFICATE.—The program established under subsection (a) shall provide for payment to a certified individual of an amount equal to the percentage specified in section 35(a) of the premiums paid by such individual for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate upon receipt by the Secretary of evidence of such payment by the certified individual.''.

SEC. 202. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date the individual is certified by the Secretary (or by any person or entity designated by the Secretary) as being eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4)(C).''.

(b) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date the individual is certified by the Secretary (or by any person or entity designated by the Secretary) as being eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4)(C).''.

(c) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following:

''(D) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date the individual is certified by the Secretary of Labor (or by any person or entity designated by the Secretary of Labor) as being eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).''.

SEC. 203. CLARIFICATION OF ELIGIBILITY OF SPOUSE OF CERTAIN INDIVIDUALS ENTITLED TO MEDICARE.

(a) IN GENERAL.—Subsection (b) of section 35 of the Internal Revenue Code of 1986 (defining eligible coverage month) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR SPOUSE OF INDIVIDUAL ENTITLED TO MEDICARE.—Any month which would be an eligible coverage month with respect to a taxpayer (determined without regard to subsection (f)(2)(A)) shall be an eligible coverage month for any spouse of such taxpayer.''.

(b) CONFORMING AMENDMENT.—Section 173(f)(5)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(5)(A)(i)) is amended by inserting ''(including with respect to any month for which the eligible individual would have been treated as such but for the application of paragraph (7)(B)(i))'' before the comma.

SEC. 204. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''75''.

(b) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of

eligible individuals) is amended by striking ''65'' and inserting ''75''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2004.

SEC. 205. EXTENSION OF NATIONAL EMERGENCY GRANTS TO FACILITATE ESTABLISHMENT OF GROUP COVERAGE OPTION AND TO PROVIDE INTERIM HEALTH COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO QUALIFY FOR GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS; CLARIFICATION OF REQUIREMENT FOR GROUP COVERAGE OPTION.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) USE OF FUNDS.—

''(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) shall be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (iv) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

''(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

''(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members in enrolling in health insurance coverage and qualified health insurance.

''(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

''(I) eligibility verification activities;

''(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

''(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

''(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

''(V) the development or installation of necessary data management systems; and

''(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat at least 1 of the options described in subparagraphs (B) through (H) of subsection (e)(1) of section 35 of the Internal Revenue Code of 1986 as qualified health insurance under that section.

''(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.''.

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking ''AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002'' and inserting ''APPROPRIATIONS''; and

(2) by striking subparagraph (A) and inserting the following:

''(A) to carry out subsection (a)(4)(A) of section 173—

''(i) $10,000,000 for fiscal year 2002; and

''(ii) $300,000,000 for the period of fiscal years 2004 through 2006; and''.

(c) REPORT REGARDING FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

''(8) REPORT FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—If the Secretary fails to make the notification required under clause (i) of paragraph (3)(A) within the 15-day period required under that clause, or fails to provide the technical assistance required under clause (ii) of such paragraph within a timely manner so that a State or entity may submit an approved application within 2 months of the date on which the State or entity's previous application was disapproved, the Secretary shall submit a report to Congress explaining such failure.''.

(d) CLARIFICATION OF REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 (relating to special rules) is amended—

(1) by redesignating paragraph (9) as paragraph (11); and

(2) by inserting after paragraph (8) the following:

''(9) REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—With respect to a State, no credit shall be allowed under this section to an individual who resides in that State on or after the date that is 2 years after the date of the enactment of this paragraph unless, not later than such date, the State has elected to have at least 1 of the options described in subparagraphs (B) through (H) of subsection (e)(1) treated as qualified health insurance under this section.

''(10) GROUP HEALTH PLAN.—For purposes of this section, the term 'group health plan' has the meaning given that term in section 5000(b)(1).''.

(e) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 933), subsection (f) of section 203 of that Act is repealed.

SEC. 206. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under section 602(2)(A) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

(b) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in clause (ii)—

(A) in the clause heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under paragraph (2)(B)(i) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under section 2202(2)(A) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

By Mr. ENSIGN (for himself and Mr. REID):

S. 2532. A bill to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise with my good friend Senator ENSIGN to co-sponsor a bill that is important to Lincoln County, important to Southern Nevada, and important to America.

The Lincoln County Conservation, Recreation and Development Act of 2004 accommodates southern Nevada's growth and meets our conservation challenges. I am pleased that Congressman GIBBONS, Congresswoman BERKLEY and Congressman PORTER are introducing companion legislation in the House of Representatives today. We are working together on a bipartisan basis to reach fair compromises on a number of difficult issues.

The Lincoln County Conservation, Recreation and Development Act represents a comprehensive plan that balances the needs for infrastructure development, recreation opportunities, and conservation of our natural resources and public lands in Lincoln County, Nevada. Our bill is a broad-based compromise. It creates utility corridors, resolves wilderness study area issues, provides for competitive, Federal land sales, designates a back country off-highway vehicle trail and provides for the conveyance of federal land to the State of Nevada and Lincoln County for use as public parks.

We do not expect everyone to advocate every provision of this bill. In fact, I don't imagine that anyone will champion every provision of this bill. It is a tough compromise and it is a good bill.

I will preface my description of the titles of this bill by reviewing the challenges that public land issues pose in Nevada. Nearly 9 out of every 10 acres in our State are owned and managed by the Federal Government. This includes land managed by the U.S. Forest Service, the Bureau of Reclamation, the Bureau of Land Management, the Department of Energy, the U.S. Navy, the U.S. Army and the U.S. Air Force.

In Lincoln County, the Bureau of Land Management, Fish and Wildlife Service and Department of Defense manage 49 out of every 50 acres—98 percent of the total land area.

Unlike most of America where land use decisions are made by local communities, many land use decisions in Nevada require concurrence of Federal officials and, in some cases, the passage of Federal laws. The Ely Field and the State offices of the BLM bear tremendous responsibilities with respect to the management, development, and conservation of natural resources in eastern Nevada, particularly in Lincoln County. Many of my colleagues from western states identify with the challenges and benefits of Federal land ownership.

In Lincoln County these challenges are compounded by rapid growth and a fragile ecology: The neighboring Las Vegas valley is the fastest growing community in the nation, and the Mojave Desert is one of North America's most extreme and vulnerable regions.

Many people believe this scenario poses an impossible challenge for Lincoln County. Some believe that managing growth in southern Nevada and protecting our desert for future generations are mutually exclusive. Some believe that protecting our air and water quality and recognizing that some open space should be set aside as wilderness are prohibitive barriers to growth that will unnecessarily restrict recreation. Some believe that the federal management of public land is too strict; others find it too lenient.

Some believe that every acre of Lincoln County should be privatized. Some believe that not a single acre should be auctioned from the public domain. The only common thread in these views is that they are perspectives passionately held by Nevadans.

I hope this context illustrates why compromise is not just desirable but necessary.

We fully expect some criticism for what this bill does not do. For example, it does not designate the more than 2.5 million acres that the Nevada Wilderness Coalition advocates in Lincoln County. Nor does the bill release all the wilderness study areas in Lincoln County as others advocate. Our compromise is fair, forward-looking and provides for conservation, recreation and development in Lincoln County and for southern Nevada.

The Lincoln County Conservation, Recreation and Development Act will enhance our quality of life, protect our environment for our children and grandchildren, and make public land available for housing, growth of the industrial base and infrastructure to meet community needs.

As I discuss each title of this bill, I will explain how these provisions reflect our shared effort to improve the quality of life and enhance economic opportunities for Nevadans while enriching and protecting the awe-inspiring natural and cultural resources with which southern Nevada is blessed. This bill will benefit Nevadans today, and for generations to come.

TITLE I—LAND SALES

The first title of our bill serves to increase the percentage of privately held ground in Lincoln County so local property taxes can better sustain basic governmental services. Some people oppose selling Federal land under any circumstances. However, in a case such as Lincoln County, where 98 percent of the 6.8 million acres is federally owned, blind and blanket opposition to land sales simply defies common sense.

Our bill makes available for auction up to about 90,000 acres, currently managed by the Bureau of Land Management. Further, the bill directs the BLM to proceed with the auctions required by the Lincoln County Land Act of 2000.

With respect to the 90,000 acres to be auctioned within Lincoln County, we provide for annual auctions until the acreage is sold or the County determines it prefers for the land to remain in Federal ownership. The bill does not stipulate how much acreage should or could be sold in a given year, or exactly which parcels of land should be sold, because those decisions are better left to the County, the municipalities, and citizens working in cooperation with the BLM.

This basic framework for so-called joint selection has worked very well in Clark County and we expect that it will be similarly successful in Lincoln County. This bill will greatly enhance the self determination of communities in Lincoln County.

The bill includes a provision that allows the Federal Government to retain up to 10,000 acres of the 90,000 set aside for disposal based on natural and cultural resource values. For example, if the land disposal areas in this bill include, unbeknownst to us, a significant petroglyph site or a population of a threatened or endangered species, the Secretary could choose to retain ownership.

As I have noted before on this floor, when Congress passed the Southern Nevada Public Lands Management Act of 1998, it established a new paradigm for the sale of public lands in Clark County, Nevada. One of the core principles of this new way of doing business was that the proceeds from the sale of Federal lands should be reinvested in Federal, State, and local environmental protection, infrastructure and recreational enhancements in the areas and communities where the lands are sold.

This bill is patterned after that law and provides a revenue source for following through on the various provisions of this bill such as the creation and management of an off-highway vehicle route and new wilderness areas.

TITLE II—WILDERNESS

Nevada has more than 80 wilderness study areas on Federal land across the State. These areas, which are primarily owned by the Bureau of Land Management, are managed to protect wilderness character land. These areas remain as de facto wilderness until Congress passes legislation either designating the land as wilderness or releasing the land from wilderness study area consideration.

Although there is broad support for addressing Nevada's wilderness study areas through Federal legislation, there is no consensus on how to do so. Those who advocate for wilderness designation and those who oppose further additions to the wilderness system hold strong and, in may cases, irreconcilable views on this issue.

Those of us who wrote this bill hold different views regarding wilderness. In developing the wilderness component of this bill, Senator ENSIGN, Congressman GIBBONS and I made compromises that will concern all interested parties. Our bill designates more wilderness than some advocates can support, and it falls short of the 2.5 million acres that some wilderness proponents are fighting to designate in Lincoln County alone. In any case, this bill is a critical step toward addressing the outstanding wilderness study issues in the state of Nevada.

Our bill designates wilderness and releases wilderness study areas. It designates 14 wilderness areas, all of which are under the purview of the Bureau of Land Management, totaling roughly 770,000 acres. The bill releases roughly 246,000 acres from wilderness study area status, including four BLM study areas which are released in their entirety and portions of other WSAs throughout Lincoln County. This legislation resolves all but two of the wilderness study areas in Lincoln County. Those two areas, Mt. Grafton WSA and the South Egans WSA are more than half in White Pine County and will be addressed when the Congressional delegation creates a public land bill for White Pine County.

Our bill provides for wilderness management protocols that address the particular circumstances of southern Nevada much as we did in the Clark County Conservation of Public Lands Act of 2002. For example, we explicitly require the Secretary of Interior to allow for the construction, maintenance and replacement of water catchments known as guzzlers when and where that action will enhance wilderness wildlife resources, such as bighorn sheep. In addition, we believe that the use of motor vehicles should be allowed to achieve these purposes when there is no reasonable alternative and it does not require the creation of new roads.

Some wilderness purists argue that these man-made water projects disturb the ecosystems of the Mojave Desert. I believe that guzzlers can actually help restore more natural function to ecosystems that have been forever fragmented by development. These projects, which are privately funded and hand built by dedicated conservationists, have a legitimate place in southern Nevada wilderness and our bill is clear on that point.

In our effort to create a fair wilderness designation, we have benefited from the advice and suggestions of many Nevadans representing a spectrum of views. These advocates include the Nevada Land Users Coalition, the Lincoln County Commission, The Nevada Wilderness Project, The Fraternity of Desert Bighorns, the State of Nevada, Red Rock Audubon, Friends of Nevada Wilderness, Lincoln County residents, Partners in Conservation, ranchers and miners, to name just a few.

Although our compromise does not mirror the specifics of any stakeholder wilderness proposal, it does reflect careful consideration of the constructive suggestions and ideas offered by interested Nevadans. We appreciate their help, and our compromise honors our commitment to listen carefully to all parties. We are also grateful for the help we have received from the Federal land managers in Lincoln County. We look forward to working with them to improve this bill in ways that will make their jobs easier, and enhance the experience of those who use public land.

TITLE III—UTILITY CORRIDORS

The third title of this legislation establishes rights-of-way on Federal land within discrete multi-purpose utility corridors in Lincoln and Clark Counties. By designating these corridors, this bill serves to consolidate the process for establishing utility corridors and rights-of-way on the BLM land in question.

I would like to spend a few moments elaborating on what we do and do not intend this bill to accomplish with respect to utility corridors and rights-of-way.

Last year the Southern Nevada Water Authority and the Lincoln County Commission signed an agreement ending a number of decades-old groundwater disputes in Lincoln County. As a result of this agreement various protests and counter-protests between Southern Nevada Water Authority and Lincoln County were amicably resolved. Subsequent to reaching this agreement, the SNWA and Lincoln County requested that the Nevada Congressional delegation introduce legislation to help put their plans into action.

This bill partly satisfies those requests. It does not, however, provide for everything either the SNWA or Lincoln County Commission wanted. For example, it provides substantially fewer miles of corridor than they requested and focuses specifically on corridors for trunk lines. This is analogous to painting the trunk and major limbs of a tree but not the branches, twigs and leaves. We provide routes for arterial water pipelines, but not for every well pad and secondary feeder.

This legislation relocates an existing utility corridor from the east to the west side of Highway 93 between the Highway 93 Highway 168 junction and the Kane Springs Road Highway 93 junction. This returns the utility corridor to its original location prior to passage of the Florida-Nevada Land Exchange bill. The owners of the private property currently encumbered by the utility corridor will pay the Federal Government fair market value for the appreciation of their property due to this provision.

Our bill stipulates that prior to the designation of any right-of-way provided for in this bill, the proponents must complete a full environmental impact statement pursuant to the provisions of the National Environmental Policy Act of 1969. Our bill is not intended to provide short cuts around Federal environmental laws. Rather it recognizes that one comprehensive environmental statement regarding the impact of water utility corridors and water development in Lincoln County is necessary, but that environmental reviews for the establishment of utility corridors and permission to build pipelines need not be conducted separately.

It is also worth noting that our bill explicitly recognizes the role the State Engineer plays in Nevada water law, and makes it crystal clear that this bill is not intended to influence his decisions regarding water rights adjudications or any of his other important responsibilities.

Finally, our bill authorizes the United States Geological Survey to conduct a hydrogeologic study of the water resources in White Pine County. This study should establish greater certainty regarding the water resources of east-central Nevada, and provide a basis for increasingly well-informed resource decisions in the future.

TITLE IV—SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

This bill establishes an off-highway vehicle route in central Lincoln County as the Silver State Off-Highway Vehicle Trail. The Silver State Trail is a combination of existing back-country roads that are currently open and being used.

Sadly, much of rural Nevada is suffering the consequences of uncontrolled off-road vehicle use. Lincoln County is no different. And as more and more Nevadans seek recreation opportunities in Lincoln County, this situation is likely to get worse before it gets better.

Many public land users enjoy back-country, motorized travel and the vast majority of these citizens treat public lands with respect and care. Some of these responsible stewards helped us design this route.

The Silver State Trail will serve as both a recreational and educational resource. It will be open to the full range of recreationists including off-highway vehicle users and mountain bikers. By providing an appropriate place for off-highway vehicle enthusiasts to explore Lincoln County, this bill will help locally focus off-highway vehicle use on our public lands and educate public land users.

Interested citizens will work with the Bureau of Land Management and local governments to develop a management plan for the Silver State Trail. This plan will increase recreational use and mitigate the negative impacts of such activity. If this Silver State Trail is not established, off-highway vehicle use will not go away; it will just do more damage, in many cases unintended and avoidable damage, to our public lands. I hope this trail will give public land users additional opportunities to develop a deeper and better appreciation for the Mojave Desert and how it can be used and how it must be protected.

TITLE V—STATE AND COUNTY PARK CONVEYANCES

Our bill includes a title dedicated to the creation of parks for Lincoln County and the State of Nevada. In the case of Nevada State Parks, we provide for the conveyance of three parcels of land that are currently leased to the State of Nevada by the Bureau of Land Management. These conveyances are contingent upon agreement between Lincoln County and the State of Nevada supporting the ownership transfers. In the case of Lincoln County, this bill provides for the conveyance of about 18,000 acres for use as open space and public parks. In both cases, if the land is not used for a public park or open space purpose, the land will revert to Federal ownership.

This title of our bill represents a conservation grant package to the State and County that should pay dividends for conservation and recreation in Lincoln County for generations to come.

TITLE VI—TRANSFERS OF JURISDICTION

During the development of this bill we decided against addressing wilderness issues within the Desert National Wildlife Range. This is a major disappointment to some in the environmental community who view the wilderness resources in the Range as some of the most pristine and wild country in the Mojave Desert.

It is clear that significant acreage within the Desert Game Range meets the criteria of the Wilderness Act of 1964, and someday it may yet be recognized as such. In the meantime the areas in question will continue to be managed by the Fish and Wildlife Service according to its mission.

This legislation does convey approximately 8,000 acres from the U.S. Fish and Wildlife Service to the BLM, which will manage it as a utility corridor, and conveys a similar amount of acreage from the BLM to the Fish and Wildlife Service for inclusion in the

Desert National Wildlife Range. These areas lie between State Highway 93 and the Sheep Range and this transfer helps rationalize the Federal land ownership pattern in northern Clark County and southern Lincoln County.

This legislation, the Lincoln County Conservation, Recreation, and Development Act of 2004, is a many-faceted compromise. It is an ambitious bill. It is a complex bill. And it is an important bill for Lincoln County and all of southern Nevada.

I look forward to working with the Chairman and Ranking Member of the Senate Energy and Natural Resources Committee to ensure timely review and passage of this bill.

By Ms. MIKULSKI (for herself, Mr. BOND, Mr. GRAHAM of Florida, Mr. GRASSLEY, Mr. DASCHLE, Mr. WARNER, Mrs. CLINTON, Ms. COLLINS, Mr. KENNEDY, Mr. ALEXANDER, Mr. BREAUX, Mr. DEWINE, Mr. LAUTENBERG, Mr. ROBERTS, Mr. CORZINE, Mr. TALENT, Mr. SARBANES, Mr. ALLEN, Mr. DURBIN, Mr. HAGEL, Mr. KERRY, Mrs. DOLE, Mr. CARPER, Mr. SMITH, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. EDWARDS, Ms. MURKOWSKI, Mr. DAYTON, Mr. DOMENICI, Mrs. MURRAY, Mr. HATCH, Mr. SCHUMER, Mr. HOLLINGS, Mr. BAYH, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. DODD, Mrs. LINCOLN, Ms. STABENOW, Mr. WYDEN, Mr. JOHNSON, and Mr. HARKIN):

S. 2533. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to announce the introduction of the Ronald Reagan Alzheimer's Breakthrough Act of 2004. I believe the greatest tribute to President Reagan and the Reagan family is a living memorial. That is why I am introducing this legislation with my colleague, Senator KIT BOND. Our legislation makes an all out effort to spark and accelerate breakthroughs for Alzheimer's. The legislation supports research on how to prevent the disease, how to care for people who have it, and initiatives to support those who are caregivers. Let's celebrate President Reagan's life of vigor by attacking Alzheimer's with vigor.

The time to act for real breakthroughs is now. Just last month, Senator BOND and I held a hearing on Alzheimer's research. Expert after expert told us: We are on the verge of amazing breakthroughs; we will lose opportunities if we don't move quickly; we are at a crucial point where NIH funding can make a real difference. Researchers, families, and advocates all said the same thing, we need to do more, and we need to do better. I believe that the answer to that call is passing the Ronald Reagan Alzheimer's Breakthrough Act of 2004.

We are truly on the brink of something that can make a huge difference for American families. We know that families face great difficulties when a loved one has Alzheimer's. There is great emotional cost as well as financial cost. We know that for our public investment we could get new treatments that would prolong a patient's cognitive abilities. Each month we delay admission to a long-term care facility is important to the family and to the taxpayer. Everybody wants a cure; that is our ultimate goal. But even if we keep people at home for 1 or 2 more years, to help them with their memory, and their activities of daily living, it would be an incredible breakthrough.

Our bill would do three things. First, it would strengthen our national commitment to Alzheimer's research. The legislation doubles the funding for Alzheimer's research at the National Institutes of Health from $700 million to $1.4 billion. We need to give researchers the resources they need to make breakthroughs that are on the horizon in diagnosis, prevention and intervention. Also, our bill calls for a National Summit on Alzheimer's that would bring together the best minds to look at priorities for research moving forward.

Second, our bill provides critical support for caregivers. The family is always the first caregiver. The nation saw what a family of prestige and means went through; imagine what other American families are going through. The legislation creates a tax credit for families caring for a loved one with a chronic condition, like Alzheimer's, that would help them pay for prescription drugs, home health care and specialized day care. Also, it helps create one-stop shops across the country so families can find services like respite care, adult day care and training for caregivers.

Third, our legislation promotes News You Can Use for families and physicians. Incredible advances are being made every day. We need to get the word out so families and doctors know the most current information. The Alzheimer's Association has been doing a great job with their ''Maintain Your Brain'' campaign; however, philanthropic efforts of advocacy groups are not a substitute for public policy. Our bill builds on these efforts to create an effective public education strategy.

It is amazing how far we have come. Back in the early 1980s, Alzheimer's was a catch-all term for any kind of memory loss. Today, doctors diagnose Alzheimer's with 90–percent accuracy. Every day NIH is making progress to identify risks, looking at new kinds of brain scans for appropriate detection, and understanding what this disease does to the brain.

How did we get this far, this fast? With a bipartisan commitment of the authorizers and appropriators. Together, we have been working to increase the funding for the National Institute on Aging. In 1998 the National Institute on Aging was funded at approximately $500 million. Thanks to our bipartisan effort, it is at $1 billion. Now is the time to do more.

My own dear father had Alzheimer's. I remember when I would go to visit him. It didn't matter that I was a United States Senator; it didn't matter that I could get Nobel Prize winners on the phone. The research and treatments didn't exist for my father, for President Reagan, or for more than 4 million families. Alzheimer's is an All American disease that affected an All American President. Now we need an All American effort to speed up the breakthroughs so no family has to go through the long goodbye.

I urge my colleagues to support this bill and move swiftly to enact it into law.

Mr. BOND. Mr. President, I rise today to speak of the life, leadership and the truly remarkable legacy of the 40th President of the United States, Ronald Reagan.

President Reagan was a great communicator with a powerful message. He preached the gospel of hope, freedom and opportunity not just for America but for the world. Reagan was a genuinely optimistic person who brought that spirit of optimism and hope to the American people and to enslaved peoples around the world. He was a man who took disappointment and moved on. He was a man of unfailing good humor, care and thoughtfulness. Even people who disagreed with his policies across the board could not help but like him.

In the U.S., his policies encouraged the return of more tax dollars to average Americans and unfettered entrepreneurship to create jobs and build the economy. Reagan's strong military opposition to the Soviet Union helped bring down the walls that harbored communism and tyranny throughout Eastern Europe and much of the world.

In a letter to the American people in 1994 Ronald Reagan announced he was one of the millions of Americans with Alzheimer's disease. One of the most courageous things Ronald and Nancy Reagan did was to announce publicly that he had Alzheimer's disease. Through their courage and commitment, the former President and his wife, Nancy, changed the face of Alzheimer's disease by increasing public awareness of the disease and of the need for research into its causes and prevention.

