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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. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 23, 2004.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. Jack Davidson, Pastor, Redeemer Lutheran Church, Lancaster, Ohio, offered the following prayer:

Almighty and Gracious God, as we begin this new day, we seek Your forgiveness and blessing. As Creator and Governor of all, we pray that You will protect our country from all harm and attack. Restrain the plans of those who would do us evil. Change the hearts of our enemies that we may live with them in peace. Give to those who protect us the wisdom to defeat the plans of our enemies so that the people of this Nation will live in unity and peace.

Bless all those in service of our country. Endow our leaders with wisdom and knowledge, that by Your power, they will make God-pleasing decisions for the welfare of our citizens; through Jesus Christ Your Son Our Lord, who lives and reigns with You and the Holy Spirit, one God, world without end. 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.

PLEDGE OF ALLEGIANCE

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

Mr. ROSS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 4589. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

The message also announced that the Senate has passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 33. Joint resolution expressing support for freedom in Hong Kong.

WELCOMING THE REVEREND DR. JOHN C. DAVIDSON

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

Mr. HOBSON. Mr. Speaker, I rise today to recognize this morning's honored guest chaplain, Dr. John C. Davidson, who serves as the pastor of the Redeemer Lutheran Church in Lancaster, Ohio.

Dr. Davidson has been an ordained minister for 22 years and has faithfully served his parish and the Lancaster community during that time. He has earned two master's degrees and a doctorate degree from the Concordia Theological Seminary located in Fort Wayne, Indiana, and St. Louis, Missouri.

In addition to his parish duties, Dr. Davidson also serves as second vice chairman of the Lutheran Church-Missouri Synod, where he provides governing assistance to 172 congregations located in Ohio and portions of West Virginia and Kentucky.

Dr. Davidson is also known as a community leader. He serves as chaplain for the Charity Newsies in Fairfield County and the Fairfield County Coroner.

On the personal side, Dr. Davidson and his wife, Luann, have been married for 22 years and are blessed with four beautiful children, Rachel, Emily, Andrew, and Mark.

Dr. Davidson is an uplifting minister who is loved by his family and is well respected by the Lancaster community and the members of the Redeemer Lutheran Church.

As Ohio's Seventh District Congressman, I would like to take this opportunity to publicly recognize Dr. Davidson for his commitment to the church and his community over the years. His many contributions to the spiritual growth of central Ohio are noteworthy, and I thank him for his service.

SPENDING RESTRAINT

(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, $164 billion of new Federal spending took place between 2001 and 2003, unrelated to defense and the events of 9/11. We are borrowing to spend, and we need to bring spending under control or we put future generations, our children

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and grandchildren, at risk with no hope of paying off this debt. We demonstrated that in 1998 with the balanced budget showing fiscal responsibility, but years of surpluses has sparked a spending spree that does not stop when the money runs out.

Alan Greenspan warned Congress that we must restrain spending. He said this last summer: ''I would like to see the restoration of PAYGO and discretionary caps which essentially will restrain the expanse of the deficit and indeed ultimately contain it.''

I urge my colleagues to heed Greenspan's remarks and to have the opportunity to reign in spending and update the budget process.

RESTORE BUDGET CUTS TO VETERANS PROGRAMS

(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, on the 4th of July our Nation will celebrate its 228th birthday. On this day, we will remember how our Founding Fathers dedicated their lives to honor the novel ideas of liberty, equality, and democracy.

Today, our brave men and women in uniform exemplify the spirit, sacrifice, and commitment of the American people to securing freedom and democracy throughout the world, and our veterans are living examples of the ideals of our Founding Fathers.

Unfortunately, there are some in Congress who actually want to cut funding for our veterans. House Republicans passed a budget this year that slashes funding for veterans health care by $1 billion, and President Bush's 2006 budget is expected to include another $900 million in cuts for veterans health care.

Mr. Speaker, we promised our veterans health care for life, not health care someday. I urge my colleagues in Congress to restore these cuts to our veterans programs.

Our veterans are truly America's greatest generation, and this Congress should honor them.

ONE-YEAR ANNIVERSARY OF THE JOBS AND GROWTH ACT OF 2003

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

Mr. FOLEY. Mr. Speaker, 1 year ago today, President Bush signed into law the Jobs and Growth Tax Relief Reconciliation Act of 2003, enabling American workers, families, and businesses to keep more of their own money and laying a foundation for economic growth and job creation now and for years to come.

Eleven million individuals and families will receive an average tax cut of $1,500; 49 million married couples will have an average tax cut of $2,600.

The President's tax relief is helping American job seekers. Unemployment has fallen to 5.6, the lowest average unemployment rate of the 1970s, 1980s, and 1990s. In my State of Florida, unemployment is at 4.7, showing jobs are being created and people are working.

The President's tax relief is helping the budget of America's families, increasing disposable income, allowing them to buy the things they need for their families and their homes. And the President's tax relief is helping America's businesses. The stock market is up 18 percent, increasing America's capital base by more than $2 trillion.

All in all, this is working, jobs are growing, the economy is strong. We salute the President for his leadership.

NO MORE JUDGMENT CALLS

(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, Deputy Secretary of Defense Paul Wolfowitz testified before Congress yesterday that he did not plan or expect an insurgency in Iraq. This observation, from one of the war's architects, whose record includes ridiculing former General of the Army, General Shinseki, by saying his troop estimate was ''way off the mark.'' Now there are 150,000 Americans in the Iraqi theater.

He said that Iraqi oil would pay for reconstruction. U.S. taxpayers have been tabbed $20 billion to rebuild Iraq.

Secretary Wolfowitz could not remember how many troops had been killed in Iraq. At that point he guessed about 500. In fact, there had been 734 at the time. He was off by 30 percent.

Now he says he could not comprehend and did not plan for an Iraqi insurgency.

How many times do you have to be wrong in this administration and still have your job? Maybe Ahmed Chalabi did not tell him to plan for insurgency. Now he is telling us that our stay in Iraq could last years.

With a record like that, Mr. Wolfowitz, do not give us any more of your judgment calls.

ARCHIMEDES CLUB FAMILY BOAT WEEKEND

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Archimedes Club, especially its chairman, Doron Zilbershtein. This wonderful organization in my South Florida district will be holding its first annual boat race hosted by the Coconut Grove Sailing Club.

This event will allow selected families, teamed up with underprivileged families, to spend time together building boats that they will race to the finish line.

The Archimedes Club has shown an unwavering dedication to the community by developing character traits and social skills through boating activities. Its members will be donating their time and boating knowledge the weekend of July 23 to give water sports fans the opportunity to participate in challenging competitions.

The Archimedes Club plans to build on this race and to donate the boats that are built to other communities around Florida. This act shows the unselfish and unwavering commitment of the Archimedes Club to help others, and it does not stop at the local level.

For the sincere concern and the outstanding dedication to underprivileged families, I congratulate the Archimedes Club for all it has done. The members will inspire many more citizens to follow in their steps.

MOUNTAIN OF DEBT FOR FUTURE GENERATIONS

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

Mr. DEFAZIO. Mr. Speaker, I was pleased to hear one of my Republican colleagues precede me and talk about the impact of the debt, the growing deficit and the debt. I wish that the folks downtown were listening.

DICK CHENEY, Vice President DICK CHENEY, has declared that deficits do not matter. In fact, he now wants to send the result of this growing mountain of debt to an undisclosed location by hiding the fact that the United States of America is about to exceed its $7.3 trillion debt limit. For the second time in Bush's brief 3½ years in office, Congress is going to have to increase the debt limit of the country, a burden that will be passed on for the next 30 to 50 years for future generations of Americans. Now they want to do it in a stealth manner, by attaching some vague language to a defense bill in the hope that they will not have to take a vote on the product of what they have created here, which is another couple of trillion dollars of debt for the American people.

They should at least have the courage and the honesty of their convictions and bring up the debt limit on the floor of the House and vote on it so people can see the product of their economic and tax policies, which is a mountain of debt for future generations.

JOHN KERRY SHOULD APOLOGIZE FOR VIETNAM TESTIMONY

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

Mr. PITTS. Mr. Speaker, this week, the Vietnamese Government has weighed in on the Iraqi prison scandal, but the official Communist Vietnamese news agency is not citing the Geneva Conventions or the U.N.; it is citing

testimony given by JOHN KERRY in 1971 in condemning our troops.

Mr. KERRY testified that American soldiers from top to bottom committed human rights violations, ''cutting off ears, murder, rape, destruction,'' et cetera. The problem is, he relied on reports by a group of supposed Vietnam veterans who were not what they seemed. They claimed to be former Vietnam veterans. They were not. They were frauds. They were out only to discredit the military and our country.

But JOHN KERRY never repudiated or apologized for his statements. Instead, he has excused his behavior to youth. Now his misleading, inaccurate, hateful words are being used by a government with an atrocious human rights record against the United States.

That was a difficult time in our history. Passion and tensions were high. Whatever one's opinion of Vietnam, our troops suffered because of this kind of false witness to their efforts in Vietnam; and as a Vietnam veteran, I think Mr. KERRY should apologize once and for all and disavow those statements as false before other nations decide to use them.

SAUDI ARABIAN ANTI-SEMITISM

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

Ms. BERKLEY. Mr. Speaker, I rise this morning to speak out against the continued pattern of anti-Semitism and racism by the Saudi royal family.

Last month, Crown Prince Abdullah was quoted as telling Saudi television that ''Zionists'' were behind the May 1 attack on contractors at the Saudi oil facility in Yanbu. The Crown Prince was also quoted in a story appearing in a Saudi newspaper as saying, ''Our country is targeted; you know who is behind all of this. It is Zionism.''

Enough is enough.

□ 1015

This is not the first time I have come to the floor to protest hatred emanating from the kingdom. It is the first time that I have come to the floor to protest the scapegoating of Israel and the Jewish people when, in fact, it was Saudi radicals who perpetrated these attacks. And it is not the first time that I have spoken of the danger of fueling the fires of religious extremism and hatred.

The irony is that it is the Saudis who have exported their homegrown terrorists throughout the world and have financed these murders for over 20 years. Only now when their own terrorists have turned back against the Saudi Royal Family are they remotely concerned with anything about terrorism.

Continually spreading and advancing of hateful and anti-Semitic rhetoric only provides ammunition who those who would support and condemn terrorism. Enough is enough. The Saudis have to stop.

VOTE YES ON THE SPENDING CONTROL ACT

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, for years, the Democrats have offered a simple approach to the American economy: Increased taxes on the hard working American people. For starters, we voted down three proposals by the Democrats during the debate on the budget. Each would have raised taxes by over its $00 billion minimum to the American people.

Last year Republicans rejected Democrats' alternatives to major legislation that would have added almost $1 trillion to the deficit, Mr. Speaker. Now I understand that they may be proposing a resolution to the floor calling for billions and billions of dollars of, again, increased taxes to the hard working American people.

I hope, and this week we should have a chance, to reign in spending by voting in favor of the Spending Control Act and some amendments to that Act.

As a member of the Committee on the Budget, Mr. Speaker, I have heard endless rhetoric by our friends the Democrats about the deficit, but at the end of the day, all they propose is more spending and more taxes. If they are serious, Mr. Speaker, about reducing the deficit, then they will join us voting yes on the Spending Control Act.

STOP THE CUTS IN VETERANS' HEALTH CARE

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

Mrs. CAPPS. Mr. Speaker, as we approach the 4th of July, I rise in sharp disagreement with the priorities of this administration for our veterans. Americans everywhere will tell you that we owe our Nation's veterans a huge debt of gratitude. We must fulfill the promises we have made to them. During a time when hundreds of thousands of our troops stand in harm's way, we certainly must live up to our commitments to veterans. They deserve the very best health care our Nation can provide.

I believe all of us in Congress feel the same way, but why, then, will no one from the other side stand up to reject the Bush administration's plan to cut 900 million from veterans health care next year after the election? That is another massive cut coming on top of the budget that already underfunds veterans' health care by $1 billion.

Mr. Speaker, our veterans do not deserve this and they cannot afford it. I urge my colleagues to demand the Bush administration to stop the cuts in veterans health care.

AMERICAN FAMILY BUDGET ACT

(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, the question on the hearts and minds of millions of Americans was expressed last week on the editorial pages of the Wall Street Journal. Will Republicans step up to control spending? In an age where we have seen an extraordinary increase in non-defense discretionary spending, as a conservative member of this institution, it is my honest hope that we will answer in the affirmative to that question.

And thanks to the leadership of the gentleman from Wisconsin (Mr. RYAN), the gentleman from California (Mr. COX), the gentleman from Texas (Mr. HENSARLING) and the gentleman from Indiana (Mr. CHOCOLA) with the American Family Budget Act Congress is poised to do just that.

Tomorrow we will consider the first major budget process reform in 3 decades on Capitol Hill. And their initiatives will be a part of the amendments. But some now are considering not even bringing budget process reform to the floor.

And I rise today to say, Mr. Speaker, that we must today answer the question in the affirmative. Will Republicans step up and control spending? To answer yes, Republicans must bring spending reform to the floor tomorrow. Debate it, amend it, and say yes to the American people that fiscal discipline is alive and well in the House of Representatives and in this Republican majority.

JOBS ARE COMING BACK IN OUR ECONOMY

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

Mr. RYAN of Wisconsin. Mr. Speaker, in this very negative bitter political year, we hear a lot of negative stories. I want to talk about something that is good that is happening in America, and that is jobs are coming back in our economy.

If you take a look at what is happening in this economy, our U.S. economy is growing at the fastest rate it has grown in 20 years. We have added 1.4 million jobs in economy since last August alone.

In my home State of Wisconsin, where we are so dependent on manufacturing jobs, we are seeing a great recovery in manufacturing. Over 3,000 jobs just last month alone in high paid manufacturing jobs, almost 12,000 jobs in total alone last month in the State of Wisconsin.

So what is happening is the tax cuts that passed a year ago, the good economic policies that have been put in place, the seeds that were planted are bearing fruit and we are now on the

road to an economic recovery. Yes, everyone who lost a job has not yet found one, but the good news is the fastest growth in 20 years, over a million jobs created within a year, we are on record pace to earn back and build back the jobs that we lost and that is good news for America.

THE AMERICAN ECONOMY IS STRONG

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

Mr. CRANE. Mr. Speaker, I have noted with interest that some prominent Democrats have decided that part of their election strategy is apparently to scare the American people into believing that the economy is weak.

I hate to rain on their parade, but here are some numbers: Inflation is at record lows; interest rates have been at record lows; real GDP has grown 5 percent during the last four quarters, the fastest annual rate in almost 20 years; the unemployment rate is 5.6 percent, which is lower than the 30 year historical average. Real disposal personal income increased at 4.9 percent annual rate in the first quarter of 2004.

Mr. Speaker, it sounds to me like some of our colleagues on the other side of the aisle, including the presumptive nominee for President, have apparently failed to do their homework. I, for one, do not think the voters are going to be impressed by this nonsense.

THE REAL RECORD ON ECONOMIC GROWTH

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

Mr. CAMP. Mr. Speaker, I rise today to set the record straight on the economic outlook in America and in my home State of Michigan. Let us look at the facts. Real GDP has grown 5 percent during the last four quarters, the fastest annual growth in almost 20 years. Inflation remains low, productivity has grown at the fastest 3-year rate in 40 years. Business investment surged 12½ percent in the last four quarters. Industrial production saw its largest quarterly increase in nearly 4 years during the first quarter of 2004 and increased further in April. Yes, even in Michigan we added 8,300 jobs just last month.

But more important than all of these statistics is that real disposable income is on the rise. That is more money in the hands of moms and dads all across the country who can invest in their family and buy the things they need. More jobs for our workers and more prosperity for our families. Now, that is a record we can be proud of.

JOBS AND THE ECONOMY

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

Mr. PORTMAN. Mr. Speaker, I am here also to talk about our economy. The gentleman from Michigan (Mr. CAMP) just talked about all the positive economic indicators. I guess one could say the only economic indicator that is not positive are the statements from the presumptive Democrat nominee for President. And I do not know why he is doing it because it hurts the economy to badmouth the economy, to talk it down. It reduces consumer confidence at a time when we need to be sure that consumers are confident about where we are.

Before me, others talked about the fact that our unemployment numbers have gone from 6.3 percent down to 5.6 percent. That is lower than the average in the 1970s, 1980s, or 1990s. 1.4 million jobs have been created in the last 9 months.

Let me talk about those jobs. These are good-paying jobs. After tax income increased at a strong 4.9 percent annual rate in the first quarter of this year. Think about that. Hourly compensation in the last year has gone up 2.7 percent. That is faster than the 1.5 percent in the 1990s and people talk about its great growth. Average weekly earnings increased 2.5 percent from the same period a year ago.

So this notion that somehow we are creating jobs but they are not the right jobs or not increasing income are just wrong. Income is up. Productivity is up. Jobs are up.

Mr. Speaker, some politicians who are serving their own special interests are bad-mouthing this economy, but it is strong and good. It can get stronger if we take the right steps here in Congress.

UNFAIR ALLOCATION OF HOMELAND SECURITY FUNDS

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

Mr. SHAW. Mr. Speaker, I rise today to protest the unfair practice by the City of Miami, Florida, in allocating Federal urban area security money to Broward, Palm Beach, and Monroe Counties. Under the current definition, Broward and Palm Beach and Monroe are integral partners with Miami and Miami-Dade County in protecting south Florida's over 5 million residents.

However, in the over $30 million allocated to the south Florida urban area, only 10 percent was assigned to Broward County and zero dollars to Palm Beach and Monroe Counties, and, in fact, the other municipalities in Dade County.

Mr. Speaker, to neglect the necessary funding these other three counties deserve is simply outrageous. Both Palm Beach and Broward Counties have an international airport, seaport, and critical petroleum reserves. Let us not forget, Mr. Speaker, that this area was the home to al-Qaeda operatives prior to 9/11.

So I am here today to voice my unwavering support for the Department of Homeland Security, to create a new urban area for Palm Beach and Broward Counties. I am speaking for my constituents and will continue to do so until this outrageous offense is resolved.

PROVIDING FOR CONSIDERATION OF H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 686 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 686

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. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 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 Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, on Tuesday the Committee on Rules met and granted a structured rule for H.R. 4548, the Intelligence Authorization Act for Fiscal Year 2005. This bill would authorize appropriations for the fiscal year for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency retirement and disability system.

□ 1030

This is must-do legislation. It is also the most robust Intelligence Authorization Act the House has ever considered, and it is consistent with the Defense appropriations bill the House passed yesterday by an overwhelming vote of 403 to 17.

The classified annex to the committee report, which includes information on the budget and personnel levels, is available to all Members of the House of Representatives, subject to a requirement of clause 13 of rule XXIII.

This rule permits only those Members of the House who have signed the oath set out in clause 13 of House rule XXIII to have access to the classified information. Simply, this means they must agree not to release the information they see.

Intelligence has been, rightly so, recognized as a critical weapon in the global war on terrorism. Resources for, and demands on, the U.S. intelligence community have increased dramatically in the 2¾ years since September 11, 2001, and the attacks we all remember.

This increase is even more dramatic when one takes into consideration the depth of the cutbacks, underinvestment, and the near fatal loss of political support for the intelligence community in the prior administration.

That is why I am pleased that this bill authorizes more money than last year, even including the supplemental. This is the type of investment that our intelligence community deserves.

This legislation continues the sustained effort and long-term strategy to bring human intelligence, signals intelligence, imagery intelligence, and other intelligence systems and disciplines to life successfully.

H.R. 4548 also continues a similar commitment to build and maintain the analytic expertise and depth of coverage necessary to make wise and timely use of the information collected.

I want to take this opportunity to thank the CIA and all the members of our intelligence community who do make a vital contribution to our Nation's security.

I agree with President Bush that this is a mission of service and sacrifice in a world of great uncertainty and risk. America's commitments and responsibilities span the world in every time zone. Every day our intelligence community helps us to meet those responsibilities.

This bill provides the President with the intelligence tools needed to win the war on terrorism; and to that end, I urge my colleagues to support the rule.

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 gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary 30 minutes.

Mr. Speaker, the fact that the American intelligence apparatus is broken is well-known. In the global war on terror, the most important weapon we have to protect the Nation and its people is intelligence. Today, more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscore the importance of this legislation.

Unfortunately, Mr. Speaker, the bill reported out of the Permanent Select Committee on Intelligence falls far short of what our intelligence community has requested and what the American people expect. Now listen up. This bill provides less than a third of the key operational funding the intelligence agencies have told us that they need to prevent the next terrorist attack. The scheme for funding the counterterrorism operations is to give the agencies, listen, I want my colleagues to hear this, they are going to give them a third of the money they need, and then after the election they will come back and ask for the other two-thirds. Does this sound like we are concerned about the intelligence community? Does it sound like we are worried that we are at war? The answer is no. The election is the deciding point on when we come back and ask for the money.

The plan will starve the counterterrorism efforts, leaves the intelligence community anemic. Funding the intelligence community in bits and pieces, a portion now and a supplemental after the election, is not only irresponsible, it is reckless. Senior intelligence community officials have said that operating this way could jeopardize key counterterrorism operations. That is what they tell us.

Sadly, this year the bill fell victim to partisanship and the cold hard fiscal realities of tax cuts and spending caps. Every single Democrat member voted against favorably reporting this bill, and this is unprecedented. Typically, the importance of this bill trumps personal ideologies or the prevailing partisan winds; but knowing the ranking member and the other Democrat members of the Permanent Select Committee on Intelligence, I know that they must have very serious concerns to vote against the authorization bill.

Five dedicated distinguished Democrat members of the Permanent Select Committee on Intelligence, including the gentlewoman from California (Ranking Member HARMAN), offered five important amendments to the bill. However, the Committee on Rules tossed out four of these vital substantive amendments. The Committee on Rules will not allow the full House to consider and debate and amend to withhold a portion of the funding until the Secretary of Defense provides all information concerning the dealings of the Department of Defense and Ahmed Chalabi. This is information to which Congress is entitled. This is information the American people want to know. Who was this man who had such an incredible effect and so much influence on whether or not we went to war? What did we do besides give him $33 million?

Members will not be able to consider an amendment to restructure our dilapidated intelligence apparatus. Shockingly, the committee Republicans even made out of order an amendment to fully fund American counterterrorism efforts.

Yesterday, a member of the Committee on Rules tried to suggest that the amendments were proposed for political reasons. Far from it. Our Nation's security is at risk, and the integrity of the Permanent Select Committee on Intelligence, Democrats, and all Democrats, should not be questioned.

Reported out of committee on party lines, the rule does make in order an amendment to express the sense of Congress and support of the intelligence community and an amendment expressing the sense that the world is a safer place now that Libya has dismantled its weapons of mass destruction. These amendments were presumed to take precedence over the ones that really dealt with the committee and its budget. They do nothing to improve American counterterrorism operations.

Mr. Speaker, this is a seriously, fatally flawed bill; but, again, the Committee on Rules has muzzled debate on some of the most important issues concerning American intelligence operations. This is a double blow. It is another Committee on Rules strike against deliberation, discussion, and serious consideration; and it is a strike against the safety of America.

I am shocked at the rule and the underlying legislation before us this morning, and I urge my colleagues to oppose the rule so that the full House

can participate in a comprehensive debate on the most important issue confronting us today and to consider the vital amendments to improve the intelligence community.

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

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I thank the gentlewoman for yielding me the time, and I am glad that we are focusing on this very important issue.

Mr. Speaker, I rise as a member of the Permanent Select Committee on Intelligence, having served in that very distinguished group of bipartisan members concerned about intelligence for 8 years.

I wish to rise in strong support of this bill we are presenting to our colleagues and to the American people, the Intelligence Authorization Act. This is a well-thought-out bill, developed over many months of comprehensive deliberation, which provides much-needed guidance and support for the global, and let me emphasize that, the global war on terrorism and efforts to combat the very real threats to our national security.

We live in a dangerous world. Reminders of that harsh fact of 21st-century life face us on many fronts. Threats that were unimaginable just a few years ago have now become reality. Suicide bombers, anthrax, dirty bombs, these are but a few of the litany of weapons our enemies threaten us with.

To meet this new threat, our Nation requires a much more flexible and responsive intelligence community. H.R. 4548 helps provide that flexibility; and, importantly, it provides the increased funding to aggressively wage war on terrorism. Make no mistake, H.R. 4548 dramatically, let me emphasize that, dramatically increases counterterrorism funding.

As a member of the Permanent Select Committee on Intelligence for the 8 years that I have been privileged to serve in that body, one of my greatest concerns has been the lack of sufficient numbers of intelligence analysts and officers fluent in the languages that our enemies speak. This capability deficiency has literally crippled our ability to independently gather and evaluate information. It means that we have increasingly relied on contract linguists and allied intelligence services to translate information and to follow up leads. It means, for example, that there are literally miles and miles of captured Saddam Hussein documents that are still waiting to be read, translated, and made available for our analysis.

We have made substantial investment in technology, and rightly so; but more investment is necessary in human capital, people who serve as our eyes and ears at far distant points on the globe, and just adding to the numbers in our cadre is not enough by itself. We need individuals who are language proficient and possess an understanding of the culture being penetrated, who know and are able to appreciate not only who was saying what but also are conversant with the nuances and able to discern the true meaning of what is being said.

Of course, particularly in view of my position as chairman of the Committee on Science, I can appreciate the value of investment in technology; but that alone is not enough. There is no substitute for people. A satellite hundreds of miles in the heavens might be able to detect the movement of people or machines, and that is important; but it does not compare in value to someone inside a cell in Iraq or Afghanistan monitoring the words or actions of the bad guys.

For this reason, I have been part of a concerted effort over the past several years to place greater emphasis on and secure needed funds for a significant upgrading of our language program for the intelligence community.

Our committee has put together a broad and comprehensive package of language provisions. We establish a civilian linguistic reserve corps. We fund and expand existing programs that have demonstrated success. We look for creative ways to develop and utilize the vast talent pool that already exists in our country. We support the National Virtual Translation Center; and perhaps most importantly, we try to establish a culture in the intelligence community where language skills become an integral and necessary part of the job. It is the most important legislative effort on foreign languages since the Boren Act of 1992.

Mr. Speaker, H.R. 4548 is a worthy bill. It takes many of the necessary steps to ensure that our Nation's intelligence capabilities remain relevant in the 21st century. The gentleman from Florida (Chairman GOSS) is bringing forward an excellent package in what is his final authorization as chairman. He has performed exceptionally well during particularly challenging times, and he has presented us with a bill that all Members can and should support.

I urge support of the rule and the base bill.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from California (Ms. HARMAN), the ranking member of the Permanent Select Committee on Intelligence.

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

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for her leadership on the Committee on Rules and for yielding time to me.

Mr. Speaker, I rise in strong opposition to this rule and to the previous question, which I understand will be offered, because it deprives our colleagues of the opportunity to strengthen the Intelligence Authorization Act.

Strong intelligence is our first line of defense in the war on terrorism; and make no mistake, we are at war. The gruesome beheadings of Danny Pearl, Nick Berg, Paul Johnson, and yesterday's murder of 33-year-old Kim Sun Il of South Korea are stark reminders of the nature of our enemy. Our brave men and women of the intelligence community are on the frontlines fighting that enemy.

□ 1045

They risked their lives for our freedom, and they deserve our unflinching support. Yet, unfortunately, Mr. Speaker, this rule deprives them of that support.

H.R. 4548 provides less than one-third of the key counterterrorism funding the intelligence community has told us it needs to fight the war on terrorism. Less than one-third. Members of our committee had proposed an amendment to fully fund counterterrorism operations. This rule denies us the opportunity to consider that amendment.

I think it is irresponsible of us to shortchange our counterterrorism efforts, particularly when we know al-Qaeda and other terrorist groups are planning attacks against us right now. By providing one-third of the counterterrorism funding, the majority's bill essentially says to the brave men and women of the intelligence community, you can count on operations for 3 or 4 more months, but after that, that is rough, until next April. That, Mr. Speaker, is exactly what this bill does, and that is not acceptable.

A better rule, a much better rule would have allowed the gentleman from Minnesota (Mr. PETERSON), the gentleman from Iowa (Mr. BOSWELL), and the gentleman from Alabama (Mr. CRAMER) of our committee to fix this bill with an amendment that would have provided for 100 percent of the funding that the intelligence agencies say they need. Their amendment would have done away with the dangerous practice of budgeting by supplemental, of saying let us kick this problem down the road. And in this case, let us kick it down the road until well after the November election.

A rule limiting amendments may be appropriate for other legislation, but this legislation is different, and here is why. As you know, Mr. Speaker, much of our work is classified and, therefore, is not discussed in the open. However, a large portion of our work on the intelligence policy is unclassified and is contained in the public portion of our legislation. This information does not compromise our intelligence sources and methods, and for that reason we asked the gentleman from Florida (Mr. GOSS) to hold the markup of the public portion of our bill in public.

On a party-line vote, the majority refused. Therefore, these amendments have never been debated or voted on in public, even though they are not classified and even though they would, if adopted, be part of the public part of our bill.

Mr. Speaker, there is no secret law in the United States, and it is anathema to this House to stifle open debate about important policy issues. For that reason, it is important that the full House have the opportunity to debate these amendments. This rule kills that debate, shuts down any effort to fully fund counterterrorism, and tries to sweep this issue under the rug. Well, this issue is too important, too vital to our national security to be swept under the rug.

The Democrats on the House Permanent Select Committee on Intelligence offered five amendments, all of which were good, all of which would have strengthened the bill and strengthened our oversight. All but one were rejected by this rule. That is a shame, Mr. Speaker, because instead of having a rule that could bring us together under one bipartisan banner, we have a rule that ensures this bill will trigger a bitter partisan divide.

In case the gentleman from Florida (Mr. GOSS) and the Republicans have not noticed, the terrorists did not check our party labels before launching their attacks against us on 9/11, and they will not check them when they launch the next attack. I would have hoped that we could debate the bill not just as Democrats and Republicans, but as Americans. And for the sake of the country and for the sake of national security, I am sorry that the majority let us down.

Again, I ask for a ''no'' vote on the rule and a ''no'' vote on the previous question.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

As a member of the committee now for 6 years, I want to say a special word of thanks to the chairman of the committee, the gentleman from Florida (Mr. GOSS). This will be the last bill that he will present to the House of Representatives, as he is retiring from the House at the end of this year.

It is a great, great loss for the House of Representatives. I know it is a great loss for the people of Florida, who he represents, and it truly is a great loss for the Permanent Select Committee on Intelligence and the intelligence community. As someone who served in the CIA prior to coming to the House of Representatives, he has done as good a job as anyone on the committee, and certainly been an exemplary Chair of the committee. We all owe him a great debt of gratitude for the time and energy and devotion that he has given to the intelligence community, to the CIA, to people, men and women, all over the world who work so hard to collect the information and do the good professional work. He has been dedicated to them, he has been dedicated for them. And so I say congratulations to PORTER GOSS, and I think all House Members should do that for the work that he has done for the House and for the intelligence community.

As we debate the bill, I will obviously be speaking out on a number of things that I think are important, but let me just say this: I think it is unfortunate that bipartisanship has deteriorated. It no longer exists with this committee. Maybe our committee was the last bastion of bipartisanship, but apparently it is gone. And I think it really began a year ago when we considered our authorization bill.

I introduced into the record and put into the record a memo that came over from the other body that talked about a game plan on the part of the Democrats to politicize the intelligence process, not only in this body but also in the other body. And I am going to put that memo in the record again this year, because I think it was the beginning of the deterioration of bipartisanship for intelligence. That is unfortunate and sends the wrong message.

Congratulations PORTER GOSS, we have a good bill, and I hope all Members will support it.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I find this rule very disappointing. It effectively shuts down debate on an amendment to fully fund the Permanent Select Committee on Intelligence's key counterterrorism operations. It is unusual for me to speak out like this, but 4 or 5 weeks ago it hit me, the current intelligence authorization bill that we are going to consider today is just not strong enough. It authorizes less than a third of the funds that the intelligence agencies need for key counterterrorism operations next year. That is just not right at a time when our Nation is under threat of terrorist attacks.

The administration admits that this is not sufficient funding, and says it will seek more money after November. But there is ample evidence that al-Qaeda may try to strike before November. If there is another terrorist attack, do we want the next 9–11 Commission to find that we in Congress failed in our duty to fully fund counterterrorism in the Permanent Select Committee on Intelligence?

We sit there day in and day out in closed session, windowless rooms, for hours on end listening to the intelligence agencies tell us how critical the funds are that the committee authorizes. They routinely criticize the practice of funding them in these small bits and pieces rather than in a full year, the way we are supposed to do it. They have told us how this prevents them from planning effectively, and they have told us they have to rob Peter to pay Paul while they wait for the additional funds to arrive. And they will probably not receive those additional funds that they need until April or May of next year, if at all.

This ridiculous practice of short-changing intelligence at the start of the year has also been roundly criticized on a bipartisan basis by members of the Permanent Select Committee on Intelligence. The agencies have indicated with some precision the additional funds that they will need in the coming year for counterterrorism. There is no excuse for failing to make sure that the intelligence community has the resources it needs to protect against the next terrorist attack.

The amendment that I had intended to offer would have fully funded key counterterrorism operations in the next year for the agencies, as they have said they need them, 100 percent of the funding. And we had a detailed schedule of authorization to specify how the money should be spent. So this was not a blank check, as some have said.

The question before Congress is quite simple: Do we fully fund the global war on terrorism or do we want to take the chance that our intelligence community can make due until sometime next year? As it stands now, it is clear what the majority's answer is to this question. And with this rule the majority has made clear that they do not want to debate this issue. That is just not right, and I urge my colleagues to oppose this rule.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. BURR), another member of the Permanent Select Committee on Intelligence.

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

Mr. BURR. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time, and I thank both my colleagues on both sides of the aisle.

The Permanent Select Committee on Intelligence is a unique committee. We are selected by the leadership, we are asked to serve, we are asked to uphold the secrecy and the confidentiality of what goes on in that committee, and we are asked to reassure the Members of the House that do not have the type of access that we do that we are in fact doing our job. So let me assure every Member, Republican and Democrat, we are doing our job.

There is a difference today, and I do not hold the individuals on the other side of the aisle responsible. I think the gentleman from Illinois (Mr. LAHOOD) put it well, politics is alive and well in Washington. It is an election year, and I think that strings are getting pulled. And I make a pledge to the Members on that side of the aisle: That when this bill has passed, and I hope you vote for it on final passage, that we will work together in that committee. We will make sure that the tools are available to our intelligence community. We will make sure that the workings and the oversight are good enough that we can look our fellow Members in the eye and say we are doing our job.

But I think today we need to look back at why we are here. Sure, we are here because of the intelligence threat that exists today and the need for intelligence to grow, but we are here because of the devastation to the intelligence community in the 1990s. We are here because human intelligence was not important to anybody in this town. We are, in fact, trying to rebuild. And when I heard Director Tenet stand up in front of the independent commission and talk about 5 years, here was a man being honest at what it took to recruit people that could infiltrate; that we could take individuals who could fluently speak Arabic.

We have to remember that we went from a Cold War need for linguistics, which was Russia and Eastern Europe, to now a need for Arabic and a lot of different tribal languages that exist, and you cannot do it overnight and you cannot do it for no money. The reality is that both sides suggest funding levels at about the same, and that is above where the administration's request was. We have differences on how we get here. That is leadership and it is politics mixed in with it.

I am confident we can put politics aside and we can get passed not only this rule debate but the debate on the bill. Because the important thing is that our intelligence community knows that this Congress is united. We are united behind them, we are united behind the effort, we understand the value of what they do as it relates to the safety of the troops that we have who defend this country every day.

Mr. Speaker, I want to take this opportunity to also highlight the leadership of the chairman of the committee, the gentleman from Florida (Mr. GOSS). This will be a tremendous loss to the Congress, the entire Congress. The dedication of this man, the leadership, his experience and what he has brought to the Permanent Select Committee on Intelligence is invaluable. I am sure his years of community service are not over with his decision to leave Congress. But with him we lose a tremendous resource in our ability to understand and to become better in the world as it relates to our intelligence.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time, and I rise today to support my colleagues, the gentleman from Minnesota (Mr. PETERSON) particularly, in opposition to the rule that shuts off debate on fully funding the intelligence community's counterterrorism operations. I do this reluctantly, and I do not do this very often.

I want to say to my colleagues on the other side of the aisle that this should have been the opportunity for us to fully debate this issue, because there is no real debate as to whether this bill, when we get to the bill, provides full funding to the intelligence community for this global war on terrorism. We all know that this bill does not do that, and we have fallen into the trap ourselves. We are perpetuating the trap of continuing to fund the intelligence community in fits and starts, in bits and pieces.

The war in Iraq, as difficult as it is, is a war. The war on global terrorism, as unpredictable as it is, is a real war. Every day we are faced with warnings, with threats that we are going to be attacked, soon, between now and the elections.

□ 1100

Every administration, or at least the past several administrations, have fallen into this trap of using supplementals as a way to slowly but surely face the budget issues that we have to face. We are saying here today that we want to stop that, that we want to break that habit, that we want to up front tell the agencies what they will get and let them then tell us what they need so we can perform our oversight.

This is not a partisan issue. Both sides of the aisle have admitted through the hearing process, this year, last year as well, that we have got to stop this practice. The administration says this is not enough money this year; that later, whatever ''later'' means, we will get to the point where we will get to more funding.

This is not the way to do it. So today we must send a clear message that ''business as usual'' is no longer acceptable. Today we must put politics aside and do what is right for our intelligence community and for our national security. Today we must make sure the intelligence community has the resources it needs.

Oppose this rule.

Mrs. MYRICK. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, as a member of the committee, obviously I follow these things very closely, and I wish to point out to all my colleagues that the other body, their version of this bill closely mirrors ours, but is less generous, and that bill passed the other body by a unanimous vote, minority and majority. They are following our lead. I would suggest that we should evidence that same spirit of bipartisanship in this body.

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

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

Mr. BOSWELL. Mr. Speaker, I thank the gentlewoman for her hard work, and I thank the gentlewoman from California (Ms. HARMAN) for her hard work.

Mr. Speaker, I did take some notice of my good friend and colleague, the gentleman from Illinois (Mr. LAHOOD). I appreciated his remarks about the gentleman from Florida (Chairman GOSS). I agree. I think he has done an excellent job. But none of us are perfect. I think there was an exception here. I actually thought that he would plus-up this counterterrorism budget.

But here we are, and I rise to oppose the rule on the Intelligence Authorization Act. In particular, I am surprised that a number of Democratic amendments were ruled out of order, notably those of the gentleman from Minnesota (Mr. PETERSON), mine and the gentleman from Alabama (Mr. CRAMER), which would fully fund the counterterrorism budget needs of the intelligence agencies.

I wish the Republicans had been willing to debate this issue head on, rather than hide behind a procedure.

As the gentleman from Minnesota (Mr. PETERSON) has pointed out, the current bill authorizes less than one-third of the funds the intelligence agencies need to fight the war on terrorism. The intelligence agencies will have a tough time accomplishing their mission if they do not receive full funding for the counterterrorism operations.

At CIA, these funds do not go to the paper clips and photocopiers. They go towards mounting counterterrorism operations on every continent. They go towards collecting information on preventing terrorist attacks. They go towards funding operations in Afghanistan, to prevent resurgence of the terrorist sanctuaries in the remote mountains. They go towards working with partner governments on counterterrorism. They go towards capturing key al Qaeda leaders.

When there is uncertainty about funding, according to the agencies' testimony, it causes the agencies to hold off on operations, potentially putting lives in danger and ruining intelligence collection operations.

The administration officials have admitted they are not fully funding counterterrorism in this bill, but will send a request for the rest of the funds after the election, while at the same time urgently warning of a possible terrorist attack before the election. I say to my good friends and colleagues here today, what should the American people expect us to do? Is it acceptable to wait until after the election, when we already know what we need to do?

No, it is not acceptable. The American people expects us to debate these issues fully and openly and not hide behind procedures. If, as the administration officials keep warning us, there is a terrorist attack on the U.S. this summer, my colleagues in the majority will wish they had debated and settled the Peterson amendment, rather than squashing the debate. We will all wish that we had acted and fully funded counterterrorism.

Mr. Speaker, I fully urge the rejection of this rule, so that the important issues like the shortfall for counterterrorism in this bill can be properly debated.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I thank my friend from North Carolina for yielding me time.

Mr. Speaker, I would like to say that obviously we are praising the gentleman from Florida (Mr. GOSS) in light of the fact that this is going to be the last intelligence authorization bill that he will be presiding over before his retirement from this institution.

We had a very interesting discussion in the Committee on Rules yesterday about this issue of funding. As I listened to my friend from Iowa speaking about the fact that if we possibly saw another terrorist attack on the United States, we would all bemoan the fact we have not provided adequate funding, it seems to me that the statement that was made by the chairman of the Intelligence Committee yesterday before the Committee on Rules is a very important one to note. He is not concerned about the issue of funding, he is actually concerned about the management of the level of funding that we have right now. This view that all you need to do is throw a tremendous amount of money at a problem and that somehow is a panacea, that it is an insurance policy, is, I think, unfounded.

Mr. Speaker, I believe it is very important for us to note that the proper management over this program is the most important thing for us to do now, because we do feel that there is an adequate level of funding. So I strongly support this rule, I strongly support the underlying bill, so that we can come and work in a bipartisan way for what we all want to do, and that is ensure, ensure, that we never see another September 11, 2001, on our soil.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

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

Mr. Speaker, I join my colleagues in congratulating the chairman, who has served so honorably as a Member of the House and for all of these years as chairman of the Permanent Select Committee on Intelligence, and wish him our absolute best.

I join my colleagues today in standing up in support of stronger intelligence. That is what this debate is about.

This bill is simply too weak and dangerously underfunds the intelligence efforts that are so absolutely essential to preventing the next big terrorist attack. Every American will understand that 100 percent is 100 percent. You cannot be committed 100 percent to funding if you only fund 33 percent, one-third, of the entire counterterrorism budget.

Opponents of the amendment to fully fund counterterrorism intelligence throw around a lot of numbers to try to argue that the level of funding in this bill is adequate. But you need to know only one thing: The President knows this is not enough funding, and said in his transmittal letter of May 12 of this year that he will ask for the rest of the money ''in early 2005.'' That is an admission that this is not fully funded, and that is what we are debating.

The problem is the terrorists are not waiting until early 2005. There are indications that they plan to conduct a major attack inside the United States before the end of the year, according to administration officials. The CIA cannot wait until early 2005 to plan its operations to prevent that next attack.

Senior officials testified repeatedly to the Permanent Select Committee on Intelligence that the practice of funding counterterrorism by supplemental makes it impossible for them to plan, this is what they said to all of the members of the Permanent Select Committee on Intelligence, and it forces them to rob Peter to pay Paul in an effort to make due.

Does this body really want to make the men and women of the intelligence community make do when so much is at stake? They are the tip of the spear. We have to give them the resources they need. It is our job now, not in early 2005.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

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

Mr. CUNNINGHAM. Mr. Speaker, I think it is ironic, some people up here on the floor say we are not spending enough. They have never served in the military. They vote to cut defense.

The last speaker, the gentlewoman from California, in 1993, the Frank amendment to cut Intel funding, she voted yes; in 1996, the Frank amendment to cut Intel funding, she voted yes; in 1998, the Iraq Liberalization Act, regime change, she voted yes; in 2002, authorization for military force, she voted no; in 2003, Iraq supplemental appropriations, she voted no; in 2003, intelligence authorization, to increase funding, she voted no.

This is a sad day, Mr. Speaker. I have got some very good friends on this committee. Some of them I hunt and fish with. The gentlewoman from California (Ms. HARMAN), during the Ronald Reagan funeral, I had tears in my eyes. She reached over and grabbed my hand to console me.

That is the kind of friendship that we have on this committee, and I think one of the saddest things I see is the partisanship coming out in election-year politicking. We will still be friends after this. You say, oh, this is not partisan. That is the spin. But it is, Mr. Speaker. It is sad, and I hate to see it.

All the way through, you have people that have fought the Republican Party on prescription drugs, Leave No Child Behind, energy, tax relief, the environment. You think the Republicans are the meanest people in the whole world, no matter what we do. But never before on this bill has it been so partisan, and I think it is sad, a sad day on this House floor, and election year politics.

I think when you look at yesterday's vote on defense appropriations, which is the authorization for this bill, most of my colleagues voted for that. That was less funding than this. The Senate has less funding in the bill. But what our great chairman, the gentleman from Florida (Mr. GOSS) did, is restrict some of the flow of the funding. We have taken and analyzed and cut a lot of waste, fraud and abuse out of every bill, defense, education, all these bills, and we have put the money to good use.

I think it is even sadder right now that we have got folks that choose to go along with their Democrat leadership. When you all elected your liberal Democrat leadership, we rejoiced, because we know there is a bill to cut the tax break for the rich in the next Bill, and we knew exactly what was going to happen to show the differences between Republicans and Democrats from your liberal leadership. But what is sad is how that leadership is driving some of the good people within your party to be partisan, and I think that is even sadder.

The defense authorization, I sat clear through that thing, and the gentleman that is filing ethics violations, that is leaving this body this year, filing ethics violations, demanded he see the Taguba report. Well, the gentleman from California (Mr. HUNTER) just so happened to have it on the desk. And, guess what, that individual has not even read the report.

There are 11 investigations going on. The Ronald Reagan event stopped hearings. There has never been a hearing that any member of this committee has asked for that we have not gotten, whether it is on Chalabi, whether it is on the prisons, or whether it is on other issues within that party.

The gentleman from Florida (Mr. GOSS) is one of the most bipartisan chairmen, and I think the gentlewoman from California would agree

Mr. Speaker, I also sit on the Defense Authorization Committee, and one of the liberal members said, ''Well, we want the Secretary of Defense to step down.'' He said, ''You know, I pray for you every day, Mr. Secretary. You are a good, respected man, but maybe you ought to step down.'' And I told the Secretary, next time someone prays for me, I hope they are not trying to put a knife in my back in the partisanship that is going on.

I think it is sad here today, we hunt and fish together, we are friends. But this is wrong. Vote for this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding me time to rise in opposition to this rule.

First let me just say that like all of us in this House that represent communities around this great Nation of ours, I am proud of the job that our men and women are doing in the war against terrorism, whether they are in the military, whether they are in the intelligence community or civilians.

□ 1115

I am a member of the Permanent Select Committee on Intelligence and a veteran. But to me, today, the issue is about oversight and about funding the effort.

I think debate is healthy. I think we should exchange ideas and, yes, maybe even political philosophies from time to time. We go to the intelligence community and we ask them, what is it that you need? How much money will it take to get the job done? They tell us, they give us a budget, they give us a proposal; and then we come back and say, we can only give you 33 percent of that money. Do they give us 33 percent effort? No. They give us 100 percent, so we should fund them at 100 percent.

So why are we doing that? I am sure that our men and women that are putting their lives on the line are asking that very same question: Why? To them, it is not about politics, it is not about budgets, it is not about deficits, or even supplementals. To them, it is about support for their effort. To them, it is about funding that effort at 100 percent, and not giving them 33 percent and an IOU or a check-is-in-the-mail promise. It is about support for our men and women in an effort that is very important to our country.

Mr. Speaker, we can do better, we must do better; and, most of all, to the men and women of this body, we must do our job.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I support the rule, and I support the bill and the fine work of the gentleman from Florida (Mr. GOSS), the chairman of our committee; and I am certain that sometime today we are going to hear more about Abu Ghraib prison. I want to put things in context about the politics of what this town has become.

Mr. Speaker, I stand amazed and disappointed in the self-righteous, politically motivated diatribes coming from the other side about Abu Ghraib for the last several months. The guilty parties in the Abu Ghraib prison incidents are currently before the military justice system. They will be tried and justice will be carried out.

This House, the other body, the President, the Vice President, the Secretaries of Defense and State, and the National Security Adviser have all gone on record to express outrage over the abuses at the prison, as they should have.

But what I find especially appalling is the deafening silence from the other side following the savage beheadings of American civilians Nick Berg and Paul Johnson.

These cowardly terrorist organizations seek to intimidate our people through barbaric acts of demonic cruelty on American citizens.

While members on the other side have mentioned Abu Ghraib by name, 45 times since January during recorded debate on the House Floor, only four times did a Democratic member utter the name Nick or Nicholas Berg. No Democrat, not one single Democrat, has even mentioned Paul Johnson, the Lockheed Martin employee kidnapped in Saudi Arabia, cruelly beheaded, and videotaped for the world to see.

We are a self-policing society. We will punish those who commit abuses at Abu Ghraib. However, I would expect the Democrats in this body to express equal outrage over the savage killings of Nick Berg and Paul Johnson.

I urge my Democratic colleagues to break their silence and end their indifference to the atrocious acts of cruelty perpetrated on innocent Americans.

Too many are playing politics with Abu Ghraib, trying to score political points, while we have 200,000 troops fighting the war on terror and standing strong for America in the Middle East and Central Asia.

Ms. SLAUGHTER. Mr. Speaker, I am stunned at what the previous speaker has just said. What does he mean that no Democrat has expressed any outrage? Has the gentleman polled every Democrat in the country? Does he know that no Democrat has expressed outrage over the beheading of American citizens?

Mr. FOLEY. Mr. Speaker, if the gentlewoman will yield, not spoken on this floor. Not spoken on this floor. Not a word entered into the RECORD. I have checked with the Parliamentarian and the Clerk, not one mention of those names.

Ms. SLAUGHTER. Mr. Speaker, let me reclaim my time. I just think that is an outrageous statement to make, and I do not believe that anybody in America is going to be impressed by that.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise to oppose the rule on the fiscal year 2005 Intelligence Authorization Act. In response to some of the comments made by our colleagues on the other side, let me just make this statement: this issue is not about politics; it is about national security.

Now, it is important in our work here in the House that we put America first. Equally important is a focus on ensuring that the men and women protecting us in the intelligence agencies and in the military have all the support and resources that they need.

I am surprised that a number of Democratic amendments were ruled out of order, notably the Peterson amendment which would fully fund the counterterrorism budget needs of the intelligence agencies.

As the gentleman from Minnesota (Mr. PETERSON) has pointed out, the current bill authorizes less than a third of the additional funds the intelligence agencies need to fight the war on terrorism. This one-third comes from the contingency emergency reserve fund that the President asked for on May 12, which is designed to bridge the gap between the budget request and a supplemental funding request that will not happen until after the election.

In his May 12 letter to the Speaker, President Bush said, ''I have pledged to our troops that we will have all the resources they need to accomplish this vital mission.'' Yet, the intelligence agencies have told us in hearing after hearing that the current process of funding counterterrorism operations by supplemental has hampered their ability to plan and operate. And despite the President's lofty words, we know that the intelligence troops do not have all of the resources they need to accomplish the counterterrorism mission.

As a former county executive, I can relate to the agency's need to plan right to achieve success, and so I am concerned that these budgeting practices have to stop, for the good of the country and national security.

I was disappointed that the Republican majority on the Committee on Rules did not allow this amendment to come to the floor for debate. This issue needs to be debated. The public needs to know, we need to know, we need to debate this issue of national security.

If, as administration officials keep warning us, there is a terrorist attack this summer, we will all wonder if we could have done more to protect America. The answer to that question today is yes. For one thing, we could be debating the Peterson amendment today and finding a way to get the intelligence agencies the counterterrorism funding that they need.

I urge the rejection of this rule. It is so important that all of our intelligence agencies have the resources they need to deal with the issue of national security.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, I want to thank the gentlewoman from North Carolina for allowing me this time to speak.

I do want to begin by giving my great congratulations to the gentleman from Florida (Mr. GOSS) for tremendous service on this committee and for a tremendous bill which does exactly what this country's intelligence services need. It is actually a bill which should have been bipartisan but, for the first time, was not bipartisan in the committee.

I think I would like to begin with correcting some of the misstatements that have been made on the floor. First of all, this bill fully funds the base amount for every salary paycheck in the intelligence community. Not one intelligence community employee is going to go without a paycheck at the end of 3 months. It is just plain wrong to assert that, and I wanted to correct that.

I also wanted to say that, with regard to the funding of the contingent emergency reserve, this bill sets forth, I believe, the proper oversight for this committee. We have budgeted for one-quarter of the year, authorized for one-quarter of the year in order to give flexibility to the war on terrorism. This is an opportunity for us to exercise our oversight and exercise our oversight by giving smaller slices of the pie so we can control the money, where it is spent and how it is spent in our oversight authority, rather than giving a slush fund out there that can be spent without proper control.

We will fully fund the war on terrorism. I am struck by the dichotomy of each of the previous speakers on the Democratic side who voted yesterday in support of the Defense Appropriation bill which funds the war on terrorism to the same numbers that we have in this bill, and each one of my Democratic colleagues voted ''yes,'' with the exception of the gentleman from Texas (Mr. REYES), who was absent.

So to stand here and say that you do not believe we are funding the war on terrorism when you supported the appropriation in the same amount strikes me as one of politics.

The last thing we want to do is have the intelligence community as a political wedge in the war on politics. They do not deserve it. This country does not deserve it. I am concerned that by what we are doing, by issuing these proclamations about not funding the war on terrorism, is giving aid and support to those people who are trying to attack this country.

More fiscal responsibility is certainly in this bill; more oversight by the Congress and the House Permanent Select Committee on Intelligence is exactly what this bill will do.

As the chairman of the Subcommittee on Human Intelligence, Analysis and Counterintelligence, I wanted to speak briefly about the points that are dealing with the analysis part of this bill because it is so critical and so important. This rule and this bill support the goals that our House Permanent Select Committee on Intelligence has expressed for years, and that is the importance of a well-trained, professional, and experienced staff.

Like many other components of the intelligence community, analysis is not a capability that can be developed overnight. It takes years of investment in people, technology, and training to create analysts capable of connecting the dots. Today, with this bill, through this rule, we will have more dots to connect than ever before. We can collect all we want, but if there is nobody to synthesize, analyze, and look at this information and deliver the proper and correct message to our Nation's policymakers, then there is little benefit to this country by standing here and politicizing this bill and the intelligence community over what we are doing.

That is why I am pleased to stand here and support the rule, support this bill, and congratulate the gentleman from Florida (Mr. GOSS) on what I believe to be a very fair and fundamentally correct bill to fund our intelligence community and to support this country's war on terrorism.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Speaker, I rise in opposition to this rule.

The American public, the citizens of America, are looking to us, to the Congress, to provide oversight over the intelligence community. My colleague, the gentleman from California, said that our committee has never been denied a hearing that we wanted. That may be true if one defines ''hearing'' very broadly. Yes, members of the intelligence community from the various agencies have come to meet with us; but we never learned, for example, that Mr. Rumsfeld actually approved ghost detainees, detainees who would be kept out of the system. We never really got level answers about the search for weapons of mass destruction in Iraq. It is a long, long list of things that we have been denied because we just did not ask exactly the right question.

The debate this morning is not about how many billions of dollars precisely will be added to the counterterrorism budget; it is whether they are going to present the budget to us in such a way that it is impossible for the committee to exercise oversight. That is what is at issue. By funding these programs through supplemental appropriations rather than through the normal appropriations process with authorization oversight, they dodge responsibility. They dodge the oversight. That is what is at stake here today. That is what this rule is denying, the American public the oversight that they expect, that they need for our national security, denying that that will be carried out by the committee.

So we are talking about a much more fundamental, longer-term issue; and for that reason, this rule is very flawed and should be opposed.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON); and, I might add, she is the only female military officer in this body.

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Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from North Carolina for the time.

I rise to support this rule today. I have listened to this debate with some concern because I think there are things being said that just are not being straight with people. I want to talk about two of them in particular.

The first has to do with the funding levels that are authorized in this bill. The truth is here in the Congress, we have an arcane way of doing things some times. We have an authorizing bill that really sets the programs and the outlines of the programs that we intend to fund. But the money, the real money is put in the defense appropriations bill that we passed overwhelmingly yesterday from this House with what we call an open rule, which means anyone can come down this floor and move to change money around or increase counterterrorism funding. If one was serious about this, that is where the real money was, in the defense appropriations bill.

So what we hear this morning is more about posturing and politics than it is about policy. And that is really sad on the Permanent Select Committee on Intelligence that heretofore has been absent that kind of discussion.

And the second thing I wanted to raise is this issue of vigorous oversight. I have been an advocate for vigorous oversight in a wide variety of things. And I have been one of the principal advocates in the Committee on Armed Services for greater oversight of the Pentagon, including of Abu Ghraib, and cosponsored an amendment to do so with my colleague the gentleman from Missouri (Mr. SKELTON).

In this Congress, there are some committees that are vigorous about it and some that are not. I served on the Permanent Select Committee on Intelligence a couple of Congresses ago, and the Permanent Select Committee on Intelligence is one that is. Its members work very hard, ask tough questions. Many of them are when the cameras are off, and that is the way it has to be. But I am also particularly pleased at their openness to non-members of the committee participating in that process.

I have, from time to time, requested special briefings and the Permanent Select Committee on Intelligence has made that possible for me. No other committee in the House tends to be so open to that on the part the of non-members.

The structure of this bill encourages the continued vigorous oversight by the Congress of expenditure in the intelligence world. This is the kind of bill that we should be proud of as a Congress, as an example of vigorous oversight of one branch of government over another. We have to rebuild our intelligence services, particularly human intelligence and analysis. But this is too important to make a partisan issue.

After this is all over today, I hope that my colleagues will reconsider their decision to inject partisanship

and election year politics into the House Permanent Select Committee on Intelligence. It has always been above that and, for the good of the Nation, should remain above that.

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

Mr. Speaker, I have no further requests for time, and I will close. 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 allow the House to vote on a critical amendment that was defeated on a straight party line vote last night at the Committee on Rules.

The amendment by the gentleman from Minnesota (Mr. PETERSON) would fully fund the counterterrorism needs of the intelligence community by increasing by 100 percent the funds authorized in the contingency emergency reserve. What many Members may not realize is that the President's budget request covered just a fraction of the intelligence community's counterterrorism requirements, less than a third. They say the rest of the funds will be requested only after the November election.

Well, the Nation's intelligence agencies have indicated that they need additional funds and the Peterson amendment will make sure that they receive them now, not after November elections.

Mr. Speaker, fighting terrorism is not now and has never been a partisan issue. After 9/11, Republicans and Democrats stood side by side on the steps of the Capitol united in our effort to root out terrorists and to keep America safe. It is hard for me to understand why Republicans would now actively work to keep the House from adequately funding the counterterrorism efforts.

The intelligence bill has long been considered in this House under an open rule. Any Member who wished to bring an amendment to the floor could do so, but last year things began to change. Republicans started to pass rules that restricted amendments, that allowed them to pick and choose which amendments could be debated in the floor of the House. This year they have taken it too far.

The Peterson amendment is far too important not to be considered and is far too important to be subject to petty partisan games. It deserves a separate vote here on the floor today.

So I urge Members on both sides of the aisle to vote no on the previous question. Let me make it very clear that a no vote will not stop the House from taking up the intelligence bill and will not prevent any of the amendments made in order from being offered. However, a yes vote will mean that the House will not have the opportunity to fully fund the Nation's counterterrorism needs.

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. OSE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

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

Mr. Speaker, I would just like to remind my colleagues in closing that there is more money in this bill than ever before. There is more money for counterterrorism than ever before. And whatever is needed will be provided, as always been the manner of this House and the other body to do.

I want to close by thanking the gentleman from Florida (Chairman GOSS) because he has always worked in a very bipartisan manner on the Permanent Select Committee on Intelligence, which all of us appreciate greatly, and with his background in intelligence, of course, that has been extremely important to have him there. We are going to miss him greatly, both as a chairman and as a long-serving, well respected Member of Congress from Florida.

So we wish him only the best as he goes on whatever new challenges he may take on.

Mr. LINDER. Mr. Speaker, I rise in support of this structured rule, and thank my friend and colleague from the Rules Committee, Mrs. MYRICK, for yielding me this time.

H. Res. 686 is a structured rule that provides for the consideration of H.R. 4548, the FY2005 Intelligence Authorization Act of 2005. It is a fair and balanced rule that deserves the support of the House. It makes in order a total of ten (10) separate amendments to the underlying bill, three from members of the minority and the remainder from members of the majority. These ten amendments were more than half of the 18 amendments submitted to the Rules Committee.

Mr. Speaker, I also rise in support of the underlying measure, H.R. 4548, which authorizes funding for critical intelligence programs for FY2005.

I want to commend Chairman GOSS for bringing this legislation to the floor. As Chairman of the House Permanent Select Committee on Intelligence for the past eight years, the gentleman from Sanibel, Florida has served this country with honor, integrity, and distinction.

His tenure has been marked by a tireless effort to improve and reform our nation's intelligence capabilities. He has never wavered in his steadfast desire to invest in this critical government function, and while there is still work to be done, his leadership has helped the intelligence community deal with a turbulent global environment.

Mr. Speaker, H.R. 4548 provides the tools necessary for a strong and effective U.S. intelligence mission as we wage a war against terrorism.