In honor of Ronald Reagan, today my colleague Senator MIKULSKI and I are introducing the Ronald Reagan Alzheimer's Breakthrough Act of 2004. This bill will increase research for Alzheimer's and increase assistance to Alzheimer, patients and their families. This bill will serve as a living tribute to President Reagan and will: 1. double funding for Alzheimer's Research at the National Institute of Health; 2. increase funding for the National Family

Caregiver Support Program from $153 million to $250 million; 3. reauthorize the Alzheimer's Demonstration Grant Program that provides grants to states to fill in gaps in Alzheimer's services such as respite care, home health care, and day care; 4. authorize $1 million for the Safe Return Program to assist in the identification and safe, timely return of individuals with Alzheimer's disease and related dementias who wander off from their caregivers; 5. Establish a public education campaign to educate members of the public about prevention techniques that can maintain their brain'' as they age, based on the current research being undertaken by NIH; 6. establish a $3,000 tax credit for caregivers to help with the high health costs of caring for a loved one at home; and 7. encourage families to prepare for their long term needs by providing an above-the-line tax deduction for the purchase of long term care insurance.

Ironically it was President Reagan who drew national attention to Alzheimer's for the very first time when he launched a national campaign against Alzheimer's disease some 22 years ago.

In 1983 President Reagan proclaimed November as National Alzheimer's Disease Month. In his proclamation President Reagan said ''the emotional, financial and social consequences of Alzheimer's disease are so devastating that it deserves special attention. Science and clinical medicine are striving to improve our understanding of what causes Alzheimer's disease and how to treat is successfully. Right now, research is the only hope for victims and families.''

Today, approximately 4.5 million Americans have Alzheimer's, with annual costs for this disease estimated to exceed $100 billion. Today there are more than 4.5 million people in the United States with Alzheimer's, and that number is expected to grow by 70 percent by 2030 as baby boomers age.

In my home State of Missouri, alone, there are over 110,000 people with Alzheimer's disease. Based on population growth, unless science finds a way to prevent or delay the onset of this disease, that number will increase to over 130,000 by 2025—that is an 18 percent increase.

In large part due to President Reagan, there has been enormous progress in Alzheimer research—95 percent of what we know we discovered during the past 15 years. There is real potential for major breakthroughs in the next 10 years. Baby boomers could be the first generation to face a future without Alzheimer's disease if we act now to achieve breakthroughs in science.

President and Mrs. Reagan have been leading advocates in the fight against Alzheimer's for more than 20 years, and million of American have been helped by their dedication, compassion and effort to support caregivers, raise public awareness about Alzheimer's disease and increase of nation's commitment to Alzheimer's research.

This bill will serve as a living tribute to President Reagan and will offer hope to all those suffering from the disease today. As we celebrate the life and legacy of Ronald Reagan, we are inspired by his legendary optimism and hope, and today we move forward to confront this expanding public health crisis with renewed vigor, passion, and compassion.

Mr. GRAHAM of Florida. Mr. President, the death last week of President Ronald Reagan has focused our attention on the ravages that Alzheimer's inflicts not only on the person with the disease, but the entire family.

Alzheimer's disease currently affects 4.5 million Americans. As the baby boom generation ages that number is expected to explode. Without advances in prevention, diagnosis and treatment, we can not only expect a growing emotional toll on those suffering from the disease and their families, but also a significant drain on the already strained resources of the Medicare and Medicaid programs.

However, there is reason to be hopeful. We now know that Alzheimer's Disease is not a normal part of aging, and that there may be ways to prevent the disease. Scientists are beginning to focus on the protective effects of mental, physical and social activity, and believe that following a diet and exercise program similar to that for people with heart disease may delay the onset of Alzheimer's.

The legislation will accelerate important prevention research, in part by putting the National Institute of Aging Alzheimer's Disease Prevention Initiative into law.

In addition, this legislation includes two important changes to our tax laws that would provide greater Federal assistance to those who bear the burden of assisting patients with Alzheimer's and other conditions requiring long-term care. Over 13 million people in the United States need help with basic activities of daily living such as eating, getting in and out of bed, getting around inside, dressing, bathing and using the toilet. While many Americans believe that long-term care is an issue primarily affecting seniors, the reality is that 5.2 million adults between the ages of 18–64 and over 450,000 children need long-term care services today. These numbers are expected to double as the baby boom generation begins to retire.

Most long-term care is provided at home or in the community by informal caregivers. However, in situations where individuals must enter nursing homes or other institutional facilities, costs are paid largely out-of-pocket. Such a financing structure jeopardizes the retirement security of many Americans who have worked hard their entire lives.

The Ronald Reagan Alzheimer's Breakthrough Act provides two important tools to help Americans and their families meet their immediate and future long-term care needs—an above-the-line income tax deduction for the purchase of long-term care insurance and a caregiver tax credit.

First, the bill provides an above-the-line deduction for long-term care premiums to make long-term care insurance more affordable for a greater number of Americans. Today, such premiums are deductible, but the availability of the deduction is severely limited. First, the current deduction is available only for the thirty percent of taxpayers who itemize their deductions. That leaves the remaining seventy percent of taxpayers with absolutely no benefit. Second, the deduction is limited to an amount, which in addition to other medical expenses exceeds 7.5 percent the taxpayers adjusted gross income. This AGI limit further decreases the utilization of the current deduction.

Our legislation removes these restrictions and makes the deduction for long-term care premiums available to all taxpayers.

In order to provide sufficient incentives for families to maintain long-term care coverage, the deduction allowed under this bill increases the longer the policy is maintained. The deduction starts at 60 percent for premiums paid during the first year of coverage and gradually increases each year thereafter until the deduction reaches 100 percent after at least four years of continuous coverage. This schedule is accelerated for those age 55 or older. For those individuals, the deduction starts at 70 percent for the first year and increases to 100 percent after at least two years of continuous coverage.

Second, the bill provides an income tax credit for taxpayers with long-term care needs. The credit is phased in over 4 years, starting at $1,000 for 2003 and eventually reaching $3,000. To target assistance to those most in need, the credit phases out for married couples with income above $150,000 $75,000 for single taxpayers)''

The bill also updates the requirements that long-term care policies must meet in order to qualify for the income tax deduction. These updated requirements reflect the most recent model regulations and code issued by the National Association of Insurance Commissioners.

I urge my colleagues to join Senators MIKULSKI, BOND, GRASSLEY, CLINTON, WARNER and me in cosponsoring this legislation.

By Mr. GRAHAM of Florida:

S. 2534. A bill to amend title 38, United States Code, to extend and enhance benefits under the Montgomery GI Bill, to improve housing benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. GRAHAM of Florida. Mr. President, as Ranking Member of the Committee on Veterans' Affairs, I urge my colleagues to support the legislation I

introduce today, the proposed ''G.I. Bill for the 21st Century,'' a bill to improve home-buying and education options for America's veterans.

We have reached a milestone in American history. The pending measure is a fitting tribute to our nation's veterans as we celebrate the 60th anniversary of the Servicemen's Readjustment Act of 1944, better known as the ''G.I. Bill.'' The G.I. Bill, for veterans of World War II, is recognized as one of the most important acts of Congress.

The G.I. Bill ensured that all who sacrificed through service would not be penalized as a result of their war service and upon their return would be aided in reaching the positions which they might have occupied had their lives not been interrupted by war. This legendary piece of legislation alleviated postwar troubles and anticipated economic depression. During the past six decades, this government has invested billions of dollars in education and training for veterans. America has received a return on its investments many times over, resulting in a better educated, better trained, and dramatically changed society. In fact, many Members of this Senate have benefited from its far-reaching impact. In addition to its provisions for education and training, the G.I. Bill allowed millions of veterans the opportunity to purchase homes, transforming the majority of Americans from renters to homeowners.

The G.I. Bill not only eased the transition of servicemen and women back into civilian life, it transformed American society. The social and economic class structure of the United States was forever changed and the boundaries that once encompassed class status were blurred. The bill expanded opportunities for lower- and middle-class families to own their own homes and to attend college. This expansion led to the evolution of the higher education system and paved the way for future individuals from all cultural and economic backgrounds to have access to higher education. The 7.8 million men and women who used their G.I. Bill benefits cultivated a new and progressive workforce that placed more people in professional career roles, especially in critical-need areas such as education, engineering, and health care.

We must continue to ensure that veterans' education benefits change to meet the needs of veterans and their families who use them. We should continue with the original intent of the G.I. Bill to increase the ability of our veterans to acquire higher education. We have servicemembers fighting the war on terrorism world-wide and a whole new generation of combat veterans being created, as was the situation during World War II. We should make every effort to accommodate the educational needs of our veterans, and these changes to the Montgomery G.I. Bill, known as MGIB, are an important step in doing so.

''The G.I. Bill for the 21st Century'' would exclude MGIB benefits from computation as income when calculating campus-based student financial aid, such as Perkins Loans. This, importantly, draws the distinction between a benefit that has been earned, and paid for, by the veteran, and other types of income. This end is furthered by allowing the individual applying for financial aid to subtract $1200 from the expected family contribution. This $1200 represents the money that the individual paid to participate in the MGIB program. Clearly it should not be counted as part of the veteran's income to pay for school. This legislation is in keeping with legislation that I introduced, and that became law, in 1998 that excluded veterans education benefits from being considered as income in the computation of some forms of financial aid.

This legislation also offers an opportunity for enrollment in the MGIB education program for servicemembers who participated in or were eligible to participate in the post-Vietnam era educational assistance program, known as VEAP. Congress created an enrollment window for VEAP-eligible servicemembers to convert to the far more comprehensive MGIB. However, some servicemembers were not able to participate because of financial reasons or did not learn of the enrollment period in time to make the deadline. These individuals have contacted Members of Congress to create another window. As my colleagues know, education can be the key to a successful transition to civilian life. This bill creates a one-year window and requires the servicemember to pay $2700, which was the VEAP contribution.

I have spoken with many veterans and widows of veterans who were not able to immediately go to school. By the time they enrolled, their benefits were expiring. That is why this legislation maintains the 10-year delimiting period for veterans, surviving spouses, and dependents that enroll in training programs, which does not begin to toll until the individual begins the program of study. This would allow eligible participants to utilize the benefit when best for them.

In keeping with my commitment to evolve the educational assistance benefit to meet the needs of those using it, the bill that I introduce today would make national admissions exams such as the SAT, GRE, LSAT and GMAT, and national exams for credit at institutions of higher education, such as the AP exam covered by MGIB. This would greatly aid the individuals who have been absent from an academic setting for a long period of time and would go a long way in preparing them for their educational endeavors.

As we face the greatest mobilization of troops since World War II, it is only fitting that we act in the spirit of the G.I. Bill to dramatically increase the ability of our veterans and their families to buy homes in competitive housing markets throughout the nation. This bill would change the method by which Congress establishes the maximum amount veterans may borrow through the VA home loan guaranty program.

This legislation would index the maximum VA guaranty loan amount at 100 percent of the Freddie Mac conforming loan limit. Under the current system, a specific dollar figure for the VA maximum loan amount is set by legislation. The maximum loan limit has not been changed since 2001. The current maximum guaranty is $60,000, which allows veterans to secure loans to purchase homes costing up to $240,000. Since that time, the Freddie Mac conforming loan rate has increased by over 18 percent. Sadly, the VA loan limit has not kept pace and currently represents only 74 percent of the Freddie Mac conforming loan limit. The change would also allow for annual adjustments to the amounts available to veterans, without annual legislation, ensuring that the VA home loan guaranty benefit remain viable in competitive housing markets.

In 1999, Congress passed legislation that changed the Federal Housing Administration (FHA) Loan Program and permanently indexed FHA loans at 87 percent of the Freddie Mac conforming loan limit. Why should we penalize the buying power of our veterans by maintaining a system that has failed to keep pace with annual increases in housing costs throughout the United States? To recognize this service and sacrifice, it only seems right that the loan limit available to veterans be set at a higher rate than the FHA limit. By indexing the VA loan limit at 100 percent, the current VA maximum loan amount would increase from $240,000 to $333,700 and give our veterans greater buying power in a national housing market where the cost of a home continues to rise.

In addition, the Congressional Budget Office, known as CBO, has informally projected that from 2005 to 2009 this increase will help over 10,000 new buyers participate in the VA Loan Guaranty Program. The Budget Office has also projected that the increase in new veteran buyers would generate savings of more than $200 million over the next five years. These savings will then be passed on to our veterans in the form of increased education and training opportunities.

We must fight to ensure that veterans' education benefits are as flexible as those who left their homes and served freedom around the globe at their country's call to service. And, in keeping with the original intent of the G.I. Bill, raising the VA home loan guaranty limit would help more veterans realize the American dream of owning a home of their own. I urge my colleagues to join me in supporting these worthwhile efforts.

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. 2534

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 ''Montgomery GI Bill for the 21st Century Act''.

SEC. 2. EXCLUSION OF BASIC PAY CONTRIBUTIONS FOR PARTICIPATION IN BASIC EDUCATIONAL ASSISTANCE IN CERTAIN COMPUTATIONS ON STUDENT FINANCIAL AID.

(a) EXCLUSION.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3020A. Exclusion of basic pay contributions in certain computations on student financial aid

''(a) IN GENERAL.—The expected family contribution computed under section 475, 476, or 477 of the Higher Education Act of 1965 (20 U.S.C. 1087oo, 1087pp, 1087qq) for a covered student shall be decreased by $1,200 for the applicable year.

''(b) DEFINITIONS.—In this section:

''(1) The term 'academic year' has the meaning given the term in section 481(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(2)).

''(2) The term 'applicable year' means the first academic year for which a student uses entitlement to basic educational assistance under this chapter.

''(3) The term 'covered student' means any individual entitled to basic educational assistance under this chapter whose basic pay or voluntary separation incentives was or were subject to reduction under section 3011(b), 3012(c), 3018(c), 3018A(b), or 3018B(b) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3020 the following new item:

''3020A. Exclusion of basic pay contributions in certain computations on student financial aid.''.

SEC. 3. OPPORTUNITY FOR ENROLLMENT IN BASIC EDUCATIONAL ASSISTANCE PROGRAM OF CERTAIN INDIVIDUALS WHO PARTICIPATED OR WERE ELIGIBLE TO PARTICIPATE IN POST-VIETNAM ERA VETERANS EDUCATIONAL ASSISTANCE PROGRAM.

(a) OPPORTUNITY FOR ENROLLMENT.—Section 3018C(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)'';

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) A qualified individual referred to in paragraph (1) is also an individual who meets each of the following requirements:

''(A) The individual is a participant in the educational benefits program under chapter 32 of this title as of the date of the enactment of the Montgomery GI Bill for the 21st Century Act, or was eligible to participate in such program, but had not participated in that program or any other educational benefits program under this title, as of that date.

''(B) The individual meets the requirements of subsection (a)(3).

''(C) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.'';

(4) in paragraph (5), as so redesignated, by striking ''paragraph (3)(A)(ii)'' and inserting ''paragraph (4)(A)(ii)''; and

(5) in paragraph (6), as so redesignated, by inserting '', or individuals eligible to participate in that program who have not participated in that program or any other educational benefits program under this title,'' after ''chapter 32 of this title''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 3018C. Opportunity to enroll: certain VEAP participants; certain individuals eligible for participation in VEAP''.

(2) The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3018C and inserting the following new item:

''3018C. Opportunity to enroll: certain VEAP participants; certain individuals eligible for participation in VEAP.''.

SEC. 4. COMMENCEMENT OF 10-YEAR DELIMITING PERIOD FOR VETERANS, SURVIVORS, AND DEPENDENTS WHO ENROLL IN TRAINING PROGRAM.

(a) VETERANS.—Section 3031 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''through (g), and subject to subsection (h)'' and inserting ''through (h), and subject to subsection (i)'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

''(h) In the case of an individual eligible for educational assistance under this chapter who, during the 10-year period described in subsection (a) of this section, enrolls in a program of training under this chapter, the period during which the individual may use the individual's entitlement to educational assistance under this chapter expires on the last day of the 10-year period beginning on the first day of the individual's pursuit of such program of training.''.

(b) ELIGIBLE CHILDREN.—Subsection (a) of section 3512 of such title is amended—

(1) in paragraph (6)(B), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(8) if the person enrolls in a program of special restorative training under subchapter V of this chapter, such period shall begin on the first day of the person's pursuit of such program of special restorative training.''.

(c) ELIGIBLE SURVIVING SPOUSES.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of paragraph (1) of this subsection, any eligible person (as defined in section 3501(a)(1)(B) or (D)(ii) of this title) who, during the 10-year period described in paragraph (1) of this subsection, enrolls in a program of special restorative training under subchapter V of this chapter may be afforded educational assistance under this chapter during the 10-year period beginning on the first day of the individual's pursuit of such program of special restorative training.''.

SEC. 5. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR NATIONAL ADMISSIONS EXAMS AND NATIONAL EXAMS FOR CREDIT AT INSTITUTIONS OF HIGHER EDUCATION.

(a) COVERED EXAMS.—Sections 3452(b) and 3501(a)(5) of title 38, United States Code, are each amended by adding at the end the following new sentence: ''Such term also includes national tests for admission to institutions of higher learning or graduate schools (such as the SAT, LSAT, GRE, and GMAT exams) and national tests providing an opportunity for course credit at institutions of higher learning (such as the AP exam).''.

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 of such title is amended by adding at the end the following new subsection:

''(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

(2) CHAPTER 32.—Section 3232 of such title is amended by adding at the end the following new subsection:

''(d)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

(3) CHAPTER 34.—Section 3482 of such title is amended by adding at the end the following new subsection:

''(i)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3452(b) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

(4) CHAPTER 35.—Section 3532 of such title is amended by adding at the end the following new subsection:

''(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of

higher learning described in section 3501(a)(5) of this title is the amount of the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.''.

SEC. 6. INCREASE IN MAXIMUM AMOUNT OF HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES AND ANNUAL INDEXING OF AMOUNT.

(a) MAXIMUM LOAN GUARANTY BASED ON 100 PERCENT OF FREDDIE MAC CONFORMING LOAN RATE.—Section 3703(a)(1) of title 38, United States Code, is amended by striking ''$60,000'' each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting ''the maximum guaranty amount (as defined in subparagraph (C))''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subparagraph:

''(C) In this paragraph, the term 'maximum guaranty amount' means the dollar amount that is equal to 25 percent of the Freddie Mac conforming loan limit limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 380—HONORING THE DETROIT PISTONS ON WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP ON JUNE 15, 2004.

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 380

Whereas the Detroit Pistons finished second in the Central Division of the Eastern Conference and won the National Basketball Association (NBA) World Championship for the first time since winning back to back Championships in 1989 and 1990;

Whereas the Detroit Pistons is the first Eastern Conference team to win the Championship since 1998;

Whereas the Detroit Pistons by defeating the heavily-favored Los Angeles Lakers 4 games to 1 showed grit, determination, discipline, and unity, thereby securing their third National Basketball Association World Championship;

Whereas the Detroit Pistons completed an incredible season with strong performances from many key players, including Finals Most Valuable Player Chauncey Billups, two-time Defensive Player of the Year Ben Wallace, a new head coach in Larry Brown and savvy front office executives such as Joe Dumars;

Whereas Detroit Pistons owner Bill Davidson became the first owner to win an NBA and WNBA championship, as well as the Stanley Cup championship, in the span of 12 months;

Whereas President of Basketball Operations Joe Dumars built a cohesive championship team through smart draft choices, key free agent signings and bold trades, including the mid-season acquisition of Rasheed Wallace, a vital part of the Pistons' impenetrable frontline;

Whereas Detroit Pistons Head Coach Larry Brown, the oldest coach to win an NBA Championship, became the first coach to win both an NBA and NCAA championship;

Whereas each member of the Detroit Pistons roster, including Chauncey Billups, Elden Campbell, Tremaine Fowlkes, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, Corliss Williamson, made meaningful contributions to the success of the basketball team and proved once again that the whole can be greater than the sum of its parts;

Whereas Detroit Pistons fans made a meaningful contribution to the success of their basketball team through their energy and passion which was on display throughout the regular season and playoffs at the Palace at Auburn Hills;

Whereas the Detroit Pistons became the first team in NBA Finals history to win games 3, 4, and 5 on their home court since the NBA returned to its current format in 1985;

Whereas in honor of the Detroit Pistons' championship, the Palace of Auburn Hills is officially changing its address to Four Championship Drive; and

Whereas the Detroit Pistons have demonstrated great strength, skill, and perseverance during the 2003–2004 season and have made the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Pistons on winning the 2004 National Basketball Association Championship and recognizes all the players, coaches, support staff, and fans who were instrumental in this achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Pistons for appropriate display.

SENATE RESOLUTION 381—RECOGNIZING THE ACCOMPLISHMENTS AND SIGNIFICANT CONTRIBUTIONS OF RAY CHARLES TO THE WORLD OF MUSIC

Mr. NELSON of Florida (for himself, Mr. MILLER, Mr. CHAMBLISS, Mr. GRAHAM of Florida, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 381

Whereas Ray Charles, born Ray Charles Robinson on September 23, 1930, to Bailey and Aretha Robinson in Albany, Georgia, was one of the greatest musical artists of the United States;

Whereas Ray Charles, who as an infant moved with his family to Greenville, Florida, and, after suffering an illness that left him blind, attended the St. Augustine School for the Deaf and Blind from 1937 to 1945, where he learned not only how to read Braille, but how to write music and play the piano, trumpet, clarinet, and alto saxophone;

Whereas during the course of his 58-year career, Ray Charles defied easy classification, as his music spanned all genres, and many talented musicians from the world of rhythm and blues, popular music, jazz, gospel, country, and rock and roll have noted his strong influence on their careers;

Whereas his talent has long been recognized by the recording industry and his many fans, as he has received 12 Grammy Awards, with the first in 1960 and the most recent award in 1993, and had 32 of his songs reach the national Billboard's top 40 pop charts between 1957 and 1971;

Whereas his influence and contributions to the world are evidenced by the numerous honors he has received from organizations, and institutions, including: the Blues Foundation's Hall of Fame, Rock and Roll Hall of Fame, Songwriters Hall of Fame, Georgia Music Hall of Fame, Florida Artists Hall of Fame, a Lifetime Achievement Award as part of the Black Achievement Awards television show sponsored by Johnson Publishing Company, a star on the Hollywood Walk of Fame, the Helen Keller Personal Achievement Award from the American Foundation for the Blind, and an honorary doctorate of fine arts from the University of South Florida in Tampa;

Whereas Ray Charles has received praise from Republican and Democratic Administrations with the adoption of ''Georgia on My Mind'' as the Georgia State song in 1979, an invitation in 1984 to perform at the Republican National Convention and President Reagan's inaugural ball in 1985, recognition in 1986 as a legend by the Kennedy Center Honors, and the presentation of a National Medal of Arts by President Clinton in 1993;

Whereas Ray Charles was a great humanitarian and activist who provided financial support to Dr. Martin Luther King, Jr., during the civil rights struggle, and joined with other recording artists to record ''We Are the World'', a project that brought world awareness and financial assistance to the millions dying from starvation in Africa;

Whereas during the course of his life he persevered, overcoming the tremendous obstacles that he encountered in the early stages of his career due to racism and prejudice because of his blindness, to become one of the greatest and defining musical talents of all time; and

Whereas this great American, Ray Charles, died on June 10, 2004: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Ray Charles as one of the greatest American musicians of all time;

(2) honors Ray Charles for his contributions to music, culture, community, and the United States;

(3) offers its appreciation to Ray Charles for sharing his musical gifts with the world; and

(4) extends its deepest sympathy to the family and the loved ones of Ray Charles.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3452. Mr. WARNER 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.