Intelligence efforts serve as the first line of defense against terrorism and oppression. Without a strong commitment to this effort, our freedoms and this democracy are vulnerable to the fear and terror of others.

It is incumbent on us to ensure that the blessings of liberty afforded to the citizens of this great nation are preserved under any possible means. By passing H.R. 4548, we are upholding this intention. As such, I urge my colleagues to join me in supporting H. Res. 686.

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

PREVIOUS QUESTION FOR H. RES. 686—RULE ON H.R. 4548 INTELLIGENCE AUTHORIZATION ACT FOR FY 2005

At the end of the resolution, add the following:

''SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 1 in the report of the Committee on Rules if offered by Representative Peterson of Minnesota or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

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

At the end of title I, insert the following new section:

SEC. 105. INCREASE IN AUTHORIZATION OF APPROPRIATIONS TO FULLY FUND THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

The amounts authorized to be appropriated under section 101 for the conduct of the intelligence and intelligence-related activities of the elements listed in such section for the Contingency Emergency Reserve, as specified in the classified Schedule of Authorizations referred to in section 102, are increased 100 percent.

Mrs. MYRICK. 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, 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later in the day.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART III

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4635) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The Clerk read as follows:

H.R. 4635

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 ''Surface Transportation Extension Act of 2004, Part III''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110; 118 Stat. 478; 118 Stat. 627) is amended by striking ''and the Surface Transportation Extension Act of 2004, Part II'' and inserting ''the Surface Transportation Extension Act of 2004, Part II, and the Surface Transportation Extension Act of 2004, Part III''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking ''$2,100,000,000'' and inserting ''$2,333,333,333''.

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking ''June 30'' inserting ''July 31''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 478; 118 Stat. 627) is amended by striking ''$24,270,225,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$26,998,288,667 for the period of October 1, 2003, through July 31, 2004''.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111; 118 Stat. 478; 118 Stat. 627) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking ''June 30'' and inserting ''July 31'';

(2) in paragraph (1)(A)—

(A) by striking ''of 2004 and'' and inserting ''of 2004,'';

(B) by inserting after ''Part II'' the following: '', and the Surface Transportation Extension Act of 2004, Part III''; and

(C) by striking ''and such Act'' and inserting '' and such Acts'';

(3) in paragraph (1)(B) by striking ''9/12'' and inserting ''10/12'';

(4) in paragraph (2)—

(A) by striking ''June 30'' and inserting ''July 31'';

(B) by striking ''$25,382,250,000'' and inserting ''$28,202,500,000''; and

(C) by striking ''$479,250,000'' and inserting ''$532,500,000''; and

(5) in paragraph (3) by striking ''June 30'' and inserting ''July 31''.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2003 (117 Stat. 1113; 118 Stat. 479; 118 Stat. 628) is amended by striking ''$337,500,000'' and inserting ''$343,628,000''.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113; 118 Stat. 479; 118 Stat. 628) is amended—

(i) in the first sentence by striking ''$206,250,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$229,166,667 for the period of October 1, 2003, through July 31, 2004''; and

(ii) in the second sentence by striking ''$9,750,000'' and inserting ''$10,833,333''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628) is amended by striking ''$184,500,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$205,000,000 for the period of October 1, 2003, through July 31, 2004''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628) is amended by striking ''$123,750,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$137,500,000 for the period of October 1, 2003, through July 31, 2004'' .

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628) is amended by striking ''$15,000,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$16,666,667 for the period of October 1, 2003, through July 31, 2004''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 628) is amended by striking ''$105,000,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$116,666,667 for the period of October 1, 2003, through July 31, 2004''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 628) is amended by striking ''$28,500,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$31,666,667 for the period of October 1, 2003, through July 31, 2004''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114; 118 Stat. 480; 118 Stat. 628) is amended—

(i) in clause (i) by striking ''$7,500,000'' and inserting ''$8,333,333'';

(ii) in clause (ii) by striking ''$3,750,000'' and inserting ''$4,166,667''; and

(iii) in clause (iii) by striking ''$3,750,000'' and inserting ''$4,166,667''.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629) is amended by striking ''$20,625,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$22,916,667 for the period of October 1, 2003, through July 31, 2004'' .

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629) is amended by striking ''$8,250,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$9,166,667 for the period of October 1, 2003, through July 31, 2004''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629) is amended by striking ''$3,750,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$4,166,667 for the period of October 1, 2003, through July 31, 2004''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629) is amended by striking ''$82,500,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$91,666,667 for the period of October 1, 2003, through July 31, 2004''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629) is amended by striking ''$375,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$416,667 for the period of October 1, 2003, through July 31, 2004''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629) is amended by striking ''$18,750,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$20,833,333 for the period of October 1, 2003, through July 31, 2004''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

''(F) $116,666,667 for the period of October 1, 2003, through July 31, 2004.'';

(B) in subsection (a)(2) by striking ''$1,500,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$1,666,667 for the period of October 1, 2003, through July 31, 2004''; and

(C) in the item relating to fiscal year 2004 in the table contained in subsection (c) by striking ''$1,950,000,000'' and inserting ''$2,166,666,667''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630) is amended by striking ''$78,750,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$87,500,000 for the period of October 1, 2003, through July 31, 2004''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630) is amended by striking ''$41,250,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$45,833,333 for the period of October 1, 2003, through July 31, 2004''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630) is amended by striking ''$15,750,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$17,500,000 for the period of October 1, 2003, through July 31, 2004''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630) is amended by striking ''$23,250,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$25,833,333 for the period of October 1, 2003, through July 31, 2004''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630) is amended by striking ''$86,250,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$95,833,333 for the period of October 1, 2003, through July 31, 2004''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482; 118 Stat. 630) is amended by striking ''$93,000,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$103,333,333 for the period of October 1, 2003, through July 31, 2004''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482; 118 Stat. 630) is amended by striking ''$20,250,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$22,500,000 for the period of October 1, 2003, through July 31, 2004''.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630) is amended by striking ''$180,000,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$200,000,000 for the period of October 1, 2003, through July 31, 2004''.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630) is amended by striking ''$27,300,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$30,333,333 for the period of October 1, 2003, through July 31, 2004''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630) is amended by striking ''$14,100,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$15,666,667 for the period of October 1, 2003, through July 31, 2004''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631) is amended by striking ''$375,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$416,667 for the period of October 1, 2003, through July 31, 2004''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631) is amended—

(1) by striking ''$75,000,000'' and inserting ''$83,333,333''; and

(2) by striking ''June 30'' and inserting ''July 31''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631) is amended—

(1) by striking ''$75,000,000'' and inserting ''$83,333,333''; and

(2) by striking ''June 30'' and inserting ''July 31''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631) is amended by striking ''$562,500 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$625,000 for the period of October 1, 2003, through July 31, 2004''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 482; 118 Stat. 631) is amended—

(1) by striking ''$3,937,500'' and inserting ''$4,375,000'';

(2) by striking ''$187,500'' and inserting ''$208,833''; and

(3) by striking ''June 30'' each place it appears and inserting ''July 31''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118; 118 Stat. 482; 118 Stat. 631) is amended—

(1) in paragraph (1) by striking ''$7,500,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$8,333,333 for the period of October 1, 2003, through July 31, 2004''; and

(2) in paragraph (2) by striking ''$7,500,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$8,333,333 for the period of October 1, 2003, through July 31, 2004''.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118; 118 Stat. 483; 118 Stat. 631) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part II'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part II, and section 4 of the Surface Transportation Extension Act of 2004, Part III'';

(2) by striking ''or the amendment made by section 4(a)(1) of the Surface Transportation Extension Act, Part II'' and inserting ''the amendment made by section 4(a)(1) of the Surface Transportation Extension Act, Part II, or the the amendment made by section 4(a)(1) of the Surface Transportation Extension Act, Part III''.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part II'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part II, and section 4 of the Surface Transportation Extension Act of 2004, Part III'';

(2) by striking the second comma following ''by this section'' the second place it appears; and

(3) by striking ''and by section 4 of the Surface Transportation Extension Act of 2004, Part II'' each place it appears and inserting ''by section 4 of the Surface Transportation Extension Act of 2004, Part II, and by section 4 of the Surface Transportation Extension Act of 2004, Part III''.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632) is amended by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part II'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part II, and section 4 of the Surface Transportation Extension Act of 2004, Part III''.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking ''$84,000,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$93,333,333 for the period of October 1, 2003, through July 31, 2004''.

(b) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking ''$90,000,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$100,000,000 for the period of October 1, 2003, through July 31, 2004''.

SEC. 6. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

''(6) $8,333,332 for the period of October 1, 2003, through July 31, 2004;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended—

(1) in the paragraph heading by striking ''9 MONTHS'' and inserting ''10 MONTHS'';

(2) in the matter preceding subparagraph (A)—

(A) by striking ''April 30'' and inserting ''July 31''; and

(B) by striking ''$61,499,999'' and inserting ''$68,333,332'';

(3) in subparagraph (A) by striking ''$7,499,999'' and inserting ''$8,333,332''; and

(4) in subparagraph (B) by striking ''$6,000,001'' and inserting ''$6,666,668''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$3,750,001'' and inserting ''$4,166,668''; and

(2) by striking ''$1,500,001'' and inserting ''$1,666,668''.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''June 30, 2004'' each place it appears and inserting ''July 31, 2004'';

(B) in subparagraph (A) by striking ''$899,540,711'' and inserting ''$999,489,679'';

(C) in subparagraph (B) by striking ''$986,987,712'' and inserting ''$1,096,653,013''; and

(D) in subparagraph (C) by striking ''$452,713,140'' and inserting ''$503,014,600'';

(2) by striking paragraph (2)(B)(iii) and inserting the following:

''(iii) OCTOBER 1, 2003 THROUGH JULY 31, 2004.—Of the amounts made available under paragraph (1)(B), $8,615,533 shall be available for the period beginning on October 1, 2003, and ending on July 31, 2004, for capital projects described in clause (i).'';

(3) in paragraph (3)(B)—

(A) by striking ''$2,236,725'' and inserting ''$2,485,250''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(4) in paragraph (3)(C)—

(A) by striking ''$37,278,750'' and inserting ''$41,420,833''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—The heading for section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is amended by striking ''JUNE 30, 2004'' and inserting ''JULY 31, 2004''.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking ''JUNE 30, 2004'' and inserting ''JULY 31, 2004'';

(2) in paragraph (2)(A)(vi)—

(A) by striking ''$2,289,809,940'' and inserting ''$2,544,233,267''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004'';

(3) in paragraph (2)(B)(vi)—

(A) by striking ''$572,452,485'' and inserting ''$636,058,317''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(4) in paragraph (2)(C) by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(d) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2003 (118 Stat. 633) is amended to read as follows:

''(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH JULY 31, 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through July 31, 2004—

''(1) $4,017,779 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

''(2) $41,420,833 shall be available for bus and bus facilities grants under section 5309 of such title;

''(3) $75,098,291 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

''(4) $199,323,382 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

''(5) $5,757,496 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

''(6) $2,854,673,803 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.''.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JUNE 30, 2004'' and inserting ''JULY 31, 2004'';

(2) in subparagraph (A)(vi)—

(A) by striking ''$1,871,393,250'' and inserting ''$2,079,325,834''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(3) in subparagraph (B)(vi)—

(A) by striking ''$467,848,313'' and inserting ''$519,831,458''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of such title is amended—

(1) in the heading by striking ''JUNE 30, 2004'' and inserting ''JULY 31, 2004'';

(2) in subparagraph (A)(vi)—

(A) by striking ''$43,690,695'' and inserting ''$48,545,217''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(3) in subparagraph (B)(vi)—

(A) by striking ''$10,736,280'' and inserting ''$11,929,200''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of such title is amended—

(1) in the heading by striking ''JUNE 30, 2004'' and inserting ''JULY 31, 2004'';

(2) in subparagraph (A)(vi)—

(A) by striking ''$31,463,265'' and inserting ''$34,959,183''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004'';

(3) in subparagraph (B)(vi)—

(A) by striking ''$8,052,210'' and inserting ''$8,946,900''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(4) in subparagraph (C) by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(h) RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2003 (118 Stat. 635) is amended to read as follows:

''(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH JULY 31, 2004.—Of the funds made available by or appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through July 31, 2004—

''(1) not less than $4,349,188 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

''(2) not less than $6,834,438 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

''(3) not less than $3,313,667 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than $828,416 to carry out section 5315(a)(16) of such title; and

''(4) any amounts not made available under paragraphs (1) through (3) shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.''.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JUNE 30, 2004'' and inserting ''JULY 31, 2004'';

(2) in subparagraph (A)—

(A) by striking ''$3,578,760'' and inserting ''$3,976,400''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004'';

(3) in subparagraph (B)—

(A) by striking ''$894,690'' and inserting ''$994,100''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(4) in subparagraph (C) by striking ''June 30, 2004'' each place it appears and inserting ''July 31, 2004''.

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2003 (118 Stat. 635) is amended to read as follows:

''(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

''(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2003, through July 31, 2004—

''(A) $1,656,833 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

''(B) $1,656,833 shall be available for the center identified in section 5505(j)(4)(F) of such title.

''(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of title 49, United States Code, any amounts made available under such section for the period October 1, 2003, through July 31, 2004, that remain after distribution under paragraph (1), shall be available for the purposes specified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).''.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 487; 118 Stat. 636) is amended by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JUNE 30, 2004'' and inserting ''JULY 31, 2004'';

(2) in subparagraph (A)(vi)—

(A) by striking ''$45,032,730'' and inserting ''$50,036,366''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(3) in subparagraph (B)(vi)—

(A) by striking ''$11,258,183'' and inserting ''$12,509,093''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)(vi)—

(A) by striking ''$74,557,500'' and inserting ''$82,841,667''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004'';

(2) in paragraph (1)(B)(vi)—

(A) by striking ''$18,639,375'' and inserting ''$20,710,416''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004'';

(3) in paragraph (2) by striking ''June 30, 2004, $7,455,750'' and inserting ''July 31, 2004, $8,284,166''; and

(4) in paragraph (4) by striking ''$14,911,500'' and inserting ''$16,568,333''.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note) is amended—

(1) in paragraph (1)(F)—

(A) by striking ''$3,914,268'' and inserting ''$4,349,188''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(2) in paragraph (2)—

(A) by striking ''$1,267,478'' and inserting ''$1,408,308''; and

(B) by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JUNE 30, 2004'' and inserting ''JULY 31, 2004''; and

(2) in subparagraph (A) by striking ''June 30, 2004'' and inserting ''July 31, 2004'';

(o) OBLIGATION CEILING.—Section 3040(6) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 637) is amended—

(1) by striking ''$5,449,407,675'' and inserting ''$6,054,897,417''; and

(2) by striking ''June 30, 2004'' and inserting ''July 31, 2004''.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 637) is amended—

(1) by striking ''June 30, 2004'' and inserting ''July 31, 2004''; and

(2) by striking ''$3,616,039'' and inserting ''$4,017,821''.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 118 Stat. 637) is amended—

(1) by striking ''June 30, 2004'' and inserting ''July 31, 2004,''; and

(2) by striking ''$3,727,876'' and inserting ''$4,142,083''.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 637) is amended by striking ''June 30, 2004'' each place it appears and inserting ''July 31, 2004''.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379; 117 Stat. 1126; 118 Stat. 489; 118 Stat. 637) is amended by striking ''June 30, 2004'' each place it appears and inserting ''July 31, 2004''.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note; 118 Stat. 637) is amended—

(1) in paragraph (1) by striking ''and by section 7 of the Surface Transportation Extension Act of 2004, Part II'' and inserting '', by section 7 of the Surface Transportation Extension Act of 2004, Part II, and by section 7 of the Surface Transportation Extension Act of 2004, Part III''; and

(2) in paragraph (2) by striking ''9/12'' and inserting ''10/12''.

(u) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 637) is amended by striking ''June 30'' and inserting ''July 31''.

SEC. 8. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637) is amended by striking '', and $123,019,875 for the period of October 1, 2003, through June 30, 2004'' and inserting '', and $136,688,750 for the period of October 1, 2003, through July 31, 2004''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637) is amended by striking ''$53,681,400 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$59,646,000 for the period of October 1, 2003, through July 31, 2004''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS-.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638) is amended by striking ''$14,911,500 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$16,568,333 for the period of October 1, 2003, through July 31, 2004''.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638) is amended by striking ''$29,823,000 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$33,136,667 for the period of October 1, 2003, through July 31, 2004''.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120; 118 Stat. 638) is amended by striking ''$2,684,070 for the period of October 1, 2003, through June 30, 2004'' and inserting ''$2,982,300 for the period of October 1, 2003, through July 31, 2004''.

SEC. 9. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120; 118 Stat. 490; 118 Stat. 638) is amended by striking ''$131,811,967 for the period October 1, 2003

through June 30, 2004'' and inserting ''$146,725,000 for the period October 1, 2003, through July 31, 2004''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

''(7) Not more than $140,833,333 for the period of October 1, 2003, through July 31, 2004.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

''(5) $16,666,667 for the period of October 1, 2003, through July 31, 2004.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121; 118 Stat. 490; 118 Stat. 638) is amended—

(A) by striking ''June 30,'' and inserting ''July 31,''; and

(B) by striking ''$748,634'' and inserting ''$833,333''.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (117 Stat. 1121; 118 Stat. 490; 118 Stat. 638) is amended—

(1) by striking ''$748,634'' and inserting ''$833,333''; and

(2) by striking ''June 30'' and inserting ''July 31''.

SEC. 10. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''July 1, 2004'' and inserting ''August 1, 2004'',

(B) by striking ''or'' at the end of subparagraph (G),

(C) by striking the period at the end of subparagraph (H) and inserting '', or'',

(D) by inserting after subparagraph (H), the following new subparagraph:

''(I) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part III.'', and

(E) in the matter after subparagraph (I), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2004, Part II'' and inserting ''Surface Transportation Extension Act of 2004, Part III''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''July 1, 2004'' and inserting ''August 1, 2004'',

(B) in subparagraph (E), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (F), by inserting '', or'' at the end of such subparagraph,

(D) by inserting after subparagraph (F) the following new subparagraph:

''(G) the Surface Transportation Extension Act of 2004, Part III,'', and

(E) in the matter after subparagraph (G), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2004, Part II'' and inserting ''Surface Transportation Extension Act of 2004, Part III''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking ''July 1, 2004'' and inserting ''August 1, 2004''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2004, Part II'' each place it appears and inserting ''Surface Transportation Extension Act of 2004, Part III''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''July 1, 2004'' and inserting ''August 1, 2004'', and

(B) by striking ''Surface Transportation Extension Act of 2004, Part II'' and inserting ''Surface Transportation Extension Act of 2004, Part III''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''July 1, 2004'' and inserting ''August 1, 2004''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 31, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

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

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, the purpose of the H.R. 4635, the Surface Transportation Extension Act of 2004 Part III is the continuation of the highway construction and highway safety transit, motor carrier, and surface transportation research programs for an additional 10 months beyond the end of fiscal year 2003.

This is the fourth extension of the Transportation Equity Act of the 21st Century, which expired on September 30, 2003. In September 2003, we extended these programs for 5 months until February 29, 2004. Since then, we have passed two subsequent 2-month extensions, STEA 2004, parts 1 and 2, and are now facing the expiration of the current extension on June 30.

This extension will continue highway transit and highway safety programs for one more month until July 31, 2004. It is the hope of the conferees that H.R. 3550, the 6-year service transportation reauthorization bill, that we will complete conference before the extension expires.

H.R. 4635 authorizes almost $27 billion in contract authority to the States to continue the core Federal aid highway program.

This bill also authorizes $6 billion to continued grants to transit agencies around the country and other programs of the Federal Transit Administration.

It authorizes $306 million for the Federal Motor Carrier Safety Administration for State grants to enforce safety regulation on our Nation's highways and to continue safety inspections at our border with Mexico.

And, finally, the bill authorizes $249 million to the National Highway Traffic Safety Administration for highway safety grants, occupant protection grants, and impaired driving countermeasure grants.

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

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

Mr. Speaker, the late Ronald Reagan was fond of saying, ''Here we go again.'' This is the third act of a play that does not have a number of acts pinned to it yet. In fact, we are setting a record today. This will be the longest extension of a transportation bill while working out a conference in recent memory, at least in the last decade or so.

Now, that is not any fault of anyone in this body. Certainly not of the chairman. If the chairman had his way, we would have had this bill done 6 months to be at the $375 billion level. We will be building highways right now and bridges and transit systems. We would be investing in America. We would be on our way to having 475,000 new jobs in the marketplace by Labor Day and $80 billion of economic activity in the marketplace. We would have America back to work again if only the White House would have listened to our chairman.

And I must say, Mr. Speaker, I have the greatest admiration for our chairman for standing up to this administration saying what he thinks is right. I remember in days when we had a Democratic administration we were add odds with them. It was not pleasant, but one had to stand up for what our committee position is and what we believe is the right thing to do and we did it. And the gentleman from Alaska (Chairman YOUNG) has done so. And his wisdom has been rejected.

We should have had this conference all done and completed with. It is all over one issue, how much are we willing to invest in America in our transportation and mobility, in reducing congestion, improving productivity, moving America forward, reducing the cost of logistics in this country, that is what we ought to be doing, instead of dragging our feet over this issue of fiscal conservatism, some imagined effect upon the deficit.

The Federal aid highway program and transit program has no effect on our deficit unless you engage in some fanciful financing, some of which is included in the bill that is the only bill that is now in conference.

We can resolve all of that. The Federal highway trust fund is derived from the revenues collected at the pump which traveling America pays. They

expect to get the return as they drive away from the pump in the form of improved roads and transit systems and bridges and safety. And we have performed. We have done that through the Surface Transportation Assistance Act of 1982 and 1987 and ISTEA in 1991, TEA–21 in 1998 and we are prepared to do that with TEA–LU.

The investment for the next 6 years is at a level that the Department of Transportation, not this committee, selected, the one that they studied as directed by TEA–21 to assess pavement condition, congestion, bridge conditions, safety needs and investment requirements for the future, and they came back with this figure of $375 billion.

We took them at their word. We held hearings on it. We traveled around the country. We went to congested areas of great need in America by holding public meetings, committee hearings. We validated that figure. We reported it out of our committee. With 74, 75 members, that does not get anymore bipartisan than that.

And I have said it many times, how can it be a political detriment to the President if the Democrats in the House, Democrats in the Senate all stand side by side with the Republicans and vote for this bill, a robust investment in the needs of America, in transportation, in mobility, in reducing the cost of logistics. If we all stand shoulder to shoulder, that is not a partisan issue. That is not a slur on the President.

□ 1145

There is no way he could be criticized for signing such a bill, and we are prepared to say this is the right thing to do. We have said it. So let us get on with this.

Now, there are discussions, back door, called it in one meeting kind of a Kabuki dance, wearing a mask, putting on a uniform and doing this dance, and we are supposed to understand what is happening behind the dance. On our side, we are not participants in that dance. We do not know what that number is going to come out of that dance, but so far the numbers are not good.

We did the right thing in this Committee on Transportation and Infrastructure. We agreed to scale back the 375, bring a smaller dollar amount to the House floor, with a wink from the leadership that if we bring this bill through the House, go to conference, that number will go up from the House figure. Nominally 275, actually 284, it will get up there to $300 billion, maybe even beyond; and I give the Speaker enormous credit because he understands what we need to do for America, for our mobility, to reduce congestion, create jobs. He understands that. He has argued. He has been an advocate at the White House. He has been turned down.

So now we are at that point in conference, and the wink is like the Cheshire cat's smile, fading. So we are going to go along with this Act III of a multiact play extension and trust in the enormous fortitude of our chairman, the advocate of what is right, as he has done right along, and advance the cause of transportation in America; but it is not going to be below the House number, I tell my colleagues that.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee that wrote this bill.

Mr. PETRI. Mr. Speaker, I thank my chairman for the time, and I assure my senior minority leader on the committee that it is often darkest before the dawn, and I think there will be a dawn before long for transportation in America. I certainly hope so. One way or another, we will meet our Nation's needs.

I rise in support of this bill to extend to July 30 current highway transit and highway safety programs. We have done it several times in the past. We are bringing this bill to the floor today in order to ensure that these programs continue to function and that funds be made available to the States while House and Senate conferees proceed with negotiations on a long-term bill.

Mr. Speaker, it is important we have a multiyear bill that provides adequate and needed resources to invest in our Nation's transportation systems. In preparation for this reauthorization effort, I and many of my colleagues on the Committee on Transportation and Infrastructure, as has been pointed out, traveled to meetings with Governors, mayors, local officials all across our country. Each of them showed us the pressing transportation needs that their cities and States have in order to improve safety, reduce congestion, and provide for a first-class transportation network that is essential for economic growth and opportunity.

There are many demands being placed upon us as we seek to reauthorize TEA–21. Donor States want to see improvement in their rate of return on Federal highway dollars. Members from States with trade corridors want to see adequate investment to construct needed roads like I–69, I–49 and Ports-to-Planes, to name only a few.

Cities and States that need to complete massive projects, such as the multibillion dollar viaduct project in Seattle or the rail consolidation project in Chicago, find themselves overwhelmed by their financial costs and are seeking Federal help, and almost every Member of this body has approached the committee regarding pressing transportation projects that are crucial in their district.

All of these are legitimate goals, but we must have the resources if we are, in fact, to respond.

As we continue negotiations to resolve these and other questions, I urge the approval of this extension so that needed funds can continue to flow to the States and so work on critical transportation projects can move forward.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the Chair how much time remains on both sides.

The SPEAKER pro tempore (Mr. OSE). The gentleman from Minnesota (Mr. OBERSTAR) has 13 minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 15½ minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy, and I appreciate his leadership.

We have another extension, another opportunity to do it right for America. We need to send signals to the vast team that builds, maintains, and repairs our infrastructure, to say nothing of the American people who own it and who use it and who depend upon it every day.

The bill in question goes far beyond bridges, bikes, and buses. It includes historic preservation, key environmental and economic revitalization for cities large and small, for suburbs and rural areas.

I hope that our conference committee will reject the White House insistence on somehow using this bill to atone for their budget problems and the sea of red ink that we are faced with with the deficit.

The $318 billion that was the bill funding level from the other body is a start to keep faith with the American public's needs and aspirations. I would hope that our conference committee, in the course of this next month, will hold strong, to set the level for what America needs, the bill that was so effectively championed by our committee chairman and ranking member. The $375 billion, after all, was not plucked out of the air. This was the figure that the administration's own Department of Transportation set as the needed level.

There is, I suppose, an opportunity for some sort of mechanism of a reopener. It may well be that we reach a point where these demands between the White House and what America needs and what various constituencies within this House require, that maybe we just decide that we kick the can down the road until after the election. But this is one area that we cannot afford to fail.

We are not just talking about the next 6 years of reauthorization. We are talking about a funding level, if we are not careful, that will establish a floor for the next generation where we will be playing catch-up.

I appreciate the leadership of the chairman, of the ranking member, and the conference committee. I wish them well, and I hope that when we come back next that we will have the bill that America deserves.

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

I thank the gentleman for his comments and especially the gentleman from Minnesota (Mr. OBERSTAR) for his comments. I can assure him there will not be any less out of this conference than we passed in the House, and I am praying that there will be more.

It is ironic that when we meet with the other side of the aisle, I know I am not supposed to mention that, I want their number, and we are suggesting that maybe their number is correct, but I am faced with a very difficult task now of bringing a third party into this agreement; and I am not giving up on this legislation. I think it is vitally important for the Nation.

I think if we stand together shoulder to shoulder that we will eventually prevail. If we do not, it will be a terrible disservice to this Nation as far as our transportation, not wants, but needs; and I want to stress that.

I believe, Mr. Speaker, that when I first came out 3 years ago for $375 billion I was correct then. I am more correct now, and I will be more correct in the future. It is a number that we need to solve this very serious problem. We all know, and anybody on this floor that has constituents knows, that the one issue we all share in common is not the necessary fear of terrorism. That is very serious in itself, but it is the constant problem of moving oneself, be it their children or himself or herself, to and from the home, to school or to work, and to receive goods on time, and we have to understand that; and the public is crying out, let us solve this problem, and they are willing to pay for it.

I have lost that battle now, but in the House bill my colleagues are well aware we have a reopening clause, and I am going to continue the pursue, and I am confident that the public finally will raise up and say let us fix it. This extension gives us some time. I am hoping we will not have to ask for another, but let us fix the problem of this transportation challenge we have in this Nation. Let us do it quicker than later.

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

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the ranking member for the time.

Well, as the chairman said, he is almost always correct, and he was certainly correct with the number of $375 billion. It was confirmed by our own Federal Department of Transportation.

This is an essential investment. This is an investment. There are a lot of things we do around here where we are spending money. We do not see a real product, but in this case it is an investment in the future of our country. As the chairman said, it has to do with our economic competitiveness.

We are concerned about the economy and the need to put people back to work and competitiveness in our businesses. This is about just-in-time delivery. We cannot have just-in-time delivery when we have to divert a truck for 2 or 300 miles because of a failing weight-limited bridge, as exists all over the country; and a number of bridges are in that condition on Interstate 5 in my State.

It is about livability. It is about dealing with congestion, management, movement of people; and it is also about jobs, and that is a very important part of this debate that we cannot leave out.

The difference between the number being asked at the White House and the number put forward by the chairman, supported by, I believe, every other member of the Committee on Transportation and Infrastructure, figures out to about 1 million jobs a year over 6 years. For every billion dollars we invest in the infrastructure of this country, transportation infrastructure, it yields about 47,000 jobs, direct construction jobs, small business suppliers, and spillover effects into our communities.

So the difference in the number, and I hope they are listening down at the White House, is 1 million jobs a year over 6 years. Now, why can we not get there? A lot of people do not seem to know about the Highway Trust Fund. We have a very robust Highway Trust Fund and a substantial balance. We can spend down some of that balance. We can capture the ethanol money that is being used to subsidize that product of dubious value. We could look at bonding. We could do all of this without increasing taxes. We could get to a much higher number, even a number higher than that in the United States Senate; but minimally, I would hope that that is where we can end up in these negotiations.

It has been 9 months, 9 months that we have been acting under temporary legislation that does not allow us to fully address the needs of this country and increase the investment in our infrastructure. Nine months is too long. Let us not let it go beyond this one more temporary extension. Let us get a robust bill this summer before Congress leaves for its August recess.

I thank the gentleman for yielding the time.

Mr. OBERSTAR. Mr. Speaker, can I inquire of my chairman whether he has any other speakers.

Mr. YOUNG of Alaska. Not at this time; I do not believe I will.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume. I will make a few remarks and close and yield back, and I thank the gentlemen from Oregon for their remarks. I appreciate their support all along, and I appreciate the leadership, once again I want to say, I cannot say it often enough, of our chairman who has stood up against remarkable odds.

The term that we use in this committee, ''investment,'' is the way to describe what our committee is all about. This is a committee about building America, whether it is our inland waterways, our coastal ports, our inland ports, our St. Louis seaway, our passenger rail system, transit ways, bus ways, our airports, airways, Corps of Engineer works, the water and sewer system needs of America, Economic Development Administration creating jobs. The Tennessee Valley Authority comes under the jurisdiction of our committee.

□ 1200

Airport, airways, safety of air traffic control system, everything this committee does is involved in building America, investing in our productivity, investing in logistics, the cost of moving people and goods. Because of those investments, we have improved the marketplace in America.

In 1987, the cost of logistics, moving people and goods, was 17 percent of our gross domestic product. In 1987. Last year, the cost of logistics was under 10 percent. That is a $700 billion gain in productivity in logistics, moving people and goods in the American economy, society and marketplace. That is a huge productivity gain. The stock market does not make that kind of gain. But we do, with the investments that we make in this committee that stimulate the national economy.

Now, when we talk about investment in surface transportation, think of the Romans and the Appian Way, the classic roadway built that is still there 2,000 years later. If we do not continue to improve, continue to invest, continue to tend to the needs of transportation, our roadways are not going to last for 2,000 years. They will not even last for 25 or 30 years. Airport runways are supposed to last for 25 years, and then suddenly they begin to deteriorate. That is why we have to continue to invest in the Airport Improvement Program, to keep America flying, keep our economy moving. And the same with our surface transportation needs.

We have the key to doing it in the $375 billion. And when that bill was introduced in the House last year, the price of gasoline was $1.34 a gallon. Now, it is, in some places, as much as $2.24 a gallon. And where is that 70, 80 cents going? It is not staying in America. It is going overseas. Going to OPEC. We are not getting the benefit from it, except that you can power your automobile. But if we had passed our bill with the 5 cent increase in the user fee, we would be making those investments right now. We would have people working improving our roadways, reducing congestion. We can do it.

Every 5-minute delay experienced by United Parcel Service costs $40 million nationwide. Multiply that cost over and you get to the $68 billion cost of congestion in just the 75 major metropolitan area in the country. That is why we need to do this legislation. That is why we need this bill passed and why we need the Chairman's leadership in the conference.

I want to stand for the reopener, I want to stand for the more robust investment we passed in the House, and I want to see this 30-day extension, this record-breaking extension passed.

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

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

I was listening to the gentleman speak on the issue about the needs for a user fee, and he is absolutely right. Again, I hope the American public will speak out, because every day that it goes up higher, I believe last year it was $2.55 for the premium gas, it is now $2.25 for regular, none of that goes into the highway construction. It goes overseas. Unless people like supporting those countries who are not friendly to us, those countries that take our dollars and use them for terrorism purposes, maybe unknowingly, I hope the American public will wake up and say enough is enough. If we have to spend this on fuel, then let us spend it in America.

So I compliment the gentleman for his comments and the concept that we will continue to talk about, which are the needs. Again, I want to stress, not the ''wants,'' contrary to what you may read, but the ''needs.'' So I do compliment the gentleman.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of the Surface Transportation Extension Act before us today. I realize another extension is needed to keep the process moving forward. But I think we need to stop voting on extensions and solve the greater issue of passing a 6-year transportation reauthorization bill with enough funding behind it to put people back to work all across America.

The transportation infrastructure is critical to America for several reasons. First, our entire interstate highway system was created by President Eisenhower as a national security safety measure and that remains a priority today. Second, Americans rely on roads, bridges and tunnels to live their lives each and every day. We use them to get to and from work, to travel on vacation, and to visit friends and family. Third, and most important today, building and maintaining our transportation infrastructure means creating jobs all across America—over 2 million jobs that cannot be outsourced. Jobs to the cities, counties, towns and states throughout this nation that are vitally needed.

The construction industry is a key pillar to any economic recovery providing the much needed stimulus for thousands of related industry jobs. Unlike other important issues, transportation requires long-term planning and investments to keep the nation moving efficiently and safely. Short term extensions interrupt that planning. Two-year funding commitments threaten to destroy plans. This nation needs Congress to act now, to pass the bipartisan compromise of a $318 billion funding level for a six-year bill. Anything less will only short change the nation and keep Americans out of work.

Pushing for a conference report that provides the bill America needs should not be about partisan politics. As a former county executive, I understand what transportation funding means to people outside of the beltway. A six year $318 billion transportation reauthorization bill is supported by local leaders nationwide. It has been endorsed by the National Association of Counties, National League of Cities, United Conference of Mayors, American Public Works Association, Association of Metropolitan Planning Organizations, National Association of County Engineers, National Association of Development Organizations, and the National Association of Regional Councils.

Finally, it is important to remember that a large price tag on transportation reauthorization does not mean adding to the deficit. This bill is funded through the Highway Trust Fund and any measures not fully offset in the Senate version can be addressed in conference. If Members—both Democrat and Republican, both House and Senate—are serious about jump starting the economy for working Americans and putting Americans back to work we must enact the six year $318 billion reauthorization now.

I urge leadership on both sides of the aisle in both chambers to set the politics aside and do what is right for America. Let's bring this conference report to the floor immediately. Let's pass it and send it to the President.

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4635.

The question was taken.

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

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

The ''yeas'' and ''nays'' were ordered.

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

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4635, the bill just considered.

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

There was no objection.

UNITED STATES INTERNATIONAL LEADERSHIP ACT OF 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4053) to improve the workings of international organizations and multilateral institutions, and for other purposes.

The Clerk read as follows:

H.R. 4053

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 International Leadership Act of 2004''.

TITLE I—UNITED STATES INTERNATIONAL LEADERSHIP

SEC. 101. FINDINGS.

The Congress makes the following findings:

(1) Decisions at many international organizations and other multilateral institutions, including membership and key positions, remain subject to determinations made by regional groups where democratic states are often in the minority and where there is intensive cooperation among repressive regimes. As a result, the United States has often been blocked in its attempts to take action in these institutions to advance its goals and objectives, including at the United Nations Human Rights Commission (where a representative of Libya was elected as chairman and the United States temporarily lost a seat).

(2) In order to address these shortcomings, the United States must actively work to improve the workings of international organizations and multilateral institutions, particularly by creating a caucus of democratic countries that will advance United States interests. In the second Ministerial Conference of the Community of Democracies in Seoul, Korea, on November 10–20, 2002, numerous countries recommended working together as a democracy caucus in international organizations such as the United Nations and ensuring that international and regional institutions develop and apply democratic standards for member states.

SEC. 102. ESTABLISHMENT OF A DEMOCRACY CAUCUS.

(a) IN GENERAL.—The President of the United States, acting through the Secretary of State and the relevant United States chiefs of mission, shall seek to establish a democracy caucus at the United Nations, the United Nations Human Rights Commission, the United Nations Conference on Disarmament, and at other broad-based international organizations.

(b) PURPOSES OF THE CAUCUS.—A democracy caucus at an international organization should—

(1) forge common positions, including, as appropriate, at the ministerial level, on matters of concern before the organization and work within and across regional lines to promote agreed positions;

(2) work to revise an increasingly outmoded system of regional voting and decision making; and

(3) set up a rotational leadership scheme to provide member states an opportunity, for a set period of time, to serve as the designated president of the caucus, responsible for serving as its voice in each organization.

SEC. 103. ANNUAL DIPLOMATIC MISSIONS ON MULTILATERAL ISSUES.

The Secretary of State, acting through the principal officers responsible for advising the Secretary on international organizations, shall ensure that a high-level delegation from the United States Government, on an annual basis, is sent to consult with key foreign governments in every region in order to promote the United States agenda at key international fora, such as the United Nations General Assembly, United Nations Human Rights Commission, the United Nations Education, Science, and Cultural Organization, and the International Whaling Commission.

SEC. 104. LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.

(a) UNITED STATES POLICY.—The President, acting through the Secretary of State and the relevant United States chiefs of mission, shall use the voice, vote, and influence of the United States to—

(1) where appropriate, reform the criteria for leadership and, in appropriate cases for membership, at all United Nations bodies

and at other international organizations and multilateral institutions to which the United States is a member so as to exclude nations that violate the principles of the specific organization;

(2) make it a policy of the United Nations and other international organizations and multilateral institutions, of which the United States is a member, that a member state may not stand in nomination or be in rotation for a leadership position in such bodies if the member state is subject to sanctions imposed by the United Nations Security Council; and

(3) work to ensure that no member state stand in nomination or be in rotation for a leadership position in such organizations, or for membership of the United Nations Security Council, if the member state is subject to a determination under section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or section 6(j) of the Export Administration Act.

(b) REPORT TO CONGRESS.—Not later than 15 days after a country subject to a determination under section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or section 6(j) of the Export Administration Act of 1979 is selected for a leadership post in an international organization of which the United States is a member or a membership of the United Nations Security Council, the Secretary of State shall submit to the appropriate congressional committees a report on any steps taken pursuant to subsection (a)(3).

SEC. 105. INCREASED TRAINING IN MULTILATERAL DIPLOMACY.

(a) TRAINING PROGRAMS.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding after subsection (b) the following new subsection:

''(c) TRAINING IN MULTILATERAL DIPLOMACY.—

''(1) IN GENERAL.—The Secretary shall establish a series of training courses for officers of the Service, including appropriate chiefs of mission, on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments.

''(2) PARTICULAR PROGRAMS.—The Secretary shall ensure that the training described in paragraph (1) is provided at various stages of the career of members of the service. in particular, the Secretary shall ensure that after January 1, 2006—

''(A) officers of the Service receive training on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments as part of their training upon entry of the Service; and

''(B) officers of the Service, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C., to positions that have as their primary responsibility formulation of policy towards such organizations and institutions or towards participation in broad-based multilateral negotiations of international instruments receive specialized training in the areas described in paragraph (1) prior to beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.''.

(b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—The Secretary shall ensure that employees of the Department of State that are members of the civil service and that are assigned to positions described in section 708(c) of the Foreign Service Act of 1980 (as amended by this subtitle) have training described in such section.

(c) CONFORMING AMENDMENTS.—Section 708 of such Act is further amended—

(1) In subsection (a) by striking ''(a) The'' and inserting ''(a) TRAINING ON HUMAN RIGHTS.—The''; and

(2) In subsection (b) by striking ''(b) The'' and inserting ''(b) TRAINING ON REFUGEE LAW AND RELIGIOUS PERSECUTION.—The''.

SEC. 106. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

(a) PROMOTIONS.—

(1) IN GENERAL.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended by striking the period at the end and inserting: '', and shall consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy towards or represent the United States at an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect January 1, 2011.

(b) ESTABLISHMENT OF A MULTILATERAL DIPLOMACY CONE IN THE FOREIGN SERVICE.—

(1) FINDINGS.—Congress finds the following:

(A) The Department of State maintains a number of United States missions both within the United States and abroad that are dedicated to representing the United States to international organizations and multilateral institutions, including missions in New York, Brussels, Geneva, Rome, Montreal, Nairobi, Vienna, and Paris, and which are responsible for United States representation to the United Nations Economics, Scientific and Cultural Organization (UNESCO) and the Organization on Economic Cooperation and Development (OECD).

(B) In offices at the Harry S. Truman Building, the Department maintains a significant number of positions in bureaus that are either dedicated, or whose primary responsibility is, to represent the United States to such organizations and institutions or at multilateral negotiations.

(C) Given the large number of positions in the United States and abroad that are dedicated to multilateral diplomacy, the Department of State may be well served in developing persons with specialized skills necessary to become experts in this unique form of diplomacy.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report—

(A) evaluating whether a new cone should be established for the Foreign Service that concentrates on members of the Service that serve at international organizations and multilateral institutions or are primarily responsible for participation in broad-based multilateral negotiations of international instruments; and

(B) provides alternative mechanisms for achieving the objective of developing a core group of United States diplomats and other government employees who have expertise and broad experience in conducting multilateral diplomacy.

SEC. 107. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.

(a) ESTABLISHMENT OF OFFICE.—The Secretary of State is authorized to establish, within the Bureau of International Organizational Affairs, an Office on Multilateral Negotiations to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the ''special representative'').

(b) APPOINTMENT.—The special representative shall be appointed by the President with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large. At the discretion of the President another official at the Department may serve as the special representative. The President may direct that the special representative report to the Assistant Secretary for International Organizations.

(c) STAFFING.—The special representative shall have a staff of foreign service and civil service officers skilled in multilateral diplomacy.

(d) DUTIES.—The special representative shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the special representative shall be to assist in the organization of, and preparation for, United States participation in multilateral negotiations, including the advocacy efforts undertaken by the Department of State and other United States agencies.

(2) ADVISORY ROLE.—The special representative shall advise the President and the Secretary of State, as appropriate, regarding advocacy at international organizations and multilateral institutions and negotiations and, in coordination with the assistant Secretary of State for international organizational affairs, shall make recommendations regarding—

(A) effective strategies (and tactics) to achieve United States policy objectives at multilateral negotiations;

(B) the need for and timing of high level intervention by the President, the Secretary of State, the Deputy Secretary of State, and other United States officials to secure support from key foreign government officials for the United States position at such organizations, institutions, and negotiations;

(C) the composition of United States delegations to multilateral negotiations; and

(D) liaison with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

(3) DEMOCRACY CAUCUS.—The special representative, in coordination with the Assistant Secretary for International Organizational Affairs, shall ensure the establishment of a democracy caucus.

(4) ANNUAL DIPLOMATIC MISSIONS OF MULTILATERAL ISSUES.—The special representative, in coordination with the Assistant Secretary for International Organizational Affairs, shall organize annual diplomatic missions to appropriate foreign countries to conduct consultations between principal officers responsible for advising the Secretary of State on international organizations and high-level representatives of the governments of such foreign countries to promote the United States agenda at the United Nations General Assembly and other key international fora (such as the United Nations Human Rights Commission).

(5) LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—The special representative, in coordination with the Assistant Secretary of International Organizational Affairs, shall direct the efforts of the United States Government to reform the criteria for leadership and membership of international organizations as described in section 104.

(6) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The special representative, or members of the special representative's staff, may, as required by the President or the Secretary of State, serve on a United States delegation to any multilateral negotiation.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a plan to establish a democracy caucus to the appropriate congressional committees. The report

required by section 106(b)(2) may be submitted together with the report under this subsection.

SEC. 108. DEFINITION.

In this title, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. REPORTS RELATING TO MAGEN DAVID ADOM SOCIETY.

(a) FINDINGS.—Section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by adding at the end the following:

''(5) Since the founding of the Magen David Adom in 1930, the American Red Cross has regarded it as a sister national society forging close working ties between the two societies and has consistently advocated recognition and membership of the Magen David Adom in the International Red Cross and Red Crescent Movement.

''(6) The American Red Cross and Magen David Adom signed an important memorandum of understanding in November 2002, outlining areas for strategic collaboration, and the American Red Cross will encourage other societies to establish similar agreements with Magen David Adom.''.

(b) SENSE OF CONGRESS.—Section 690(b) of such Act is amended—

(1) in paragraph (3) after the semicolon by striking ''and'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) the High Contracting Parties to the Geneva Conventions of August 12, 1949, should adopt the October 12, 2000, draft additional protocol which would accord international recognition to an additional distinctive emblem; and''.

(c) REPORT.—Section 690 of such Act is further amended by adding at the end the following:

''(c) REPORT.—Not later than 60 days after the date of the enactment of the United States International Leadership Act of 2004, and annually thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—

''(1) efforts by the United States to obtain full membership for the Magen David Adom in the International Red Cross Movement;

''(2) efforts by the International Committee of the Red Cross to obtain full membership for the Magen David Adom in the International Red Cross Movement;

''(3) efforts of the High Contracting Parties to the Geneva Convention of 1949 to adopt the October 12, 2000, draft additional protocol; and

''(4) the extent to which the Magen David Adom of Israel is participating in the activities of the International Red Cross and Red Crescent Movement.''.

SEC. 202. VOLUNTARY CONTRIBUTION TO ORGANIZATION OF AMERICAN STATES.

There are authorized to be appropriated $2,000,000 for a United States voluntary contribution to the Organization of American States for the Inter-American Committee Against Terrorism (CICTE) to identify and develop a port in the Latin American and Caribbean region into a model of best security practices and appropriate technologies for improving port security in the Western Hemisphere. Amounts authorized to be appropriated under this section are authorized to remain available until expended and are in addition to amounts otherwise available to carry out section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221).

SEC. 203. COMBATTING THE PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as may otherwise be authorized to be appropriated for such purpose, there are authorized to be appropriated for the Department of State, $10,000,000 to carry out the following activities in countries that are not members of the Organization for Economic Cooperation and Development (OECD):

(1) Provision of equipment and training for foreign law enforcement, including in the interpretation of intellectual property laws.

(2) Training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) Assistance in complying with obligations under appropriate international copyright and intellectual property treaties and agreements.

(b) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out subsection (a), the Department of State should make every effort to consult with, and provide appropriate assistance to, the World Intellectual Property Organization to promote the integration of non-OECD countries into the global intellectual property system.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN)

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4053, the bill under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask that all my colleagues support H.R. 4053, the United States International Leadership Act of 2004. This bill was introduced by my distinguished colleague and ranking Democratic member of the House Committee on International Relations, and a dear friend of mine, the gentleman from California (Mr. LANTOS), who was joined by the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), in advancing this idea of boosting U.S. diplomatic leadership within multilateral organizations.

On a daily basis, the U.S. is participating in a wide range of multilateral organizations, and this requires a strong, well-trained diplomatic corps. There are also times when high profile issues are being debated within the U.N. Security Council, and those demand astute and skillful negotiators. This bill strengthens the U.S. diplomatic representatives in multilateral situations, it encourages participation of foreign service officers in such positions, and it authorizes the establishment of an Office on Multilateral Negotiations, which will facilitate U.S. participation in these negotiations.

This bill also encourages the Secretary of State to establish a Democracy Caucus at the United Nations to forge common positions and work to update regional voting schemes.

Mr. Speaker, as a former chair of the Subcommittee on International Operations and Human Rights, I witnessed firsthand the negative dynamics developing in international fora and the need for freedom-loving Democratic nations to join together to offset these negative destructive patterns. Some of the steps outlined in this Act could go a long way to better represent the interests and the concerns of these Democratic countries.

This measure moved smoothly through the Committee on International Relations, and I encourage my colleagues to vote ''yes'' on the passage.

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

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

Let me first pay tribute to my dear friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her effective leadership on this issue, as well as to the distinguished chairman of the Committee on Rules, my fellow Californian (Mr. DREIER), and the chairman of our committee, the Committee on International Relations, the gentleman from Illinois (Mr. HYDE).

Mr. Speaker, I rise in strong support of this legislation. Just a few short weeks ago, the members of a key United Nations committee gathered in New York to make a critically important decision related to internationally-recognized human rights. They met to determine next year's membership in the United Nations Human Rights Commission.

Shockingly, when Africa's turn came to nominate its candidate, they unveiled their choice: Sudan, a country which is currently engaged in a brutal campaign of ethnic cleansing in the Darfur region, where thousands and thousands of innocent men, women, and children have lost their lives in an orgy of assassinations.

Mr. Speaker, it is outrageous that the government of a totalitarian regime, currently engaged in the mass slaughter of its own citizens, would be entrusted with protecting human rights elsewhere across the globe. Properly, the United States delegation simply walked out of the meeting in disgust.

While I am a supporter of the United Nations, Mr. Chairman, for too many years we have allowed the deliberations of the U.N. General Assembly, the Human Rights Commission in Geneva, and many other critical multilateral bodies to be polluted by the machinations of rogue regimes. Despite the fact that the Cold War ended over 10 years ago, spurring a new wave of democratization across much of the

globe, authoritarian regimes still maintain a chokehold on key decisions at the United Nations. Working through the so-called Non-aligned Movement, authoritarian and dictatorial regimes control the regional group caucuses in Africa, Asia, and some other parts of the world that form common positions on United Nations issues and nominate candidate countries for leadership positions.

Sudan's accession to the Human Rights Commission was only the latest example of a broken system which favors rotten regimes. Three years ago, the world's leading human rights abusers came together to unceremoniously vote the United States off the Human Rights Commission in Geneva. As a result, one of the world's greatest human rights violators, the government of the People's Republic of China, got a free pass that year. Also, in 2001, Mr. Speaker, the United Nations convened the World Conference on Racism in Durban, South Africa, which I attended. The conference itself went down in flames after it was hijacked and turned into a forum for nondemocratic regimes to launch vicious hateful attacks on the Democratic State of Israel.

Mr. Speaker, I, for one, am sick and tired of the world's dictatorships making key decisions at the United Nations, shouting out the voices of the democratic governments of the world. For that reason, I am pleased to join with my good friend and colleague, the gentleman from California (Mr. DREIER), in introducing this legislation before the House today.

The United States International Leadership Act of 2004 will require our Department of State to take effective measures to end this nonsense and to give our diplomats the tools they need to ensure that America once again punches at its weight class in New York.

The legislation accomplishes this important task by creating a Democracy Caucus to support democratic forces at the United Nations by directing the President to use our influence to reform United Nations rules so that rogue regimes cannot gain leadership positions, and by providing appropriate training to make our diplomats more effective in multilateral diplomacy.

□ 1215

Mr. Speaker, largely in response to this legislative initiative, the administration this year launched a democracy caucus in New York and in Geneva. Our leadership act will lend important new impetus for this effort, and it will help to ensure that it is broadened across the United Nations system.

But the recent failure to keep Sudan off the Human Rights Commission shows that much work needs to be done. Our diplomats should have known in advance that Sudan was soon to be nominated for the commission, and the world's democratic nations should have been ready to block this mind-numbing decision.

Our leadership act will force the Department of State to practice effective U.N. diplomacy. In coordination with our democratic partners, it will make it a much higher priority.

Mr. Speaker, there is no reason why new democracies in Latin America and Asia and Africa should continue to vote with the likes of Cuba and the Sudan. An effective democracy caucus will help states like Chile and Botswana and Thailand to have a positive alternative to mindless solidarity with authoritarian regimes.

I urge all of my colleagues to support H.R. 4053.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), our distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding me this time, and I appreciate the time and effort she has put into this very important effort here.

Mr. Speaker, having listened to the remarks of the gentleman from California (Mr. LANTOS), I have to say that this legislation is clearly bipartisanship at its best. We all know of the very famous line of Senator Vandenburg's that partisanship ends at the water's edge.

While in trying to deal with the challenge of the United Nations, it is absolutely essential that we pursue bipartisanship as well as we can, and we know within this structure, encouraging democracy is a very important basis of that; and that is why I would like to not only compliment the gentleman from California (Mr. LANTOS) and the others who have been involved in putting this legislation together but to compliment another very strong bipartisan effort, which actually was the brainchild for this important piece of legislation.

A couple of years ago as we looked at the great challenge of trying to deal with the United States' role in the United Nations, we put together a task force that was done by Freedom House and the Council on Foreign Relations; and I was very pleased to cochair that effort, along with our former colleague Lee Hamilton. And, again, it was bipartisanship at its best, in that we had a wide range of people from varied backgrounds who had been involved in the diplomatic realm, in private sector organizations, nongovernment organizations involved with dealing with challenges that exist in the United Nations.

We came up with some recommendations as to how we could enhance the leadership role of the United States of America in the United Nations, and I would commend to my colleagues this report. Actually, the report itself is only about 25 pages long, and it is a very good read. There are additional views. It goes through some other items in here; but basically the report itself, along with the conclusions, are about 25 pages.

And, again, it includes in it items that the gentleman from California (Mr. LANTOS) has just discussed. This concept of pursuing a democracy caucus, something that is very important for us to ensure that it is nations that are committed to self-determination, political pluralism, the rule of law, those things that we have a tendency to take for granted here in the United States that should be the true leaders within that very basic concept of the United Nations, and that is why this restructuring, the role that the Department of State will be able to play in having a structure that can help us, enhance our leadership and deal with the challenges that exist in nations, such as the Sudan, which was just referred to by my good friend.

I do believe that this legislation, Mr. Speaker, is going to be a great help to us as a Nation and to the world as we pursue those goals, and so I simply want to express my appreciation to the gentleman from California (Mr. LANTOS), to the gentlewoman from Florida (Ms. ROS-LEHTINEN), to the others, the gentleman from Illinois (Mr. HYDE), those who have focused on this, and also to express my appreciation to all of the organizations that worked with us with the task force that we put together, as well as individuals within the Department of State who have helped fashion this effort.

So this is a very important measure. I believe it will go a long way towards addressing the shared goals that we have, and I urge my colleagues to support it.

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to show my strong support for this legislation's important language on the creation of a "Democracy Caucus" at the United Nations.

Mr. Speaker, there is a growing crisis at the UN. This crisis is the decline in the UN's focus on building democracies and spreading freedom throughout the world. Increasingly, the UN is becoming dominated by non- and, in far too many cases, anti-democratic governments. For example, the 191 members of the United Nations, 102 do not have completely free and democratic governments. 47 members are notorious dictatorships. 6 are even known terrorist states.

As the UN has lost its focus on promoting democracy, scandal has plagued the organization. Take the Oil-for-Food program. The world, particularly the Iraqi people, is waiting to learn the magnitude of corruption involved in the Oil for Food scandal. Credible reports allege the UN paid itself at least $1.4 billion in commissions for its work on a program that stole as much as $10 billion in food and humanitarian relief from the Iraqi people it was designed to help. This is only the latest examples of a crisis of confidence at the UN.

Nearly half of the 53 countries sitting on the UN Human Rights Commission are known violators of the human rights of their own citizens. For example, take the Sudan, which

was just reelected to the Human Rights Commission. This Is the same country that UN Secretary General Kofi Annan has cited for its ongoing acts of ethnic cleansing against its people, which may result in the deaths of more than 320,000 people this year alone.

Mr. Speaker, the United Nations was created by the United States and the other victors of World War II to be an instrument for world peace and democracy. Instead, since its founding, there have been 291 wars which have resulted in over 22 million deaths. The UN needs a Democracy Caucus, and it needs one now.

Mr. Speaker, I rise in support of my friend's legislation, because I share his belief that the UN system is broken. Democracies and dictatorships are not the same, yet within the UN system they have the same vote. It is time for the democracies of the world to come together to provide the leadership that has been lacking for too long in the UN.

I yield back the balance of my time.

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

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4053.

The question was taken.

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

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

REGARDING THE SECURITY OF ISRAEL AND THE PRINCIPLES OF PEACE IN THE MIDDLE EAST

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 460) regarding the security of Israel and the principles of peace in the Middle East.

The Clerk read as follows:

H. CON. RES. 460

Whereas the United States is hopeful that a peaceful resolution of the Israeli-Palestinian conflict can be achieved;

Whereas the United States is strongly committed to the security of Israel and its well-being as a Jewish state;

Whereas Israeli Prime Minister Ariel Sharon has proposed an initiative intended to enhance the security of Israel and further the cause of peace in the Middle East;

Whereas President George W. Bush and Prime Minister Sharon have subsequently engaged in a dialogue with respect to this initiative;

Whereas President Bush, as part of that dialogue, expressed the support of the United States for Prime Minister Sharon's initiative in a letter dated April 14, 2004;

Whereas in the April 14, 2004, letter the President stated that in light of new realities on the ground in Israel, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations between Israel and the Palestinians will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities;

Whereas the President acknowledged that any agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a permanent alternative and the settling of Palestinian refugees there rather than in Israel;

Whereas the principles expressed in President Bush's letter will enhance the security of Israel and advance the cause of peace in the Middle East;

Whereas there will be no security for Israelis or Palestinians until Israel and the Palestinians, and all countries in the region and throughout the world, join together to fight terrorism and dismantle terrorist organizations;

Whereas the United States remains committed to the security of Israel, including secure, recognized, and defensible borders, and to preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat;

Whereas Israel has the right to defend itself against terrorism, including the right to take actions against terrorist organizations that threaten the citizens of Israel;

Whereas the President stated on June 24, 2002, his vision of two states, Israel and Palestine, living side-by-side in peace and security and that vision can only be fully realized when terrorism is defeated, so that a new state may be created based on rule of law and respect for human rights; and

Whereas President Bush announced on March 14, 2003, that in order to promote a lasting peace, all Arab states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

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

(1) strongly endorses the principles articulated by President Bush in his letter dated April 14, 2004, to Israeli Prime Minister Ariel Sharon which will strengthen the security and well-being of the State of Israel; and

(2) supports continuing efforts with others in the international community to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

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

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of House Concurrent Resolution 460, regarding the security of Israel and the principles of Middle East peace.

I want to thank the gentleman from Texas, our majority leader, for his unwavering commitment to the State of Israel and stability in the region, and commend him, as well as the gentleman from Maryland, the Democratic whip, for their efforts in drafting this measure. It is a resolution that supports the principles outlined in the President's April 14 letter, and in doing so it articulates our own vision of the path toward a lasting peace. It has long been our enduring hope that Israel's neighbors would see the wisdom of laying down their arms and negotiating in earnest, instead of killing. Egypt and Jordan arrived at this point and have found peace with Israel. There are others, however, who murder and employ terror against innocent civilians to achieve their political ends.

The people of Israel have done their part toward peace and have made terrible sacrifices in human and material terms for this effort, yet they continue in their search for closure to this long battle. Yasser Arafat, on the other hand, lacks the will to fulfill the commitments required of Palestinian officials. Arafat seems more intent on enriching himself and his cronies and in accommodating Hamas than he is in achieving peace with Israel so that his own people can reap the political and economic benefits that would come from that peace.

As the President noted in his recent letter, the United States stands ready to lead efforts to help achieve the goal of peace between Israel and the Palestinians, working with Egypt and Jordan to build the capacity and the will of Palestinian institutions to fight terrorism and bring a permanent end to such violence.

However, we have been down this road before. Arafat promises, but Arafat never delivers. The suicide bombings continue, and the death toll rises without so much as a modicum of effort from Arafat-controlled security forces to prevent it. He promises to disarm the radicals, to arrest them; but he does neither. Instead, he has acted as a revolving door for the terrorists that he pretends to arrest. He swore to end terrorism only to carry out a massive campaign of murder against innocent Israelis riding on school buses, shopping in open-air malls, and simply going about their daily lives. He has failed completely in his commitments, and he has brought only misery to a people seeking a peaceful existence.

As underscored in this resolution and articulated by the President, Israel has a sovereign and undeniable right to protect herself and her people, including taking actions against terrorist organizations. In the same vein, we remain strongly committed to Israel's security and well-being as a Jewish state.