TEXT OF AMENDMENTS

SA 3452. Mr. WARNER 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 appropriate place insert the following:

(a) STATEMENTS OR ENTRIES GENERALLY.—Section 1001 of title 18, United States Code, is amended by adding at the end the following:

''(d) JURISDICTION.—There is extra territorial Federal jurisdiction over an offense under this section.

''(e) PROSECUTION.—A prosecution for an offense under this section may be brought—

''(1) in accordance with chapter 211 of this title; or

''(2) in any district where any act in furtherance of the offense took place.''.

(b) MAJOR FRAUD AGAINST THE UNITED STATES.—Section 1031 of title 18, United States Code, is amended by adding at the end the following:

''(i) JURISDICTION.—There is extra territorial Federal jurisdiction over an offense under this section.

''(j) PROSECUTION.—A prosecution for an offense under this section may be brought—

''(1) in accordance with chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

NOTICE OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations on the Committee on Governmental Affairs will hold 2 days of hearings entitled ''Buyer Beware: The Danger of Purchasing Pharmaceuticals Over the Internet.'' The Subcommittee hearings will examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether the pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate. In addition, the Subcommittee hearings will examine the extent to which U.S. consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Food and Drug Administration, the Drug Enforcement Administration, the Bureau of Customs and Border Protection, and private stakeholders to address these drug safety issues.

The Subcommittee hearings are scheduled for Thursday, June 17 and Thursday, June 24, at 9 a.m. each day, in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations.

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 an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, June 23rd, 2004, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the grazing programs of the Bureau of Land Management and the Forest Service, including permit renewals, recent and proposed changes to grazing regulations and related issues. The hearing will also examine the Wild Horse and Burro program, as it relates to grazing, and the Administration's proposal for sage-grouse habitat conservation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on June 16, 2004, at 9:30 a.m. on The VOIP Regulatory Freedom Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, June 16 at 11:30 a.m. to consider pending calendar business.

Agenda

Agenda Item 1: Nomination of Suedeen G. Kelly to be a Member of the Federal Energy Regulatory Commission.

Agenda Item 2: S. 155—A bill to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

Agenda Item 3: S. 180—A bill to establish the National Aviation Heritage Area, and for other purposes.

Agenda Item 5: S. 211—A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

Agenda Item 6: S. 323—A bill to establish the Atchafalaya National Heritage Area, Louisiana.

Agenda Item 10: S. 1241—A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

Agenda Item 14: S. 1467—A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes.

Agenda Item 15: S. 1521—A bill to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community.

Agenda Item 17: S. 1727—A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

Agenda Item 18: S. 1957—A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

Agenda Item 19: S. 2046—A bill to authorize the exchange of certain land in Everglades National Park.

Agenda Item 22: S. 2180—A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

Agenda Item 23: S. 2243—A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

Agenda Item 24: S. 2319—A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

Agenda Item 29: H.R. 1648—To authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District.

Agenda Item 30: H.R. 1658—To amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

Agenda Item 31: H.R. 1732—To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

Agenda Item 32: H.R. 3209—To amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, June 16, 2004, at 11 a.m., to hear testimony on Strengthening Regulations and Oversight to Better Ensure Agriculture Financing Integrity.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 16, 2004 at 2 p.m. to hold a Nominations Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 16, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a Business Meeting on pending committee matters, to be followed immediately by an oversight hearing on the implementation in Native American communities of the ''No Child Left Behind Act.''

Mr. President, I ask unanimous consent that the Committee on Indian Affairs also be authorized to meet again on Wednesday, June 16, 2004, at 2 p.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1996, the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 16, 2004 at 10 a.m., on ''Judicial Nominations'' in the Dirksen Office Building, Room 226.

Witness List:

Panel I: Senators.

Panel II: Richard A. Griffin, to be United States Circuit Judge for the Sixth Circuit; and David W. McKeague, to be United States Circuit Judge for the Sixth Circuit.

Panel III: Virginia Maria Hernandez Covington, to be United States District Judge for the Middle District of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Sandra Wilkinson, a detailee from the Department of Justice assigned to the Judiciary Committee, be granted floor privileges for the duration of the debate on the Leahy amendment with regard to war profiteering.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Roberto Alvarez from my office during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that during the pendency of the DOD authorization bill, S. 2400, Sherrick Roanhorse and Rebecca Wilcox, interns on Senator BINGAMAN's staff, be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader pursuant to Public Law 107–252, Title II, Section 214, appoints the following individual to serve as a member of the Election Assistance Board of Advisors: Wesley R. Kliner, Jr. of Tennessee.

The Chair, on behalf of the Majority Leader pursuant to Public Law 108–176, Section 411(b)(1)(B), appoints the following individual to serve as a member of the National Commission of Small Community Air Service: Philip H. Trenary of Tennessee.

REMOVAL OF INJUNCTION OF SECRECY

Mr. SESSIONS. Mr. President, in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on June 16, 2004, by the President of the United States:

Agreement with Canada on Pacific Hake/Whiting (Treaty Document 108–24).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (the ''Agreement''), done at Seattle, November 21, 2003. I am also enclosing, for the information of the Senate, the report of the Secretary of State on the Agreement.

The Agreement establishes, for the first time, agreed percentage shares of the transboundary stock of Pacific hake, also known as Pacific whiting. It also creates a process through which U.S. and Canadian scientists and fisheries managers will recommend the total catch of Pacific hake each year, to be divided by a set percentage formula. Stakeholders from both countries will have significant input into this process.

The Agreement not only allows the Parties to redress the overfishing that has led to a recent decline in stock levels, but also provides long-term stability for U.S. fishers and processors and a structure for future scientific collaboration.

The recommended legislation necessary to implement the Agreement will be submitted separately to the Congress.

I recommend that the Senate give favorable consideration to this Agreement and give its advice and consent to ratification at an early date.

RECOGNIZING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF RAY CHARLES TO THE WORLD OF MUSIC

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 381, introduced earlier today by Senator NELSON of Florida.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 381) recognizing the accomplishments and significant contributions of Ray Charles to the world of music.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, today I rise on behalf of myself, the Senior Senator from Florida, BOB GRAHAM, and my esteemed colleagues from Georiga, Senators ZELL MILLER and SAXBY CHAMBLISS, to commend to my colleagues a resolution commemorating Ray Charles for his great contributions to the world of music and culture.

It is with great sadness that as our Nation mourned the death of former President Reagan, we received the news that this great and talented musician, Ray Charles, succumbed to liver disease at age 73.

Ray Charles was born in Albany, GA on September 23, 1930, but he made Florida his home for many years. As a baby he moved with his family to Greenville, FL where he developed an early appreciation for music. There are stories from friends and family telling how at age 3 he began playing the piano, and showed a strong interest in music.

Ray Charles wasn't born blind, but lost his sight to a childhood illness. His mother, Aretha Robinson, enrolled him in the St. Augustine School for the Deaf and Blind, where he leaned not only how to read and write Braille, but learned how to write music, and plan the piano, clarinet, trumpet and saxophone. In the late 1940s, after graduating from St. Augustine's, Ray Charles left Florida and began to work in honing his craft full time. And, as they say, the rest is history.

Ray Charles began recording in the 1950's, experiencing success on the musical charts that culminated in his winning the first of many Grammy Music Awards in 1960 for Georgia on My Mind. This great song was adopted in 1979 by the State of Georgia as their State song.

Ray Charles received eleven additional Grammy Awards, with the last of these awards coming in 1993.

The list of honors he has received in his lifetime is impressive and reflects the impact that he has had on American music and culture. His music cannot be categorized or limited to one genre, which cannot be said of many artists. He was influenced by all types of music, and his music in turn influenced all types of artists—from rhythm and blues to country artists to rock and roll.

Ray Charles's story is an American story, and one that should serve as an inspiration to us all; a story that shows how a strong spirit can overcome the greatest of obstacles.

Ray Charles once said that his family was so poor that ''nothing was below us but the floor.'' Despite this poor beginning, and the racism and prejudice he undoubtedly faced as a blind black man during this time, he triumphed.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas Ray Charles, born Ray Charles Robinson on September 23, 1930, to Bailey and Aretha Robinson in Albany, Georgia, was one of the greatest musical artists of the United States;

Whereas Ray Charles, who as an infant moved with his family to Greenville, Florida, and, after suffering an illness that left him blind, attended the St. Augustine School for the Deaf and Blind from 1937 to 1945, where he learned not only how to read Braille, but how to write music and play the piano, trumpet, clarinet, and alto saxophone;

Whereas during the course of his 58-year career, Ray Charles defied easy classification, as his music spanned all genres, and many talented musicians from the world of rhythm and blues, popular music, jazz, gospel, country, and rock and roll have noted his strong influence on their careers;

Whereas his talent has long been recognized by the recording industry and his many fans, as he has received 12 Grammy Awards, with the first in 1960 and the most recent award in 1993, and had 32 of his songs reach the national Billboard's top 40 pop charts between 1957 and 1971;

Whereas his influence and contributions to the world are evidenced by the numerous honors he has received from organizations, and institutions, including: the Blues Foundation's Hall of Fame, Rock and Roll Hall of Fame, Songwriters Hall of Fame, Georgia Music Hall of Fame, Florida Artists Hall of Fame, a Lifetime Achievement Award as part of the Black Achievement Awards television show sponsored by Johnson Publishing Company, a star on the Hollywood Walk of Fame, the Helen Keller Personal Achievement Award from the American Foundation for the Blind, and an honorary doctorate of fine arts from the University of South Florida in Tampa;

Whereas Ray Charles has received praise from Republican and Democratic Administrations with the adoption of ''Georgia on My Mind'' as the Georgia State song in 1979, an invitation in 1984 to perform at the Republican National Convention and President Reagan's inaugural ball in 1985, recognition in 1986 as a legend by the Kennedy Center Honors, and the presentation of a National Medal of Arts by President Clinton in 1993;

Whereas Ray Charles was a great humanitarian and activist who provided financial support to Dr. Martin Luther King, Jr., during the civil rights struggle, and joined with other recording artists to record ''We Are the World'', a project that brought world awareness and financial assistance to the millions dying from starvation in Africa;

Whereas during the course of his life he persevered, overcoming the tremendous obstacles that he encountered in the early stages of his career due to racism and prejudice because of his blindness, to become one of the greatest and defining musical talents of all time; and

Whereas this great American, Ray Charles, died on June 10, 2004: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Ray Charles as one of the greatest American musicians of all time;

(2) honors Ray Charles for his contributions to music, culture, community, and the United States;

(3) offers its appreciation to Ray Charles for sharing his musical gifts with the world; and

(4) extends its deepest sympathy to the family and the loved ones of Ray Charles.

ORDERS FOR THURSDAY, JUNE 17, 2004

Mr. SESSIONS. Mr. President, on behalf of the majority leader, BILL FRIST, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, June 17. 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; provided further, that Senator BOND be recognized in order to call up the Bond-Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow the Senate will resume the Defense authorization bill. Under the previous order, when we resume consideration of the bill tomorrow morning, the Bond-Harkin energy employee amendment will be the pending business. It is the hope of the bill managers that we can adopt the amendment without a rollcall vote.

For the remainder of the day, we will continue the consideration of amendments to the bill. There is another amendment that I will offer related to death benefits, and there are several missile defense amendments we hope to consider early in the day. Senators should expect rollcall votes throughout the day as the Senate continues to make progress on the bill. As a reminder, a cloture motion was filed on the Defense bill.

In addition, there will be additional votes on judicial nominations during Thursday's session as well.

Mr. President, I will just add, on the death benefits bill, legislation I have offered, that it is important, in my view, we examine the extent of death benefits to men and women who serve our country in combat. Frankly, it is not where it should be. This bill would increase those benefits. It will be done in a way that will not engender a budget point of order. But I think we can make some progress with that tomorrow, and I hope Senators will be alert to this issue. I think, frankly, we are not where we should be in generosity toward those who give their lives for their country.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:17 p.m., adjourned until Thursday, June 17, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 2004:

THE JUDICIARY

MICAELA ALVAREZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE DAVID HITTNER, RETIRING.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) DALE G. GABEL, 0000
REAR ADM. (LH) JEFFREY M. GARRETT, 0000
REAR ADM. (LH) STEPHEN W. ROCHON, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

STEPHAN A. * ALKINS, 0000
ROMNEY C. ANDERSEN, 0000
GEORGE N. * APPENZELLER, 0000
MARTIN F. BAECHLER, 0000
MATTHEW T. * BAKER, 0000
VINCENT * BATTISTA, 0000
ANDREW J. * BAUER, 0000
BRIAN M. * BELSON, 0000
ELIZABETH P. BERBANO, 0000
STEPHEN A. BERNSTEIN, 0000
ELISABETH G. BEYERNOLEN, 0000
JEFFREY G. BLUE, 0000
BRET R. * BOYLE, 0000
KEVIN J. * BOYLE, 0000
DAMON W. * BRANTLEY, 0000
MATTHEW L. * BRENGMAN, 0000
BRUCE A. * BROWN, 0000
JEROME L. * BULLER, 0000
MARK W. * BURNETT, 0000
WAYNE B. * CHUN, 0000
YONG H. * CHUN, 0000
DANIEL L. * CRUSER, 0000
JAMES F. * CUMMINGS, 0000
JAMES E. CZARNIK, 0000
ERIK A. DAHL, 0000
ANTHONY M. DANIELS, 0000
CHRISTIAN * DEGREGORIO, 0000
LEON S. * DEMARTELAERE, 0000
ROBERT C. * DINSMORE, 0000
MICHAEL DLUGOPOLSKI, 0000
MARIA R. DORIA, 0000
JOHN F. * FARR III, 0000
GARY D. * FLEISCHER, 0000

GRANT L. * FORRESTER, 0000
ROBERT D. FORSTEN, 0000
MARK A. FRAMSTAD, 0000
JOHN L. * FRATTARELLI, 0000
JAMES D. * FRIZZI, 0000
GREGORY M. FRYER, 0000
TIMOTHY L. * GARDNER, 0000
MICHAEL J. * GEHRKE, 0000
NICOLO B. * GERALDE, 0000
TAD L. GERLINGER, 0000
MARK D. * GIBBONS, 0000
GAIL M. * GLUSHKO, 0000
JOSEPH M. GOBERN, 0000
EDWARD J. * GORAK, 0000
DELORES M. GRIES, 0000
ROBERT E. * GRONDAHL, 0000
RAYMOND L. * GUNDRY, 0000
DAVID J. HARFORD, 0000
JAMES M. * HARRIS, 0000
JEFFREY T. * HEALY, 0000
KURT S. HENSEL, 0000
RICHARD R. * HIGHTOWER, 0000
SCOTT L. * HOFER, 0000
MICHAEL J. * HOILIEN, 0000
GUNTHER * HSUE, 0000
JEFFREY W. * HUTCHINSON, 0000
INKU * HWANG, 0000
BURTON S. * JAFFE, 0000
RICHARD P. JAMES, 0000
SAMUEL S. * JANG, 0000
STEPHEN W. JARRARD, 0000
CHATT A. * JOHNSON, 0000
TROY R. JOHNSON, 0000
CRAIG C. * JONAS, 0000
JENNIFER L. * JUNNILA, 0000
EMERY L. * KIM, 0000
WILLIAM J. * KIRK III, 0000
MICHAEL J. * KISSENBERTH, 0000
RUSS S. KOTWAL, 0000
DAVID T. KRAMER, 0000
MARC H. LABOVICH, 0000
TERRENCE L. * LAKIN, 0000
ERIC J. * LAWITZ, 0000
STEPHEN A. * LAWSON, 0000
DANIEL F. * LEE, 0000
JEFFREY C. LEGGIT, 0000
ANDREW J. * LIPTON, 0000
JOHN M. * LOWERY, 0000
CLIFFORD C. LUTZ JR., 0000
BRIAN F. MALLOY, 0000
THOR * MARKWOOD, 0000
DOUGLAS D. MATHIS, 0000
CAROLINE A. * MAYLOCK, 0000
SCOTT J. * MCATEE, 0000
JOHN W. * MCBROOM, 0000
JOSEPH M. * MCCLAIN, 0000
CEDRIC F. * MCCORD, 0000
LEE A. MCFADDEN, 0000
HARRY D. * MCKINNON JR., 0000
SCOTT V. * MCRAE, 0000
TAMARA M. * MCREYNOLDS, 0000
ALEXANDRE F. * MIGALA, 0000
JOHN J. * MULLON, 0000
JEFFERY M. * NELSON, 0000
WILLIAM H. * NEWMAN, 0000
JAMES A. * OBNEY, 0000
JOHN J. * OCONNELL, 0000
THOMAS G. * OLIVER, 0000
JOSE M. ORTIZ, 0000
MARK F. OWENS, 0000
HON S. PAK, 0000
CHRIS G. PAPPAS, 0000
MARY V. PARKER, 0000
MARK L. * PASSAMONTI, 0000
GEORGE E. PATTERSON, 0000
DEAN C. * PEDERSEN, 0000
MILLAN R. * PEREZ, 0000
CYNTHIA L. * PERRY, 0000
ROSEMARY P. * PETERSON, 0000
NICHOLAS A. PIANTANIDA, 0000
RICHARD W. POPE, 0000
ERIC G. PUTTLER, 0000
ANTHONY S. * RAMAGE, 0000
LANCE C. * RANEY, 0000
EVAN M. * RENZ, 0000
THOMAS J. * ROGERS, 0000
DAVID C. * ROMINE, 0000
IRENE M. ROSEN, 0000
RUSSELL S. * ROWE, 0000
DINA L. SCHWEITZER, 0000
KEVIN L. * SCOTT, 0000
CLARK P. * SEARLE, 0000
STEPHEN D. * SEYMOUR, 0000
ANDREW * SHORR, 0000
BRIAN W. * SMALLEY, 0000
BRYAN L. SMITH, 0000
REED K. SMITH, 0000
JOSHUA R. * SOKOL, 0000
STEVEN E. * SPENCER, 0000
MICHAEL D. * STALFORD, 0000
KEVIN C. * STROHMEYER, 0000
EDWARD J. SWANTON, 0000
MOTAMEN H. * TAVAF, 0000
MARK D. * TAYLOR, 0000
BROOK A. THOMSON, 0000
MANISH K. * VARMA, 0000
ALISON M. * WARD, 0000
JOEL C. * WEBB, 0000
SAMUEL A. * WEST III, 0000
JOSEPH L. * WILDE, 0000
MARVIN * WILLIAMS JR., 0000
ROBERT V. * WILLIAMSON, 0000
CARL R. * WILLIS, 0000
JAMES V. WINKLEY, 0000
GEORGE R. * WINTERS III, 0000
MARGARET A. * YACOVONE, 0000
IN K. * YOON, 0000
CLORINDA K. ZAWACKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

DOUGLAS R. DIXON, 0000
DAVID M. FALLAH, 0000
CHRISTOPHER D. JENKINS, 0000
RODNEY H. JONES, 0000
CHIN R. LIN, 0000
WILLIAM F. MADDUX, 0000
EDWARD A. MOORE, 0000
STEFAN S. OLPINSKI, 0000
ROBERT M. PEARSON, 0000
DOMINIQUE M. REYNDERS, 0000
DONALD K. SCALES, 0000
STEPHEN J. TANNER, 0000
CARL G. TEMPEL, 0000
JAMES J. TOMASSETTI, 0000
GLORIA T. TORRES, 0000
THORPE C. WHITEHEAD, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DUNCAN J. MCNABB, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BANTZ J. CRADDOCK, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 2004:

THE JUDICIARY

WILLIAM S. DUFFEY, JR., OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

LAWRENCE F. STENGEL, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

PAUL S. DIAMOND, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

EXTENSIONS OF REMARKS

IN HONOR OF GRACE SZUBSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Grace Szubski—admired attorney, devoted worker's advocate, friend and mentor, as she was recently honored with the Distinguished Service Award for Worker's Compensation from the Ohio Academy of Trial Lawyers.

Today we celebrate Ms. Szubski's professional contribution as a dedicated advocate of employment justice and legal rights for countless workers within our Cleveland community. Ms. Szubski's significant work lends a strong voice to countless workers whose pleas would otherwise not be heard. Her exemplary work consistently reflects integrity, expertise and heart, and is also a testament to the success and fairness of America's judicial system.

Ms. Szubski has worked as an attorney with Garsen & Associates for the past twenty years. She continues to focus her law practice in the areas of workers' compensation, probate and social security disability. Beyond her significant legal contributions, Ms. Szubski volunteers her time and talents on behalf of several civic and humanitarian causes. She serves as a trustee for the Dioceses of Cleveland Catholic Charities Corporation and also serves on its Executive Committee. Since 1986, Ms. Szubski has journeyed to Kentucky and Tennessee's Appalachian mountain region, as youth leader and participant, to focus on the housing and ministry needs of some of our nation's most vulnerable citizens.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of the professional and personal work of Ms. Grace Szubski—the 2004 recipient of the Distinguished Service Award for Worker's Compensation from the Ohio Academy of Trial Lawyers. Her outstanding work and accomplishments as a dedicated attorney and, most significantly, her integrity, support and concern for others has served as an inspiration to her clients, colleagues, and countless residents of Appalachia and our own community. We wish Ms. Szubski continued health, happiness and peace throughout her professional and personal journey. Her outstanding service on behalf of the rights of others truly makes a difference, and serves as outstanding example to us all.

HONORING CHIEF PAUL KITTREDGE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Chief Paul Kittredge who is celebrating his retirement from the Borough of Rockledge Police Department, in Montgomery County, Pennsylvania.

A police officer for 30 years, Chief Kittredge has dedicated his life to serving his community. He started his career in the Montgomery County Sheriff's Office. He later worked at the Police Departments in both the Jenkintown and Rockledge Boroughs and was named Police Chief nine years ago. Chief Kittredge went above and beyond the call of duty, serving faithfully and always striving to better the community, leading the efforts to expand and modernize the Rockledge police force.

Over the years Chief Kittredge has proven himself to be a dedicated leader, protector, and manager for the borough community. Dedicated to his family as well as the community, Kittredge and his wife of 35 years are the proud parents of three children and the grandparents of two.

It is my pleasure to recognize Chief Kittredge for his many years of service to our community. I congratulate him on his retirement and wish him all the best in the future.

STOP STROKE ACT (H.R. 3658)

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. ROSS. Mr. Speaker, on Monday the House of Representatives approved H.R. 3658, the Stroke Treatment and Ongoing Prevention Act (commonly called the STOP Stroke Act). The STOP Stroke Act will:

Raise public awareness by authorizing funding for a national public information campaign to educate the public about stroke, including how to prevent it, recognizing the warning signs, and when to seek emergency treatment;

Help states fight stroke by establishing a grant program to help states ensure that stroke patients have access to quality care;

Collect and share best practices by authorizing the Paul Coverdell National Acute Stroke Registry and creates a clearinghouse to provide technical assistance to states and share best practices; and

Educate medical professionals by providing opportunities to train appropriate medical personnel in newly developed approaches for preventing and treating stroke.

This legislation is an important step in preventing and treating the devastating effects of stroke. Stroke is the third leading cause of death in the nation and a leading cause of long-term disability. In Arkansas, stroke accounted for 2,600 deaths in 1999—making it the second highest state with stroke deaths. In fact, Arkansas is located in the country's ''stroke belt,'' a section of the country made up of 12 Southern states that have high occurrences of stroke. In May, I had the opportunity to join the Arkansas Department of Health in launching its stroke awareness campaign in Pine Bluff, Arkansas. As part of the campaign, stroke warning signs and symptoms will be placed on grocery store sacks. Additionally, the health department will partner with at risk and hard to reach populations to teach heart healthy meal preparation, provide hypertension screenings and obesity awareness, and other prevention mechanisms. I worked closely with Linda Faulkner, Program Coordinator for the health department's Cardiovascular Health Program, and Diane Mulligan-Fairfield, Vice President of National Communications, National Stroke Association on the campaign's rollout. I commend them for their work on the project.