The President has clearly laid out his vision and has pursued it on multiple fronts. Through this resolution, we again declare our support for Israel for the great sacrifices she has made, and we congratulate the President for recognizing those sacrifices and the importance of Israel's commitment to peace.

We also call on the Palestinians to help build a peace that is mutual and lasting and not one of fleeting adherence and rhetorical assurances to score political points. Their adherence to peace must be real, and it must be enduring. For the welfare and security of the people of the State of Israel and for the future of the Palestinian people, Arafat and the Palestinian leadership must come to the realization that it is in their best interests to build the institutions necessary to fight and defeat terrorism in order to live side by side in peace together with Israel.

Mr. Speaker, this resolution expresses our support for principles that are crucial to Middle East peace, and it reflects the current reality on the ground. These principles are consistent with U.S. policy priorities, and I ask my colleagues to render their strong support for this resolution.

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

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, who played a critical role in the drafting of this important resolution.

Mr. HOYER. I thank the gentleman from California, the ranking member of the committee, for yielding time; and I thank the gentlewoman from Florida for her statement.

Mr. Speaker, I urge all of my colleagues to support this important bipartisan resolution, which the majority leader (Mr. DELAY) and I have offered along with the chairman and ranking member of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS).

This is a balanced resolution, Mr. Speaker, that will further the cause of peace in the Middle East, enhance the security of our staunch ally, the democratic State of Israel, and move the Palestinian people closer to the realization of a homeland of their own. In short, this resolution does two things. First, it strongly endorses the principles for Middle East peace articulated by President Bush in his April 14 letter to Prime Minister Sharon.

The Members may recall that the President's letter welcomed Prime Minister Sharon's disengagement plan calling for the withdrawal of military installations and settlements from Gaza and the West Bank. The President believes that this plan will make a real contribution towards peace, and so do I. This plan in my view is a bold, historic opportunity to break the deadlock in Israeli-Palestinian relations. In addition, the President, among other things, reaffirmed the United States' commitment to the implementation of the road map to Middle East peace; reiterated in the strongest terms our commitment to Israel's security; insisted that the Palestinian side immediately cease all acts of violence and terror against Israel and her citizens; expressed our support for the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent; recognized that in light of the reality, on the ground it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949; and in addition indicated that any final status will need to include the establishment of a Palestinian state and the settling of Palestinian refugees there rather than in Israel.

Secondly, Mr. Speaker, this resolution supports continuing efforts by the international community to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

□ 1230

Mr. Speaker, the plight of the Palestinian people must concern all of us. Their cause has been diminished by depraved and corrupt leaders, led by Yasser Arafat, who employ the tactic of terror, insight their people to hate, and refuse to seek peace, thereby tragically relegating their own people to poverty and severe insecurity. In fact, it is this absence of leadership on the Palestinian side, the absence of a sincere negotiating partner, that spurred Prime Minister Sharon to propose his recent disengagement plan, which is supported not only by President Bush, but also by JOHN KERRY and Members on both sides of the aisle here.

Thus again, Mr. Speaker, Israel has stepped up and shown its willingness to take risks for peace and security. And let no one be mistaken about the special relationship that has existed between our two nations since the State of Israel was founded. Ours is a relationship of principle and conscience, of shared values and common aspirations, of peace and opportunity, and of a mutual commitment to freedom and democracy.

This resolution, Mr. Speaker, is an important statement by this House. I urge all of my colleagues to support it.

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

I want to thank the distinguished Democratic whip for his powerful and eloquent statement.

I rise in strong support of this historic resolution, Mr. Speaker. Our resolution represents a unique, bipartisan effort to demonstrate congressional support for the State of Israel and for Middle East peace by endorsing Prime Minister Sharon's bold disengagement plan.

Even before this resolution was introduced, expressions of bipartisan resolve regarding its core principles were already well on their way. President Bush warmly welcomed Prime Minister Sharon's plan and reaffirmed this Nation's strong support for Israel and for Middle East peace in his letter of April 14. Senator JOHN KERRY, the Democratic nominee for President, in turn endorsed both Prime Minister Sharon's proposal and the content of the President's letter.

In setting out some of the principles of peace such as those relating to territory and refugees, the President was clearly inspired by ideas presented during the Camp David negotiations in the summer of 2000 and by President Clinton's so-called ''Parameters'' of December, 2000. Thus like President Bush's April 14 letter, the resolution now before us distills the ideas of some of our Nation's most respected figures in both the Democratic and Republican parties.

Many of the principles in the resolution have been endorsed previously, some of them repeatedly by the Congress. All of them are crucial to achieving Middle East peace.

Mr. Speaker, Prime Minister Sharon has taken a bold risk and shown great courage in pursuing his plan for unilateral withdrawal from all of Gaza and parts of the West Bank. He did so because he believed it was the only way to break a deadlock in the peace process and to forge a historic path towards the separation of the Palestinian and Israeli peoples which is the prerequisite for a two-state solution. The prime minister decided that Middle East peace could no longer be held hostage to the failure of Palestinian leadership.

Prime Minister Sharon has pursued his plan despite repeated political obstacles. The Israeli people as a whole overwhelmingly embrace his initiative, but many of his traditional allies do not. In fact, Mr. Sharon's plan was defeated in a referendum of his own Likud parties membership. He has been forced to fire some members of his cabinet in order to assure cabinet support for the plan. Other ministers have resigned in protest. Mr. Sharon has lost his once formidable parliamentary majority and now leads a minority government. Perhaps most painfully for him, he has parted ways with a settlement movement that he once unofficially led. As one senior U.S. official recently expressed it to me, ''A year ago we would have been shocked and pleased if Sharon had decided to dismantle one single settlement. Now he insists on dismantling two dozen.''

Mr. Speaker, I met with Prime Minister Sharon in his office in Jerusalem a month ago. As critics were pronouncing his plan finished, he was buoyantly optimistic and firmly committed to overcoming opposition to his plan. He told me he would prevail in the cabinet, and now he has. There are more steps required before implementation, but Mr. Sharon is committed to the battle, and, in my view, he is fully up to the task.

Mr. Speaker, the Israeli people have endured considerable heartbreak in the peace process. They were stunned and many still are, as are we, that an inexcusable Palestinian intifada erupted 4 years ago in the wake of an incredibly generous Israeli peace offer. That intifada, with its repeated suicide bombings, has claimed nearly 1,000 innocent Israeli lives. Proportional to the U.S. population, that would be 50,000 lives lost at the hands of domestic terrorism.

Nevertheless, another Israeli leader has embarked on yet another bold and politically precarious peace initiative. That initiative deserves the support of the Congress. So does the vast majority of the Israeli people who, polls show, support the Sharon plan. And the Palestinian people deserve this body's support. They have endured all kinds of hardships, including incompetent, cynical, and violent leadership that has led them to the edge of the abyss.

Mr. Speaker, what we will do here today will reverberate throughout the Middle East. By strongly supporting Israeli security and this new initiative, we will embolden Israeli leaders to take further key and courageous steps toward the Middle East peace all sides desire, even in the face of spirited domestic opposition. And hopefully moderate Palestinians will be encouraged to push aside their failed authoritarian leadership and take control of their own lives.

Mr. Speaker, for the sake of a secure Israel, increased hope for Palestinians, and the all-important peace in the Middle East, I urge all of my colleagues to join me in supporting this resolution.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY), a distinguished member of the committee.

Ms. BERKLEY. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS), ranking member of the Committee on International Relations; the gentlewoman from Florida (Ms. ROS-LEHTINEN); the gentleman from Maryland (Mr. HOYER); and the gentleman from Texas (Mr. DELAY) for their leadership on this very important and urgent issue.

I rise today in strong support of this resolution, in support of America's closest ally in the Middle East, and I rise with the hope that a peaceful solution to the Israeli-Palestinian conflict can be achieved.

No country in the world is more familiar with what Americans experienced on September 11 than Israel. Since Yasser Arafat turned his back on peace with Israel and fled Camp David to oversee the latest wave of violence, there have been over 130 suicide bombings responsible for the death of over 500 Israelis. Thousands more have been injured, and little progress has been made in forging a lasting peace between the Palestinians and the Israelis.

This resolution sends a strong, bipartisan message of support for strengthening the security and well-being of Israel.

The peace process is dead because the Palestinian Authority continues to refuse to fulfill its most basic obligations under the roadmap. It refuses to stop the terrorist attacks against Israel, dismantle the terrorist infrastructure, and begin a process of political reform.

It is time for the Palestinian leadership to express their desire for a Palestinian state living side by side peacefully with Israel rather than a Palestinian state in place of Israel.

Israel has the right to secure and defensible borders that reflect the demographic realities. The time is long past for the Palestinian people to reject terrorism and violence. America will never condone terrorist acts. America will never support those that perpetrate them, and America will stand side by side with Israel in its struggle against terrorism.

This resolution, once again, sends a clear message to the supporters of terrorism and the enemies of Israel. America will always side with democratic and peace-loving people. America should and does stand side by side with the people of the State of Israel. I urge my colleagues to vote for this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding me this time. I thank her for her extraordinary leadership on the Middle East and Central Asia Subcommittee. She is a great champion for that about which this resolution attends today, that strong and historic alliance between the United States of America and Israel.

I also speak in commendation of the gentleman from Texas (Mr. DELAY), majority leader; and the gentleman from Maryland (Mr. HOYER), minority whip, who have brought forward this House concurrent resolution regarding the security of Israel and the principles of Middle East peace. And I also congratulate the gentleman from California (Mr. LANTOS), my friend and mentor on these issues, a great leader on the world stage on behalf of human rights and Israel.

When I met Prime Minister Sharon during January of this year during my first journey to Israel, he asked me if I had ever been to that historic land, and I replied reflexively ''Only in my dreams.'' And the truth is that for many millions of American Christians, Israel is just that. It is a dream. And it is a dream, make no mistake about it, Mr. Speaker, that American Christians cherish with a fervor and the fire of American members of the Jewish community. It was a dream that was made real by the leadership of the United States of America in 1948, and it is a dream the reality of which the American people, even the people across the heartland district that I serve, are dedicated to.

It was my passion for Israel that led me, after my return from Israel this year, to draft a resolution, along with the gentlewoman from Nevada (Ms. BERKLEY), who just spoke. We authored the Pence-Berkley resolution that was able to endorse Israel's right of self-defense openly as this resolution does and condemn the adjudication of Israel before the civil court of justice at the Hague. We were both, I think, pleasantly surprised to see over 160 Democrats and Republicans support that resolution.

So it was with special pride that I learned that the leadership of this Congress and the leadership of the House Committee on International Relations have come together in a bipartisan way to make an affirmative statement about Israel's right of self-defense.

□ 1245

The relationship between the United States and Israel is truly unique and precious. It is forged in the best values and hopes of the peoples of both nations, and it is forged in the uniqueness that at no other time in human history has one people so committed themselves to the reestablishment of another people in their historic homeland.

I see our relationship with Israel as one of stewardship. Until such a time that Israel has developed both the economic and military capability to stand on its own, the United States, as we are doing today, must stand with Israel as a protector, a friend, and a partner.

As a protector, this commitment begins with defending the territorial integrity of Israel through military aid and means if necessary. As a friend, this commitment includes foreign aid by the United States of America. And as partner, it means partnering in a process for peace in the Middle East, but recognizes that the role of the United States of America in that Middle East process is not one of an honest broker, but it is one of a partner on one side of the table, honestly dealing on behalf of peace.

I am specifically pleased to see this resolution endorsing Israel's right of self-defense. During my tour of Israel, we, along with Israeli defense forces, toured a large section of the security fence. Mr. Speaker, during the 2 hours that my wife and I toured that fence with military personnel, they received three separate calls for attempted terrorist incursions along the fence line.

When we arrived at their post, I asked the commander who had accompanied us, Havi, I said, ''Is this a pretty busy day?'' And he smiled the way that Israelis tend to do in the face of unthinkable threats and terror, and said, ''Pretty typical day, Congressman.'' Three attempted terrorist incursions along the fence line.

It is that reality that sent me home to go to work here in Congress on behalf of the statement that we will

make today in deafening and bipartisan terms. It is the firsthand reality of daily terror that the people of Israel face that makes it imperative that the United States of America, in bipartisan and deafening terms, be heard in this place and on this day.

I pray for the peace of Jerusalem, Mr. Speaker; and I close by saying that like millions of Americans, Republican and Democrat, as we see witness here today, liberal and conservative, as we see here today, I stand for the dream that is Israel. But I stand even more firmly for making that dream a reality; not just past, not just present, but a permanent and truly eternal reality of the Nation of Israel, with Jerusalem as her capital.

I thank the gentlewoman for yielding me time, I thank our leadership for their extraordinary effort on behalf of our great partner and ally.

Mr. LANTOS. Mr. Speaker, let me first commend my friend from Indiana for his powerful and eloquent statement, and let me yield 3 minutes to my distinguished colleague, the gentleman from New Jersey (Mr. PASCRELL).

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

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

Mr. Speaker, I must remind my brother from Indiana that the Mideast is in reality a dream for Jews, Christians, and Muslims; and that is the approach. I am going to vote for this resolution probably, but I would like to take the opportunity to speak about what people in my area, my district, and abroad should take from the resolution.

The conflict in Israel is the axis on which much of Middle East politics spins. Let us not forget that what we do and say here has major implications all across the globe.

The United States is strongly committed to the security of Israel as a Jewish state. That is not debatable. There is no question that our friend and ally has every right to defend itself against terrorists who oppose freedom and democracy. This resolution takes a strong stand on that issue.

But equally important, this resolution stands in favor of a peaceful two-state solution to the Israeli-Palestinian conflict. Read it carefully.

A vital first step to a peaceful solution is the proposed withdrawal from Gaza, as the Prime Minister has planned and President Bush has endorsed. But we must not forget that this withdrawal should be a precursor to the restart of negotiations.

By passing a resolution that endorses the road map to peace and discusses what should be done during final status negotiations, the House is recognizing the importance of negotiations led by the United States and the quartet. We lost valuable time in the first 8 months of this administration when we did nothing. We separated ourselves from the issue.

On a parallel track, the Congress should be looking at ways to spur economic development throughout Israel, including the West Bank and Gaza.

Let us use this resolution as an opportunity to get back on track. We must work to get the two sides negotiating for an agreed-upon solution, rather than imposing one which will not have the legitimacy that is needed. The United States must use its leadership to get the Israelis and Palestinians and neighboring nations in the Middle East to the table and start the talks, so that when we look to the future, we will see Israeli and Palestinian children living in peace. This is what we want; and as committed as we are to Israel, that must be our commitment as well.

Mr. LANTOS. Mr. Speaker, I am delighted to yield to the gentleman from California (Mr. MATSUI), one of our great Democratic leaders.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from California, the ranking member of the Committee on International Relations, for yielding me time.

I want to commend the gentlewoman from Florida, obviously the gentleman from California, the gentleman from Maryland (Mr. HOYER), and certainly the gentleman from Texas (Mr. DELAY) for bringing this resolution before the floor of the House at this particular time.

I have to say that, first, I think all of us acknowledge, particularly with what has been going on today in the Middle East, and Iraq in particular, that the whole issue of Israel's importance to the United States could not be more clear. Israel is important for the strategic defense of the United States in the free world. Given, as I said, the fact that it is the only democracy in that region, it is absolutely critical that Americans understand and this country understands the importance of Israel from our strategic perspective.

Secondly, there is no question that Israel has the absolute right to defend itself from terrorist activities, and this resolution will go a long way in fulfilling those two principles.

Certainly the negotiation process has broken down. When Prime Minister Barak was negotiating with Mr. Arafat with the help of Mr. Clinton, it was obvious Mr. Arafat was not able or willing to actually engage in an actual agreement. That being the case, the Palestinian Authority at this time has no one in charge to negotiate, and that is why the whole issue of the disengagement policy is the correct policy.

Our resolution today, with great support from both Democrats and Republicans on a bipartisan basis in the House of Representatives, would go a long way in at least trying to find some leader in the Palestinian Authority to stand up and say let us begin to talk, to negotiate, because obviously the status quo is unacceptable.

This resolution, to a large extent, just basically puts together what is a reality. It puts together the point of the fact that obviously the whole issue of the Palestinian refugee situation will be actually resolved once there is a Palestinian state. So I urge the adoption of this resolution.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the time for debate on this resolution be extended for 20 minutes, to be equally divided between the two sides.

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

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my good friend and fellow Californian, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my California colleague for yielding me time.

Mr. Speaker, I agree with some of the statements contained in this resolution. Most notably, it is important that Congress continue to recognize and endorse President Bush's vision of two states, Israel and Palestine, living side by side in peace and security.

I believe the resolution places too much emphasis on the recent exchange of letters between President Bush and Prime Minister Sharon, but I am pleased the legislation notes that changes to a final status agreement based on new realities on the ground must be mutually agreed to by Israel and the Palestinians.

I join the authors of this resolution in support of Prime Minister Sharon's plan to evacuate all settlers from Gaza and at least some from the West Bank. This is an important step, but it must be a first step.

The proposed Israeli withdrawal will increase Israel's security. It will also ease the economic and humanitarian crisis faced by the Palestinians.

But this plan must not be mistaken for a complete and comprehensive agreement that must be reached. The only hope for resolving the deadly status quo is for Israelis and Palestinians to negotiate a political settlement. For this to happen, both sides must live up to the agreements they have previously made. Palestinians must dismantle terrorist organizations, and Israel must impose a settlement freeze, knock down illegal outposts, and ease the harsh conditions of occupation.

None of this will transpire without the hands-on, vibrant commitment of the United States, election year or no election year. America's failure to engage in the Israeli-Palestinian conflict will not only doom those long-suffering peoples to continued violence and misery, but it harms vital U.S. national interests as well; and that is a risk we cannot afford to take.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentlewoman from Florida for yielding me time, and I want to congratulate her and thank her for her

leadership on this and many other issues, and also the gentleman from California (Mr. LANTOS) for his steadfast support of human rights across the globe, and as well thank the gentleman from Maryland (Mr. HOYER) and the majority leader, the gentleman from Texas (Mr. DELAY), for bringing this resolution to the floor.

I rise in support of H. Con. Res. 460 because I think it recognizes the tremendous accomplishments of the Bush administration, in particular President Bush, as far as the U.S.-Israel relationship is concerned. Make no mistake about it: this President, more than any other, has done more to strengthen that U.S.-Israel relationship, to recognize the importance of our relationship with our democrat ally in the Middle East, the State of Israel and its people. It is his policies under the Bush doctrine that I think reflect a very strong moral courage that again transcends into a moral clarity as he begins and as he continues to implement his foreign policy.

I think across the country what we see are Americans who now understand the fact that Israel has been fighting the same war against the terrorists that we are fighting today, and Israel has been doing it for decades. The bombings on the streets of Tel Aviv are no different than the bombings that occurred on September 11 in New York or here in Washington or in Pennsylvania. The absolute scale of a suicide bomber on a bus may be different than those planes running into those towers on September 11; but make no mistake about it, they were morally equivalent.

This resolution recognizes that this President and this House will never, ever accept terrorism under any, any situation and for any reason whatsoever.

In this resolution, we also keep the onus where it belongs, and that is on the Palestinian people and their leadership. We have for too long seen that they have failed to live up to the obligations that we continue to set forth in the road map for peace and other instances where we ask that they stop the terrorist attacks, that they dismantle the terrorist infrastructure and they institute political reform so they can ultimately achieve what their dream is, a state living alongside the Jewish State of Israel.

But it is not until we reach the point that we see the Palestinians recognizing Israel's right to exist as a Jewish state that this Congress or this President will ever allow Israel to go without secure borders and the ability to secure its population.

□ 1300

Mr. LANTOS. Mr. Speaker, before recognizing my friend from New York, I would like to express my deep appreciation to the Republican leader for his extraordinary efforts on behalf of this resolution.

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

Mr. CROWLEY. Mr. Speaker, I thank my friend, the gentleman from California, for yielding me this time, and I want to thank the gentleman from Texas (Mr. DELAY), and the minority whip, the gentleman from Maryland (Mr. HOYER), for introducing this resolution.

I rise in strong support of this resolution, and I ask my colleagues to support it.

This bipartisan resolution shows the United States Congress is united in our support for our democratic ally in the Middle East, Israel. The United States must not only continue to support Israel because of our shared common values, but because we know the terrible repercussions of terrorist attacks on our own population.

The decision taken by Israeli Prime Minister Ariel Sharon on unilateral disengagement was necessary for the security of Israel and her people.

This bold initiative has received international support and needs the support of all governments to ensure it can be implemented to remove the fear of terrorist strikes within Israel.

This unilateral step has to be taken because the Palestinian Authority is currently not a viable partner in peace.

For too long, the Palestinian Authority has allowed terrorists to operate in the territory under their control and done little, if anything, to stop them from attacking civilians in Israel. In fact, in my opinion, they have been complicit in those attacks.

The terrorism against Israel and her people continues without a sign of it stopping. Over the past few weeks, I have seen countless reports of the Israeli Defense Force preventing terrorist plots to kill innocent Israeli civilians.

While I applaud the strength of the Israeli Defense Force, the people of Israel cannot and should not have to live like that. The United States must take a firm stance and continue its support of Israel without wavering when faced with criticism from the Arab world.

If the peace process is to continue to move forward, the United States must increase its engagement and stick with a consistent message as we continue positive support for a lasting and peaceful solution in the Middle East.

Once again, I want to thank the sponsor of this legislation and for bringing it forward today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 1 minute to the gentleman from Texas (Mr. DELAY), our distinguished majority leader and the author and prime sponsor of this legislation.

Mr. DELAY. Mr. Speaker, I too want to express my thanks to the gentleman from California (Mr. LANTOS) for his incredible work on this issue and his cooperation and his friendship. I also want to thank the gentleman from Maryland (Mr. HOYER), the minority whip, for his cooperation in developing this resolution and for his help in bringing it to the floor today.

It is really important for two reasons for the record to note that this legislation is bipartisan. In the first place, it is always valuable in times of national conflict, and especially during election campaigns, to show that for all of our differences, we can all rise above our partisan allegiances and come together as Americans behind our President. Secondly, it shows not only to the country, but to the world, that one of those issues that we can unite behind is our national commitment to the people of Israel.

That commitment was reaffirmed on April 14 of this year when the President wrote a letter to Israeli Prime Minister Sharon expressing his support for Israel's right to self-defense in a war against Palestinian terror. In this letter, the President established two fundamental principles that, in light of the repeated and willful failure of the Palestinian Authority to dismantle the terrorist elements within it, have become unavoidable.

This resolution expresses the House's affirmation of those principles, specifically, that "it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the Armistice lines of 1949." And that "any agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue will need to be found through the establishment of a permanent alternative and the settling of Palestinian refugees there, rather than in Israel."

Put simply, Mr. Speaker, Israel must not retreat behind its 1949 borders, and there is no so-called "right of return."

The people of Israel are at war, and it is our responsibility to help them win it. As long as the Palestinian Authority refuses to take the necessary steps to end terrorism within its ranks, we must stand with Israel.

We must stand by the commonsense principles established in the President's April 14 letter and stand against the voices of violence and appeasement that would sacrifice Israel's security.

Peace cannot be negotiated with unpeaceful men. Peace must be won. We must stand with Israel as they work every day towards its winning.

The alliance between the United States and Israel is not merely one of shared strategic goals and common interests, though it is that too. No, Mr. Speaker, the alliance between the United States and Israel is one of shared values and a common destiny. From Israel we have learned the need for an iron will in the face of terrorist evil; and from us, Israel has learned the value of steadfast friendship in good times and in bad times.

Today, both the United States and Israel are fighting a war on terror; and one day soon, we both will win it.

So I urge all of our Members to support this resolution before us today,

which, once again, reaffirms the unbreakable bonds of freedom our two nations share.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 10 minutes of my time to the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he may be permitted to control that time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. LANTOS. Mr. Speaker, I want to thank my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her usual courtesy.

Mr. Speaker, I am delighted to yield 5 minutes to my good friend, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the distinguished gentleman from California for obtaining the extra time, as well as the gentlewoman from Florida for yielding that extra time to this side.

Mr. Speaker, I do want to state in the beginning, as one who has rather regularly opposed what in the past have traditionally been grossly one-sided resolutions, inappropriate, in this gentleman's opinion, for U.S. best interests in the Middle East, I do find the current resolution a minute, itsy bitsy, tiny bit headed in the right direction. And I do say that, taking into perspective what I view is in America's best interests in this region.

Mr. Speaker, it has well been documented, and many in this body have always pointed out, how U.S. credibility and morality across the world is at an all-time low today. I do not think there are many countries that would doubt that statement; and it is due to many, many factors: our go-it-alone approach to the war in Iraq, unprovoked attacks, an in-your-face type of attitude to our allies, many of whom we badly need at this point in time. There were no weapons of mass destruction found, false reliance upon the neoconservatives, bosom buddy, Ahmed Chalabi who gave us shabby information; an insurgency in Iraq that was more vigorous than even the neo-cons in the Pentagon could ever imagine, far from the statement that Americans would be greeted as liberators. We found no direct involvement of Saddam Hussein on 9/11, and I could go on and on.

But there is one particular false perception we were lead to believe that is tied directly into this resolution today. We were told by the administration that the victory over Saddam Hussein would lead to a peaceful resolution of the Israeli-Palestinian conflict. We are still looking for that statement to be proven correct. And, indeed, the Israeli-Palestinian conflict is linked to our actions in Iraq, linked to the view of Americans around the world, linked to our morality and credibility. It is all linked together.

Peace on the Palestinian-Israeli front I hope and pray is near; and perhaps in secret channels that may be the case. We have not had any suicide attacks, for example, in the last 3 or 4 months. There has not been, thank God, in this period an Israeli to lose his or her life in these horrendous, condemnable suicidal bombs that go off.

So now we come forth with this resolution from the U.S. Congress: ''Regarding the Security of Israel and the Principles For Peace in the Middle East.'' I agree. Except I would add one word in that title, and that is Regarding the Security of Israel ''and Palestinians'' and the Principles of Peace in the Middle East.

The resolution goes on to state: ''whereas, President Bush and Prime Minister Sharon have subsequently engaged in dialogue with respect to this initiative.'' My question would be, where were the Palestinians in this dialogue? Is it not their future at stake as well? Where were the Palestinians in this dialogue?

The response will come back, of course, that there is no credible Palestinian with whom to negotiate. There are credible Palestinians and moderate Palestinians and those who condemn suicidal bombings and terrorism as much as me and any other Member of this body. And they are the ones we should be reaching out to involve in these negotiations.

Continuing further to quote from the resolution, on the second page, second whereas clause: ''but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.'' Again I ask, where are the Palestinians in discussions about these ''mutually agreed upon'' efforts?

The very next paragraph: ''any final status agreement will need to be found through the establishment of a permanent alternative and settlement of Palestinian refugees there rather than in Israel.'' True. I would not dispute that. But where is that permanent alternative? Again, where are the Palestinians involved in discussions upon the no-return issue? Is their future not at stake here? Should they not be involved in the negotiations?

Mr. Speaker, I certainly agree with paragraphs in this resolution. On page 3, the second and third paragraphs, yes: two states, Israel and Palestine, living side by side in peace and security; and in the next paragraph, yes: all Arab states must oppose terrorism, support the emergence of a peaceful and democratic Palestine.

But there is a disconnect between those whereas clauses and the first paragraph of the resolved clause: stating the security and well being of the State of Israel, and again I would say the words ''and Palestine'' should be inserted therein.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, before yielding time, I yield myself such time as I may consume, because I would just would like to remind my colleague, the gentleman from West Virginia, that there may not have been any successful suicide attempts in some time; there are weekly suicide attempts which are thwarted by the vigilance of the Israeli Defense Force. So the fact that suicide bombers do not succeed in blowing up additional groups of innocent civilians is not an indication that the attempts at suicide bombings have come to an end.

Secondly, may I remind my friend that innocent civilians are killed in ways other than through suicide bombing. A pregnant mother and four of her young daughters were killed in cold blood just this past month. A pregnant woman with four small daughters in her car, all six of them were killed just this past month.

So I do not think it is accurate to portray a picture which would indicate that the attempts at extremist violent terrorism is over. The attempts are less successful than they were at a time when Israel was less prepared to deal with it.

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

Mr. LANTOS. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I appreciate the gentleman yielding. I would respond to the gentleman that I condemn those attacks as well, and I would say that there have been attempts thwarted by the Israeli security forces.

□ 1315

Mr. Speaker, the Israelis have not done that alone, they have had a great deal of information submitted to them from a lot of other countries, and from moderate Palestinians, working within whatever security apparatus they have left. The Palestinians who truly want to see peace and recognize how horrendous these actions are want to help stop terrorism.

In addition, let us not forget innocent Palestinians. I am sure the gentleman would agree there have been a number of those that have lost their lives since the Intifada and many other skirmishes.

I would say to the gentleman as well, I am sure he recognizes that under this administration, there have been over 900 Israelis and foreigners who have lost their lives during the last 3 or 4 years, which is 10 times more than the number of Israelis and foreigners that lost their lives under the Clinton administration.

So let us help this President take advantage of the opportunities that are presented to him to achieve a breakthrough in the region. I hope and pray to God such may be on the table today being worked through back channels.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, the principles that were articulated by President Bush in his April letter to Mr. Sharon can be seen as a first step

in finding a resolution to the Israeli Palestinian dispute.

This resolution demonstrates that Congress's position is consistent with the majority of Israelis who endorse the evacuation of settlers from the Gaza Strip, and at least parts of the West Bank. This disengagement plan is a reflection of Israel's basic interests and a major recognition that settlements hurt Israel's security, economic prosperity, and demographic future. Disengagement will also help moderate Palestinian leaders to make concrete moves to finally establish a true democratic state.

By implementing this initiative, tensions between Israels and Palestinians should diminish, thus paving the way for more renewed and more constructive peace negotiations.

But disengagement should not be seen as a substitute for negotiation. Good faith negotiations are essential to any long-term reconciliation. The evacuation of Gaza must be seen as a first step but not the last in a comprehensive peace process. Simply on its own, withdrawal of Gaza will not result in peace or security for Israel. The end goal must be mutually agreed-upon, negotiated solutions by all parties involved that must address a host of other key and sensitive issues. Only then will long-term peace and stability be achievable.

Finally, Mr. Speaker, let us not forget our diplomatic and our moral obligation as well as our vital interest in halting the cycle of violence and in resolving this protracted conflict. Our failure to actively engage in the Middle East peace process has damaged our international credibility and it has hurt our ability to promote democracy in the region.

As we consider this resolution today we must urge the administration to bring both Israelis and Palestinians back to the negotiating table, encourage both sides to live up to previous commitments, and to have all parties rededicate themselves to the principles laid out in the so-called road map and the quest for security and peace in the Middle East. I believe that this resolution can represent a good starting point for long-term stability and peace in the region.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield an additional minute from our time to the gentleman from California (Mr. LANTOS) so that he can control it.

The SPEAKER pro tempore. Without objection, the gentleman from California will control an additonal minute.

There was no objection.

Mr. LANTOS. Mr. Speaker, I thank my friend from Florida.

Mr. Speaker, I yield 1 minute to the distinguished Democratic leader, the gentlewoman from California (Ms. PELOSI), my dear friend and good colleague.

Ms. PELOSI. Mr. Speaker, I wish to commend and thank the distinguished ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), for his great leadership on this issue and for bringing this resolution to the floor. He has been a champion supporter for a strong national defense for our country and knows that it is in our interest to have a secure and safe Israel.

I also want to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership and consistent leadership on this issue as well. I commend also the makers of the motion, the majority leader the gentleman from Texas (Mr. DELAY) and the gentleman from Maryland (Mr. HOYER), our distinguished whip, for putting before us a resolution that I think we should all support. I think it gets right to the point, right to the point of what we need which is a negotiated settlement between the parties. This resolution preserves that right for those parties.

Mr. Speaker, we can never say it enough, America's commitment to the safety and security of the State of Israel is unwavering. There are unbreakable bonds of friendship between the United States of America and the State of Israel. That is for sure. The United States stands with Israel because of our common interest, our fundamental from in the most basic of all rights, the right to exist, the right to live free from fear, the right to put our children on a school bus in the morning knowing that they will come home safely in the afternoon.

Let there be no doubt the United States of America stands with the State of Israel because of those bonds of friendship but really first, and more fundamentally, because it is in our national interest to stand with the State of Israel. I view this resolution as an endorsement of a fresh start.

I listened intently to what my colleagues have said about concerns they have about the plight of the Palestinians in the region and I share them. This resolution preserves the right for final negotiations between the parties for those parties to resolve their differences. It recognizes that for Israel to be secure and safe, it is important and necessary for there to be a Palestinian state.

So when the Prime Minister of Israel Sharon announced withdrawal from Gaza, and we do not know the extent yet from the West Bank, I viewed it as a new, fresh opportunity for peace in the Middle East, which is in the national interest of our country and the international interest of the world and, certainly, the regional interest of those involved directly.

By passing this resolution, the House of Representatives will affirm the support of the United States already confirmed by President Bush for Prime Minister Sharon's withdrawal plan. The principles endorsed by the resolution are consistent with the framework for peace previously outlined by President Clinton and intended to facilitate the implementation for the road map for peace.

The road map remains the best chance for a comprehensive solution for the differences between Israelis and Palestinians. It is time for all parties to the road map to use the opportunities presented by the Sharon plan to bring an end to the violence and achieve lasting peace in the Middle East.

Mr. LANTOS. Mr. Speaker, I want to thank the distinguished Democratic Leader for her powerful and eloquent statement.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL), my good friend.

Mr. EMANUEL. Mr. Speaker, I rise in strong support of this resolution. I commend our colleagues for working in a bipartisan manner towards recognizing the historic agreement in April on some of the most important issues in the Israeli-Palestinian conflict.

This resolution puts Congress on record today to express unwavering support for the position we took in response to the ongoing failure of the Palestinian authority to crack down on terrorist attacks, dismantle terrorist organizations, or achieve political reform inside the PA.

We join with Israel in this fight and we will do all that we can to root out threats to our mutual security and allies in the Mideast. This resolution says to the people of Israel and to the rest of the people of the Mideast that the United States will never leave Israel's side as a friend, as we have since 1948 been the best friend America has in that area. We will remain united by a common bond of common values, of mutual love for both freedom and liberty.

Mr. Speaker, this resolution and the principles of the Mideast peace initiative will help preserve both of our Nations as unwavering symbols of freedom where intolerance and terrorism still threaten liberty and peace.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. DAVIS) who, in this very brief time with us has made a notable contributions to the work of his body.

Mr. DAVIS of Alabama. Mr. Speaker, I thank my good friend from California for his commitment and the power of his example on this issue.

Mr. Speaker, I did not want this debate to end without adding my voice to it and my strong endorsement of this resolution. It follows a very long, very enduring bipartisan tradition, one that says that we are two lonely defenders of freedom, the United States and Israel. We are two lonely defenders in a very difficult neighborhood in this world and we do have a common obligation.

And that is something else that should be said from this side of the aisle, and our leader alluded to it very well. A lot of us on this side of the aisle have profound disagreements with the administration over policy in Iraq. A lot of us on this side of the aisle have profound disagreements with this administration over the skill with which

it has gone about building a new course for Iraq and whether we should have gone in the first place. But none of that should obscure that the value behind that policy, if it is one of promoting democracy, if it is one of expanding the frontier of freedom, that is a value that we all share.

And when we think of Abu Ghraib and we think of all the mistakes that have been made in the last year and a half, the fact that those values may not have been defended so well does not diminish the power of those values.

And I would simply close on this observation: Whenever we think of our friends in Israel, their lonely struggle, we should recall the words of an old union general who came back to Gettysburg, an old Union soldier who came back to Gettysburg on the 50th anniversary of that fight, he reminded his daughter in a letter that when we talk about the cause of the Civil War, he said, ''The men who won that day will always be right; the men who lost that day will always be wrong.''

So it is when it comes to freedom. Those of us who believe in it, those of us who promote the frontier of democracy shall always be right and those who stand for oppression, authoritarianism, and who do not respect the dignity of men and women shall always be wrong. I am proud to support this resolution.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, because I believe it is important for this institution to express its ongoing support of Israel, because I believe that withdrawal from Gaza is an important step towards peace in the region, because I deplore the attacks of terrorists on innocent civilians, I intend to support this resolution.

I do want, however, to express two concerns: First, I believe Mr. RAHALL expressed a number of important considerations and I believe those should be taken under the deliberation of this body.

Second, in this resolution it commends principles outlined in the President's letter. And I just would express one reservation about an element to the President's letter. The President wrote, ''The United States will do its utmost to prevent any attempt by anyone to impose any other plan.'' Now, I think the President has put forward some sound points, but we have many friends and allies within the region even and internationally, our friends in Egypt and Jordan and elsewhere who may have some good ideas.

I believe that it would be a mistake for us to say or assume that only our Nation can put forward a good plan and that all other proposals will be rejected. I would encourage the President and this body to consider various options.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN), my good friend.

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

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of the resolution reconfirming the commitment of the United States and this House to support the people of Israel in their struggle for a lasting peace. Specifically, our resolution supports the principles of peaceful resolution of the Israeli-Palestinian conflict the President Bush and Israeli Prime Minister Sharon laid out when they met on April 14 of this year.

In absence of a viable Palestinian peace partner with whom to negotiate, Mr. Sharon has taken an unprecedented step forward by planning to unilaterally disengage from Gaza and parts of the West Bank.

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Since these settlements are seen by many as an obstacle to peace, this is a clear indication to the Palestinians that Israel is willing to make this effort to get the stalled peace process moving again. Peace will not be possible, however, without the combined commitment by Israel's neighbors and the Palestinian people to stop terrorism and stop supporting terrorism.

From my firsthand experience, from actually my first visit with the gentleman from California (Mr. LANTOS) in 1993 and a visit since, it is clear that there can be no lasting peace with Israel if it has to constantly worry about combating terrorists against Israeli citizens.

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

Mr. LANTOS. Mr. Speaker, I am very pleased to yield a minute to my good friend, the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, in seeking a just and lasting peace in this region, I will be supporting this resolution, because it does recognize a fundamental change in Israeli policy of now withdrawing from at least a portion of the occupied territories, and we should recognize that although this seems an obvious first step, it is difficult in Israel; and we should recognize that accomplishment.

But there are two points I want to make. First, should these parties negotiate ultimately some residence in Israel of a number of Palestinians that does not threaten the Jewish character of the Israeli state, this Nation should not discourage that decision by these parties.

And, secondly, we should not act as enablers by silence in either party's taking actions that makes peace impossible. We should not enable Palestinians' violence by not being vocal against it, and we should not enable Israeli continued expansion in the West Bank, which is happening today.

I stand in unison with my Israeli friends who are speaking out against the continued expansion in the settlements in the West Bank, because it is an impediment to ultimate settlement.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT.)

Mr. SCOTT of Georgia. Mr. Speaker, I am very delighted to join my colleagues in rising to offer great support for this resolution. It is so important and so timely at this time that this Congress of the United States stand united in their support of Israel.

I was over in Israel just a few months ago, and I had a wonderful visit; but your heart goes out for the tenacity and the strength of Israeli people. They are at the forefront in this world fight on terror, have been there for a long time. So it is very important for us to recognize the heroic role and the heroic struggle for world peace that Israel is in the forefront of, and it is very important for us to recognize their struggle and to give them the support as our strongest allies in the region of the Middle East.

It is a great honor on my part to be able to stand and give support to this resolution to a great nation that is fighting an extraordinary cause under extraordinary circumstances.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield an additional minute to the gentleman from California (Mr. LANTOS) from our time.

Mr. LANTOS. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding me this time.

Mr. Speaker, this is a historic resolution. It recognizes the security needs of the State of Israel. It holds out the hope for peaceful negotiations once a negotiating partner is found on the Palestinian side, and it underscores bipartisan American support for peace, tranquility, progress, and security in the region.

I am delighted that we are endorsing both the President's position and Senator KERRY's position, which on this issue are identical. I urge all of my colleagues to support this resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to close with the remainder of the time that I have.

Mr. Speaker, in closing I would like to congratulate the gentleman from California (Mr. LANTOS) for always being a leader on the human rights front and always being a strong supporter of peace in the Middle East, and I would like to highlight some of the more critical principles that are outlined in the resolution that is before us.

I want to read just four of the ''whereas'' clauses. It says, ''Whereas in the April 14, 2004, letter the President stated that in light of new realities on the ground in Israel, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations between Israel and the

Palestinians will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.''

Furthermore, it says, ''Whereas, the President acknowledged that any agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a permanent alternative and the settling of Palestinian refugees there rather than in Israel.''

And, ''Whereas, the principles expressed in President Bush's letter will enhance the security of Israel and advance the cause of peace in the Middle East.''

Whereas, there will be no security for Israelis or Palestinians until Israel and the Palestinians, and all countries in the region and throughout the world, join together to fight terrorism and dismantle terrorist organizations.''

And, ''Whereas, the United States remains committed to the security of Israel, including secure, recognized and defensible borders, and to preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat.''

And I think that on that wording, we can all come to agreement, because this resolution is in keeping with our national and international antiterrorism goals, our hopes for a lasting and profound peace and for a region of freedom-loving nations based on the rule of law, respect for human rights, and fundamental freedoms; and it shows a unity of purpose.

It sends a message to the world that the policies relating to Israel's security and existence as a Jewish state, relating to peace for Israel and the Palestinians and relating to combating terrorism are not just the President's policies or the position of the U.S. Congress but of the United States Government as a whole.

The path outlined in this resolution is clear. And what awaits us at the end of the road? Peace and stability. So let us join together and vote overwhelmingly for this measure.

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

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

If I might be permitted, I would like to express our appreciation to the gentleman from Illinois (Chairman HYDE) for his extraordinary work in bringing this resolution before the body.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this resolution, and I would like to elaborate upon the issues that are involved in securing Israel and peace in the Middle East.

I support the statements in the resolution declaring that the United States is strongly committed to the security of Israel and its well-being as a Jewish state and that there will be no security for Israelis or Palestinians until Israel and the Palestinians, and all countries in the region and throughout the world, join together to fight terrorism and dismantle terrorist organizations. I think it is vitally important that the resolution reemphasizes the U.S. commitment to the security of Israel, including secure, recognized, and defensible borders, and to preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat.

However, I am concerned about the perception that the President's letter prejudges the final outcome of negotiations on issues like borders and refugees. It's important to recognize that Prime Minister Sharon's plan cannot be seen as a substitute for negotiations, that it is a first step, not the last. The plan can provide a window of opportunity, a short-term opening that might enable the two parties to return to the negotiating table. Only there, through mutual agreement, can Israel and the Palestinians resolve some of the most sensitive issues—and only then can there be real peace and security for Israel, which is so vital for Israel, the region and for the United States.

Ms. KILPATRICK. Mr. Speaker, today the House considered House Concurrent Resolution 460 regarding efforts to promote peace and security regarding the Israeli-Palestinian conflict. I gave thorough consideration to the resolution language and felt compelled to cast a nay vote.

I voted against the resolution because in my congressional district I have one of the largest Arab and Islamic populations in the nation. My vote reflected my humanitarian instincts, and my refusal to support language that was not inclusive. Although I reject terrorism and inhumane treatment by any person or government, I contend that the resolution failed to address fundamental and grave implications regarding the dangerous and ongoing conflict in the region. The resolution addressed Prime Minister Sharon's efforts to promote peace and security, and his dialog with President Bush. A major failure of the resolution is that it did not address other themes I consider important, specifically, the pain and suffering occurring in the region.

Although the resolution addressed the Israeli-Palestinian conflict, it said nothing about the plight of Palestinian civilians. Additionally, while Arab States are called upon to be part of the fight against terrorism, the resolution language did not acknowledge the difficulties confronting Palestinians. While I recognize the efforts of Israel to make concessions regarding thorny issues associated with land settlements, I believe much more needs to be done. Finally, the resolution failed to strike the humanitarian chord and sense of fairness that is essential if peace and security are to be realized in that region of the world.

Mr. KIND. Mr. Speaker, United States leadership in pursuit of peace in the Middle East is essential if we are to help bring about an equitable and fair peace accord between Israel and the Palestinians and end the bloodshed. The situation in the Middle East is a dominant issue on the minds of people in the region and throughout the world, and we cannot lose sight of the fact that stability in this region is tied directly to our own national security.

I applauded the United States leadership in crafting the ''Roadmap'' to Middle East peace coauthored by the European Union, Russia, and the United Nations. This promising commitment has suffered at the hands of continued bloodshed and disagreement. However, I believe we must push for follow-through on the principles embodied in the Roadmap as a building block for a viable Palestinian State and secure Israel.

Given the lack of progress in tandem by Israel and the Palestinian Authority, the region has suffered from the violence continuing to engulf the region. The need to break the deadlock is greatly apparent, and Prime Minister Sharon's proposal for Israel to unilaterally withdraw certain military installations and settlements from the Gaza Strip and West Bank is an opportunity for progress toward peace. Involvement by regional governments such as Egypt in pressuring reforms from the Palestinian Authority also hold promise that progress can be made. With continued involvement, we maintain the hope the next steps will be done through successful negotiation and compromise.

The resolution before us supports the concepts included in President Bush's letter to Prime Minister Sharon dated April 14, 2004, regarding recent actions taken by Israel and the United States commitment to the peace process. It includes a reaffirmation of America's commitment to Israel's security and reinforces that Israelis and Palestinians, and all states in the region and beyond, must work together to fight terrorism. It also highlights highly sensitive issues including future refugee resettlement and border lines based on negotiations, which have been part of peace talks started under President Clinton.

While I would prefer the language in this resolution to more closely focus on the international commitment to Middle East peace and the obligations of the parties involved, I believe the intention of the resolution is consistent with the Roadmap for Peace, and I will support it. We must stay engaged in this matter and constantly work toward peace and security for Israel and the Palestinian people.

Mr. PAUL. Mr. Speaker, I rise in opposition to this legislation. As I have argued so many times in the past when legislation like this is brought to the Floor of Congress, the resolution before us is in actuality an endorsement of our failed policy of foreign interventionism. It attempts to create an illusion of our success when the truth is rather different. It seeks not peace in the Middle East, but rather to justify our continued meddling in the affairs of Israel and the Palestinians. As recent history should make clear, our sustained involvement in that part of the world has cost the American taxpayer billions of dollars yet has delivered no results. On the contrary, despite our continued intervention and promises that the invasion of Iraq would solve the Israeli/Palestinian problem the conflict appears as intractable as ever.

Mr. Speaker, this resolution in several places asserts that the United States is ''strongly committed'' to the security of Israel. I find no provision in the Constitution that allows the United States Government to confiscate money from its own citizens and send it overseas for the defense of a foreign country. Further, this legislation promises that the United States ''remains committed to . . . Israel, including secure, recognized, and defensible borders.'' So we are pledging to defend Israel's borders while we are not even able to control our own borders. Shouldn't we be concentrating on fulfilling our constitutional obligations in our own country first, before we

go crusading around the world to protect foreign borders?

I do agree with one of the statements in this legislation, though it is hardly necessary for us to affirm that which is self-evident: ". . . Israel has the right to defend itself against terrorism, including the right to take actions against terrorist organizations that threaten the citizens of Israel." Yes, they do. But do the Israelis really need the U.S. Congress to tell them they are free to defend themselves?

I also must object to the one-sidedness of this legislation. Like so many that have come before it, this resolution takes sides in a conflict that has nothing to do with us. Among other things, it affirms Israel as a "Jewish state." Is it really our business to endorse a state church in a foreign country? What message does this send from the United States to Israeli citizens who are not Jewish?

Like my colleagues who have come to the floor to endorse this legislation, I would very much like to see peace in the Middle East—and elsewhere in this troubled world. But this is not the way to achieve that peace. As our Founders recognized, the best way for the United States to have peaceful relations with others is for Americans to trade freely with them. The best way to sow resentment and discontent among the other nations of the world is for the United States to become entangled in alliances with one power against another power, to meddle in the affairs of other nations. One-sided legislation such as this in reality just fuels the worst fears of the Muslim world about the intentions of the United States. Is this wise?

Mr. HYDE. Mr. Speaker, I rise in strong support of the pending resolution. The resolution gives us the opportunity to express our support for the President's statements about the Israeli government's plans to withdraw from its settlements from Gaza, and about other key matters related to the dispute between Israel and the Palestinians.

Our debate today also gives us an opportunity to look at the larger picture. It is critical that we continue to support President Bush's performance-based, goal-driven roadmap to a final and comprehensive settlement of the Israel-Palestinian conflict. Congress should join President Bush in pressing all parties to take necessary steps toward peace, as provided in the roadmap and in President Bush's statement of April 14, 2004.

According to the roadmap, during Phase I, the Palestinians should, among other things, reiterate their commitment to a two-state solution, immediately undertake a cessation of violence against Israelis and end official incitement, and reform their institutions. Israel should begin with affirming its commitment to a two-state solution, ending official incitement, and resuming security cooperation with the Palestinians; it should also freeze settlement activity, immediately dismantle unauthorized settlement outposts erected since March 2001, and improve the humanitarian situation by lifting curfews and easing restrictions on the movement of persons and goods.

Despite the great political risks involved, it is essential not only for the United States, but also for other governments in the region, to demonstrate their leadership by assisting the Palestinians and Israelis in fulfilling their responsibilities. Such actions will create an environment conducive to real achievements on the ground, allowing for a true peace to take root. I commend the leadership Egypt and Jordan have shown in this area, and welcome their continued efforts, which are alluded to in the Resolution under consideration.

As the House affirmed when it passed H.R. 1950,

> The United States has a vital national security interest in a Middle East in which two states, Israel and Palestine, will live side by side in peace and security, based on the terms of United Nations Security Council Resolutions 242 and 338. A stable and peaceful Palestinian state is necessary to achieve the security that Israel longs for. The Palestinian leadership and Israel should take concrete steps to support the emergence of a viable, credible Palestinian state.

I express full support for President Bush when he said the following on April 14, 2004:

> I welcome the disengagement plan prepared by the Government of Israel, under which Israel would withdraw certain military installations and all settlements from Gaza, and withdraw certain military installations and settlements in the West Bank. These steps will mark real progress toward realizing the vision I set forth in June of 2002 of two states living side by side in peace and security, and make a real contribution toward peace.

Even as we support Israel in the ways discussed in the Resolution, we also need to keep in mind Israel's commitments to the President and the American people that were part of the April 15 package.

I will vote for this resolution for the reasons I have stated. It should not need to be said, but our support for Israel, or the Palestinians, does not imply support for actions that violate human rights standards or the expectations established by the roadmap. Our credibility requires that we do not undermine our most important policies in any of our actions or statements.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 460 and Prime Minister Ariel Sharon's proposed disengagement plan to remove settlements and certain military outposts from Gaza and areas of the West Bank.

This initiative gives hope for the future of the peace process and the effort to end the suffering of the Israeli and Palestinian people.

Since putting forth a bold peace initiative at Camp David in 2000, the Israeli side has endured years of terrorist attacks that have taken the lives of nearly 1,000 civilians. Israeli troops are now reengaged in Palestinian areas they once hoped they had left for good.

Among Palestinians there is also despair. Instead of taking the measures to pursue statehood and independence, the Palestinian leadership has recruited their children for suicide attacks, and weakened their economy with corruption and the siphoning of funds for terrorist activities.

The disengagement plan presents a much needed opportunity to reduce tensions, make Israel more secure, and give the Palestinian people an opportunity for self-governance. The proposal will also set the stage for future negotiations by putting pressure on the Palestinian leadership to undertake the internal economic and political reforms necessary to improve quality of life and build the institutions for statehood.

I believe it is equally important that in endorsing the Sharon initiative on April 14, the President also underscored two fundamental realities to be taken into consideration once final status negotiations ultimately resume. First, that the open-ended Palestinian claim to a right of return for refugees is demographically untenable for Israel's future as a Jewish state. And second that existing demographics need to be taken into account in future negotiations to provide Israel with secure, recognized, and defensible borders and provide the territory for a Palestinian state.

Some say a clear U.S. position on these issues prejudges the outcome of the negotiations, but these realities are the very same principles that guided the peace effort initiated by President Clinton at Camp David. Those negotiations failed not because of the U.S. position, but because Yasser Arafat responded to Israel's offer with terrorism and violence instead of full-faith negotiations.

The Israeli and Palestinian people deserve a better future. I urge my colleagues to support his resolution and the commitment of the United States to remain engaged and stand prepared to broker a final status agreement when a credible and willing Palestinian leadership prepared to embrace peace emerges.

Mr. MATSUI. Mr. Speaker, this resolution affirms Congress's bipartisan support for the principles outlined by President Bush and Prime Minister Sharon regarding Israel's proposed disengagement plan. Congressional support for the disengagement from Gaza and removal of settlements is a positive step toward reducing tensions with the Palestinians and could help revitalize the stalled Mideast peace process.

Our nation's support for Israel is of the utmost importance and could not be clearer. We stand firmly in support of Israel in the fight against terrorism. We must acknowledge the strategic importance of Israel as the only democracy in the region and, above all, Israel's absolute right of self-defense. We will continue to offer our steadfast support as Israel faces the ongoing threat of terrorism.

In 2000, then Israeli Prime Minister Barak and Palestinian Authority Chairman Arafat were close to forging an accord on final status issues, but Arafat walked away. There is no doubt that Arafat is not capable of negotiating a peace agreement. At this time, Israel lacks a viable Palestinian partner to negotiate a peace agreement, yet the people of Israel continue to face the daily threat of suicide bombers. This status quo is unacceptable. The framework laid out by Prime Minister Sharon and President Bush provides a sound basis for Israelis to live their lives with a decreased threat of terror until a viable Palestinian partner emerges.

This resolution goes a long way toward acknowledging the realities on the ground today and the impact they will have on final status negotiations. It recognizes that the Palestinian claim to a right of return beyond the borders of a future Palestinian state is demographically untenable for Israel's future as a Jewish state. As such, negotiations must ensure that Israel can live as an independent state within secure, recognized and defensible borders that reflect this reality. At the same time, we recognize the importance and support the establishment of a separate Palestinian state that can live in peace with its neighbor, Israel.

Recently, Israel has been waging a significant campaign to eliminate the terrorist threat, resulting in a three-month period of calm despite terrorist groups' intent to continue violent

attacks on Israelis. This period of calm combined with the steps taken in Sharon's disengagement plan could provide an opportunity to reassess of the status of peace negotiations and get the discussions back on track.

It is our hope that the Israeli and Palestinian people ultimately live as independent nations in peace and security. I sincerely hope these new efforts will revitalize the stalled Mideast peace process and bring all parties back to the negotiating table. Until those negotiations restart, the agreement reached by the President and Prime Minister Sharon will promote Israel's continuing efforts to defend itself from terrorism, and Congress fully supports this agreement.

Mr. STARK. Mr. Speaker, I rise in reluctant opposition to this resolution. Like my colleagues, I support a strong and stable State of Israel. Like my colleagues, I support the peace process and fervently hope that peace will someday come to this troubled land. This resolution, however, does not advance that process in any helpful or meaningful way.

This resolution does not call on both Israelis and Palestinians to work together to find a peaceful solution to this conflict. In order to reach peace, all parties in the process must work together. This resolution does not make that clear.

I am disappointed that the House Leadership brought this resolution to the floor instead of House Resolution 479, of which I am a cosponsor. House Resolution 479 applauds Israelis and Palestinians who are working together to conceive pragmatic, serious plans for achieving peace and encourages both Israeli and Palestinian leaders to capitalize on the opportunity offered by these peace initiatives. I'm enclosing, for the record, a copy of that resolution.

Ultimately, Middle East peace can only be achieved with all parties working together to find a solution. To play a constructive role, the United States must be perceived by all parties as an honest, objective broker. This resolution frustrates that goal.

H. RES. 479

Whereas ending the violence and terror that have devastated Israel, the West Bank, and Gaza since September 2000 is in the vital interests of the United States, Israel, and the Palestinians;

Whereas ongoing Israeli-Palestinian conflict strengthens extremists and opponents of peace throughout the region, including those who seek to undermine efforts by the United States to stabilize Iraq and those who want to see conflict spread to other nations in the region;

Whereas more than 3 years of violence, terror, and escalating military engagement have demonstrated that military means alone will not solve the Israeli-Palestinian conflict;

Whereas despite mutual mistrust, anger, and pain, courageous and credible Israelis and Palestinians have come together in a private capacity to develop serious model peace initiatives, like the People's Voice Initiative, One Voice, and the Geneva Accord;

Whereas those initiatives, and other similar private efforts, are founded on the determination of Israelis and Palestinians to put an end to decades of confrontation and conflict and to live in peaceful coexistence, mutual dignity, and security, based on a just, lasting, and comprehensive peace and achieving historic reconciliation;

Whereas those initiatives demonstrate that both Israelis and Palestinians have a partner for peace, that both peoples want to end the current vicious stalemate, and that both peoples are prepared to make necessary compromises in order to achieve peace;

Whereas each of the private initiatives addresses the fundamental requirements of both peoples, including preservation of the Jewish, democratic nature of Israel with secure and defensible borders and the creation of a viable Palestinian state; and

Whereas such peace initiatives demonstrate that there are solutions to the conflict and present precious opportunities to end the violence and restart fruitful peace negotiations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) applauds the courage and vision of Israelis and Palestinians who are working together to conceive pragmatic, serious plans for achieving peace;

(2) calls on Israeli and Palestinian leaders to capitalize on the opportunity offered by these peace initiatives; and

(3) urges the President of the United States to encourage and embrace all serious efforts to move away from violent military stalemate toward achieving Israeli-Palestinian peace.

Mr. KUCINICH. Mr. Speaker, there is much in H. Con. Res. 460 that I do support. I support the finding that "there will be no security for Israelis or Palestinians until Israel and the Palestinians, and all countries in the region and throughout the world, join together to fight terrorism and dismantle terrorist organizations." I support the finding that "the United States remains committed to the security of Israel, including secure, recognized and defensible borders, and to preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat." And I support the right of Israel to defend itself against terrorism.

But what I do not support, and what I think is inappropriate for Congress to do, is to predetermine the outcome of certain questions that the Israelis and Palestinians must themselves decide. It is not the place of the U.S. Congress, if we wish to preserve the U.S. as an honest broker of a negotiated peace, to circumscribe the rights of Palestinian refugees. It is not the place of the U.S. Congress to condone, as "new realities on the ground in Israel," unlawful settlements of Israelis in the Occupied Territories.

Congress did not have to make inappropriate judgments such as these to offer support for the security of Israel. I believe that H. Con. Res. 460 is more of a disservice than an aid to the peaceful resolution of the conflict, and for that reason, I must vote against it.

Mr. FRANKS of Arizona. Mr. Speaker, I will vote "Yes" on H. Con. Res. 460 because I strongly support Israel and desire to promote her security. However, I would like to express my hesitation and concern with certain aspects of the policy that the Resolution seems to affirm. I believe that it would be prudent to obtain some answers before we completely commit to affirming the plan to resettle Israelis currently living in Gaza. It is important to know what the United States' commitment will be in supporting Prime Minister Sharon's initiative, including any undertaking regarding funding, humanitarian aid or other assistance, or military personnel to police the area.

One of the major questions I have, Mr. Speaker, is whether supporting the Gaza pullout and a future Palestinian state is the proper diplomatic message we wish to send to those who would terrorize Israel, her people, and all of those who desire freedom and peace. I believe we must think proactively rather than reactively. We must ask ourselves, "how will supporting this plan affect our continued war against terrorism and what will be the eventual impact on Israel?" We must always be ready to re-evaluate our policies for the future in light of current circumstances and reflection on history.

Mr. Speaker, in resolving to support continuing efforts to build the capacity and will of Palestinian institutions to fight terrorism, I further urge caution and great care to be taken in distinguishing between those who have proved themselves willing to work for peace and those who have continued in their battle against it.

Mr. BLUNT. Mr. Speaker, the House of Representatives is committed to Israel's defense as a sovereign, independent, Jewish state. Its democratically-elected leaders face enormous challenges defending Israeli citizens in the face of a terrorist threat.

In this resolution, the House applauds the efforts of Israel's Prime Minister, Ariel Sharon, to further the peace process through a plan to withdraw from the Gaza Strip and to consider current realities in future negotiations on Israel's borders and the status of Palestinian refugees. It also credits the President of the United States with having the courage to support the Israeli government in this effort.

Mr. Speaker, the President was absolutely right when he stated, on April 14th in a letter to Prime Minister Sharon, that "it is unrealistic to expect that the outcome of final status negotiations between Israel and the Palestinians will be a full and complete return to the armistice lines of 1949." He was also correct in acknowledging that a final status agreement for Palestinian refugees will almost certainly not include their resettlement in the State of Israel.

None of this precludes the establishment of a Palestinian state. The President stated two years ago his vision of two states living side by side and remains committed to the Road Map as the only widely accepted path to peace in the region. But, Mr. Speaker, as this resolution accurately states, terrorist elements within Palestinian society must be defeated and the rule of law must prevail in any newly created Palestinian entity. And, perhaps as importantly, Arab states must state clearly that they will live in peace with Israel and support the emergence of a peaceful and democratic Palestine.