It is estimated that stroke cost the nation $45.4 billion in 2001, including $28 billion in direct costs and $17.4 in indirect costs. A large share of the direct cost is paid by public payers such as Medicare and Medicaid. Passage of H.R. 3658 and funding the legislation will go a long way towards lowering these statistics and helping Arkansas to implement a full-scale public education campaign effectively.

CONGRATULATING BRIDGEWATER COMMUNITY DEVELOPMENT CORPORATION

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Bridgewater Community Development Corporation (BCDC) for successfully arranging the second annual Bridgewater Community Fun Fest. I am encouraged that the citizens of Western Pennsylvania are working hard to improve their local economies.

The BCDC was created as a means to foster the development of the Borough of Bridgewater by taking advantage of its inherent strengths. Marcia Liggett, secretary and member of the Bridgewater Community Development Corporation (BCDC), created the concept of the Community Fun Fest. The focus of the Fun Fest is to bring together the community with local business owners, police department, fire department, and elected officials. The fun fest brings all aspect of the community together to interact and form new relationships that will foster a better economic community in the Borough of Bridgewater.

The first Borough of Bridgewater Fun Fest was a large success drawing nearly 1,000 people; however, this year is anticipated to draw nearly double the crowd of the first. Providing 2,000 residents of Bridgewater a chance to meet local officials, business owners, learn the organizations of their town, and meet their neighbors. It is a community effort composed of a coalition of residents, business leaders, and interested persons working together to improve Bridgewater.

I ask that my colleagues in the House of Representatives join me in honoring the second annual Borough of Bridgewater Fun Fest.

All communities across the country should strive to foster economic development within their neighborhoods just as Bridgewater has done—I praise the efforts of this ambitious group.

IN HONOR OF FRANCA P. DORNAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to honor Franca P. Dornan, who is retiring after nearly 20 years of teaching kindergarten students in my congressional district at St. Jude the Apostle School in Westlake Village, California.

Franca Dornan was born Franca Peirina Amalia Maria Bendi on March 2, 1940, in Rapallo on the Italian Riviera. During five of her first six years, until Americans liberated the city, Franca Dornan lived under Nazi occupation.

In 1946 she moved with her mother and father to White Plains, New York. Then, in 1961, she moved to California, where she graduated from Marymount College in Los Angeles with her teaching credential and a bachelor's degree in English. Her first five years of teaching were spent instructing fifth-graders at Darby Avenue School in Northridge.

In 1963, she met her husband, Dick Dornan, at St. Paul the Apostle Church. They married in the same church on June 24, 1967. Two years later, on Thanksgiving 1969, they moved to Westlake Village, which they have called home ever since.

In addition to inspiring the minds and souls of other families' children, Dick and Franca raised five children of their own, Dick, John, Timothy, Gina and Patrick.

Mr. Speaker, today will be Franca P. Dornan's last kindergarten graduation as a teacher. Fondly known by many as "Mrs. Love, Care and Share," it is her motto and will continue to resonate among the hundreds of children to whom she taught love of God, family and country.

I know my colleagues will join me in recognizing Franca P. Dornan for starting hundreds of young children on a lifelong quest of knowledge and love, and for serving as a yardstick by which we can measure a caring wife, mother and educator.

IN HONOR AND REMEMBRANCE OF JOHN REES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. John Rees—Award-winning journalist, devoted family man, and friend and mentor to many, whose life touched the lives of countless people, including my own.

Mr. Rees' 45-year career in journalism reflected honesty, ethics, and a real connection to the people he wrote about. His ability to pierce through the murky waters of a complex story and uncover the truth of the matter set him apart from most reporters. He was honored numerous times with prestigious awards for excellence in journalism, including a Cleveland Press Club Award, and a resolution of honor passed by Cleveland City Council in tribute to his significant career. Additionally, Mr. Rees was inducted into the Cleveland Journalism Hall of Fame in 1989.

Though his work was held in high esteem within the Cleveland newspaper circuit, accolades and awards did not impress Mr. Rees; honesty, ethics and writing the straight story did. He understood the power of the printed word and upheld his unbreakable personal and professional ethics with every word he wrote.

The exceptional person reflected the exceptional writer. Mr. Rees gained the confidence and trust of people from all walks of life. His respect and concern for others was demonstrated consistently throughout his life and he extended himself beyond the bounds of where most people dare to go—reaching out to others in need, literally saving the lives of two individuals while on the beat.

Directly following graduation from St. Francis Commercial High School in Cleveland, Mr. Rees began working as an office boy at the old Cleveland News. Bolstered by natural born talent, true grit and keen observation skills, Mr. Rees worked his way up from office boy, to reporter, to eventually becoming the paper's city editor despite being told by a superior that he would not amount to anything.

Whether covering crime stories, the political scene or labor issues, Mr. Rees forged strong connections of trust and respect with people throughout all facets of our Cleveland community. He offered everyone the same respect and interest, regardless of their social status, and people loved him for it.

Mr. Speaker and Colleagues, please join me in honor and remembrance of my friend, John Rees. Today we mourn his passing and celebrate his life. I offer my condolences to his daughter; Rosemary; sons, Jack and Richard; his grandchildren and great-grandchildren; and also to his extended family and many friends. I also acknowledge the memory of his beloved wife, Freda. John Rees' journalistic talent, unwavering ethics and genuine kindness consistently framed his exemplary career and defined his life. His legacy will live on within the hearts of those who knew and loved him well, today, and for generations to come.

REGARDING TRI-CITIANS OF THE YEAR DR. LEWIS ZIRKLE AND DR. SARA ZIRKLE

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HASTINGS of Washington. I rise today to pay tribute to two constituents who are not only leaders in the State of Washington but are dedicated humanitarians that have positively impacted lives around the world.

The husband and wife team of Dr. Lewis Zirkle and Dr. Sarah Zirkle was recently named Tri-Citians of the Year for devoting over 30 years to helping those less fortunate—both here at home and abroad. This award is presented once each year to an outstanding citizen of the TriCities area in Washington state.

Dr. Lewis Zirkle is an orthopedic specialist who served as an Army surgeon in the Vietnam War. After the war, he made numerous return trips to Vietnam and other developing nations to help local health care providers establish more effective surgical techniques for treating fractures.

In 1999, Dr. Zirkle founded the Surgical Implant Generation Network (SIGN) to help provide a system of training, hardware and follow-up assistance to orthopedic surgeons in developing countries. In just 5 years, SIGN has developed over 42 projects that are operating around the world, which are supplied with surgical hardware from a state-of-the-art manufacturing facility.

Dr. Sara Zirkle also has a long list of accomplishments. As a developmental and behavioral pediatric specialist, she has been a strong advocate on behalf of children. She helped found the Child Sexual Abuse Clinic at Kadlec Medical Center in Richland, Washington and the Mid-Columbia Reading Foundation. She has received numerous awards and recognition for her work with abused children.

The Zirkles exemplify the best of America. I am proud to have them as constituents in the Fourth District of Washington state and I know they will continue to devote their time to helping others.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I had surgery yesterday, June 15, and as a result, missed four votes. Had I been present:

For Rollcall No. 236—on ordering the previous question on the Rule, I would have voted "yea"; For Rollcall No. 237—H. Res. 671—a rule providing for consideration of H.R. 4503 and H.R. 4517, I would have voted "yea"; For Rollcall No. 238—on ordering the previous question on the Rule, I would have voted "yea"; and for Rollcall No. 239—H. Res. 672—a rule providing for consideration of H.R. 4513 and H.R. 4529, I would have voted "yea".

TARAS SHEVCHENKO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. KAPTUR. Mr. Speaker, Taras Shevchenko has become one of the most influential figures in Ukrainian culture. His most famous compilation of poetic works, the Kobzar, became and continues to be the voice of liberty and national pride for generations of Ukrainians. Throughout his life, in his poetry and art, Shevchenko celebrated the unique beauty of his land and called for its liberation from the Russian Empire. He fought for the restoration of the democratic Kozak state and denounced the russification of the Ukrainian people. Because of his strong and vocal anti-Russian sentiment, Shevchenko was imprisoned numerous times and denied the right to

create his genius. His spirit, however, remained unbroken; the hardships he endured only served to fuel his devotion and determination. He exhibited his passion for freedom in his poetry and fueled the hearts of Ukrainians toward the goal of independence. During today's commemoration let us honor the memory of Taras Shevchenko, and his unparalleled contribution to a strong, stable, democratic Ukraine.

The June 1964 unveiling of the Shevchenko monument in Washington DC was a major victory for Ukrainians residing in the United States. Despite incredible resistance from the Soviet Union, a united Ukrainian community in America was able to enlist the help of prominent American politicians, academicians and artists to build this monument and establish it as a forum for truth, unveiling the injustices of the Soviet regime.

Forty years later, Ukraine faces very different, albeit equally difficult times. Since the fall of the Soviet Union and the reestablishment of Ukrainian independence, Ukraine has stabilized its economy and taken great strides toward democracy, however, there is still much to be accomplished. The people of Ukraine need support and encouragement. The Ukrainian community in the U.S. has been a very vocal advocate of Ukraine and continues to promote its democratic development. As a longtime supporter of the Ukrainian American community I am pleased to see a renewed effort to unite the Ukrainians in the United States and amplify the power of their voice in Washington as well as in Kyiv. I commend the initiative of the Ukrainian community in the United States in an effort to help Ukraine reclaim its proper place among the developed democratic European states.

I congratulate the Ukrainian American community on this remarkable anniversary and wish them success in their future endeavors.

A TRIBUTE TO LIEUTENANT COLONEL WALLACE TUBELL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. CRAMER. Mr. Speaker, I rise today to recognize Lieutenant Colonel Wallace Tubell upon his retirement after twenty years of outstanding service to our country in the United States Army. After his effective retirement date of August 31, 2004, Lieutenant Colonel Tubell will reside in my Congressional district.

As the Product Manager for the Army's Tactical Operations Centers Integration Program, Lieutenant Colonel Tubell led a team of military, government and contractor personnel in fielding and sustaining Tactical Operations Centers for 4th Infantry Division, 1st Cavalry Division, the Stryker Brigade Combat Teams, Third U.S. Army and other major commands worldwide. Lieutenant Colonel Tubell's program exceeded all requirements and was delivered on schedule and within budget. Lieutenant Colonel Tubell's personal dedication, sound management, and ability to build a strong team has contributed to the Product Office becoming a "Center of Excellence" in Command Post and Tactical Operations Centers design and development. He has been the driving force behind transforming analog Tactical Operations Centers into Network-Centric Command Posts for our warfighters and their staffs. His achievements and dedicated service have reflected great credit upon himself, the Army Acquisition Corps, the United States Army, and the Department of Defense.

Mr. Speaker, on behalf of the people of North Alabama, I congratulate Lieutenant Colonel Tubell for his twenty years of service to our country and I welcome him to our North Alabama community.

IN HONOR OF UNION ADVOCATE JAMES "JIMMY" DEANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Jimmy Deane, Business Manager of the Laborers' Union, Local 310 of Cleveland, Ohio, as we celebrate his retirement following more than forty years of advocacy, commitment and leadership within this significant union of workers.

Mr. Deane journeyed to America from Ireland in 1962, with the promise of honest work and hope for a new beginning. He began work as a laborer in the construction trades and became a member of the union in 1962. In 1991 he was appointed to the position of Field Representative, and in 1995 he accepted the appointment of Business Manager. Throughout his union tenure, Mr. Deane remained focused on workers' rights, benefits, and safety. As a result of his concern, expertise and leadership, Laborers' Union, Local 310 reflected fiscal responsibility, integrity and effectiveness in representing and protecting its members.

Mr. Deane's activism extends throughout our local labor and political landscapes. He is a member of the Laborers District Council of Ohio, an Executive Board Trustee of the Ohio Laborers Training Fund, and has also served as delegate to the AFL–CIO. Though his Irish homeland lives forever in his heart, Mr. Deane wholly embraced all that is America. His activism within our democratic processes and support of local candidates serves to strengthen our community and, corresponding with the union, illuminates the foundation of America—a foundation of equal representation and justice for all.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of my good friend, Mr. Jimmy Deane—Business Manager of the Laborers' Union, Local 310, as we reflect on his significant service and dedication to working individuals and their families. Mr. Deane's integrity, conviction, and exceptional ability to bring people and ideas together for the common good, has served to raise the bar on all levels within the union, the workplace, and within our community. His steadfast commitment to the laborers of our community is a guiding force for all union members and leaders to emulate—today, and for generations of workers to come. We wish Mr. Jimmy Deane and his entire family many blessings of happiness, health and peace—today, tomorrow and in the years to come.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. PASCRELL. Mr. Speaker, I was regrettably absent on June 14, 2004 and June 15, 2004. Had I been present, I would have voted the following way: "aye" on rollcall vote 232, "aye" on rollcall vote 233, "aye" on rollcall vote 234, "aye" on rollcall vote 235, "nay" on rollcall vote 236, "nay" on rollcall vote 237, "nay" on rollcall vote 238, "nay" on rollcall vote 239, "aye" on rollcall vote 240, "nay" on rollcall vote 241, and "nay" on rollcall vote 242.

FRIENDS OF THE CHILDREN NATIONAL DEMONSTRATION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. BLUMENAUER. Mr. Speaker, I am introducing the "Friends of the Children National Demonstration Act" that would authorize $7 million for Friends of the Children to support local program operations at existing sites and dissemination of findings to policymakers and other youth-serving programs. Friends of the Children is the only program in the nation that provides carefully screened full-time professional mentors to at-risk children for 12 years starting at five years of age. The Portland program started in 1993 with 3 "Friends" mentors serving 24 children. Today, Friends of the Children serves over 600 children in 11 communities across the nation. The children served by this innovative program are truly the most defenseless—they are children of poverty; they have been in foster care, on welfare, and have parents who are incarcerated or are homeless. Friends of the Children's first class is now graduating from the Portland program; and the graduates are outperforming their peer group of at-risk children.

Here is a real-life example of the impact this program has: Natasha joined the Friends of the Children Portland program in 1993 and has overcome a family history of drug abuse and prostitution. Natasha has developed a strong relationship with her mentor, Jennifer. When she first enrolled in the Friends program, Natasha was unmotivated and did not enjoy her school work. With Jennifer's guidance, Natasha has found the determination to become a leader and maintain a positive attitude. She follows this philosophy in other aspects of her life, refusing to bow to peer pressure and confronting her friends when they are considering risky behaviors such as smoking. Now 17, Natasha has excelled as a member of her high school softball team and has become an avid photographer. She plans to study photography in college and will begin the college application process this fall by visiting college campuses with Jennifer. Natasha is a wonderful role model for the children and has benefited in a unique way from the Friends program. Natasha lived with her great-grandmother until she passed away in 2000. She is now living with a former Friends of the Children mentor who serves as her legal guardian.

In Portland tomorrow, the first class of Friends of the Children, including Natasha, will graduate from the program. These were children who were identified 12 years ago by their elementary schools as most likely to fail. They now show great progress in leading successful lives.

I look forward to working with my colleagues to pass this bill and make a commitment to improving the lives of at-risk children.

THE MORTUARY SCIENCE GRADUATING CLASS OF 2004 WAYNE STATE UNIVERSITY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize an outstanding group of young men and women who on August 1, 2004 will receive their degree in the field of Mortuary Science from Wayne State University Eugene Applebaum College of Pharmacy and Health Sciences located in Detroit, Michigan.

The Eugene Applebaum College of Pharmacy and Health Sciences, located on the campus of the Detroit Medical Center, is a unit of Wayne State University. The School of Mortuary Science was formed within the Eugene Applebaum College of Pharmacy and Health Sciences in 1943. Students from all over compete for a spot in this highly selective program. The program provides students with specialized training in the area of funeral preparation and services. The students who graduate from this program are fully prepared psychologically, physically and socially to deal with the process of dying and death. Upon acceptance of their degrees they each will be charged with the duty of providing guidance, advice and support to those who have lost loves ones. The process of bereavement is long and sometimes stressful. Many families will look to these individuals for answers to questions regarding the burial process, as well as words of comfort. I am confident that the instruction given to these graduates over their course of study will assist them in their mission to promote nobility and understanding within the field of Mortuary Science.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me congratulating the Wayne State University Eugene Applebaum College of Pharmacy and Health Sciences School of Mortuary Science class of 2004 and in wishing them the best in future endeavors.

CONGRATULATIONS TO 2004 DETROIT PISTONS ON ITS NBA CHAMPIONSHIP

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. CONYERS. Mr. Speaker, congratulations to our 2004 Detroit Pistons who brought Detroit its first NBA championship title in 14 years. It has been a long hard climb back up the championship ladder from our two Championships in 1989–90, but the Pistons have finally reached the top again and can proudly call themselves world champions.

Whereas on June 15, 2004, the 2-time champion Detroit Pistons won the 2004 National Basketball Association championship, defeating the 9-time champion Los Angeles Lakers;

Whereas the Pistons defeated the Milwaukee Bucks 4 games to 1 in the first round of the playoffs;

Whereas the Pistons defeated the Defending Eastern Conference Champion New Jersey Nets 4 games to 3 in the hard fought Conference Semifinals;

Whereas the Pistons defeated the regular season Eastern Conference Champion Indiana Pacers 4 games to 2 in the Conference Finals;

Whereas in the finals against the Lakers, the Pistons won 4 games to 1, giving them their 1st NBA Championship since 1990, and making them the first team from the Eastern Conference to win the title in 5 years;

Whereas the Pistons are the first team to win the three middle games of the finals since the 2–3–2 format went into effect in 1985.

Whereas the Pistons' gritty offense was lead by Rip Hamilton, who averaged more than 21.5 points and 4.2 assists per game through-out the post-season;

Whereas Rasheed Wallace overcame foot injury to provide 26 points and 13 rebounds in the crucial game 4 victory;

Whereas Ben Wallace, two-time NBA defensive player and three-time NBA All-Defensive First Team, lead the Pistons stifling defense and has brought a working-class mind-set that symbolizes the lunch-pail anonymity which has become the face of the team;

Whereas Tayshaun Prince was tenacious on the ball defense and mitigated the Los Angeles Lakers talented back court;

Whereas Chauncey Billups was voted Most Valuable Player, in acknowledgment of his outstanding offensive and defensive performance throughout the post-season, averaging 21 points a game and 5.2 assists versus 2.6 turnovers in the finals.

Whereas Coach Larry Brown has done an outstanding job preparing his Pistons to take on an exceptional Lakers team, giving him the unique distinction of being the first coach to win both the NBA and NCAA championships;

Whereas former Piston and current President of Basketball Operations Joe Dumars, Coach Brown, and his staff John Kuester, Mike Woodson, Dave Hanners, Herb Brown and Igor Stefan Kokoskov have provided strong leadership and solid coaching, resulting in a basketball team in which teamwork and hard work are the rules and not the exceptions;

Whereas the Pistons fans have shown undying support for their team, leading the league in attendance in a year where attendance records were shattered all over the NBA.

Whereas the Pistons exemplify what can be achieved by a talented group of players working together in concert for a common goal, overcoming a championship proven Lakers' team comprised of NBA all-stars.

Whereas the Pistons have shown that basketball remains a team sport and have reminded us fans that the game is still a team game with fundamentals at its heart and soul;

Whereas, as sports writer Eric Neel so cleverly put it ''Once upon a time, there was a shared ball on offense and a shared responsibility on defense. In their Game 5 victory, as in the previous four games, it was that time all over again. We've got retro jerseys and throwback sneaks, now we've got a world champion from back in the day, to go with them.''

Whereas the Pistons's success resulted from contributions from the entire roster of players, including Chauncey Billups, Elden Campbell, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, and Corliss Williamson;

Whereas the Pistons have displayed great strength, ability, and perseverance this season, which are all reflective of the hard-working people of the metropolitan Detroit region and the great State of Michigan, which furthermore is reflected in the team slogan ''Going to work. Every night.'':

Now, therefore, be it

Resolved, That the House of Representatives—

(1) Congratulates the Detroit Pistons for winning the 2004 World championship and for their outstanding performance during the entire 2004 season, and congratulates all of the 16 NBA teams who made it into the post-season;

(2) Salutes the achievements of all of the players, coaches, and staff of the Pistons, who worked hard and who were instrumental in bringing the City of Detroit its third NBA championship;

(3) Commends the Los Angeles Lakers for a valiant performance during the playoff finals and for displaying their strength and skill as a team;

(4) Directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Pistons players, Head Coach Larry Brown, General Manager Joe Dumars and President and team owner William Davidson.

IN HONOR OF DR. JOSEPH AND MRS. BETTS SKRHA IN CELEBRATION OF THEIR 50TH WEDDING ANNIVERSARY—JUNE 5, 2004

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Joseph and Betts Skrha, as they celebrate fifty years of devotion to each other, to their family, and to their extended family—the people of their beloved North Broadway community.

The union of Dr. and Mrs. Skrha represents a shared love and commitment not only for each other, but for their family, and their community. Their unbreakable bond continues to embrace and elevate the lives of their children—Joseph Ray, Betsey and John. The memory of their beloved son, Paul, remains eternal within their hearts, and within the hearts of countless residents along Broadway Avenue and beyond.

A united team, Dr. and Mrs. Skhra continue to serve as each other's confidant and advocate. A couple of doors down from the family home, where they continue to live today, Mrs. Betts Skrha supported and worked with Dr. Joseph Skrha throughout his medical practice. Their steadfast convictions and willingness to help others is reflected in the lives of hundreds of families and individuals, some of whom, like the Skhra's, still live in the old neighborhood. Moreover, they have inspired their children and many others—including myself—to reach out in service to others.

Dr. Joseph Skhra, an ordained Roman Catholic Deacon, was the Director of the Family Medicine Department and Director of Pastoral Care for many years at the now-closed St. Michael's Hospital. Betts Skrha, a scholar and leader in her own right, holds two degrees in nursing, worked within the field for many years, and was the long-time chairperson of the St. Michael's Community Board. Moreover, Betts Skhra is a founding member of Broadway School of Music and the Arts.

Their collective faith and deep sense of spirituality has healed, and continues to heal, the bodies, and more importantly, the heart and soul of the working class people of this neighborhood. They both continue to provide spiritual guidance to the elderly at Lourexis, Alexia Manor and Mead House. Additionally, the Skrha's continue their advocacy on behalf of University Settlement, The Broadway School of Music and the Arts, Our Lady of Lourdes Church and School, and the Cleveland Sight Center.

The Skrha's community service and heart are an inextricable facet of the light that brings comfort, hope and possibility along the streets and within the homes of our North Broadway community. Their leadership and dedication has made a permanent, positive difference within the lives of countless individuals and families—including mine.

Mr. Speaker and Colleagues, please join me in honor and recognition to Dr. Joseph and Mrs. Betts Skhra, for creating a symphony of love and strength that continues to resound within the hearts and minds of their children, grandchildren and the countless individuals whose lives they've touched along their journey. I offer to both of them my gratitude and admiration for being invaluable role models for many of us whose paths have crossed with theirs as they continue to inspire us all to reach for our dreams, to live in service to others, and to never forget where we came from.

COMMENDING CHAIRMAN TAYLOR AND YOUNG

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. GRAVES. Mr. Speaker, I want to commend both Chairman TAYLOR and Chairman YOUNG for their efforts to eliminate Federal funding of land acquisitions in the FY05 Department of Interior appropriations bill. I, along with several of my colleagues, have been fighting this battle for some time, and I am pleased with today's results. Federal land acquisitions have been the reason for my opposition to the Interior appropriations bill in the past, but now I can support this legislation.

I offered legislation that accomplishes almost exactly what Chairmen TAYLOR and YOUNG are proposing in the FY05 Interior appropriations bill. H.R. 1517, The Land Reinvestment Act, simply eliminates Federal land acquisitions by zeroing out the land and water conservation fund's Federal expenditures. I want to note that State side assistance will remain untouched and I again commend my colleague's actions for keeping that program funded.

The Federal Government is the nation's largest single landowner. The FY05 Interior appropriations bill sends a clear message that Congress will no longer tolerate Federal land grabs. I am very pleased by my colleagues efforts and look forward to supporting this legislation.

THE DEPARTMENT OF DEFENSE OFFICE OF VICTIM ADVOCATE ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. KILPATRICK. Mr. Speaker, since women were allowed to serve in combat, we have been stunned from time to time by stories of sexual assault and abuse within military circles. In response to numerous reports of female troops deployed in Iraq being sexually assaulted by fellow soldiers, Defense Secretary Donald Rumsfeld established a task force to review its policies and programs concerning sexual assault and the treatment and support of victims.

Several weeks ago the Sexual Assault Task Force reported its findings, and it put a spotlight on serious deficiencies in the way the military has handled sexual assault cases. For example, the Department of Defense has no system for tracking reports of sexual assault; a lack of privacy and confidentiality dissuades victims from reporting incidents of sexual abuse; DoD lacks uniform policies and program to coordinate care and support for sexual assault victims; and there is no commonly accepted definition of sexual assault.

The Secretary's Task Force report does a good job of identifying shortcomings in its management of sexual abuse cases, but it is wanting in arriving at hard solutions for eliminating the problem. For that reason, I am introducing legislation today that would authorize the establishment of the Office of Victim Advocate at the Secretary level.

The DoD Office of the Victim Advocate would provide access to services for victims and survivors associated with the military. Moreover, it would establish policies procedures and practices by which the privacy and confidentiality of persons seeking assistance for assaults and abuse inflicted upon them by military personnel can be protected. The Office would review complaints of persons and investigate the ones where victims may be in need of or benefit from services of a victim advocate. The proposed Office would evaluate the delivery of services by the various military departments and coordinate the services provided by those departments.

The Defense Department can be more aggressive in its handling of sexual abuse cases and that is the goal and mission of the Office of the Victim Advocate. I am hopeful that my colleagues on the House Armed Services Committee will assign this issue a high priority within the Office of the Secretary of Defense and support this legislation.

LESSONS LEARNED FROM TRANSPORTATION SECURITY ADMINISTRATION SHORTCOMINGS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the May 27, 2004, Lincoln Journal Star. The editorial highlights some of the shortcomings of the Transportation Security Administration and its baggage screening system. Clearly, the creation of a large, new Federal force is not necessarily the best way to address legitimate security concerns.

[From the Lincoln Journal Star, May 27, 2004]

NUCLEAR PLANT SPECIAL FORCE QUESTIONABLE

An alarmed Energy Secretary Spencer Abraham wants more and tighter security at government facilities that have radioactive material that could be fashioned into nuclear devices.

No argument here. The dangers of lax security at such sites are too awful to contemplate and too real to dismiss.

According to an account from The Associated Press, Abraham, in calling earlier this month for reforms, cited poor performance in mock security exercises and other failings—cheating on readiness tests, lost keys—by guards from private contractors.

Chief among Abraham's solutions to the problems he found: a federal police force to guard the facilities and an elite force to protect areas with the most sensitive nuclear weapons material.

Sounds impressive, until you consider how the last special force set up for national security has done.

That force—the hardworking men and women of the Transportation Security Administration—still hasn't proved that it can reliably protect the nation's commercial airports.

To be sure, they're trying.

Since the agency started work Nov. 19, 2002, it geared up with some 60,000 people to screen passengers and their luggage. Congress has since limited that number to 45,000, so the agency has raised and lowered staffing at airports here and there to meet demand.

The agency professionals have confiscated thousands of banned objects from often bewildered, sometimes bemused travelers; guns and garrotes; straight razors and knitting needles; tin snips and butter knives.

There is also little doubt the agency has thwarted dangerous incidents long before they reached any newspaper's front page and for that it should be honored and thanked.

But the Transportation Security Administration's still young and still learning some hard lessons. Among them that shake public faith;

In November, a college student secreted box cutters through airport checkpoints and onto at least two planes. He sent an e-mail to federal authorities saying he had put the items aboard two specific Southwest Airlines flights. The objects were not found until five weeks later.

In November, an Eppley Airfield baggage screener was charged with dealing cocaine after 8 ounces of cocaine, 7 grams of crack cocaine and manufacturing equipment were found in his Omaha home. According to the AP, between 1993 and 1997 the man was convicted of six misdemeanors including obstructing an officer and disorderly conduct.

In October, it was reported that written tests given potential baggage screeners never

asked applicants to show they could identify dangerous objects inside luggage. In addition, the investigation by the Homeland Security Department—overseer of the Transportation Security Administration—showed that some screeners hired by the government to check baggage for bombs were given most of the answers to tests.

Also in October, the head of the Transportation Security Administration acknowledged that box cutters can get through airport checkpoints. But the chief, James Loy, blamed the lack and sophistication of technology, not his screeners.

There may be no way to prove that creating Loy's agency was necessary. But it is easy to prove that it has been costly.

The question is: Can Energy Secretary Abraham prove that a new, specialized force to protect nuclear facilities will be any more successful than the contractors already overseen by his department's specialized bureaucracy, the National Nuclear Security Administration?

And if that agency is incapable, will a new expensive bureaucracy do any better?

Other federal agencies have elite forces available—the Secret Service and FBI are but two. Could their highly trained men and women be given another mission, supported by their bureaucracy?

Surely the money saved could be spent on creating and providing the technology that Abraham says is lacking for airport screeners, technology that might well benefit the forces protecting the nation's nuclear weapons and power plants.

PAYING TRIBUTE TO ANDREW GEBBIE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Pastor Andrew Gebbie, a man who has made a great impact on the city of Grand Junction, Colorado. As a minister, Andrew has served both the members of his church and his community, and has become one of Grand Junction's truly cherished citizens. It is my privilege to recognize the work of this exceptional man.

Andrew was born in a small village on the outskirts of Hamilton in central Scotland. At eighteen, he was fascinated by aeronautics and went to Queen Mary's College in London, but after a year felt called to the ministry and transferred to a local seminary. After spending a few years living in Belfast, Northern Ireland, a friend in Canada told him of a pastoral position that had become available in Grand Junction. After being granted legal immigration status in a very short period, Andrew and his family moved to America. He began working as pastor of the Orchard Mesa Christian Church, which he and his wife Doris pastor together. Andrew also works as the billing administrator and patient records supervisor for Hospice and Palliative Care of Western Colorado. In his spare time, Andrew enjoys teaching students in the community how to rope climb at Camp Cedaredge located on the Grand Mesa.

Mr. Speaker, Andrew Gebbie has used his Christian Faith to serve his Grand Junction community, and has touched many lives. I say to his wife Doris and the rest of his family that they should be proud of Andrew both for his obedience in following his faith, and for all the hours he has given back to his community. I am honored to share with this body of Congress and this nation the works of Pastor Andrew Gebbie. Thank you for your service.

REGISTER–HERALD EDITORIAL ON PLEDGE OF ALLEGIANCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. RAHALL. Mr. Speaker, my hometown newspaper, the Register-Herald, of Beckley, WV, hit the nail on the head today with its editorial, "Pledge: Issue still unresolved," as the Supreme Court sidestepped a chance to help cement the moral foundation of our Nation. It used a technicality to overturn a decision by a lower court that had declared the use of the words "under God" in the Pledge of Allegiance unconstitutional.

For well over 200 years the moral fiber of this Nation has been built not upon the law of man, but rather upon the law of God. The Supreme Court held in its hands the people's eloquent expression of what many of my fellow West Virginians already know, that only under the watchful eye of God can all we hope for be accomplished and all we dream of come true. And, though the dismissal was welcomed, the Court's reason for the dismissal wasted an opportunity to forever strengthen our national character.

The Register-Herald best summed up the missed opportunity by our Supreme Court with the editorial that follows:

PLEDGE

ISSUE STILL UNRESOLVED

The words "under God" can stay in the Pledge of Allegiance, says the Supreme Court, whose Monday ruling actually resolves next to nothing.

Instead of taking on the substance of the issue, the court ruled on whether the man who brought the case in the first place had proper standing. He doesn't, the court said.

Three justices did indicate that they see no violation of the Constitution in the pledge's language. Good for them. The First Amendment aims to keep Congress from establishing a state religion, which would require a great deal more effort from Congress than inserting a couple of words in the pledge a half-century ago. Children cannot be compelled to recite the pledge or even listen to it if they don't wish to.

The Supreme Court will sooner or later have to delete the phrase or else rule in its defense, an action requiring only this: respect for constitutional language and a grain of common sense.

REMEMBERING MRS. ANN OLESKY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, on June 13, 2004, the town of Immokalee, Florida lost one of its most admired and revered members of the community. At the age of 61, Mrs. Ann Olesky passed away nearly one week after undergoing major heart surgery. An avid environmentalist, Mrs. Olesky has been credited by many as the catalyst for the conception of the Lake Trafford restoration project.

As part owner of the Lake Trafford Marina and Campground, Mrs. Olesky recognized the importance of maintaining and preserving South Florida's natural environmental habitat. Eight years ago, Mrs. Olesky realized that both the environment and the community would be best served if a large scale dredging and cleanup project were to be implemented at Lake Trafford. It was Mrs. Olesky's strong drive and commitment to Immokalee which ultimately drove her to embark on a grass roots campaign which culminated with the securing of funds for the project.

In addition, Mrs. Olesky was well known through the community for her active role in civic and community life. During many Christmas celebrations, Mrs. Olesky could be seen taking part in Christmas Around the World, a yearly educational program that seeks to educate young children about the environment. Through these programs, Mrs. Olesky played an active role in raising community wide awareness of the environmental challenges facing South Florida.

Mrs. Ann Olesky will be forever remembered by the people of Immokalee for her great devotion and love for the people and community of Immokalee. While sadly, Mrs. Olesky will be unable to see the completed fruit of her eight years of labor, it is without question that her efforts will be remembered for many generations to come.

Mr. Speaker, I ask you to join me in expressing my deepest sense of condolence to the family of Mrs. Ann Olesky, as well as to the people of Immokalee. Mrs. Ann Olesky will be greatly missed.

A PROCLAMATION HONORING BERNICE BUEHLER ON HER 100TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. NEY. Mr. Speaker:

Whereas, Bernice Buehler is celebrating her 100th birthday today; and

Whereas, Bernice Buehler is a long-time active participant in the social and civic life of the community; and

Whereas, Bernice Buehler has exemplified a love for her family and friends and must be commended for her life-long dedication to helping others in her community.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in wishing Bernice Buehler a very happy 100th birthday.

REMEMBERING L.T. "HERBY" BALLEW

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a business associate, good

friend and great East Texan who passed away last year—L.T. "Herby" Ballew.

Herby Ballew was the founder of the famed Herby's Foods in Grand Prairie which produced over 100,000 sandwiches daily. He sold the company in 1975, and became chairman and CEO of the Bank of Crowley, Texas—an institution he ran until the early 1990's. Herby ended his prosperous career as the owner of Fame Care, a chemical company.

Herby was a successful businessman who considered his employees as members of his family. They remember him as a compassionate and generous man.

He was also devoted to his family, who include his wife, Vee Ballew; sons, Barry Ballew and Terry Lampman and wife Marolyn; daughters, Terry Jean Trevino and husband, Gonzy, Kathey Long, Patty Grieder and husband, Clyde, and Rose Shirley and husband, John; and sister, Dorothy Jewett and brother-in-law Elliott. He also was the proud grandfather of ten grandchildren and eleven great-grandchildren.

Herby will be long remembered as a generous citizen as well as successful businessman who touched the hearts of everyone he met. Mr. Speaker, as we adjourn today, let us do so in memory of this esteemed man and a life-long friend—Herby Ballew.

FLY LIKE AN EAGLE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Ms. LOFGREN. Mr. Speaker, this past weekend I was privileged to attend the graduation of my daughter from Stanford University. There is an interesting tradition at Stanford. Each year the graduating students vote to select a professor to give one last lecture to them at lunch the day before graduation. This year, that honor went to Professor Terry Karl.

Professor Karl has a long history as a human rights advocate. Among other things, she has monitored elections for the United Nations and served as an advisor to U.N. peace negotiators.

During the "final lecture", Professor Karl challenged the graduates to assume responsibility for the long-term prospects of our country, especially in the wake of the recent prison abuse scandal at Abu Ghraib. She discussed the doctrine of "command responsibility," which says that leaders cannot turn a blind eye to abuse.

As she poignantly stated, "no amount of military power will make up for what we lose if the world at large believes that, despite our years of rhetorical support for rights and democracy, we are prepared to compromise them the moment our own lives become threatened."

I believe that Professor Karl has raised very important issues in this lecture, and I ask that her entire lecture be made a part of the RECORD so that all the American people, not just the Stanford class of 2004, may have the benefit of her scholarship and insights.

[Speech to the Graduating Class of 2004 Stanford University, June 12, 2004]

FLY LIKE AN EAGLE (EVEN IF YOU FEEL LIKE A CHICKEN)

(By Terry Karl)

Gildred Professor of Latin American Studies and Professor of Political Science

President Hennessey, Provost Etchemendy, Trustees, parents, and most especially graduates, thank you for the honor of inviting me to speak to you. In the midst of your celebration, I ask you to pause—for these are serious times.

Archbishop Desmond Tutu, anti-apartheid hero and head of South Africa's Truth and Reconciliation Commission, tells a story (which inspired this talk) about a farmer who raised chickens in his backyard. Amongst this farmer's chickens, there was one that looked a little odd. It behaved like a chicken. It walked like a chicken. It pecked away like a chicken. One day a wise woman came along and said to the farmer: "You know, that isn't a chicken. It is an eagle." The farmer said: "No way. That is a chicken." And he looked at the odd bird and said: "Don't get any fancy ideas. You are a chicken."

"I don't think so," said the wise woman. She picked up the strange looking chicken, climbed up the nearest mountain, stood at the edge of a precipice, and waited until sunrise. Then she turned the bird towards the sun and said: "You are an eagle. You can soar. You can change your world. Go fly."

The strange looking chicken shook itself and tentatively spread its wings. It looked up at the sky. It looked down—way down—to the bottom of the precipice. It took a few steps back in the direction of the other chickens, where it had been so comfortable, where it had a daily routine and food to eat. "Sorry," it said to the wise woman: "I don't feel like an eagle. I feel like a chicken. And I don't think I can fly."

"That's your choice," the wise woman said softly. "But remember, you are responsible for the decisions you make. If you don't dare to fly, you will never be fully alive. You will never reach the sky. Even if you feel like a chicken, fly like an eagle."

That "strange chicken" comes to mind every time there is a choice between taking an easy path or making a trail where there is no road. After completing my doctorate at Stanford, I conducted research in El Salvador's civil war in the 1980s. Military leaders repeatedly assured me that their army did not commit human rights abuses. But the testimony of countless others told a different story. Salvadorans described how they had been hooded or blindfolded for days; deprived of sleep, food, and water; beaten and shocked; raped and forced to watch the torture and murder of others.

At El Mozote, a massacre site where a forensic team would later dig up the bodies of over 100 children under the age of 12, a peasant woman approached me. "You are American. You are powerful. You will find out who is responsible for this." That night, flying back to the United States, I railed against that woman. "Powerful? A general is powerful. A president is powerful. I am five feet tall. I am a woman from Missouri. I don't have tenure. I am not powerful."

Now, fast forward two decades to a South Florida courtroom, in June 2002, where two Salvadoran generals living in the U.S., Generals Jose Guillermo Garcia and Eugenio Vides Casanova, stood on trial, charged with responsibility as their country's top commanders for the abuse of Salvadoran civilians. Three survivors of torture brought the courtroom to tears as they testified about what had happened to them. One of them, Carlos Mauricio, honors us with his presence today.

As the expert witness in this trial—a trial that few believed would ever take place and even fewer believed could be won—I documented how the actions these generals had taken (and the actions that they had failed to take) were interpreted down the chain of command as a "green light" to commit torture. Thus these men should be held responsible for crimes committed against Salvadoran civilians.

In their defense, the generals denied their responsibility. They were fighting terrorism. They could not be expected to control the actions of all their soldiers. They were not present when prisoners were humiliated, abused and murdered, and they were not the actual torturers. So why, they asked the jury, were they on trial for what a few "bad apples" had done?

Because the law demands it.

The doctrine of "command responsibility," the product of an American initiative enshrined in law since the Nuremberg Statutes after World War II, affirms that civilian and military leaders may be held legally accountable for abuses committed by their subordinates—even when these commanders did not personally order abuses, witness such abuses, have direct knowledge about them or conspire to commit them. This law recognizes the tremendous danger of abuse inherent in war and, in tribute to the awful sacrifices of the Holocaust and those who died in two world wars, it places the moral worth of each and every person at the center of our international order. Rather than permit leaders to turn a blind eye to abuse, it contends that those leaders who "knew or should have known" about abuse and "failed to prevent or punish it" are criminally accountable for this abuse. It charges both military and civilian authorities with an affirmative duty to prevent crimes, to control their troops, to act when a crime is discovered, and to punish those found guilty of committing the actual crime—no matter how high responsibility may reach in the chain of command.

Thus, a Florida jury found these once powerful Salvadoran generals responsible for gross human rights abuses. In an historic and precedent-setting ruling, a jury of ordinary people reaffirmed the doctrine of command responsibility in an American court. Their verdict, covered in every major newspaper and widely televised around the world, sent a powerful signal. It warned murderers, torturers and dictators to think twice before retiring to the United States. And it demonstrated that, at our best, America's freedoms and the energies of people like our lawyers, researchers, translators—people just like you—can be harnessed to transcend national borders and to hold even the most powerful to account for their actions against the vulnerable.

Which brings me back to the precipice where we left the strange chicken.

Our country is at the edge of a precipice. Regardless of how the situation in Iraq finally plays itself out, we are in the midst of one of the greatest and most intractable global crises of modern times. 9/11 was an earthquake in the psyche of America, and flying airplanes into buildings where people work is a crime against humanity. But the behavior depicted in the terrible photos of the hooded Iraqi led around on a leash and the 37 homicides of prisoners in U.S. detention now under investigation are also criminal acts. While the numbers may not be the same and the circumstances are different, U.S. law and international law are clear: both are crimes against humanity.

The simple truth, whether we like to hear it or not, is that since the attacks of September 11, 2001, officials of the United States, from Afghanistan to Guantanamo to

Iraq, have been torturing prisoners. They have done this with the institutional approval of the U.S. government advised by memoranda from the President's own counsel, with official declarations aimed at sidestepping the historic safeguards of the Geneva Conventions, and with actual written policies permitting the use of ''moderate physical force'' (from Mark Danner in his excellent articles on torture in the New York Review of Books)—policies that violate rulings by our courts, the European Court of Human Rights, the Inter-American Court, and the Supreme Court of Israel. By the military's own calculation, an estimated 80 percent of prisoners subjected to this treatment are innocent of any wrongdoing.

No amount of military power will make up for what we lose if the world at large believes that, despite our years of rhetorical support for rights and democracy, we are prepared to compromise them the moment our own lives become threatened. The dreadful story told by these photographs (and we have not seen the worst of them) has done enormous damage to our moral standing, our strategic power, and our spirit.

Today much of the world believes that there is a difference between what Americans claim to stand for and what we actually do in the world. According to a 19 nation poll released last week, a majority now thinks that the United States is having a negative influence on the world; only 37 percent judge our country as having a ''positive influence.'' Listen to the countries polled: Canada, Chile, China, France, Germany, Great Britain, Brazil, India, Indonesia, Mexico, Nigeria, Russia, South Africa, Spain, Turkey, Uruguay and Italy—and yes, the United States itself. This is an enormous change from the days after September 11 when a French newspaper proclaimed: ''We are all Americans.''

Today, we stand more alone in the world than we ever have.

This decline in our reputation is a decline in our security. We live ''unavoidably side by side, Kant said two hundred years ago. But even this great philosopher could not have imagined how enmeshed nations and peoples have become today. Thus what happens in one part of the world—the dramatic increase in poverty and inequality, the failure to address the terrible consequences of global warming, the catastrophe of AIDS, the nineteen civil wars currently active, the persistence of oil-related crises mixed to dangerous combustion with religious or ethnic conflict in Saudi Arabia, Nigeria, Chad and Indonesia—this will blow back on us. Global problems, no matter how remote they appear, will increasingly affect everything in our daily lives—from the imperative transition from a fossil fuel energy system (which will happen in our lifetime), to the air we breathe, to the diseases we face, to the safety of the cities we inhabit.

These problems cannot be solved with military might alone. They cannot be solved within our borders. And they cannot be solved without friends.

Thus we must address the damage that has been done in our name—no matter how far up the chain of command this requires. For our spirit and our security, we must demonstrate that we are a nation of law, democracy, and decency. We must show the world that we will apply, at the very least, the same standards to our own leaders as we have to Salvadoran generals.

Which brings me to you—the ''strange birds'' of 2004.

This is your precipice. What will you do about it? What will you do to awaken in yourselves and others a new sense of responsibility for our country and for this world? How will you fight to make your leaders conduct themselves ''as if they were going to live on this earth forever and be held accountable for its condition?''

The question is not whether you will be chickens or eagles. You have no choice. You are living in the most powerful country in the world. You are graduating from one of the best universities in the world. Tomorrow you will hold a certificate that does much to ensure your place among the most fortunate of this world. But just as that Salvadoran woman in El Mozote once put it to me, I shall put it to you: You are eagles. The choice you face is whether you will dare to fly.

Survey data on your generation as a whole is not very promising. It says that you are primarily interested in acquisition, that you define yourself in terms of possessions rather than ''goods of the soul.'' You are self-interested and care little for developing a moral code, much less for assuming some type of global political responsibility. You do not want to be eagles at all, we are told, but rather successful chickens in a very well ordered barnyard.

At Stanford our experience is different. Here students work on women's health in Afghanistan and Chiapas, democracy in China and Kyrgyzstan, and war crimes in Rwanda and the Hague. Students build schools in Central America, assist AIDS orphans in South Africa, develop medicines for low income countries, test development strategies, provide education programs for inner-city kids, create a journal to promote human rights, and volunteer in virtually every community service organization imaginable. Yet some of these very same students are reluctant to show that they are not simply hard-nosed realists or self-interested balancers of costs and benefits. It is almost as if they hear whispering in their ears the German poet Holderlin, who wrote around 1800 an essay entitled Good Advice. Listen to his advice: ''If you have brains and a heart, show only one or the other. You will not get credit for either should you show both at once.''

This isn't good advice at all.

Your university years have been defined by two distinct crimes against humanity—September 11 and torture in Iraq. Whatever their differences (and they are different), the lesson from these two crimes is the same: our own security is intimately bound up with our ability to use both our hearts and our brains, to empathize as well as analyze. Crimes like 9/11 or the torture of Iraqi prisoners can only occur when the victims are defined as something less than human; they can only be portrayed as permissible when all lives are not valued equally. Their prevention rests on our capacity to affirm the principles of equal respect, and to expand, not contract, human rights protections both at home and abroad.

Being an eagle means becoming citizens who are not simply Americans but who are citizens of this earth. It means raising, not lowering, the bar.

We are at a turning point. For all of you who feel helpless, who despair, who are cynical and who do not feel like eagles, remember this. ''There are only two kinds of people who tell you that you cannot change the world: those who are afraid to try themselves, and more importantly, those who are afraid that you may succeed.''