An end to the Israel-Palestinian conflict presents huge challenges and requires difficult decisions. Past leaders have opted for overly-simplified solutions that, I would argue, have made the problem worse. I strongly support the President's efforts to facilitate peace in the region, and to give his backing to Israel's democratically-elected leaders as they work to protect the citizens of Israel from terrorism.

Mr. BLUMENAUER. Mr. Speaker, I strongly support an end to terror and violence in the Middle East, so I voted for resolution supporting peace between the Israelis and Palestinians, and American engagement.

At the same time, this resolution does not tell the whole story. It rightfully holds the Palestinians to their commitments, but says nothing about the commitments made by Israel to freeze all settlement growth and remove illegal outposts in the West Bank. It rightfully supports the withdrawal of Israeli settlements and

military installations from the Gaza Strip, but says nothing about the need for a return to negotiations.

The ultimate resolution of the Israeli-Palestinian conflict, the preservation of Israel as a Jewish and democratic state, and security for Israel can only come through a negotiated solution, the outline of which has been known for years. President Bush has diminished America's leadership role, despite backtracking only a week later in discussions with King Abdullah of Jordan.

American leadership is needed now more than ever to re-engage with regional allies and the Palestinian Authority to make the Israeli withdrawal from Gaza a success and to ensure that leaving Gaza is the first step towards peace. Helping Israel and the Palestinians to live up to their previous commitments and renewing negotiations can bring security to Israel, independence to the Palestinians, and peace to the region. An expression of support for Israel would be more effective if it dealt with the entire picture.

Mr. ISSA. Mr. Speaker, I rise today to join my colleagues in expressing support for the vision for peace that President George Bush outlined in his letter to Israeli Prime Minister Ariel Sharon on April 14, 2004. Today we are considering a resolution that affirms many of the principles laid out in the President's letter. These principles include recognition that the United States remains committed to the peace and security of the Israeli people. We believe that peace cannot be achieved until all states in the region, and the Palestinians themselves, join in the fight against terrorism. And we believe that Israel has a right to defend itself against terrorism.

But this resolution falls short of fully expressing the President's vision as it was articulated in his letter. Along with assurances to Israel, the President's letter also acknowledges that peace is not possible without a Palestinian state. As the President himself said, this state must be "viable; contiguous, sovereign, and independent, so that the Palestinian people can build their own future." President Bush, as President Clinton did before him, understands that a lasting peace cannot be achieved if the Palestinians are consigned to live in cantons and denied basic rights as citizens of a nation state.

This resolution makes only a passing reference to a Palestinian state, thereby missing a critical aspect of the formula for peace. Without the hope of a Palestinian state or the promise of democratic opportunity for the Palestinian people to live in their own country, lasting peace cannot be achieved. The true hope for peace lies in a Palestinian right to self-determination.

President Bush wisely recognized that, in order to prevent the Palestinian "Right of Return" to the Israeli state, Palestinian refugees must be able to return to their own homeland. Without their own state, millions of Palestinian refugees around the world will remain stateless people. As long as this is the case, peace will remain elusive.

Mr. Speaker, I appreciate this opportunity to recognize the progress that President Bush has made toward a just and lasting peace.

Mr. MICHAUD. Mr. Speaker, I rise today in support of H. Con. Res. 460 and the principles it supports.

The conflict between Israel and the Palestinian people has been a long and terrible blight in our shared human history. The harm this conflict has caused spreads far beyond the borders of Israel and it is incumbent upon all who support freedom and peace to resolve this situation.

I am strongly committed to the security and well-being of a Jewish state, and like President Bush, I do not believe lasting security and peace will come to the region until a two-state solution is achieved and the Palestinian people and surrounding nations actively pursue an end to terrorist organizations. Sadly, currently Israel has no partner for peace within the Palestinian leadership. As a result, both Israel and the Palestinian people are left to suffer.

Israel has a right to defend itself and its people from violence and the threat of terrorism. To further the security of Israel, Prime Minister Sharon will initiate a plan to withdraw all Israeli villages and military personnel from the Gaza Strip as well as other villages and military personnel from the West Bank and extend a temporary security fence. Like the resolution we now consider, I fully support "efforts to continue working with others in the international community to build the capacity and will of the Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel."

Like so many on both sides of this conflict and throughout the international community, I remain hopeful that peace can and will be achieved. My district is home to Seeds of Peace, which brings young Israelis and Palestinians together. I believe this is an extremely important program, and I believe we must continue to support and encourage both diplomatic and personal dialogue between Israel and Palestinians.

Mr. Speaker, again I would like to voice my support for H. Con. Res. 460, for lasting security for the state of Israel and for peace in the Middle East.

Mr. FROST. Mr. Speaker, I would like to express my support for the DeLay-Hoyer Israel resolution and urge Congress to strongly endorse the Sharon disengagement plan. Sharon is pursuing this plan even in the face of opposition from his own party.

This disengagement plan proves once again that Israel is willing to make difficult sacrifices in order to pursue a peace agreement. Dismantling settlements has always been discussed in the context of negotiations with the Palestinians, but offered only in exchange for an end to terrorism. Unfortunately, with Arafat still in power, the continued terrorism against Israeli civilians, and the political process on hold indefinitely, Israel is willing to take action for peace on its own.

The United States is engaged in a war on terrorism to defend our nation from the relentless men and women who hate our way of life and seek our destruction. We are taking whatever steps are necessary to protect our citizens. I sincerely hope that a viable two state solution can soon be reached, but in the meantime we must allow Israel, our friend, our ally, and a strong democracy that shares our values to do the same.

Israel has enjoyed steadfast bipartisan support from Congress for years. This resolution by Mr. DELAY and Mr. HOYER will send a strong message to Israel that despite our partisan disputes on many foreign and domestic issues, the Democrats and Republicans in this Congress stand with Israel.

Mr. PRICE of North Carolina. Mr. Speaker, I intend to vote for H. Con. Res. 460, a resolution regarding Israel's security and the principles of Middle East peace. I welcome this opportunity to explain my reasoning to my colleagues.

The resolution, which was formulated with more than the usual bipartisan consultation, affirms the goal of Israeli and Palestinian states "living side by side in peace and security." It acknowledges, as President Clinton did in the plan he offered at Taba, that the adjustment of boundaries must take into account the existence of Israeli population centers. But it makes clear that final boundaries would be subject to Israeli-Palestinian negotiation. Presumably this would leave open the consideration of land swaps and the contiguity of Palestinian territory, as did the Taba proposal.

The resolution has some curious and unfortunate omissions. There is no specific reference to settlement evacuation, the focus of the plan by Prime Minister Sharon, for which the United States is offering support. There is no mention of the Road Map, our country's primary current diplomatic initiative, very much in need of invigoration. In a more positive omission, the resolution declines to endorse Israeli construction of a "security" fence.

On balance, the resolution offers a timely endorsement of the proposed evacuation of all settlements in Gaza and some settlements in the West Bank. This proposal is under attack from the right wing of the Prime Minister's own party. It could be a first step toward returning to the path of negotiations envisioned in the Roadmap, and for that reason I intend to vote "yes."

Ms. WOOLSEY. Mr. Speaker, today this House passed a resolution expressing support for Israel's right to exist as a Jewish state, expressing support for a two-state solution to the Israeli-Palestinian conflict, and insisting that the Palestinians and all Arab states create and utilize the capacity to dismantle terrorist organizations and fight terrorism. These are all things we should and must support.

But once again, this House has missed an opportunity to express support not only for Israel's withdrawal from settlements in the Palestinian territories, but also support for the rebuilding of infrastructure in a future democratic Palestine.

This conflict isn't about who has the stronger military, and it's not about lines in the sand. It's about people's lives, and it's about the notion that we humans are better than all the death and destruction that's become so commonplace. There are channels in place to achieve peace; we must utilize them. I oppose unilateral action in peace just as I oppose unilateral action during war. Unilateralism may work in the short term, but it is unsustainable in the long term. That's why the U.S., the world's largest democracy, must provide leadership to both the Israelis and the Palestinians to take steps towards peace.

In 2002, President Bush established what he called the "Road Map" to Peace in the Middle East. This Road Map established bilateral, incremental steps that Israel and the Palestinians must take to attain peace. The Quartet—composed of the U.N., the U.S., the EU, and Russia—was intended to be the group overseeing this process. But the Bush Administration has chosen rhetoric over action, letters over deeds, meetings over negotiations.

President Bush's letter to Ariel Sharon—the principles of which this resolution endorses—is not suitable compensation for neglecting to sit down with leaders on both sides to work out a peaceful resolution of this long-standing crisis.

This House must stop passing strongly-worded resolutions on behalf of a President who is unwilling to fully support those statements through diplomatic means in the Middle East. To achieve a real and lasting peace, we must instead engage in balanced efforts to re-establish trust, respect and cooperation between Israelis and Palestinians.

Mr. DINGELL. Mr. Speaker, I rise today with regret and oppose the resolution on the floor.

My opposition to this resolution does not stem from favoring one side over another, but rather because I favor peace above all else; and like previous resolutions passed by this institution will not help to bring about peace, security, and prosperity to the suffering on both sides of this conflict.

This resolution, like past resolutions, allows this Congress to emote, nothing more. It allows members—who take little real notice of the dreadful situation facing Israelis and Palestinians—to feel good about ''doing something.''

But in reality, what we are voting on makes no commitment about peace. It makes no effort to find common ground. It doesn't really hold terrorists accountable for the maelstrom of destruction and tragedy they have caused. It doesn't remove any illegal settlements. It doesn't invigorate legitimate Palestinian democracy. And most of all, it doesn't force our aggravatingly lethargic and timid peace initiatives to the importance it deserves.

The withdrawal of Israeli troops and settlements from the Gaza is a good step. No one can possibly deny it. But imposing a solution on the Palestinians will land their problems not just on the doorstep of Israel, but on the doorstep of the United States as well.

This withdrawal demands that it be followed by strong American action. I am afraid that this Congress and the current administration are unprepared to deal with a post-withdrawal Palestinian entity.

I am pleased that the resolution makes clear that this body supports a two state solution. I am also pleased that it encourages a continuation of dialogue between the parties.

The commitments of finding peace do not begin and end with one side. All sides, from the parties on the ground, to those orchestrating the negotiations have responsibilities that go far beyond what is on the floor today.

I am voting against this resolution not because of what it contains—although I do find some of the word choices problematic—I am voting against it because what it does not contain. That is, simply, a way to find peace in the bleakness following the collapse of Oslo.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 460, and I thank the leadership on both sides of the aisle for their efforts in bringing this important statement of Congressional support for Israel to the floor. Few causes unite our political system as much as support for our beleaguered ally, our fellow democracy, the State of Israel, which long before September 11th was fighting daily against radical Islamist terrorism.

American support for Israel has been a key element of our foreign policy ever since President Harry Truman defied his advisors and chose to make the United States the first nation to recognize the new Jewish state in Palestine. That historic decision put the United States firmly in the camp of those who support the return of the Jewish people to Zion, with full sovereignty over their affairs, and perfect legitimacy in their right to live as a free and independent people in their own homeland.

In the sixties and seventies, when the rest of the world turned its back on Israel, during those years when the Arab states swore to destroy Israel and drive the Jews into the sea, it was the United States that sold Israel the arms it needed to defend itself. During the eighties and nineties, as the threat of armed conflict began to fade with the supply of U.S. military equipment to the Israel Defense Forces, and diplomacy began to displace the threat of war, it was the United States that led the world toward a peaceful resolution of the Arab-Israeli conflict. And so it is today.

Though many are now willing to grudgingly accept Israel's right to exist, they continue to resist its right to define its own identity as a democratic Jewish state. In this resolution we make perfectly clear our ironclad support for this principle.

Though many are now willing to grudgingly acknowledge that Israelis have the right to live in peace, they continue to shrink from recognizing Israel's right to self-defense. In this resolution we make perfectly clear our strong support for that right, particularly in Israel's decision to take the fight against terrorism directly to those responsible for the violence.

Though many are now willing to concede that Prime Minister Sharon's plan for disengagement from Gaza is an important step forward, they continue to resist accepting this step as a demonstration of Israel's genuine willingness to make sacrifices for peace. In this resolution we make perfectly clear our appreciation for the real courage and powerful leadership this step represents.

Guileful advocates complain about Palestinian refugee rights and speak innocently of their so-called ''right of return.'' We know this is no more than a call for Israel's elimination by demographic means. Shrewd propagandists blandly describe the Palestinian campaign of terror, of bus-bombings and mass-murder in pizzerias and discos as an ''uprising'' and even have the nerve to complain of its cost to Palestinian civilians. We know the terrorists come from among the Palestinian people and it is incumbent on the Palestinian people to stop them without reward. Naive diplomats urge Israel to once again shake hands with terrorist thugs whose promises are worthless and whose intentions are only of Israel's ultimate demise. We know that political reform in the Palestinian Authority is an absolute prerequisite to achieving peace. Outrage and bile are spent in unlimited quantities over Israeli settlements, as if building a house and bombing a bus were somehow equivalent or even related. We know that Israel has already offered to make concessions for peace and that secure and recognized borders are essential for any final status agreement to hold. And we know too that ultimately, all the contentious issues between Israelis and Palestinians, over security, borders, refugees, water, Jerusalem and many others, will have to be decided not on a battlefield, but at a bargaining table; not by suicide bombers but by negotiators.

Mr. Speaker, Israel is engaged, as it has been since its first days as a sovereign state, in a fight for its life. Israel's enemies can fulminate and dispense their vitriol. We know, and we make clear today in this resolution that a safe, secure Israel is the fundamental requirement on which Arab-Israeli peace can, one day we hope, be made. I again thank the leaders of the House for bringing this important resolution to the floor and I urge all Members to join me in voting in support of it.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today on behalf of the people of the 4th Congressional District to express my support of the Hoyer-DeLay Israel Resolution, which intends to seek a peaceful resolution to the Israeli-Palestinian conflict.

I have always been a strong supporter of Israel and I believe the people of Israel have a fundamental right to defend themselves against terrorism and those trying to destroy the freedoms and rights of Israel. As a member of the U.S.-Israel Security Caucus, I believe the United States must assist Israel in its fight against terrorism because it is the only democracy in the Middle East and has proven to be a reliable ally.

The Hoyer-DeLay Israel Resolution begins the process of disengaging from the Gaza Strip and parts of the West Bank and is a positive step towards peace. I commend Prime Minister Ariel Sharon's plan to begin this process regardless of the absence of a viable Palestinian peace partner with whom to negotiate. The process will only be successful if backed by a democratic ally, the United States. I recognize this resolution as an important initiative that will hopefully reduce tensions with the Palestinians, perhaps revitalizing the seemingly stalled peace process.

The Hoyer-DeLay agreement enunciates a number of principles, which must be appropriately addressed before a lasting peace settlement can be reached. The resolution recognizes the need for Israel to have defensible borders reflecting demographic realities. It also appropriately recognizes the need for Palestinian refuges to understand they will not be returning to Israel and the need for Palestinians to end their campaign of terror. These intentions leave me hopeful in finding a way forward toward a resolution of the dispute.

I have voiced my concerns on numerous occasions that the United States must not dictate Israeli policy, but must encourage Israel to do what it believes is right to protect its people and prevent more Israeli deaths. I am pleased that the work of my colleagues and I is ensuring a steadfast commitment to Israel's security, which includes intentions of securing defensible borders and preserving and strengthening Israel's capacity to defend itself against any threat or possible combination of threats.

Israel and Palestine living side by side in peace and extended security is only a vision that can be fully achieved if terrorism is fully defeated. I have always been a strong supporter of Israel and will continue to support efforts of this government to fight for the security of Israel and the best interest of its people.

Mr. MARKEY. Mr. Speaker, I rise in support of House Concurrent Resolution 460, which endorses President Bush's April 14, 2004 letter embracing the disengagement plan proposed by Israeli Prime Minister Ariel Sharon to unilaterally withdraw from Gaza and parts of the West Bank.

Critics have expressed concern that President Bush's letter prejudges the final outcome of negotiations on sensitive issues like borders

and refugees. However, the President and Secretary of State have indicated that it does not undermine the fundamental requirement that all issues be mutually agreed upon in final status negotiations.

The problem right now is that Israel has no reliable Palestinian partner capable of negotiating a final status agreement. Israel's disengagement plan responds to the void left by the failure of the current Palestinian leadership to lead. I would also suggest that the Israeli disengagement initiative is in the interests of Israelis and Palestinians alike. It will help Palestinians to take concrete moves to establish a democratic state, and it will help preserve both the Jewish and democratic character of Israel over the long term while contributing to its security.

It is also important to remember that policy articulated in the President's letter is consistent with the peace negotiations initiated by President Clinton at Camp David. Those negotiations took into account the fact that the Palestinian claim to an open-ended right of return would be demographically untenable for Israel's future as a Jewish state. The Clinton negotiations also operated on the premise that the final settlement negotiated in accordance with UN Resolutions 242 and 338 would involve mutually agreed-upon adjustments to the 1949 armistice lines to provide Israel with secure, recognized, and defensible borders that reflect demographic realities and to provide the Palestinians with territory for their own state.

By passing this resolution today and expressing its support for the April 14 letter and the disengagement plan, I believe Congress can help show its support for an enduring and sustainable peace settlement in the Middle East.

Months of cooperation and shuttle diplomacy between Washington and Jerusalem led to a White House meeting on April 14th, 2004 and an historic agreement between President Bush and Prime Minister Sharon on some of the most important issues in the conflict. That agreement was included in a letter the President sent to Prime Minister Sharon, enunciating a number of principles that are specifically referenced in the resolution before this House today, among them: The need for Israel to have defensible borders that reflect demographic realities; the need for Palestinian refugees to understand that they will not be returning to Israel; the need for Palestinians to end their campaign of terror and for Israel to have the ability to defend itself against that terror.

H. Con. Res. 460 strongly endorses the principles articulated in the April 14th letter and sends a strong, bipartisan show of support for that agreement.

These principles are clearly framed as subject to future negotiations between the parties. They lay out basic parameters that reflect the reality of the Middle East today and, as such, could play a useful role in helping promote realistic peace negotiations.

The resolution also expresses support for "efforts to continue working with others in the international community to build the capacity and will of the Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel."

Such efforts are desperately needed, as it will not be possible to reach a comprehensive solution to the conflict in the Middle East until the Palestinians renounce the use of terror and return to the negotiating table. Today, for example, we know that Palestinian terrorists are continuing to smuggle guns and explosives from Egypt into Gaza. Recent press reports indicated that the terrorists are now using an elaborate network of tunnels to carry out such smuggling. For example, a May 16, 2004 article that appeared in the Jerusalem Post reported that:

> A short list of items smuggled via the tunnels to terrorists in the Gaza Strip includes Katyusha rockets, mortars, shoulder-mounted anti-aircraft missiles, antitank grenades, large amounts of explosives, ammunition, and rifles. The arms come from Egypt, Iraq, Sudan, and Libya. The underground smuggling is necessary because the navy has successfully blocked attempts by Palestinians to smuggle weapons into Gaza via the sea.
>
> The army frequently conducts operations along the Philadelphi Route and in the outskirts of Rafah in an attempt to uncover and destroy the tunnels. One of the painstaking tasks is similar to that in which the five soldiers died on Wednesday evening: boring holes meters under the ground, placing explosives to blow up tunnels.
>
> The IDF has uncovered and destroyed 11 tunnels this year—and close to 100 during the past three and a half years.

As Israel proceeds to withdraw from Gaza, the Bush Administration needs to put pressure on the Egyptian government to shut down these terrorist smuggling tunnels. Egypt is a substantial recipient of U.S. economic aid and an ally of the U.S., and it has a responsibility to ensure that its borders are not being used by terrorist organizations seeking to smuggle weapons into Gaza for use in terrorist attacks against Israel. The President and Secretary of State Colin Powell need to take forceful action now to convince Egypt to shut down all of these smuggling tunnels at once.

In closing, I believe that this resolution reflects the strong bipartisan support which exists in the Congress for Israel's security, and for the conclusion of a Middle East Peace agreement that is consistent with the protection of Israel's security and self determination for the Palestinian people, including a Palestinian state.

I urge adoption of the resolution.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 460.

The question was taken.

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

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

The yeas and nays were ordered.

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

HONORING 40TH ANNIVERSARY OF PASSAGE OF CIVIL RIGHTS ACT OF 1964

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 676) recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964.

The Clerk read as follows:

H. RES. 676

Whereas 2004 marks the 40th anniversary of congressional passage of the Civil Rights Act of 1964 (Public Law 88–352);

Whereas the Civil Rights Act of 1964 was the result of decades of struggle and sacrifice of many Americans who fought for equality and justice;

Whereas generations of Americans of every background supported Federal legislation to eliminate discrimination against African Americans;

Whereas a civil rights movement developed to achieve the goal of equal rights for all Americans;

Whereas President John F. Kennedy on June 11, 1963, in a nationally televised address proposed that Congress pass a civil rights act to address the problem of invidious discrimination;

Whereas a broad coalition of civil rights, labor, and religious organizations, culminating in the 1963 march on Washington, created national support for civil rights legislation;

Whereas during consideration of the bill a historic prohibition against discrimination based on sex was added;

Whereas the Congress of the United States passed the Civil Rights Act of 1964, and President Lyndon Johnson signed the bill into law on July 2, 1964;

Whereas the Civil Rights Act of 1964, among other things, prohibited the use of Federal funds in a discriminatory fashion, barred unequal application of voter registration requirements, encouraged the desegregation of public schools and authorized the United States Attorney General to file suits to force desegregation, banned discrimination in hotels, motels, restaurants, theaters, and all other places of public accommodations engaged in interstate commerce, and established the Equal Employment Opportunity Commission;

Whereas title VII of the Act not only prohibited discrimination by employers on the basis of race, color, national origin, and religion but sex as well, thereby recognizing the national problem of sex discrimination in the workplace;

Whereas the Congress of the United States has amended the Civil Rights Act of 1964 from time to time, with major changes that strengthened the Act;

Whereas the 1972 amendments, among other things, gave the Equal Employment Opportunity Commission litigation authority, thereby giving the EEOC the right to sue nongovernment respondents, made State and local governments subject to title VII of the Act, made educational institutions subject to title VII of the Act, and made the Federal Government subject to title VII, thereby prohibiting Federal executive agencies from discriminating on the basis of race, color, sex, religion, and national origin;

Whereas the 1991 amendments to the Civil Rights Act overruled several Supreme Court decisions rendered in the late 1980s and allowed for the recovery of fees and costs in lawsuits where plaintiff prevailed, for jury trials, and for the recovery of compensatory

and punitive damages in intentional employment discrimination cases, and also expanded title VII protections to include congressional and high level political appointees;

Whereas the Civil Rights Act of 1964 is the most comprehensive civil rights legislation in our Nation's history; and

Whereas we applaud all those whose support and efforts lead to passage of the Civil Rights Act of 1964: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the 40th anniversary of congressional passage of the Civil Rights Act of 1964; and

(2) encourages all Americans to recognize and celebrate the important historical milestone of the congressional passage of the Civil Rights Act of 1964.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 676, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 676, which recognizes the 40th anniversary of Congress' passage of the Civil Rights Act of 1964, and calls on all Americans to recognize and celebrate the historical milestone that it represents.

The Civil Rights Act of 1964 has been a cornerstone in the effort to end discrimination on the basis of race, color, national origin, religion, and sex. It has been used successfully by Federal prosecutors to desegregate hotels, motels, restaurants, theaters, and other places of public accommodation engaged in interstate commerce. Together with the Voting Rights Act of 1965 and the Fair Housing Act of 1968, and the Supreme Court's decision in Brown v. Board of Education, the Civil Rights Act of 1964 has done much to remedy the sad legacy of discrimination in America.

As I noted in my comments on the resolution commemorating the 50th anniversary of Brown on the House floor last month, the quest for civil rights has been, and must continue to be, a bipartisan effort. This was particularly true in the passage of the 1964 Civil Rights Act.

Recognizing that segregationists in the Democratic Party could forestall the passage of any civil rights legislation, the Kennedy administration actively sought to build a bipartisan consensus in favor of the bill from the moment of its introduction. In that spirit, Republican ranking member William M. McCulloch joined with Democratic chairman Emanuel Celler to guide the bill through the House Committee on the Judiciary. Their efforts ultimately led 138 Republicans to join 152, mostly Northern Democrats to overwhelmingly pass a compromise measure in the full House on February 10, 1964.

In the Senate, bipartisanship was even more important for passage of the act. Due to the rules of that body, a minority of Senators, mostly Southern Democrats, were able to prevent a vote on the act for 52 days. Against this backdrop, Republican Minority Leader Everett McKinley Dirksen succeeded in drafting an alternative clean bill with Majority Leader Mike Mansfield that kept most of the substantive provisions of the House bill, while tweaking it sufficiently to gain the support of a few swing Republican Senators. The Dirksen-Mansfield substitute worked. After an impassioned floor speech by Senator Dirksen, the Senate voted 71 to 29 to invoke cloture on June 10, 1964. After a few more days of procedural wrangling, 28 Republicans joined with 45 Democrats to pass the Civil Rights Act by a 73 to 27 margin.

When the Senate-passed measure returned to the House for final action, a bipartisan coalition succeeded in ensuring that the bill would go to the floor without an amendment. On July 2, 1964, the House passed the Civil Rights Act with yet another bipartisan vote of 289 to 126. The bill went to the White House where President Johnson signed it into law before a live television audience the same day.

The legislative history of the Civil Rights Act demonstrates what can happen when Republicans and Democrats work together. Neither side got everything it wanted, but they succeeded in passing landmark legislation that, while imperfect, did a great deal to remedy discrimination and promote equality of all Americans, regardless of color, creed, or sex.

Passage of the Civil Rights Act of 1964 was one of the highlights of the history of Congress, and I hope that all Members will join me in recognizing its importance.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution which honors the 40th anniversary of the Civil Rights Act of 1964 and the many civil rights advances since its enactment.

I want to first commend our colleague, the gentlewoman from the District of Columbia, for introducing the resolution. I also want the record to reflect her long efforts to make real the promise of our civil rights laws as Chair of the Equal Employment Opportunity Commission, working with the New York Human Rights Commission as a legal scholar, and a distinguished Member of this House.

It is difficult to overstate the importance of the Civil Rights Act. It is a monumental achievement, reflecting the best values of this Nation: equality, fairness, and respect for the dignity of all people. No one should forget how difficult it was to get this legislation through, how hard the forces of bigotry fought its passage, how strong the resistance was, and still is, to its enforcement.

Reflecting on these past achievements should be an occasion, most of all, for us to learn from the past and to remember that our society has changed for the better. We can be more inclusive. We can fight Big Industry. We can continue our progress as a Nation toward the promise that all people are created equal and that our Nation will treat every person in that spirit.

The resolution notes that the struggle did not end with this watershed legislation. Rather, it marks an important milestone in the fight against discrimination.

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Today, as our Nation continues that fight, we should draw inspiration from this achievement to move forward and tackle the remaining threats to equality. This anniversary gives us the opportunity to reflect and remember that true progress is possible, even against tremendous odds. That experience proves that we have no right to resign ourselves to the remaining injustices because we know what is possible.

I urge my colleagues to support the resolution, and I commend the gentlewoman from Washington, DC, for introducing it.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington, DC, (Ms. NORTON), the sponsor of the legislation.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time, and I appreciate his work in managing this bill and bringing it forward on our side, and his own work for civil rights in his own State of Virginia. I want to thank the distinguished chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his support and cosponsorship of this important resolution. I also want to thank the ranking member, the gentleman from Michigan (Mr. CONYERS), for his work on the resolution as well as for his steadfast effort of four decades in establishing and preserving civil and human rights in the Congress and in our country.

Not surprisingly, but nevertheless with gratification, I note that this resolution is also cosponsored by all the members of the Congressional Black Caucus.

As a former chair of the Equal Employment Opportunity Commission, I was pleased to introduce this resolution and to work with the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) to perfect its wording.

The 1964, Civil Rights Act was enacted during the most fruitful period for civil rights legislation in our history since the Civil War. President Kennedy called on Congress to pass a civil rights bill, and the great march on Washington of 1963 was perhaps the seminal event leading to passage. After much debate, on July 2, 1964, Congress passed the Act. President Lyndon Johnson, whose political skills and dedication to civil rights were vital to passage, signed the bill into law.

The 1964 Civil Rights Act is the most comprehensive civil rights legislation in the Nation's history. The Act, among other things, prohibits the use of Federal funds in a discriminatory fashion, bars unequal application of voter registration requirements, encouraged the desegregation of public schools, and authorized the United States Attorney General to file suits to compel desegregation. And very importantly in this period of many demonstrations, it banned discrimination in hotels, motels, restaurants, theaters, and all other places of public accommodation engaged in interstate commerce.

The Act contained a historic prohibition against discrimination based on sex. That was inserted at the very end, but has since changed the workplace and our country profoundly.

Perhaps the most important provision of this very important Act was the creation of the Equal Employment Opportunity Commission, which was established to administer the Nation's first Federal antidiscrimination employment law that had been a major goal of African Americans throughout the 20th Century.

Mr. Speaker, the 1964 Act is one of the great milestones of the United States Congress. We see the fruits of the Act virtually everywhere in our country. Forty years later, may the act inspire us to continue to do what is necessary to arm the EEOC and the Justice Department, and to arm ourselves to carry its work to completion.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. LEWIS), a stalwart in the Civil Rights movement.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding me this time.

Mr. Speaker, I rise today in support of House Resolution 676, recognizing the 40th anniversary of the congressional passage of the Civil Rights Act of 1964. I want to thank my good friend of many years, a colleague in the student nonviolent coordinating committee during the early 1960s, the gentlewoman from the District of Columbia (Ms. NORTON), for bringing forth this resolution.

In addition, Mr. Speaker, I want to thank her for all of her hard work for many years for civil rights and social justice, and for having the courage during and after law school at Yale University to come south and work in Mississippi during one of the most difficult periods in the history of our country and in the history of our struggle for civil rights. And for helping to organize the march on Washington 41 years ago, I thank her, thank her for keeping the faith, thank her for keeping her eyes on the prize.

Mr. Speaker, the Civil Rights Act of 1964 just did not happen. It just did not happen. It took many years, many months of struggle on the part of a disciplined and organized movement that created a climate, created an environment for action on the part of the President of the United States and the Members of the Congress.