Instead, think of Margaret Mead's well-known phrase: ''Never say that the actions of one, two or three ordinary people cannot change the world. It is the only thing that does.'' Think of Carlos Mauricio, who faced down an abuser. Think of all those people who give a piece of themselves every day, who speak out against the brutality they see, who try to stop impoverishment and the despoiling of our environment, and who understand that ultimately the world cannot be peaceful if some have far too much and others far too little.

Take inspiration from these eagles.

Shake yourselves, spread your wings and lift off. Whether you run a business or a community organization, a clinic or a school, assume responsibility for the long-range prospects of our country and our troubled earth. Aim high for a world without war and without genocide, a world of respect for all, a world that is far greater than the one we are handing to you. Because, as Eleanor Roosevelt said, ''The future belongs to those who believe in the beauty of their dreams.''

Congratulations, and may you fly!

PAYING TRIBUTE TO DR. MARY VADER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, today I rise with great joy to pay tribute to Dr. Mary Vader of Montrose, Colorado. "Dr. Mary," as many of her patients call her, dedicates her work and service to the health and well being of others. In recognition of her service, Dr. Mary was recently awarded the Harold E. Williamson award, and I think it is appropriate to recognize her accomplishments before this body of Congress and this nation today.

Dr. Mary is a native of Western Colorado, leaving only for a short period during her professional training. In the early 1990s, she took a position as a partner with Pediatric Associates, a pediatric clinic in Montrose. In addition to her dedication to her practice, she has done much to share her knowledge and to give back to the Montrose community. She played a major role in establishing "Dream Catchers" in Western Colorado, an organization that provides therapy for disabled children using the assistance of horses. Additionally, Dr. Mary helped start and continues to volunteer for the Montrose Medical Mission, a non-profit medical clinic providing free care to uninsured patients.

Dr. Mary also acts as a consulting physician for the Child Abuse Response Team of the 7th Judicial District and helps with the training for Sexual Assault Nurse Examiners. The COPIC Medical Foundation recently honored Dr. Mary with its 2003 Harold E. Williamson Award, and made a generous donation to the Montrose Medical Clinic in her name.

Mr. Speaker, I would like to commend Dr. Mary Vader for her tireless efforts to better her Montrose Community. Her efforts have tremendously contributed to the health and wellness of her community. I wish to thank her for her service and wish her the best in her future endeavors.

NATIONAL MEN'S HEALTH WEEK AND DR. KENNETH GOLDBERG

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. BURGESS. Mr. Speaker, it is my duty to clearly state the necessity of men's health awareness. This week is National Men's Health Week, and it comes at an important

time as we pause to honor our Fathers. As a practicing physician for over 20 years and Chairman of the House Policy's Health Subcommittee, I wholeheartedly understand the importance of regular health screenings.

In May of last year, I introduced H.R. 2151, the Medicare Osteoporosis Measurement Act to address the issue of male osteoporosis. Osteoporosis is a degenerative bone condition that can make bones fragile and can gradually erode quality of life for our seniors. But contrary to popular belief, osteoporosis is a serious health problem for men, as well as women. Two million American men suffer under this debilitating illness, and 12 million more are at risk for developing the disease.

It is crucial that men everywhere seek out regular health check-ups. Routine medical examinations are key to detecting—and preventing—serious men's health concerns like high cholesterol and blood pressure, prostate cancer, cardiovascular disease, and osteoporosis. In addition, men should strive to equip themselves with the knowledge and information necessary for personal health awareness. They need to know about important illnesses facing men and at what age specific screenings are needed.

Dr. Kenneth Goldberg, of the Male Health Center, has been a leader in the field of men's health for 30 years. He is a member of the advisory committee for National Men's Health Week, Men's Health Network and Men's Health Magazine and author of the book How Men Can Live as Long as Women. The Male Health Center is located in Lewisville, Texas—my 26th Congressional District. Opening its doors in 1989, it is a premier facility in its field as the first center in the United States specializing in men's health issues. The Male Health Center treats hundreds of patients from all over the country and meets the crucial need of men's health specialists.

The fight for better men's health is a partnership. It's a partnership between men and their physicians. For this reason, I honor Dr. Goldberg, his staff and National Men's Health Week.

PAYING TRIBUTE TO CAY HOPKINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MCINNIS. Mr. Speaker, I rise today with a heavy heart after learning that Colorado has lost one of its truly great citizens. Catherine ''Cay'' Hopkins of Pueblo, Colorado recently passed away at age seventy-nine. Cay spent her life serving those she loved, and as her community and family mourn her passing, I believe it appropriate to recognize her life before this body of Congress and this nation.

Cay was born in Denver on February 10, 1925. She graduated from East High School, and later received her bachelor's degree from the University of Denver. She moved to Pueblo when she married Dr. William Hopkins, a local ophthalmologist, on December 17, 1946.

Cay began her life of community service upon moving to Pueblo. She was the former president of the Pueblo YMCA and the former treasurer of the Sangre de Cristo Arts and Conference Center. She also served as a board member of the YWCA, and was chairman of the Mozart festival. Just a year ago, Cay was among the nominees for the YWCA's Woman of the Year Award.

Over the decades Cay also served on the Southern Colorado Bicentennial Commission, was treasurer of the Colorado State Hospital Auxiliary, was president of the Thatcher School Parent Teacher Association and served on the Rosemont Museum board as a volunteer coordinator. When she was not serving her community, she and her husband William were flying to Central America assisting as medical missionaries.

Mr. Speaker, Cay Hopkins will be sorely missed, and although we grieve over the loss of this incredible individual, we take comfort in the lives she touched and the legacy she leaves behind. My thoughts go out to her husband William, daughters Gayle and Sharon, son Greg, and the rest of her family during this difficult time of bereavement. I am truly honored to pay tribute to her life and memory today.

MOURNING THE LOSS OF SGT. GERARDO MORENO

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HALL. Mr. Speaker, I rise today to express my deep sorrow for the loss of a young soldier from my district, Sgt. Gerardo Moreno, 23, of Terrell, Texas. Gerardo, who was assigned to the 1st Battalion, 5th Cavalry, 1st Cavalry Division based in Fort Hood, Texas, died on April 6 in Ashula, Iraq, in support of Operation Iraqi Freedom. He had been in Iraq since early January and was killed in a grenade attack.

Gerardo graduated from Terrell High School in 1999 and enlisted in the Army after graduation. He was a dedicated soldier and an upstanding citizen of Terrell, Texas. In a show of support for the fallen soldier, the residents of Terrell lined Moore Ave. on the morning of his funeral to pay their respects. I am heartened to see the citizens of this great city, state, and nation come out in support of our dedicated soldiers.

Gerardo was also a devoted family man. He is survived by his wife, Teresa Moreno of Terrell and their two children, Dominique and Marrisol Moreno. Mourning his death are also his mother, Sandra E. Iracheta, and her husband, Noe Iracheta; father, Gerardo Moreno; brother, Jose J. Moreno; step-sisters, Yara and Yadira Perez; grandmother, Rita Iracheta of Terrell; grandfather, Israel Iracheta of San Antonio, and other family members.

Gerardo made the ultimate sacrifice for our nation, and we are all touched by his loss. By defending our freedoms and values, soldiers like Gerardo earn a special place in our hearts. Without their willingness to serve and put their lives on the line for our nation, America would not be the great country that it is today. We are all forever indebted to brave men and women like Gerardo.

Mr. Speaker, as we adjourn today in the House of Representatives, let us do so by honoring Sgt. Gerardo Moreno and extending our deepest condolences to his family and friends. Like so many other young Americans serving and fighting overseas, Gerardo is a hero whose sacrifices ensure our continued freedom.

A PROCLAMATION IN MEMORY OF STAFF SERGEANT JAMES WILLIAM HARLAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of Staff Sgt. James William Harlan upon the death of this outstanding soldier.

Staff Sgt. Harlan was a member of the U.S. Army Reserves 660th Transportation Company serving his great nation in the country of Iraq. He was a leader in his unit and a loving father to his son. Staff Sgt. Harlan was an active citizen in his community and did his best to make his country a better place to live.

Staff Sgt. Harlan will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous soldier, I offer this token of profound sympathy to the family, friends, and colleagues of Staff Sgt. James William Harlan.

INTRODUCING ''THE RONALD REAGAN ALZHEIMER'S BREAKTHROUGH ACT OF 2004''

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MARKEY. Mr. Speaker, the race to find a cure for Alzheimer's disease is more urgent than ever. Four and a half million Americans, including one in 10 people over age 65 and nearly half of those over 85, have Alzheimer's disease. Unless science finds a way to prevent or cure this terrible illness, nearly 16 million Americans will have Alzheimer's disease by the year 2050.

Today I am introducing the Ronald Reagan Alzheimer's Breakthrough Act of 2004, to honor President Ronald Reagan and his forward thinking in establishing an awareness of this disease and his guidance in directing the National Institute on Aging to establish the Alzheimer's Disease Centers. I am joined by Representative CHRISTOPHER SMITH, Co-chair of the Congressional Alzheimer's Taskforce, Representatives ROBERT MENENDEZ, SHEILA JACKSON-LEE, GENE GREEN, DALE KILDEE, DONALD A. MANZULLO, KAREN MCCARTHY, MARTY MEEHAN, RICHARD E. NEAL, RON KIND, PATRICK KENNEDY, and JIM MCDERMOTT.

The Ronald Reagan Alzheimer's Breakthrough Act of 2004 expands the federal government's efforts to find new ways to prevent, treat, and care for patients with Alzheimer's. This bill focuses on enhancing our research efforts by authorizing NIH's Preventive Initiative, which directs NIH to identify possible preventive interventions and conduct clinical trials to test their effectiveness. This bill authorizes

significant increase in funding for the Nation Institute on Aging and cooperative clinical research at the National Institute on Aging (NIA) to improve the existing clinical trial infrastructure, develop new ways to design clinical trials, and make it easier for patients to enroll.

The bill also focuses efforts to help the caregivers of Alzheimer's patients. Presently, care giving comes at enormous physical, emotional, and financial sacrifice. One in eight Alzheimer caregivers becomes ill or injured as a direct result of care giving, and older caregivers are three times more likely to become clinically depressed than others in their age group. Research is needed to find better ways to help caregivers bear this tremendous, at times overwhelming responsibility. This bill reauthorizes the Alzheimer's Demonstration Grant Program. These grants allow states to provide services like home care, respite care, and day care to patients and families, with Alzheimer's disease.

Mr. Speaker the best way to fight this disease and reduce the number of patients who suffer from Alzheimer's disease is to find ways to prevent it before it starts. Investments we make now in Alzheimer's disease and aging research mean longer, healthier lives for all of us. If we can delay the onset of Alzheimer's disease by even 5 years, it would save this country billions of dollars—and would improve the lives of millions of families. Congress must act now to strengthen the federal commitment to preventive Alzheimer's and to finding a cure for this devastating disease and provide for caregivers.''

INTRODUCTION OF H.R. , THE CIVIL LIBERTIES RESTORATION ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. BERMAN. Mr. Speaker, today I am joined by my colleague BILL DELAHUNT (D–MA) in introducing the Civil Liberties Restoration Act. Two and a half years ago, following the attacks of September 11, the Attorney General asked Congress for a long list of new powers he felt were necessary to protect the United States from future terrorist attacks. Six weeks later, Congress granted those powers in the USA PATRIOT Act.

I voted for the PATRIOT Act in 2001 because I felt that a number of its provisions provided essential tools to fight terrorism. I did so expecting that Congress would undertake diligent oversight of the Attorney General's use of the tools we provided. Unfortunately, that has not been the case.

The Civil Liberties Restoration Act (CLRA) is our effort to return oversight to our legal system and restore the kind of checks and balances that are the foundation of our government.

Since we enacted the PATRIOT Act almost three years ago, there has been tremendous public debate about its breadth and implications on due process and privacy. I do believe that there are some misperceptions about the law and its effects, but I also believe that many of the concerns raised are legitimate and worthy of review by Congress.

The CLRA does not repeal any part of the PATRIOT Act, nor does it in any way impede the ability of agencies to share information. Instead, it inserts safeguards in a number of PATRIOT provisions.

The bill addresses two pieces of the PATRIOT Act in particular. First, it ensures that when the Attorney General asks a business or a library for personal records, he must be targeting an agent of a foreign power. Second, the bill would make clear that evidence gained in secret searches under the Foreign Intelligence Surveillance Act (FISA) cannot be used against a defendant in a criminal proceeding without providing, at the very least, a summary of that evidence to the defendant's lawyers. One of my biggest concerns when we passed the PATRIOT Act was that the changes we made in FISA would encourage law enforcement to circumvent the protections of the 4th Amendment by conducting searches for criminal investigations through FISA authority rather than establishing probable cause. This provision in the CLRA does not take away any of the powers we provided in the PATRIOT Act. It simply requires that if the government wants to bring the fruits of a secret search into a criminal courtroom it must share the information with the defendant under existing special procedures for classified information.

The Civil Liberties Restoration Act deals with more than the PATRIOT Act. It also addresses a number of unilateral policy actions taken by Attorney General Ashcroft both before and after enactment of the PATRIOT Act without consultation with or input from the Congress. For example, the Administration has undertaken the ''mining'' of data from public and non-public databases. Left unchecked, the use of these mining technologies threatens the privacy of every American. The CLRA requires that any federal agency that initiates a data-mining program must report to Congress within 90 days so that the privacy implications of that program can be monitored.

The Attorney General unilaterally instituted a number of policies dealing with detention of noncitizens that we address. For example, the AG ordered blanket closure of immigration court hearings and prolonged detention of individuals without charges. The CLRA would permit those court hearings to be closed to protect national security on a case by-case basis and requires that individuals be charged within 48 hours, unless they are certified as a threat to national security by the AG as mandated under the Patriot Act.

The CLRA also addresses the special tracking program (known as NSEERS) created by the Attorney General, which requires men aged 16 and over from certain countries to be fingerprinted, photographed and interrogated for no specific cause. This program creates a culture of fear and suspicion in immigrant communities that discourages cooperation with antiterrorism efforts. The CLRA terminates this program and provides a process by which those individuals unjustly detained could proceed with interrupted immigration petitions. This is the only provision of the CLRA that eliminates a program outright, but this program has already been partially repealed by the Department of Homeland Security and largely replaced by the US VISIT system.

When I voted for the PATRIOT Act, I understood that my vote carried with it a duty to undertake active oversight of the powers granted by the bill and carefully monitor their use. Congress should continue to examine whether the policies pursued by the Attorney General are the most effective methods to protect our nation from terrorists, whether they represent an efficient allocation of our homeland security resources, and whether they are consistent with the foundations of our democracy. It is my hope that we will enjoy an active debate on these issues and this legislation.

PAYING TRIBUTE TO RICHARD BACA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MCINNIS. Mr. Speaker, today I rise to honor the accomplishments of Richard Baca of Grand Junction, Colorado. Richard has done much to improve higher education in the State of Colorado. After thirty-two years at Mesa State College, he is retiring as the college's assistant vice president of student affairs and enrollment management. As Richard celebrates his retirement, let it be known the Mesa State College community and I are eternally grateful for all that he has accomplished during his tenure with the college.

After receiving a doctorate from the University of Northern Colorado, Richard started as a counselor and staff assistant at Mesa State. From there he worked his way through the ranks to his current position as vice president of student affairs and enrollment management. Along the way he held positions as director of counseling, director of student life, director of academic records and dean of student services. As the college grew, Richard's noted contributions include his efforts to encourage diversity. Specifically, Richard helped the college establish the Cultural Diversity Board and an event to celebrate diversity, ''Unity Fest.''

Mr. Speaker, I wish to commend the efforts of Richard Baca and his contributions to Grand Junction, the State of Colorado and higher education. His commitment to diversity was also a commitment to Colorado's future. I would like to thank Richard and wish him the best of success in his future endeavors.

REMEMBERING BOB HANEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a dedicated patriot, great East Texan, and true friend who passed away recently—Bob Haney of Anna, Texas.

Bob and I became friends when we served together in the U.S. Navy in World War II. We stood together on the *Copahee* aircraft carrier when we received the notice that America had dropped atomic bombs on Japan. Bob was optimistic that the war would soon be over, and he told me that we would be home in a matter of weeks—and we were.

Bob became a lifelong advocate for veterans and for disabled American veterans. He served as a Veterans Service Officer in Dallas for many years and was my trusted advisor on military and veterans issues.

When we dedicated the World War II Memorial in Washington over Memorial Day

weekend, I thought of Bob and how much he would have enjoyed being one of the thousands of veterans who came to be a part of this historic event. So many veterans did not live to see the memorial become a reality, and so many were not able to make the trip—but the Memorial will stand as a lasting tribute to their service and their sacrifice.

Bob now is home—where he has joined his many shipmates who fought and died in the war. He will be missed by his many friends and his wonderful family—daughters Linda Martinez of Denison, Vickie Victoria Boaz of Howe, Evelyn Faye Fell of Kokomo, IN, Betty Paulette Jay of Van Alstyne and Renfro Pucket of Anna; sons Bob Ed Haney of Tioga, John David Haney of Anna and Fred Weaver Haney of Sherman; sisters Elizabeth Woolbright and Joy Belle Evans of Houston; 19 grandchildren and 21 great-grandchildren.

Mr. Speaker, on behalf of his family and friends, I want to take this opportunity in the House of Representatives to pay our last respects to my shipmate, advisor and longtime friend, Bob Haney. God rest his soul.

A PROCLAMATION RECOGNIZING JAE'S TOWING AND RECOVERY OF NEWARK

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. NEY. Mr. Speaker:

Whereas, Jae's Towing and Recovery of Newark is an exemplary business devoted to its customers' care; and

Whereas, Jae's Towing and Recovery of Newark has been acknowledged by AAA with the 2004 AAA/CAA Service Provider of Excellence Award; and

Whereas, Jae's Towing and Recovery of Newark should be commended for its excellence, for its seven years of devotion to serving others, and for its ongoing efforts to provide its customers with outstanding care; and

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Jae's Towing and Recovery of Newark for its outstanding accomplishment.

PAYING TRIBUTE TO STANLEY CUNDIFF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. MCINNIS. Mr. Speaker, it is my privilege to rise to honor Stanley "Stan" Cundiff for his dedication to Colorado as the City of Durango's Parks and Recreation maintenance supervisor. His forty-seven years of service are a testament to his tireless efforts to better his community. As he celebrates his retirement, let it be known that he leaves behind a terrific legacy to the people of Durango and the State of Colorado.

Born and raised in Bayfield, Colorado, Stan began working for the Public Works Department in 1957. In 1963, he moved to the Parks and Recreation Department where he led the maintenance work until his recent retirement. The city regards Stan as the "Grandfather" of the Durango parks system. His leadership made it possible for Durango to build many of the city's current parks. To honor Stan upon his retirement, the city recently dedicated a park, "Stan Cundiff Park".

Mr. Speaker, I am privileged to recognize Stanley Cundiff for his efforts throughout his career. His dedication and hard work for the Department of Parks and Recreation throughout the years is certainly commendable and worthy of recognition before this body of Congress and this nation. The dedication of a park in his honor shows a community proud of his work. I wish to thank Stan for his work and wish him the best in his future endeavors.

IN SUPPORT OF H.R.___, THE CIVIL LIBERTIES RESTORATION ACT OF 2004

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. DELAHUNT. Mr. Speaker, today, with my colleague HOWARD BERMAN (D–CA), I am proud to introduce legislation that will amend certain provisions of the PATRIOT Act. Senators EDWARD M. KENNEDY (D–MA), PATRICK J. LEAHY (D–VT), RICHARD J. DURBIN (D–IL) and RUSS FEINGOLD (D–WI) are introducing companion legislation in the Senate.

In the aftermath of the terrible events of September 11th, our Nation needed to meet the challenge of finding additional ways to prevent terrorist attacks. Yet even in a time of crisis, the Federal Government must not sacrifice essential liberties in response to claims of national security.

During the original debate on the PATRIOT Act, my House Judiciary Committee colleagues and I insisted that the PATRIOT Act include a provision to "sunset" many of the new intelligence and law enforcement powers granted to the Federal Government. Even at that time, we believed that as a country we should review our legislative response when the grief of the tragic events had somewhat subsided.

In hindsight, we are not the only ones to believe this approach was sensible. A recent survey revealed that 95 percent of top criminal justice scholars believe that the Act was passed too quickly—without sufficient deliberation and analysis.

In addition, across the country, cities and towns are increasingly uneasy about some of the PATRIOT Act's measures. Four states and 325 cities and towns—including more than 50 communities in the Commonwealth of Massachusetts—have passed resolutions to protect the civil liberties of over 51 million residents. Hundreds of more resolutions are still in progress and libraries and bookstores have launched a campaign to overturn the Act's "sneak and peek" provisions.

The House Judiciary Committee should proceed with a series of public hearings to review the broad powers granted to the Executive Branch under the PATRIOT Act given that certain provisions are scheduled to expire in December 2005. Like any law, support for the PATRIOT Act should not be perpetual or unconditional, especially when courts have held that certain provisions of the original Act are unconstitutional.

At the same time, the Department of Justice continues without pause in its enforcement of the PATRIOT Act—and is now pursuing a nationwide advocacy campaign in support of its expansion. This administration continues to resist cooperation with Congress in its oversight role and further refuses to answer questions from ordinary citizens about whether the PATRIOT Act undermines basic civil liberties.

Some have observed that the Government is intent on prying into every nook and cranny of people's private lives—while, paradoxically, doing all it can to block access to Government information that would inform the American people as to what is being done in their name—by simply invoking the phrase "national security." These actions reflect the unrelenting desire of this White House to conduct business behind closed doors—even if it risks undermining public confidence and trust.

Many have commented that one of the unintended consequences of the PATRIOT Act is the loss of transparency in government. Government secrecy obstructs accountability and oversight. And Congress intended for the "sunset" provisions to ensure that a rational process would exist so that certain provisions of the PATRIOT Act would not be unlimited and unchecked.

The Civil Liberties Restoration Act of 2004 (CLRA) seeks to balance the restoration of essential protections and basic freedoms without compromising our national security. Our bill would also reverse policies that weaken our constitutional commitment to due process before the law.

Specifically, our bill would restore fundamental fairness to our Nation's immigration laws by ending secret deportation hearings and by ensuring that penalties associated with technical violations of immigration law are reasonable and fair.

In addition, this legislation ensures that people charged with crimes under the PATRIOT Act are treated with the same due process rights as other individuals facing charges in our criminal justice system. Our bill further establishes that defendants should have access to the evidence used against them.

To circumscribe overreaching prosecutorial powers, the CLRA would amend the provisions of the PATRIOT Act to limit the seizure of private databases and individual records to cases where the Government has shown there is a reasonable connection to a suspected terrorist or terrorist group. At the same time, the CLRA would improve the accuracy of information available to state and local law enforcement by establishing new standards for the National Crime Information Center database.

As a former prosecutor, I know that mistakes can happen during criminal investigations. For this reason, the Federal Government must maintain minimum safeguards while investigating the most serious crimes.

The CLRA is an important step to restore public confidence in government while setting forth legislative goals that reflect the need to repair our relations with other nations whose assistance we need in the fight against terrorism. I hope that my colleagues in the House and Senate will join us in this bicameral proposal to achieve the appropriate balance between protecting our national security and preserving fundamental civil liberties.

HONORING STATE AND LOCAL LEGISLATORS WHO HAVE CHAMPIONED THE EXAMINATION OF REPARATIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. CONYERS. Mr. Speaker, as the author of H.R. 40, The Commission to Study Reparations Proposals for African Americans Act, I am proud to acknowledge those state and local legislators who have had the courage and the foresight to champion local legislation in support of reparations and the passage of federal legislation.

Since its introduction in 1989, H.R. 40 has sought to focus national attention on the issue of compensation for slavery and post-slavery discrimination. Through the efforts of grassroots activists, reparations has grown to become a topic of discussion and debate on numerous national television and radio programs, in the halls of Ivy League institutions, in corporate boardrooms and courtrooms, and within increasing numbers of state and local legislative assemblies. Twenty four local municipalities across this country and three states have adopted legislation supporting the concept of reparations and/or the passage of H.R. 40.

On the auspicious occasion of the National Coalition of Blacks for Reparations in America's first Gala Reparations Banquet, June 17, 2004, I recognize the work of the many organizations actively engaged in making H.R. 40 a reality, and I hereby pay tribute to the following state and local champions of justice who have introduced reparations-related legislation in their respective jurisdictions:

California Legislature: Mr. Kevin Murray, Florida Legislature, Louisiana House of Representatives: Mr. Raymond Jetson; Mr. Melvin ''Kip'' Holden; Mr. Joseph Delpit, Maryland (pending): Mr. Nathaniel Exum, New York Legislature (pending): Mr. Roger Green, Texas Legislature (pending), Alameda County, California: Mr. Keith Carson, Berkeley, California: Ms. Maudelle Shirek, Compton, California: Ms. Yvonne Arceneaux, Foster City, California: Ms. Marie Davis, Inglewood California: Mr. Daniel Tabor, Los Angeles, California: Mr. Mark Ridley-Thomas, Mr. Nate Holden, Oakland, California: Mr. Larry Reid, East Palo Alto, California: Mr. Omowale Satterwhite.

San Francisco, California, District of Columbia: Mrs. Wilhelmina Rolark, 1991, Atlanta, Georgia: Mr. Clarence T. Martin, Ms. ''Able'' Mabel Thomas, Chicago, Illinois: Alderman Dorothy Tillman, 2000, Evanston, Illinois, Baltimore, Maryland: Ms. Bea Gaddy, 2000, Detroit, Michigan, Jackson, Mississippi: Mr. Terry Kennedy, St. Louis, Missouri: Mr. Terry Kennedy, 1999, Camden, New Jersey, Passaic County, New Jersey: Ms. Marilee Jackson, 2002, Paterson, New Jersey: Ms. Georgia Scott, 2001, Newark, New Jersey, Cleveland, Ohio: Ms. Fannie Lewis, Philadelphia, Pennsylvania: Mr. Michael Nutter, Dallas, Texas: Mr. John Wiley; Mr. Al Lipscomb, Ft. Worth, Texas: Mr. Frank Moss, Burlington, Vermont: Mr. Richard T. Kemp.

PAYING TRIBUTE TO BETTY CLIFTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Betty Clifton of Fowler, Colorado, on being named the 2004 Etu Tau Lady of the Year. The award acknowledges her contributions towards the Fowler community, and to the many other communities that she has been a part of through the years. This award is a well-deserved testament to her tireless efforts.

Betty's ardent devotion to her community was evident at a young age, as she was a member of the Rainbow Girls and served as president of the Methodist Youth Fellowship during her senior year in high school. This commitment continued to follow Betty as an adult as she became involved in other civic organizations. She is a charter member of Fountain Valley #155 of the Order of the Eastern Star Foundation, a member of the Fowler Historical Society, and a member of the American Legion Auxiliary. She also volunteers with Meals on Wheels, served for five years as president of the United Methodist Women, and served for two years as president of the Fowler Senior Citizens.

Mr. Speaker, I am honored to pay tribute to the public service of Betty Clifton before this body of Congress, and this nation. Her contributions towards her community are truly remarkable. I sincerely thank Betty for her service.

REMEMBERING ROY L. STEWART

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a dedicated patriot who passed away this year, Roy L. Stewart.

Roy Stewart proudly served his country in the U.S. Air Force for more than 29 years. Most notably, he was a survivor of the attack on Pearl Harbor. After his military service, he worked for General Dynamics in Fort Worth, Texas and later started his own business, Roy Stewart Heating and Air Conditioning. Roy actively served his community as a Mason. He was a Master Mason of River Oaks Lodge No. 1311, a member of Moslah Shrine, the Scottish Rite and York Rite Bodies, a Past Patron of the Polytechnic Eastern Star, and a dual member of the Castleberry Eastern Star.

Born in Waco, Texas, Roy Stewart is survived by his wife, Thelma H. Stewart, daughter, Frances S. Reynolds, and husband, Michael E. Reynolds of my hometown of Rockwall, TX, son, Roy Victor Stewart and wife, Kathleen. He also was the proud grandfather of eight grandchildren and eight great-grandchildren. Roy will be long remembered as a steadfast citizen who dedicated his life to serving others, and the community of Fort Worth will miss his friendship. On behalf of his many friends and fans, I want to take this opportunity in the House of Representatives to pay our last respects to this honorable man—Roy L. Stewart.

ENERGY POLICY ACT OF 2004

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. MOORE. Mr. Speaker, Congress needs to stop playing politics and pass comprehensive energy legislation this year. Our country needs to reduce its dependence on foreign oil and increase its national energy independence. Increasing our energy independence will stabilize future energy prices, benefit American consumers and businesses, and enhance both our energy security and our national security. For these and other reasons, I supported the energy conference report on the House floor in November 2003.

Unfortunately, one issue has blocked congressional passage of this comprehensive energy legislation over the last few months, and it has become clear to me that removing the provision in question would ensure that the Senate will pass, and the President will sign, this measure.

Title 15, Section 1502, of H.R. 6, which is substantially similar to H.R. 4503, contains a safe-harbor provision protecting producers of methyl tertiary butyl ether [MTBE] and other fuel oxygenates from product liability claims. As well, this provision includes language applying the safe-harbor retroactively, potentially barring several pending suits against some of the worst environmental polluters in our country.

Under this provision, cities and towns would be prevented from bringing against potential offenders ''defective product'' lawsuits, which some cities have employed to recapture the cost of MTBE clean ups. Approximately 130 lawsuits have been filed by states, cities, water districts, and businesses over MTBE contamination. The trade association for the MTBE industry conservatively estimates that a nationwide cleanup of MTBE will cost between $500 million and $1 billion. The U.S. Conference of Mayors, however, maintains that those costs could run higher than $29 billion. Our states and localities, which are struggling with budget deficits, should not be forced to pay the tab for these clean ups. If our states and localities are forced to pay these costs, the real costs will be borne by taxpayers, who should not be responsible for the actions of a few MTBE producers.

According to Congressional Quarterly, on November 24, 2003, one week after House passage of the energy conference report, President Bush called House Majority Leader TOM DELAY and requested that Mr. DELAY remove the MTBE provision that is holding up Senate passage of the legislation. As Senator PETE DOMENICI, Chairman of the Senate Energy and Natural Resources Committee, noted at that time, ''At the end, the President personally tried to get the House to support the MTBE removal. He made the call, at our request, to [Majority Leader] DeLay.'' Regrettably, Mr. DELAY chose to reject the President's personal request. Senate Republican leaders like Chairman DOMENICI, who has been working to pass this legislation for several years, are two votes shy of passing this measure, and removing the MTBE liability waiver would send to the President's desk the most comprehensive energy legislation in more than a decade.

I appreciate President Bush's desire to sign a comprehensive energy bill into law, and I support his efforts to do so. I hope that Congress will put aside its parochial interests and send the President legislation that he will sign into law. Our national energy situation is not a partisan issue, and I hope that both parties can come together to do the right thing for America.

PAYING TRIBUTE TO DR.DANIEL McCLURE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Dr. Daniel McClure of Bayfield, Colorado, on being awarded the 2004 Lloyd Gaskill Award. The award was named after the legendary football coach at Limon High School, and is annually given to an individual who volunteers to support Colorado high school athletics in other ways than coaching. This is the second year in a row that a resident of Bayfield, Colorado has been a recipient of the award, and is a well-deserved testament to Daniel's work with the youth in his community.

For over twenty years Daniel has selflessly dedicated his efforts to Colorado student athletes, helping them to compete and reach their highest potential. Once a week, Daniel visits both Bayfield and Ignacio High Schools to evaluate and treat student athletes at no cost to the schools or district. In addition to treating the student athletes, Daniel also attends each of the schools home and away games.

Dr. McClure has also contributed his time and skill beyond the high school level. He has had the opportunity to work with athletes at the United States Training Center, and at Olympic trial events, the Outdoor National Championships, the World Diving Championships and the FINA Cup International. He has also served as the sports chiropractor for the United States Olympic diving team in Barcelona, Spain in 1992, and again in Atlanta, Georgia in 1996.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Dr. Daniel McClure before this body of Congress and this nation. His dedication to high school student athletes in his community and athletes representing our great country at the highest level is truly commendable. I sincerely thank Daniel for his service.

PAYING TRIBUTE TO EDGAR JOHN NIEMANN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

Mr. McINNIS. Mr. Speaker, I rise today with a heavy heart after learning that a great citizen and a dear friend of mine, Edger John Niemann, passed away at the age of eighty-three. He was a resident of Glenwood Springs, Colorado, and as his community and family mourn his passing, I believe it appropriate to recognize the life of Edger John Niemann before this body of Congress and this nation.

Edger was born on May 28, 1920 in Cook, Nebraska to Louis and Ella Niemann. He graduated from Cook High School and then went off to earn a Bachelors of Science degree in mathematics from Doane College in Crete, Nebraska. He joined the Navy in 1943 and earned his wings in Florida. At the conclusion of the war, Edger decided to pursue his passion and become a florist. Shortly after, he married Naomi Fenske in 1947, and they moved to Glenwood Springs in 1952.

Once there he and his wife purchased a floral business, eventually naming it Niemann's Gardens. Together they ran their business for forty years developing a love for flowers, but more importantly a love for their community. For fifty-two years, Edger served on numerous boards and committees striving to make his community a better place. Edger served his local school district and was a member of the Re-1 school board for fourteen years. He also served his local church, the Glenwood Church of Christ, as an elder. He was a member of the Kiwanis Club, the West Glenwood Sewer Board, and the Oasis Creek Water Board. On a personal note, Edger was a good friend of mine and he was one of the most caring, loving and hard-working people I have ever known.

Mr. Speaker, Edger Niemann will be sorely missed, and although we grieve over the loss of this incredible individual, we take comfort in the lives he has touched and the legacy he leaves behind. My thoughts go out to his wife Naomi, son Scott, daughter Holly and the rest of his family during this difficult time of bereavement. I am honored to pay tribute to his life and memory today.

THE GASOLINE PRICE REDUCTION ACT OF 2004

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 15, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 4545, the so-called "Gasoline Price Reduction Act of 2004."

My opposition is based both on grounds of the bill's content and the process by which it has been considered. I don't believe this bill is good policy, nor do I think it should have been brought up in a way that severely limited debate and completely eliminated the opportunity for the House to even consider any amendments.

The bill's title—gasoline price reduction—is more of a slogan than an accurate description of the measure. And like any good advertising slogan, it has a certain appeal. But it is not an example of truth in advertising.

I do believe that the bill's authors had the right goals in mind when drafting this bill. But reducing the "proliferation" of boutique fuels won't affect today's high gas prices. According to EPA, clean air protections add, at most, a nickel to the price of a gallon of gasoline. There are many other factors that can affect supply and price, such as merger activity, refinery shutdowns, and pipeline capacity. Besides, gas prices have risen across the nation, not just in states with cleaner fuel requirements.

The bill we are considering today would amend the Clean Air Act by allowing the EPA and the Department of Energy to grant waivers to states, if there is a fuel shortage, to use fuel or fuel additives, which might contribute to air pollution. The bill would give the EPA Administrator authority to waive cleaner-burning gasoline or diesel requirements indefinitely if there is a "significant fuel supply disruption," a term that the bill does not define.

I am concerned that this bill would give EPA limitless authority to streamline current regulations. In addition, since the bill calls for the EPA Administrator merely to deem a waiver "necessary," I am concerned that EPA's decision might not be subject to judicial review, or that any review would be very limited.

Finally, this bill appears to put considerations of price before those of health. It contains no obligation to mitigate or make up for the excess air pollution that may occur over the waiver period.

I understand that the more than 100 different fuel blends across the country have periodically resulted in regional price spikes, which is something we should try to address. A leading voice on energy in the other body has pressed for action from the Administration using legal authorities that the President already has. He has called first for an in-depth study to analyze the impact that federal, state, and local boutique fuels programs have on our nation's gasoline marketplace and to come up with specific recommendations for action.

I think the House should be considering mandating such a study—not passing legislation that won't address gas prices and that gives EPA unlimited authority that could be used to weaken important clean air protections. But because no amendments are permitted, that proposal cannot even be considered in connection with this bill. So, I cannot support it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 17, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine aviation security.
SR–253

Foreign Relations
To hold hearings to examine the safety and security of Peace Corps volunteers around the world.
SD–419

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulatory reform proposals.
SD–538

Finance
To hold hearings to examine tax-exempt organizations, focusing on governance and best practices of charities, charities accommodating tax shelters, and current problems and issues in the charitable community.
SDG–50

Judiciary
To hold hearings to examine preserving traditional marriage, focusing on states' perspective.
SD–226

Aging
To hold hearings to examine the Medicaid crisis.
SD–628

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine the Department of Energy's High Performance Computing research and development activities in both the National Nuclear Security Administration and the Office of Science, and S. 2176, to require the Secretary of Energy to carry out a program of research and development to advance high-end computing through the Office of Science.
SD–366

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine the use of subpoena authority and pretrial detention of terrorists in fighting terrorism.
SD–226

JUNE 23

Time to be announced
Conferees
Meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.
Room to be announced

10 a.m.
Armed Services
To hold hearings to examine transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces.
SH–216

Indian Affairs
To hold an oversight hearing to examine Indian tribal detention facilities.
SR–485

Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

Agriculture, Nutrition, and Forestry
Production and Price Competitiveness Subcommittee
To hold hearings to examine proposed legislation permitting the Administrator of the Environmental Protection Agency to register Canadian pesticides.
SD–628

11 a.m.
Governmental Affairs
To hold hearings to examine the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.
SD–342

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine successes in the field of stem cell research.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Competition, Foreign Commerce, and Infrastructure Subcommittee
To hold hearings to examine peer-to-peer networks.
SR–253

Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine weapons of mass destruction smuggling networks and U.S. programs and initiatives, such as the Proliferation Security Initiative, to counter these proliferation threats.
SD–342

Judiciary
To hold hearings to examine the law of biologic medicine.
SD–226

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the grazing programs of the Bureau of Land Management and the Forest Service, including permit renewals, recent and proposed changes to grazing regulations, and the Wild Horse and Burro program, as it relates to grazing, and the Administration's proposal for sagegrouse habitat conservation.
SD–366

JUNE 24

9 a.m.
Governmental Affairs
Investigations Subcommittee
To resume hearings to examine the danger of purchasing pharmaceuticals over the Internet, focusing on the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether pharmaceuticals from foreign services are counterfeit, expired, unsafe, or illegitimate.
SD–342

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine security screening options for airports.
SR–253

10 a.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine the implementation of the Healthy Forests Restoration Act (P.L. 108–148).
SD–562

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program.
SR–253

Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345–CHOB

POSTPONEMENTS

JUNE 24

10 a.m.
Foreign Relations
To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.
SH–216

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6823–S6909

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 2523–2534, and S. Res. 380–381. **Pages S6881–82**

Measures Passed:

Honoring Detroit Pistons: Senate agreed to S. Res. 380, honoring the Detroit Pistons on winning the National Basketball Association Championship on June 15, 2004. **Pages S6867–69**

Recognizing the Accomplishments of Ray Charles: Senate agreed to S. Res. 381, recognizing the accomplishments and significant contributions of Ray Charles to the world of music. **Pages S6907–08**

National 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 proposed thereto:

Pages S6831–59, S6863–67

Adopted:

Durbin Amendment No. 3386, to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment or punishment.

Pages S6831, S6836–37

Bunning (for McConnell/Bunning) Modified Amendment No. 3438, to modify and enhance the Energy Employees Occupational Illness Compensation Program. **Pages S6837–47**

Graham (SC) Modified Amendment No. 3428, of a clarifying nature. **Pages S6847–49**

By a unanimous vote of 97 yeas (Vote No. 119), Warner Modified Amendment No. 3452, to extend jurisdiction and scope for current fraud offenses.

Pages S6850–58

Sessions/Schumer Modified Amendment No. 3372, to extend military extraterritorial jurisdiction to cover not only personnel and contractor personnel of the Department of Defense, but also personnel and contractor personnel of any Federal agency or provisional authority supporting the mission of the Department of Defense overseas. **Pages S6863–64**

Rejected:

Dodd Further Modified Amendment No. 3313, to prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense (By 54 yeas to 43 nays (Vote No. 118), Senate tabled the amendment.)

Pages S6831–36

By 46 yeas to 52 nays (Vote No. 120), Reid (for Leahy) Amendment No. 3292, to amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts. **Pages S6831, S6858–59**

Pending:

Reed Amendment No. 3352, to increase the end strength for active duty personnel of the Army for fiscal year 2005 by 20,000 to 502,400. **Page S6831**

Warner Amendment No. 3450 (to Amendment No. 3352), to provide for funding the increased number of Army active-duty personnel out of fiscal year 2005 supplemental funding. **Page S6831**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 18, 2004.

Page S6863

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, June 17, 2004, provided further, that Senator Bond be recognized in order to call up the Bond-Harkin amendment. **Page S6908**

Message From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report of the continuation of the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–87) **Page S6880**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Agreement With Canada on Pacific Hake/Whiting (Treaty Doc. No. 108–24)

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S6907**

Appointments:

Election Assistance Board of Advisors: The Chair, on behalf of the Majority Leader pursuant to Public Law 107–252, Title II, Section 214, appointed the following individual to serve as a member of the Election Assistance Board of Advisors: Wesley R. Kliner, Jr., of Tennessee. **Page S6907**

National Commission of Small Community Air Service: The Chair, on behalf of the Majority Leader pursuant to Public Law 108–176, Section 411(b)(1)(B), appointed the following individual to serve as a member of the National Commission of Small Community Air Service: Philip H. Trenary of Tennessee. **Page S6907**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. Ex. 121), William S. Duffey, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia. **Pages S6859–60, S6909**

By unanimous vote of 97 yeas (Vote No. Ex. 122), Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S6860–61, S6909**

By unanimous vote of 97 yeas (Vote No. Ex. 123), Paul S. Diamond, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S6861–62, S6909**

Nominations Received: Senate received the following nominations:

Micaela Alvarez, of Texas, to be United States District Judge for the Southern District of Texas.

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

3 Coast Guard nominations in the rank of admiral.

Routine lists in the Army. **Pages S6908–09**

Executive Communications: **Pages S6880–81**

Executive Reports of Committees: **Page S6881**

Additional Cosponsors: **Pages S6882–84**

Statements on Introduced Bills/Resolutions: **Pages S6884–S6905**

Additional Statements: **Pages S6878–80**

Amendments Submitted: **Pages S6905–06**

Notices of Hearings/Meetings: **Page S6906**

Authority for Committees to Meet: **Pages S6906–07**

Privilege of the Floor: **Page S6907**

Record Votes: Six record votes were taken today. (Total—123) **Pages S6836, S6858, S6859, S6860, S6861, S6862**

Adjournment: Senate convened at 9 a.m., and adjourned at 7:17 p.m., until 9:30 a.m., on Thursday, June 17, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6908.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security approved for full Committee consideration an original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005.

VOIP REGULATORY FREEDOM ACT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine S. 2281, to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, after receiving testimony from Laura H. Parsky, Deputy Assistant Attorney General, Criminal Division, Department of Justice; James X. Dempsey, Center for Democracy and Technology, Washington, D.C.; Thomas Rutledge, Cablevision Systems Corporation, Bethpage, New York; David F. Jones, Spartanburg County Communications, Spartanburg, South Carolina, on behalf of the National Emergency Number Association; Stan Wise, Georgia Public Service Commission, Atlanta, on behalf of the National Association of Regulatory Utility Commissioners; Jeff Pulver, pulver.com, Melville, New York; and Arturo "Archie" Macias, Wheat State Telephone Company, Udall, Kansas, on behalf of the Organization for the Promotion and Advancement of Small Telecommunications Companies.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 155, to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation, with an amendment;

S. 180, to establish the National Aviation Heritage Area, with an amendment in the nature of a substitute;

S. 211, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico;

S. 323, to establish the Atchafalaya National Heritage Area, Louisiana, with an amendment in the nature of a substitute;

S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, with an amendment in the nature of a substitute;

S. 1467, to establish the Rio Grande Outstanding Natural Area in the State of Colorado, with an amendment in the nature of a substitute;

S. 1521, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, with an amendment;

S. 1727, to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978, with an amendment in the nature of a substitute;

S. 1957, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, with an amendment in the nature of a substitute;

S. 2046, to authorize the exchange of certain land in Everglades National Park, with an amendment in the nature of a substitute;

S. 2180, to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado, with an amendment in the nature of a substitute;

S. 2243, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska;

S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project, with an amendment in the nature of a substitute;

H.R. 1648, to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District;

H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, with an amendment;

H.R. 1732, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project;

H.R. 3209, to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project; and

The nomination of Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission.

AGRICULTURE FINANCING INTEGRITY

Committee on Finance: Committee concluded a hearing to examine measures to strengthen regulations and oversight to better ensure agriculture financing integrity, focusing on a GAO report that evaluated qualifications and oversight associated with farm entity financing, specifically unlimited farm payments that have placed upward pressure on land prices leading to overproduction and lower commodity prices, after receiving testimony from Lawrence J. Dyckman, Director, Natural Resources and Environment, General Accounting Office.

U.S. NONPROLIFERATION POLICY

Committee on Foreign Relations: on Tuesday, June 15, Committee concluded a hearing to examine the Sea Island G8 Summit status report on the global partnership against weapons of mass destruction, focusing on the Nunn-Lugar program and related programs at the Departments of State and Energy to improve the United States' nonproliferation agenda, after receiving testimony from Senator Domenici; John R. Bolton, Under Secretary of State for Arms Control and International Security; and Linton F. Brooks, Administrator, National Nuclear Security Administration, Department of Energy.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Charles P. Ries, of the District of Columbia, to be Ambassador to Greece, Tom C. Korologos, of the District of Columbia, to be Ambassador to Belgium, who was introduced by Senators Hatch, Bennett, McCain, Byrd, and Stevens, and John Marshall Evans, of the District of Columbia, to be Ambassador to the Republic of Armenia, after each nominee testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 297, to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgement process, with an amendment in the nature of a substitute;

S. 1696, to amend the Indian Self-Determination and Education Assistance Act to provide further self-

governance by Indian tribes, with an amendment in the nature of a substitute;

S. 1715, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, with amendments;

S. 2172, to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, with an amendment in the nature of a substitute;

S. 2277, to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation, and motion to authorize the chairman to issue subpoenas in regards to tribal lobbying matters; to be followed by an oversight hearing to examine the No Child Left Behind Act (Public Law 107–110); and

S. 2436, to reauthorize the Native American Programs Act of 1974.

Also, Committee met in closed session to discuss the issuance of subpoenas, in regard to tribal lobbying matters.

OGLALA SIOUX TRIBE ANGOSTURA IRRIGATION PROJECT

Committee on Indian Affairs: Committee concluded a hearing to examine S. 1996, to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program, after receiving testimony from Senator Daschle; Ross Mooney, Acting Director of Trust Services, Bureau of Indian Affairs, Department of the Interior; and John Yellow Bird Steele, Oglala Sioux Tribe, and Valerie Janis, The Red Shirt District, both of Pine Ridge, South Dakota.

NO CHILD LEFT BEHIND ACT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the No Child Left Behind Act (Public Law 107–110), focusing on the implementation of the Act in Indian communities, after receiving testimony from Theresa Rosier, Counselor to the Assistant Secretary of Indian Affairs, and Edward Parisian, Director, Office of Indian Education Programs, both of the Department of the Interior; Victoria Vasques, Deputy Under Secretary and Director of the Office of Indian Education, and Darla Marberger, Deputy Assistant Secretary for Elementary and Secondary Education, both of the Department of Education; Lillian Sparks, National Indian Education Association, Alexandria, Virginia; Carmen Cornelius Taylor, National Indian School Board Association, Polson, Montana; Roger Bordeaux, Tiospa Zina Tribal School, Agency Village, South Dakota, on behalf of the Association of Community Tribal Schools, Inc.; Terry Ben, Mississippi Band of Choctaw Indians, Philadelphia, Pennsylvania; and Leland Leonard, Navajo Nation, Window Rock, Arizona.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Richard A. Griffin, of Michigan, who was introduced by Representative Camp, and David W. McKeague, of Michigan, who was introduced by Representative Mike Rogers (MI), each to be a United States Circuit Judge for the Sixth Circuit, and Virginia Maria Hernandez Covington, to be United States District Judge for the Middle District of Florida, who was introduced by Senator Nelson (FL), after each nominee testified and answered questions in their own behalf. Testimony was also received from Senators Levin and Stabenow on the nominations of Messrs. Griffin and McKeague.

House of Representatives

Chamber Action

Measures Introduced: Measures introduced today will appear in the next issue of the Record.

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H.R. 4363, to facilitate self-help housing homeownership opportunities, amended (H. Rept. 108–546);

H. Res. 640, a resolution of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense, amended, adversely (H. Rept. 108–547);

H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, amended (H. Rept. 108–548, Pt. 1). **(See next issue.)**

Speaker: Read a letter from the Speaker wherein he appointed Representative Bereuter to act as Speaker Pro Tempore for today. **Page H4175**

Chaplain: The prayer was offered today by Rev. Les Burleson, Southeast Director, Hockey Ministries International in Wake Forest, North Carolina. **Page H4175**

Journal: Agreed to the Speaker's approval of the Journal of the proceedings of Tuesday, June 15 by a voice vote. **Pages H4175, H4267**

U.S. Refinery Revitalization Act of 2004: The House passed H.R. 4517, to provide incentives to increase refinery capacity in the United States, by a yea-and-nay vote of 239 yeas to 192 nays, Roll No. 246. **Pages H4178–91, H4206**

H. Res. 671, the rule providing for consideration of the bill was agreed to on Tuesday, June 15 by a recorded vote of 225 ayes to 193 noes, Roll No. 237.

Recess: The House recessed at 11:38 a.m. and reconvened at 1:15 p.m. **Page H4191**

Department of Homeland Security Appropriations Act for Fiscal Year 2005—Rule: The House agreed to H. Res. 675, the rule providing for consideration of H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, by a recorded vote of 234 ayes to 197 noes, Roll No. 244, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 205 nays, Roll No. 243. **Pages H4193–H4205**

Suspension Failed: The House failed to suspend the rules and pass the following measure which was debated on Tuesday, June 15:

Gasoline Price Reduction Act of 2004: H.R. 4545, to amend the Clean Air Act to reduce the proliferation of boutique fuels, by a ⅔ yea-and-nay vote of 236 yeas to 194 nays, Roll No. 247. **Pages H4206–07**

Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2005: The House began consideration of H.R. 4568, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005. Further consideration will resume tomorrow, June 17. **Pages H4207–67**

Agreed to:

Slaughter en bloc amendment (as modified by unanimous consent to make a technical correction) that reduces funding for motor vehicle lease, purchase or service costs at the Department of the Interior, and increases funding for the National Endowment for the Arts and the National Endowment for the Humanities (by a recorded vote of 241 ayes to 185 noes, Roll No. 248); **Pages H4216–24, H4238–39**

Hunter amendment that prohibits the use of funds for the salaries and expenses of any employee for the expenditure of user fees for the costs of biological monitoring for a species that is included in a list published under the Endangered Species Act of 1973, or that is a candidate for inclusion in such a list; and **Pages H4243–44**

Chabot amendment (No. 2, printed in the Congressional Record of June 15) that prohibits the use of funds to plan, design, study or construct forest development roads in Tongrass National Forest in Alaska for the purpose of harvesting timber by private entities or individuals (by a recorded vote of 222 ayes to 205 noes, Roll No. 253); (agreed by unanimous consent to limit debate time on the

amendment to 20 minutes, equally divided and controlled). **Pages H4249–52, H4264–65**

Rejected:

Tancredo amendment (No. 5, printed in the Congressional Record of June 15) that sought to increase funding for the U.S. Forest Service National Forest System account for law enforcement (by a recorded vote of 112 ayes to 313 noes, Roll No. 249); **Pages H4227–28, H4239**

Hooley of Oregon amendment that sought to increase funding for Wildland Fire Management (by a recorded vote of 186 ayes to 241 noes, Roll No. 250); **Pages H4229, H4239–40**

Sanders amendment that provides funding for the energy smart schools program (by a recorded vote of 199 ayes to 227 noes, Roll No. 251); **Pages H4241, H4263–64**

Rahall amendment (No. 1, printed in the Congressional Record of June 15) that prohibits the use of funds to adversely affect the physical integrity of Indian Sacred Sites on federal lands, as such terms are defined in a May 24, 1996 Executive Order (by a recorded vote of 209 ayes to 215 noes, Roll No. 252); **Pages H4244–49, H4264**

Udall of New Mexico amendment (No. 3, printed in the Congressional Record of June 15) that prohibits the use of funds to finalize or implement proposed revisions to Forest Service rules relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on Dec. 6, 2002 (by a recorded vote of 195 ayes to 230 noes, Roll No. 254); and **Pages H4253–59, H4265–66**

Flake amendment (No. 8, printed in the Congressional Record of June 15, offered under a unanimous consent agreement) that increases funding for the Payments in Lieu of Taxes program (by a recorded vote of 94 ayes to 332 noes, Roll No. 255). **Pages H4261–63, H4266–67**

Withdrawn:

Hensarling amendment, that was offered and subsequently withdrawn that would have limited funding for managing and maintaining Department of the Interior websites; and **Pages H4260–61**

Hinchey amendment, that was offered and subsequently withdrawn without prejudice to reconsideration at a later time, that would have prohibited the use of funds to kill or assist other persons in killing bison in the Yellowstone National Park herd. **Page H4261**

Point of Order sustained against:

Provision of the bill relating to the Farm Security and Rural Investment Act of 2002; **Page H4230**

Section 319 of the bill concerning the Forest and Rangeland Renewable Resources Planning Act of 1974; and **Page H4238**

Kaptur amendment that sought to allow the Secretary of Energy to annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. **Pages H4252–53**

H. Res. 674, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 428 yeas to 1 nay, Roll No. 245. **Pages H4191–93, H4205**

Committee Resignation: Read a letter from Representative Reyes wherein he resigned from the Committee on Veterans' Affairs, effective immediately. **Page H4207**

Committee Election: Agreed to H. Res. 678, electing Representative Herseth to the Committees on Resources and Veterans' Affairs. **Page H4207**

Presidential Message: Read a message from the President wherein he notified Congress of the Continuation of the National Emergency with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation—referred to the Committee on International Relations and ordered printed (H. Doc. 108–194). **Page H4207**

Senate Message: Message received from the Senate today appears on page H4175.

Senate Referral: S. 2238 was held at the desk and S. 2362 was referred to the Committee on House Administration. **(See next issue.)**

Amendments: Amendments ordered printed pursuant to the rule will appear in the next issue of the Record.

Quorum Calls—Votes: Four yea-and-nay votes and nine recorded votes developed during the proceedings of today and appear on pages H4204, H4204–05, H4205, H4206, H4206–07, H4238–39, H4240, H4263–64, H4264, H4265, H4265–66 and H4266. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 11:54 p.m. stands in recess subject to the call of the chair.

Committee Meetings

IRAQI AGRICULTURE

Committee on Agriculture: Held a hearing to review Iraqi Agriculture: From Oil for Food to the Future of Iraqi Production Agriculture and Trade. Testimony was heard from William J. Garvelink, Senior Deputy Assistant Administrator, Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development, Department of State; Joseph A. Christoff, Director, International Affairs and

Trade, GAO; H. Lee Schatz, Special Counsel for Iraq Reconstruction, Office of the Administrator, Foreign Agricultural Service, USDA; and public witnesses.

DEFENSE AND ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2005: Defense and Energy and Water Development.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative approved for full Committee action the Legislative appropriations for fiscal year 2005.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Army Budget Request. Testimony was heard from the following officials of the Department of the Army: GEN Peter J. Schoomaker, USA, Chief of Staff; and Geoffrey G. Prosch, Acting Assistant Secretary (Installations and Environment).

IRAQ—STATUS OF U.S. FORCES AFTER JUNE 30TH

Committee on Armed Services: Held a hearing on the status of U.S. forces in Iraq after June 30, 2004. Testimony was heard from the following officials of the Department of Defense: Peter Rodman, Assistant Secretary (International Security Affairs); and LTG Walter L. Sharp, USA, Director, Strategic Plans and Policy, Joint Chiefs of Staff; and Ambassador Francis J. Ricciardone, Coordinator for Iraq Transition, Department of State.

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION REPORT

Committee on Armed Services: Held a hearing on the report of the United States-China Economic and Security Review Commission. Testimony was heard from the following officials of the U.S.-China Economic and Security Review Commission: Roger W. Robinson, Jr., Chairman; and Carolyn Bartholomew, Commissioner.

COLLEGE ACCESS AND OPPORTUNITY ACT

Committee on Education and the Workforce: Held a hearing entitled ''H.R. 4283, College Access and Opportunity Act: Are Students at Proprietary Institutions Treated Equitably under Current Law?'' Testimony was heard from public witnesses.

NUCLEAR WASTE FUND—RECLASSIFY FEES PAID

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality approved for full Committee action, as amended, H.R. 3981, To reclassify fees paid into the Nuclear Waste Fund as offsetting collections.

OVERWEIGHT CHILDREN—HEALTH CONCERNS ABOUT DIETARY SUPPLEMENTS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Parents Be Aware: Health Concerns about Dietary Supplements for Overweight Children.'' Testimony was heard from Howard Beales, Director, Bureau of Consumer Protection, FTC; Howell Wechsler, Acting Director, Division of Adolescent and School Health, Center for Disease Control and Prevention, Department of Health and Human Services; and public witnesses.

FHA SINGLE FAMILY LOAN LIMIT ADJUSTMENT ACT

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on H.R. 4110, FHA Single Family Loan Limit Adjustment Act of 2004. Testimony was heard from John C. Weicher, Assistant Secretary, Housing/Federal Housing Commissioner, Department of Housing and Urban Development; and public witnesses.

OVERSIGHT—TREASURY DEPARTMENT

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''Oversight of the Department of the Treasury.'' Testimony was heard from the following officials of the Department of the Treasury: Samuel W. Bodman, Deputy Secretary; William J. Fox, Director, Financial Crimes Enforcement Network; R. Richard Newcomb, Director, Office of Foreign Assets Control; Nancy J. Jardini, Chief, Criminal Investigation, IRS; and Dennis S. Schindel, Acting Inspector General.

OVERSIGHT—PRIVATE SECTOR CONSULTANTS AND FEDERAL MANAGEMENT

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held an oversight hearing entitled ''Private Sector Consultants and Federal Management: More than Balancing the Books.'' Testimony was heard from public witnesses.

CASTRO'S CUBA—CONTINUED HUMAN RIGHTS ABUSES

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled ''Living in Fear: The Continued Human Rights Abuses in Castro's Cuba.'' Testimony was heard from the following officials of the Department of State:

Michael Kozak, Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights, and Labor; Dan Fish, Deputy Assistant Secretary; and David Mutchler, Senior Advisor on Cuba, U.S. Agency for International Development; and public witnesses.

CYBER-CHALLENGES FACING HOME USERS AND SMALL BUSINESSES

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled "Locking Your Cyber Front Door—The Challenges Facing Home Users and Small Businesses." Testimony was heard from Amit Yoran, Director, National Cyber Security Division, Department of Homeland Security; J. Howard Beales III, Director, Bureau of Consumer Protection, FTC; Cheryl A. Mills, Associate Administrator, Entrepreneurial Development, SBA; Ed Roback, Chief, Computer Security Division, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

U.S. INITIATIVES—NATO'S SUMMIT

Committee on International Relations: Subcommittee on Europe held a hearing on U.S. Initiatives at NATO's Istanbul Summit. Testimony was heard from Ian J. Brzezinski, Deputy Assistant Secretary, European and NATO Affairs, Department of Defense; and Robert A. Bradtke, Deputy Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State.

U.S.-EGYPTIAN RELATIONS FUTURE

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing on The Future of U.S.-Egyptian Relations. Testimony was heard from the following officials of the Department of State: Rose Likins, Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs; David Satterfield, Deputy Assistant Secretary, Bureau of Near Eastern Affairs; and James Kunder, Deputy Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development.

VISA WAIVER PROGRAM—SCREENING POTENTIAL TERRORISTS

Committee on International Relations: Subcommittee on International Terrorism, Nonproliferation and Human Rights held a hearing on The Visa Waiver Program and the Screening of Potential Terrorists. Testimony was heard from Robert Jackstra, Executive Director, Boarder Security and Facilitation, U.S. Customs and Border Protection, Department of Homeland Security; Catherine Barry, Managing Director, Office of Visa Services, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 218, Law Enforcement Officers Safety Act of 2003; and H.R. 3266, Faster and Smarter Funding for First Responders Act of 2003.

CREATE OFFICE OF CHIEF FINANCIAL OFFICER—VIRGIN ISLANDS GOVERNMENT

Committee on Resources: Held a hearing on H.R. 3589, To create the Office of Chief Financial Officer of the Government of the Virgin Islands. Testimony was heard from Delegate Norton; David Cohen, Deputy Assistant Secretary, Insular Affairs, Department of the Interior; the following officials of the Virgin Islands: Charles W. Turnbull, Governor; David A. Jones, Senate President; and Ronald E. Russell, Senator; and a public witness.

OVERSIGHT—FISHERY DATA COLLECTION PROGRAMS IMPORTANCE

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on The Importance of Fishery Data Collection Programs. Testimony was heard from Michael Sissenwine, Director, Scientific Programs and Chief Scientific Advisor, National Marine Fisheries Service, NOAA, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power approved for full Committee action, as amended, the following bills: H.R. 3334, Riverside-Corona Feeder Authorization Act; H.R. 3597, To authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California; and H.R. 4045, To authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River.

EXAMINE RULE X—ORGANIZATION OF COMMITTEES

Committee on Rules: Subcommittee on Technology and the House held a hearing to examine Rule X, the Organization of Committees, including its current legislative impact, arrangement, and effectiveness. Testimony was heard from Representatives Tom Davis of Virginia, Waxman, Cox, Turner of Texas, Boehner and Thomas.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported, as amended, the following bills: H.R. 3890, To reauthorize the

Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; and H.R. 4516, Department of Energy High-End Computing Revitalization Act of 2004; H.R. 4218, High-Performance Computing Revitalization Act of 2004; and H.R. 3598, Manufacturing Technology Competitiveness Act of 2004.

OVERSIGHT—PIPELINE SAFETY AND THE OFFICE OF PIPELINE SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit, and Pipelines held an oversight hearing on Pipeline Safety and the Office of Pipeline Safety. Testimony was heard from Robert Chipkevich, Director, Office of Railroads, Pipeline, and Hazardous Materials Investigations, National Transportation Safety Board; the following officials of the Department of Transportation: Kenneth M. Mead, Inspector General; Samuel G. Bonasso, Deputy Administrator, Research and Special Programs Administration; and Stacey Gerard, Associate Administrator, Office of Pipeline Safety; and Katherine Siggerud, Director, Physical Infrastructure Issues. GAO.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Benefits held a hearing on the following: H.R. 4032, Veterans Fiduciary Act of 2004; and the Veterans Self-Employment Act of 2004.

Testimony was heard from Jack McCoy, Director, Education Service, Veterans Benefits Administration, Department of Veterans; and public witnesses.

U.S-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION

Committee on Ways and Means: Held a hearing on the Implementation of the United States-Australia Free Trade Agreement. Testimony was heard from the following officials of the Office of the United States Trade Representative: Josette Sheeran Shiner, Deputy U.S. Trade Representative; and Allen Johnson, Chief Agricultural Negotiator; and public witnesses.

INTELLIGENCE AUTHORIZATION ACT FISCAL YEAR 2005

Permanent Select Committee on Intelligence: Met in executive session and ordered reported, as amended, H.R. 4548, Intelligence Authorization Act for Fiscal Year 2005.

Joint Meetings

THE MIDDLE EAST

Commission on Security and Cooperation in Europe (Helsinki Commission): on Tuesday, June 15, Commission concluded a hearing to examine the advancing of democracy and human rights in the Middle East focusing on the possibility of using the 1975 Helsinki Final Act and related institutions as models for reform in the region, after receiving testimony from H.E. Natan Sharansky, Israeli Minister of Disapora Affairs, Jerusalem; Ambassador Max M. Kampelman, Conference on Security and Cooperation in Europe, and Ambassador Mark Palmer, both of Freedom House, and Ambassador (retired) Craig Dunkerley, and Michael Yaffe, both of the National Defense University Near East-South Asia Center for Strategic Studies, all of Washington, D.C.; and Peter Jones, University of Toronto Munk Centre for International Studies, and Privy Council, Ottawa, Canada.

ANTI-SEMITISM IN EUROPE

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded a hearing to examine the April 2003 Berlin Conference on Anti-Semitism and consider appropriate steps to following up on the conference, after receiving testimony from Representative Lantos; Natan Sharansky, Israeli Minister for Diaspora Affairs, and Head of the Israeli Delegation to the Berlin OSCE Conference on Anti Semitism, Jerusalem; Betty Ehrenberg, Institute for Public Affairs, and the Orthodox Union of Jewish Congregations, James S. Tisch, Conference of Presidents of Major American Jewish Organizations, and Mark Weitzman, Simon Wiesenthal Center, all of New York, New York; Paul Goldenberg, American Jewish Committee, Howell, New Jersey; Fred Zeidman, U.S. Holocaust Memorial Council, Houston, Texas; and Jay Lefkowitz, Kirkland & Ellis, LLP, Stacy Burdett, Anti-Defamation League, Dan Mariaschin, B'nai B'rith International, and Shai Franklin, NCSJ, all of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D619)*

S.J. Res. 28, recognizing the 60th anniversary of the Allied landing at Normandy during World War II. Signed on June 15, 2004. (Public Law 108–236)

COMMITTEE MEETINGS FOR THURSDAY, JUNE 17, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider S. 894, to require the Secretary of the Treasury to mint coins in commemoration of the

230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center; S. 976, to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; and the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System; to be followed by a hearing to examine the regulation of the bond markets, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine measures to enhance border security, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine the final report on the President's Commission on Implementation of U.S. Space Exploration Policy, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the Environmental Management Program of the Department of Energy and issues associated with accelerated cleanup, 10 a.m., SD–366.

Subcommittee on Water and Power: to hold hearings to examine S. 2513, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System; S. 2511, to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico; S. 2508, to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse; S. 2460, to provide assistance to the State of New Mexico for the development of comprehensive State water plans; and S. 1211, to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the ''Reclamation Wastewater and Groundwater Study and Facilities Act'', by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine Council of Europe Convention on Cybercrime (the ''Cybercrime Convention'' or the ''Convention''), which was signed by the United States on November 23, 2001 (Treaty Doc. 108–11), United Nations Convention Against Transnational Organized Crime (the ''Convention''), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy (Treaty Doc. 108–16), Inter-American Convention Against Terrorism (''Convention'') Adopted at the Thirty-second Regular Session of the General Assembly of the Organization of American States (''OAS'') Meeting in Bridgetown, Barbados, and signed by thirty countries, including the United States, on June 3, 2002 (Treaty Doc. 107–18), and Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures done at Brussels on June 26, 1999 (Treaty Doc. 108–6), 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Anne W. Patterson, of Virginia, to be Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Deputy Representative of the United States of America in the Security Council of the United Nations, and to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations, and James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, and to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, 2 p.m., SD–419.

Full Committee, to hold hearings to examine the nomination of John C. Danforth, of Missouri, to be U.S. Representative to the United Nations with the rank of Ambassador; and to be U.S. Representative in the Security Council of the United Nations; and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations, 3 p.m., SD–419.

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine the danger of purchasing pharmaceuticals over the Internet, focusing on the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether pharmaceuticals from foreign services are counterfeit, expired, unsafe, or illegitimate, 9 a.m., SD–342.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

House

Committee on Armed Services, hearing on training of Iraqi security forces, 9 a.m., and a hearing on the impact of defense trade offsets on the U.S. defense industrial base, 2 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to mark up H.R. 2929, Safeguard Against Privacy Invasions Act, 10:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Problems with the E-rate Program: Waste, Fraud, and Abuse Concerns in the Wiring of Our Nation's Schools to the Internet,'' 9:30 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled, ''The US–EU Regulatory Dialogue: The Private Sector Perspective,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled ''The War Against Drugs and Thugs: A Status Report on Plan Colombia Successes and Remaining Challenges,'' 2 p.m., 2154 Rayburn.

Committee on House Administration, oversight hearing on the Election Assistance Commission and Implementation of the Help America Vote Act, 11 a.m., 1310 Longworth.

Committee on International Relations, to mark up the following measures: H. Res. 642, House Commission For Assisting Democratic Parliaments Resolution; and H. Con. Res. 410, Recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world; followed by a hearing on United States Economic Assistance to Egypt: Does It Advance Reform?'' 10:30 a.m., 2172 Rayburn.

Subcommittee on Europe, to mark up the following measures: H. Con. Res. 415, Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; and H. Res. 652, Urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004, 10 a.m., 2255 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 4586, Family Movie Act of 2004, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled ''Families and Businesses in Limbo: The Detrimental Impact of the Immigration Backlog,'' 1 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 3102, To utilize the expertise of New Mexico State University, the University of Arizona, and Northern Arizona University in conducting studies under the National Environmental Policy Act of 1969 in connection with grazing allotments and range and continuing range analysis for National Forest System lands in New Mexico and Arizona; H.R. 3427, Craig Recreation Land Purchase Act; H.R. 4494, Grey Towers National Historic Site Act of 2004; and S. 2003, To clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River, 11 a.m., 1334 Longworth.

Committee on Rules, Subcommittee on Technology and the House, to continue hearings to examine Rule X, the Organization of Committees, including its current legislative impact, arrangement, and effectiveness, 11 a.m., H–313 capitol.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing on Department of Labor's Enforcement Against Small Businesses, 10:30 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, hearing on efforts to identify and eliminate fraud, waste, abuse and mismanagement in programs administered by the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on Health Care Information Technology, 2 p.m., 1100 Longworth.

Subcommittee on Human Resources, hearing on failure to Protect Child Safety, 4 p.m., B–318 Rayburn.

Subcommittee on Trade, hearing on Customs Budget Authorizations and Other Customs Issues, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Human Intelligence, Analysis, and Counterintelligence, executive, briefing on Counternarcotics: Afghanistan, 2 p.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security, executive, briefing on Global Intelligence Update, 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, June 17

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 2400, National Defense Authorization Act, providing that Senator Bond be recognized to offer the Bond/Harkin amendment.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 17

House Chamber

Program for Thursday: Continue consideration of H.R. 4568, Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2005.

Consideration of H.R. 4567, Department of Homeland Security Appropriations Act for Fiscal Year 2005 (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

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