One must understand that in the American south during the 1950s and 1960s, there were signs that said, ''white men, colored men; white women, colored women; white waiting, colored waiting.'' Segregation and discrimination were the order of the day. As a child growing up in the American south, and as a participant in the civil rights movement, I saw those signs. There were separate water fountains in department stores, in public buildings. A sign in front of the fountain marked ''white'' and a spigot marked ''colored'' for people to get water to drink.

Black people could not go into a store, buy a pair of shoes. And sometimes they were not even allowed to try on those shoes. They would go into a store and they were not even allowed to try on a suit, and women were not allowed to try on a dress. They were welcome to go into a drugstore to get a prescription filled, but they were not allowed to sit down at the lunch counter and have a soda or something to eat. They had to take it out on the streets and stand up to drink or eat. There were separate waiting rooms in bus stations and train stations. People could not stay in the same hotel. People could not ride in the same taxi cabs.

When I look back on it, Mr. Speaker, the drama of the movement, the sit-ins, the freedom rides, the stand-ins at the theaters, the marches, all were the action of an ordinary people using the philosophy and the discipline of nonviolence. People had been beaten, people had been arrested and jailed, some had been shot and even killed. Medgar Evers was shot and killed in May of 1963 at his home in Jackson, Mississippi. Police Commissioner Bull Connor in Birmingham, Alabama, used fire hoses and dogs on nonviolent protestors. Four little girls were killed while attending Sunday school on Sunday morning September 15, 1963, when their church was bombed. Because of what happened in Birmingham, Alabama, and other parts of the American south, there was a sense of righteous indignation.

All across America, by the hundreds and thousands, people started demanding that the Federal Government act. People sent letters, telegrams, and petitions to Members of Congress and to the White House. And President Kennedy responded on June 11 in a nationally televised address to the Nation and he urged the Congress to pass a Civil Rights Act.

The Congress debated the proposed Act for many days, long nights, and it was finally passed on July 2, 1964. Forty years ago, President Lyndon Johnson signed into law that Act. I think it is fitting and appropriate, Mr. Speaker, for us to pause and celebrate the distance we have come and the progress we have made. Because of the actions of hundreds of our citizens, and because of the response of the United States Congress, President John F. Kennedy, and President Lyndon Johnson we have witnessed what I like to call a nonviolent revolution in America, a revolution of values, a revolution of ideas.

Today, because of the actions of 1964, we are a better Nation, we are a better people, better in the process of laying down the burdens of race. The signs that I saw back then, the young people today will never see. The only place they will see those signs will be in a museum, in a book, or a video. Those signs are gone, and they will never, ever return to America.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the chairman for yielding me this time.

Today, we celebrate the anniversary of the Civil Rights Act of 1964, which was the subject of debate in this very body 40 years ago and which was enacted into law almost on this very day, on July 2. This anniversary is important because guaranteeing the equal treatment, the equal recognition of every American before the law has been a work in progress for the entirety of the existence of this Nation and it remains a work in progress still.

It is important also because with this enactment, the United States finally established in permanent, positive law the fulfillment of the vision of the grand words of our founders; that our Nation would not treat its citizens differently any more than they are treated differently in the eyes of God, their creator. The Act said that we will not tolerate discrimination against women or against men of any race or background or belief, even when the offense is not committed by a State government or by the Federal Government.

When the Congress finished this momentous work in 1964, our Nation had already made significant progress in advancing the rights of women and minorities. In 1964, Senator Margaret Chase Smith became the first woman to be considered by a major party for nomination to the Presidency of the United States. She finished second in the balloting to Barry Goldwater. But in that same year, reflecting how far we still had to go, and may have to go, a former Klu Klux Klansman filibustered the Civil Rights Act on the floor of the other body for 14 hours.

History will record that one of the great leaders in the passage of the 1964

Civil Rights Act was Senator Everett Dirksen, who indeed led the fight to protect the rights of all Americans here in the United States and, ultimately, to extend that vision around the world. Today, we can look back at the Civil Rights Act of 1964 in even greater appreciation, if not awe, of its significance.

Remember that this legislation had been enacted in prototypical form, in the 19th century by this Congress, but it had been stricken down by the Supreme Court. In 1964, the Congress acted and we made it stick. This legislation finally said to the world that if you are an American, our government will protect your freedom not only from outside aggressors, but from those in your own country who would deny employment benefits to you or deny you access to a public place because of your race, color, religion, sex or national origin.

This Act created a law enforcement organization, the Equal Employment Opportunity Commission, and it enhanced the power of the U.S. Department of Justice, which had been created initially to prevent discrimination against American citizens. Now the Department of Justice was given more tools to combat public and private discrimination. There were major steps in continuing a national tradition of expanding protection for individuals that dates back to the establishment of our Nation.

From the statement of equality in the first line of the Declaration of Independence to the founding of the Republican Party for the purpose of opposing slavery in 1854, to the first attempts to enact effective civil rights legislation in the years after the war, to the establishment of voting rights for women, to the defeat of fascism and Soviet communism, our Nation has moved deliberately, if not promptly, to become the Nation in which freedom for individuals is paramount.

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As a legal act, the Civil Rights Act of 1964 required courage, persistence, and dedication to enact. Countless lives were taken and sacrificed in attacks against the ideas it embodies. There were battles for this rule of law that made it possible. America had its very own domestic terrorist organization, the Ku Klux Klan, organized to murder opponents and to destroy the principle of freedom that we fight to protect today from terrorists around the world. As we memorialized President Reagan a few weeks ago, we were reminded of our national mission to protect freedom, and we once again heard the final line of the ''Battle Hymn of the Republic.'' That simple line speaks to us even now as our soldiers are deployed around the world: ''Let us die to make men free.''

Forty years ago, this and the other body approved the Civil Rights Act with overwhelming bipartisan support. What we do here today while our soldiers still give their lives to make others free is remind the world once again that our Nation stands for freedom and equality. To us, these are priceless. I commend the authors of this resolution for so doing and urge its adoption.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, my first thought was to come to this podium with a prepared text to be able to salute the 40th anniversary of the congressional passage of the Civil Rights Act of 1964. But I thought it would be more appropriate to speak from the heart and recollection of the pain that was experienced by many in this country without the passage of this act.

Might I first give my accolades and appreciation to the gentlewoman from the District of Columbia (Ms. NORTON) for her fight on the battlefield for civil rights; to the gentleman from Georgia (Mr. LEWIS), our own special icon and warrior for peace; to the members of the Committee on the Judiciary and others, chairman and ranking member, for allowing us this small moment of acknowledgment in the backdrop of the death of Schwerner, Goodman and Chaney, three young men of different backgrounds and religious faiths who came together in destiny down in Mississippi just to be able to stand up for the opportunity and freedom for a people who had been disenfranchised from the time that they came to this Nation.

Is it not interesting that the 1964 act prohibited discrimination, if you will, in voter registration and public schools. Some would say, did we not have Brown v. Board of Education in 1954? And yet 10 years later we needed the Civil Rights Act to encourage desegregation in our schools. There are reasons that many of us support specific political philosophies because Lyndon Baines Johnson, a President from Texas, helped to be part of the movement of this bill and we had to organize, yes, some Southerners and Northerners and moderates, to come together to push for the support and legislation of this bill.

But most of all I believe that this day allows us to remember that we are on a journey of freedom and that journey is not yet complete, for now we suffer with unequal educational systems in our public schools, inner cities that are crumbling; and, yes, we suffer from an election system that is yet not fair.

So I stand before you to acknowledge the fact that we are grand and greater because of the 1964 Civil Rights Act; but what I would simply say to America, our journey is yet not finished and we would join together in working in our Congress to be able to have a fair and equitable system of health care, of an educational system, and of an economic system that treats all of us fairly.

I hope, finally, that we will address the question of an unequal criminal justice system because the Civil Rights Act of 1964 is that. It is the planting of the seed to ensure that all America joins in civil rights, not just African Americans, not just Hispanics, but immigrants, Anglos, Asians and all will join together and recognize that this Nation is a better place if you acknowledge first that race is a factor in this country and if you acknowledge first that we have not yet finished the journey for civil rights in America.

Mr. Speaker, I rise in strong support of H. Res. 676, a bill recognizing and honoring the 40th anniversary of Congressional passage of the Civil Rights Act of 1964. It is imperative that we take a step back to recognize the years of bondage and enslavement; needless lynching and bloodshed; and the years of discrimination and hatred that Civil Rights Act of 1964 sought to curtail.

The legal protection of U.S. citizens, regardless of race, color, sex, religion and national origin against the vice of discrimination in the workplace and places of public accommodation; the prohibition of unequal application of voter registration requirements; the encouragement of continued desegregation of public schools; and the establishment of the Equal Employment Opportunity Commission highlight the basic tenets set forth in the Civil Rights Act of 1964.

I speak out today to commemorate the progress we have made in casting out the demons of prejudice and discrimination. I speak out today to recognize the steps we have taken as a nation to get closer to the American Creed. However, I must speak out today to call attention to the progress we have yet to make in order to fulfill the tenets of Civil Rights Act of 1964. I speak out today to challenge this nation to uphold our founding principles of equal opportunity for all, regardless of race, color, sex, religion and national origin.

Despite the 40 year life span of the Civil Rights Act of 1964, in 2004, we still attempt to take the life out of this act by violating its principles. Although the U.S. Supreme Court affirmed Prairie View A&M University student voter rights in 1979 when it was challenged in Waller County, Texas, attempts to disenfranchise Prairie View A&M University students continue today.

On November 5, 2003, the Waller County, Texas District Attorney requested that the county Elections Administration bar the students at Historically Black College Prairie View A&M University from voting locally by virtue of his unilateral interpretation of ''domicile'' for voting purposes. Texas voter registration law only requires a person to be a resident of the county at least 30 days prior to the elections. African-American students represent the majority of Prairie View A&M's student body of 7,000 members, and these students, constitute a major voting bloc in Waller County. The District Attorney's request sought to effectively disenfranchise African-American college students in this area; as such, this request suggested a form of voter intimidation and likely had the effect of denying or abridging the right to vote on account of race or color. Despite a prolonged dialogue with Texas officials regarding this matter, relief from the pressures and intimidation experienced by the students when attempting to exercise their

rights was never provided. This example does not stand alone among the long list of discriminatory acts that continue to plague our nation.

I ask you, Mr. Speaker, my colleagues: Have we truly upheld the Civil Rights Act of 1964? If your answer is no, you are one step closer in helping us to realize our U.S. commitment to equality. You must now join the front lines in the battle against discrimination and injustice. If your answer is yes, I ask that you call your attention to all of the overt and covert discriminatory acts that occur across our nation, such as the attempted disenfranchisement of the Prairie View A&M University students in Waller County, Texas.

Mr. Speaker, in closing, I would like to ask my colleagues to support H. Res. 676 because of the significant and far-reaching impact the Civil Rights Act of 1964 continues to have on our nation. The Civil Rights Act of 1964 is one of the essential, yet fragile threads that keep our nation civil. In fact, the passage of the Civil Rights Act of 1964, helped to mend our nation's worn fabric, tattered by hostility and hatred, into a nation that strives for the liberties and rights of all.

The fight to achieve equality is by far not over, but honoring and reflecting upon legislation such as the Civil Rights Act of 1964 will bring this nation one step closer to upholding unity and justice for all. I implore all of my colleagues to keep the spirit of equality and equal opportunity, the spirit of the Civil Rights Act alive, when governing this nation. As an original cosponsor of this bill, I find this resolution not only pertinent, but a necessary reminder to encourage us to move in the right nation, which is a nation for all.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank my friend from the great State of Virginia for yielding time.

Mr. Speaker, there are three of us who are African American who were not even born when this act was passed: the gentleman from Tennessee (Mr. FORD), the gentleman from Florida (Mr. MEEK), and me. I should begin by saying that those of us who were born in the late 1960s, we are not only the legatees of what was done here 40 years ago; we are very much the hope of what was done here 40 years ago. It was somehow imagined by the people who sat in this Chamber 40 years ago close to this very day that if they made this change in our laws that they would somehow open up the talent base in this country, that they would somehow build an America that had never been; and the fact that we commend this day shows us the continuing power of law.

It is sometimes fashionable to say that you cannot legislate morality in this country, and all of us have said that on our favorite issue or another; but this is the reality: law can be used to shape our moral character; law can be used to set the boundaries of what we will tolerate and what we will not accept and that is exactly what we did 40 years ago. We used the power of law to shape the American dream and to talk about its outer aspirations.

It is ironic as I stand here, one of the reasons that more Members are not in this Chamber right now is because at this very moment an African American Secretary of State is briefing the Congress. Another reason more Members are not here is because at this very moment a young, dynamic black Democrat named Barak Obama is in this building receiving members of the Congressional Black Caucus. A black Secretary of State; a black U.S. Senator about-to-be, born in Illinois; a black national security adviser. Whatever we disagree on, that is an America that no one would have contemplated 40 years ago.

I end just on this note. By thinking about frankly a lot of people who never had the chance to serve in this Chamber, all of the brilliant African Americans who were born too early to be in Congress, who were born too early to shape this country's agenda, they could have been here if America had been a little bit fairer and if our dream had been a little bit more secure in this country.

They are really the people we ought to be thinking about today in some sense because when that Congress passed the civil rights law and Lyndon Johnson signed it into law, this is what it did: it created an America where talent is the outer limit of what you can be. And yes, as my friend from Texas said, we routinely fall short of that goal, but at least we have it as a value, at least we have it as a goal; and it somehow defines what we can be and what we can still dream.

So as one young African American Member of this institution, I simply say this. We are so much freer than we used to be as a country. We are also so much more American.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Speaker, let me thank my colleague from Virginia, and let me thank everyone who has taken the time to commemorate this very, very historic law. The Civil Rights Act of 1964 certainly has changed the history of America. It certainly has affected my life and the lives of many others who were similarly situated, having grown up in the segregated South in Mobile, Alabama; having attended segregated schools; having segregated public accommodations.

I was just struck as I reflect every day on how different life is today in 2004 from the way that it was in 1964, the year that I graduated from high school. I am grateful that this Nation passed through the Congress the Civil Rights Act of 1964. I am grateful that I had an opportunity as a young attorney with the NAACP Legal Defense and Educational Fund as an Earl Warren Fellow to help in the implementation and the interpretation of the 1964 Civil Rights Act, particularly as it related to employment discrimination and the other aspects of it in terms of my early days as a civil rights attorney.

It was very meaningful to me. Certainly the interpretations have meant worlds for the changes that have been implemented in this country and the model that this has set for other nations around the world, particularly in South Africa. I, therefore, would like to just register my heartfelt thanks to all those who had a hand in passing this law and for all those who have paid the price and worked so hard to see that it is implemented in the way that Congress intended.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time. I again want to thank the gentlewoman from the District of Columbia for her leadership. I urge Members to not only remember the need for the Civil Rights Act but also to commit to support its principles.

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

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

Mr. Speaker, in listening to my friends from the other side of the aisle talk in support of this very important and meritorious resolution, they seem to have forgotten that the advances of civil rights that were passed in Congress in the 1960s were only made possible due to the fact that civil rights was a bipartisan project. Republicans and Democrats joined together to pass not only the civil rights bill of 1964 but the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

When we talk about civil rights in the 21st century, it seems to me that we ought to hearken back on repeating what worked in the 20th century. I did not hear very much praise for the Republican efforts to get the civil rights acts passed. I would remind my friends on the Democratic side of the aisle that we are just as much for civil rights as you are; and when we work on this on a bipartisan basis, we can accomplish a lot more while each side maybe strikes a few fewer political points.

I urge the adoption of this resolution.

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today in support of House Resolution 676 and to celebrate the 40th anniversary of congressional passage of the Civil Rights Act of 1964.

This landmark piece of legislation has been a cornerstone of our democracy for the past 40 years. The leaders who championed these important protections were visionaries armed with a truly moral cause. Congress sent the Civil Rights Act to President Johnson who signed the measure into law on July 2, 1964. That date will forever serve as the date our country embraced the fundamental right to equality. No longer would Americans tolerate injustice and discrimination.

As the Representative of a racially, ethnically, and spiritually diverse constituency, I have witnessed the blending of cultures and the strong and vital community that has resulted from those forces. The Civil Rights Act of 1964 was the pivotal moment in American

history that ensured the vitality of Northwest Indiana, and all of our communities. Though this legislation required decades of struggle and sacrifice in order to be realized, the gains we have been able to achieve as its result have been unparalleled.

The Civil Rights Act of 1964 was passed in the 88th Congress to enforce the constitutional right to vote, tackling discriminatory tests and obstacles placed in the path of many who sought to have a voice in their representation. It banned discrimination in federally assisted programs and outlawed segregation in businesses such as theaters, restaurants, and hotels. Title VII of the Act took the fundamentally important step of prohibiting discrimination by employers on the basis of race, color, national origin, religion or sex. It provided crucial enforcement mechanisms, by enlisting the district courts, the Attorney General, the Commission on Civil Rights, and the newly established Commission on Equal Employment Opportunity. Each provides vigorous and proactive protection of constitutional rights and takes action against those who continue to discriminate. This piece of legislation was a critical step in our Nation's efforts to address the issues of fundamental rights and institutionalized discrimination.

This legislation was, above all ''essentially moral in character,'' as Senate Minority Leader Everett M. Dirksen stated. Passing the legislation was the right thing to do at the time, and vigorously enforcing it is the right thing to do in our time.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in recognizing that the Civil Rights Act of 1964 was the result of many years of struggle and sacrifice by Americans who fought for equality and justice, to whom we owe a great debt of gratitude. I applaud all those whose support and efforts led to the passage of the Civil Rights Act of 1964, the most comprehensive civil rights legislation in our Nation's history. It is with great honor and pride that I commemorate the 40th anniversary of this landmark legislation.

Mr. CUMMINGS. Mr. Speaker, I rise in support of H. Res. 676, a resolution recognizing and honoring the 40th anniversary of the passage of the Civil Rights Act of 1964, brought to the floor by ELEANOR HOLMES NORTON from the District of Columbia and spearheaded by the venerable House Judiciary Committee ranking member, Representative JOHN CONYERS. I thank you both for your unwavering leadership.

Mr. Speaker, July 2, 2004 marks the 40th anniversary of President Lyndon B. Johnson's signing into law of the Civil Rights Act of 1964. This landmark legislation ended the disenfranchisement of millions of Americans and struck a final blow to the Jim Crow laws that existed in many parts of our country.

As many of us know, the Civil Rights bill ended de jure segregation and discrimination in public accommodations, publicly owned or operated facilities and schools, employment and union membership, and voter registration. Just imagine what this country would be like without the enactment of these laws—a country where some people are treated like second-class citizens solely because of the color of their skin? How atrocious a thought? Where people are denied employment because of their color, national origin, religion or sex? The Civil Rights Act of 1964 and its progeny secured equal rights under the law for all Americans—the importance of passage of this bill cannot be overstated.

In the early 1960s, millions of Americans continued to suffer under the oppressive hand of Jim Crow laws. The Freedom Rides of the 1960s, led by religious leaders, civil rights activists, students and many others, empowered African Americans to organize and attempt to vote throughout the Deep South. Many Freedom Riders, such as Chaney, Schwerner and Goodman gave their lives for the cause of equal rights for all. Their names are indelibly inked in our collective consciousness, but there were many equally brave and courageous individuals whose names will not be recorded in the history books. However, none are forgotten. Due to their courage, we celebrate the 40th anniversary of the passage of the Civil Rights Act of 1964. I believe that commemorating passage of the Act reflects our commitment to bring this Nation closer to the ideals and values that each of us holds dear—equality for all.

Mr. Speaker, while I have come here to commemorate these great laws, I must also recognize that while the Act brought our Nation closer to fulfilling the promises guaranteed in the Constitution, de facto discrimination continues to pervade many of our institutions. Though we are a country on the brink of embodying a truly democratic Nation, we are also a Nation grappling with ensuring that the goals of the Act are achieved. We only need look to the 2000 Presidential Election in which many African Americans reported being turned away from voting polls. Our election process was marred by the disenfranchisement of thousands in Florida and on a smaller scale in other states polling places. These incidents of disenfranchisement show that though we are close, we are not there yet.

Mr. Speaker, as we honor the enactment of this momentous law, it is imperative that we also acknowledge that many of our Nation's communities have not progressed much since 1964 and still suffer the ravages of discrimination. Though the Civil Rights Act of 1964 brought us closer to dismantling the legacy of slavery, many American men, women and children still feel its impact. Many of our schools remain segregated (de facto) and underfunded. In fact, the No Child Left Behind Act, which authorizes funding and establishes accountability for our public schools, will be underfunded by at least $8 billion in the FY 05 budget. Many African Americans remain in the lowest economic brackets, where unemployment often reaches double digits in some communities, including my own. Women still earn $0.76 on the dollar to men for the same work and the same hours.

On that note, as my time to speak is short, I leave with two quotes from Reverend Dr. Martin Luther King, Jr., whose name is synonymous with the peaceful advancement of the civil rights movement. The first is one of my favorites and is taken from writings during his time spent imprisoned for standing up to the ugly face of discrimination and segregation—''injustice anywhere is a threat to justice everywhere.'' (Letter from a Birmingham Jail, April 16, 1963). Until we promote economic and educational policies that level the playing field for those that have been left behind—left behind many times in fact—then the injustice of second class citizenship will persist.

The last is a quote by Dr. King that is not as often quoted but is equally remarkable in its insight—''[A]ll progress is precarious, and the solution of one problem brings us face to face with another problem.'' (Martin Luther King, Jr., ''Strength to love,'' 1963). I find these words encouraging because they are wrought with optimism for the future. We are progressing steadily in our fight toward equality, and although we have many more problems to overcome and to confront, united, I am confident we will win this fight.

We must sustain the legacy of the Civil Rights Act of 1964 by continuing to enact legislation that represents what it stands for—our country's highest ideals of equality and opportunity for all citizens.

I call upon my colleagues to join me in honoring the 40th anniversary of the Civil Rights Act of 1964 by voting in favor of passage of this resolution.

Mr. HOYER. Mr. Speaker, I strongly support H.R. 676, which recognizes and honors the 40th anniversary of congressional passage of the Civil Rights Act of 1964.

On July 2nd, we will mark the passage of this historic act, which finally guaranteed equal rights for minorities in America. It is hard to believe that it was only 40 years ago when, facing prejudice and stubborn odds, President Lyndon Johnson guided the Civil Rights Act through the House and Senate and signed into law legislation that guaranteed rights that so many of our fellow citizens had been denied.

The Act made racial discrimination in public placed illegal and established standards to thwart the rigged voting system in the South. It also required employers to provide equal employment opportunities no matter a person's race. Projects involving federal funds could be halted if there was evidence of discrimination based on color, race or national origin. These are things inherent in our society today, but for much of the 20th century, these protections only existed for white Americans—not blacks.

Mr. Speaker, were it not for the unshakable faith and fierce determination of members of the civil rights movement—many who literally sacrificed their lives—the Civil Rights Act may have taken many more years to arrive.

Our own colleague, and my good friend, Senior Chief Deputy Whip JOHN LEWIS, was one of the leaders of that civil rights movement. He was just out of his teens when he was beaten because of his participation in the Freedom Rides. Yet he was not deterred. At the age of 23, he joined Dr. King on the steps of the Lincoln Memorial for the March on Washington, and in the years that followed, he continued the fight for freedom and human rights, despite more than 40 arrests, physical attacks and serious injuries.

In the years that followed its passage, the Civil Rights Act opened doors and created opportunities for black and minority Americans that were long overdue. With federal protections, blacks could attend any school or university, be hired for any job, and finally enjoy the Constitutional freedoms so many of us take for granted.

However, Mr. Speaker, despite much progress, minority Americans still struggle for equal access and advancement. Right now we face a struggling economy that is not producing enough jobs, and it has imposed even greater hardships on minorities. Since March 2000, black unemployment has soared to nearly 11 percent, almost double that of

whites. And there is still a glaring wage gap confronting minorities in the workforce. Black men earned 73.9 percent of what white men earned in 2002, measured by median full-time wages and salaries. That's barely up from 73.4 percent a decade ago.

In our health system, minorities still repeatedly receive inferior care. Last year's Institute of Medicine report found that health care delivery is very unequal depending on the race or ethnicity of the patient. That inequality is thought to be a major reason that African-Americans frequently have worse health outcomes than whites. The black infant mortality rate in fact remains twice as high as the white rate, and 20 percent of black Americans lack regular access to health care compared with less than 16 percent of whites.

Without early and advanced education, individuals face a great handicap in this world. Yet in our school system today separate and unequal is still the reality in far too many places. Even in higher education, there exists a large gap between the percentage of whites with a college degree and the percentage of blacks.

So Mr. Speaker, today let us acknowledge that the Civil Rights Acts we passed in Congress was a crucial step forward for our Nation. Our laws require vigilance so that every citizen has an equal shot at the American dream. As Dr. Martin Luther King, Jr., said, "Human progress is neither automatic nor inevitable . . . Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals."

Today, we must redouble our commitment to the Civil Rights Act and the America envisioned by JOHN LEWIS and every citizen who fought for equal rights four decades ago, and continue the effort for justice and equality. We have not yet reached the Promised Land, but it is up to us to ensure that America achieves the full measure of its promise.

Mr. PAUL. Mr. Speaker, I rise to explain my objection to H. Res. 676. I certainly join my colleagues in urging Americans to celebrate the progress this country has made in race relations. However, contrary to the claims of the supporters of the Civil Rights Act of 1964 and the sponsors of H. Res. 676, the Civil Rights Act of 1964 did not improve race relations or enhance freedom. Instead, the forced integration dictated by the Civil Rights Act of 1964 increased racial tensions while diminishing individual liberty.

The Civil Rights Act of 1964 gave the federal government unprecedented power over the hiring, employee relations, and customer service practices of every business in the country. The result was a massive violation of the rights of private property and contract, which are the bedrocks of free society. The federal government has no legitimate authority to infringe on the rights of private property owners to use their property as they please and to form (or not form) contracts with terms mutually agreeable to all parties. The rights of all private property owners, even those whose actions decent people find abhorrent, must be respected if we are to maintain a free society.

This expansion of federal power was based on an erroneous interpretation of the congressional power to regulate interstate commerce. The framers of the Constitution intended the interstate commerce clause to create a free trade zone among the states, not to give the federal government regulatory power over every business that has any connection with interstate commerce.

The Civil Rights act of 1964 not only violated the Constitution and reduced individual liberty; it also failed to achieve its stated goals of promoting racial harmony and a color-blind society. Federal bureaucrats and judge's cannot read minds to see if actions are motivated by racism. Therefore, the only way the federal government could ensure an employer was not violating the Civil Rights Act of 1964 was to ensure that the racial composition of a business's workforce matched the racial composition of a bureaucrat or judges defined body of potential employees. Thus, bureaucrats began forcing employers to hire by racial quota. Racial quotas have not contributed to racial harmony or advanced the goal of a color-blind society. Instead, these quotas encouraged racial balkanization, and fostered racial strife.

Of course, America has made great strides in race relations over the past forty years. However, this progress is due to changes in public attitudes and private efforts. Relations between the races have improved despite, not because of, the 1964 Civil Rights Act.

In conclusion, Mr. Speaker, while I join in sponsors of H. Res. 676 in promoting racial harmony and individual liberty, the fact is the Civil Rights Act of 1964 did not accomplish these goals. Instead, this law unconstitutionally expanded federal power, thus reducing liberty. Furthermore, by prompting race-based quotas, this law undermined efforts to achieve a color-blind society and increased racial strife. Therefore, I must oppose H. Res. 676.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 676.

The question was taken.

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

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

IDENTITY THEFT PENALTY ENHANCEMENT ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1731) to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1731

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 ''Identity Theft Penalty Enhancement Act''.

SEC. 2. AGGRAVATED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding after section 1028, the following:

''§ 1028A. Aggravated identity theft

''(a) OFFENSES.—

''(1) IN GENERAL.—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

''(2) TERRORISM OFFENSE.—Whoever, during and in relation to any felony violation enumerated in section 2332b(g)(5)(B), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person or a false identification document shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 5 years.

''(b) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place on probation any person convicted of a violation of this section;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used;

''(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28.

''(c) DEFINITION.—For purposes of this section, the term 'felony violation enumerated in subsection (c)' means any offense that is a felony violation of—

''(1) section 641 (relating to theft of public money, property, or rewards), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), or section 664 (relating to theft from employee benefit plans);

''(2) section 911 (relating to false personation of citizenship);

''(3) section 922(a)(6) (relating to false statements in connection with the acquisition of a firearm);

''(4) any provision contained in this chapter (relating to fraud and false statements), other than this section or section 1028(a)(7);

''(5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);

''(6) any provision contained in chapter 69 (relating to nationality and citizenship);

''(7) any provision contained in chapter 75 (relating to passports and visas);

''(8) section 523 of the Gramm-Leach-Bliley Act (15 U.S.C. 6823) (relating to obtaining customer information by false pretenses);

''(9) section 243 or 266 of the Immigration and Nationality Act (8 U.S.C. 1253 and 1306) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);

''(10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act

(8 U.S.C. 1321 et seq.) (relating to various immigration offenses); or

''(11) section 208, 811, 1107(b), 1128B(a), or 1632 of the Social Security Act (42 U.S.C. 408, 1011, 1307(b), 1320a–7b(a), and 1383a) (relating to false statements relating to programs under the Act).''.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

''1028A. Aggravated identity theft.''.

(c) APPLICATION OF DEFINITIONS FROM SECTION 1028.—Section 1028(d) of title 18, United States Code, is amended by inserting ''and section 1028A'' after ''In this section''.

SEC. 3. AMENDMENTS TO EXISTING IDENTITY THEFT PROHIBITION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7)—

(A) by striking ''transfers'' and inserting ''transfers, possesses,''; and

(B) by striking ''abet,'' and inserting ''abet, or in connection with,'';

(2) in subsection (b)(1)(D), by striking ''transfer'' and inserting ''transfer, possession,'';

(3) in subsection (b)(2), by striking ''three years'' and inserting ''5 years''; and

(4) in subsection (b)(4), by inserting after ''facilitate'' the following: ''an act of domestic terrorism (as defined under section 2331(5) of this title) or''.

SEC. 4. AGGREGATION OF VALUE FOR PURPOSES OF SECTION 641.

The penultimate paragraph of section 641 of title 18 of the United States Code is amended by inserting ''in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case,'' after ''value of such property'' .

SEC. 5. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to ensure that the guideline offense levels and enhancements appropriately punish identity theft offenses involving an abuse of position.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall do the following:

(1) Amend U.S.S.G. section 3B1.3 (Abuse of Position of Trust of Use of Special Skill) to apply to and punish offenses in which the defendant exceeds or abuses the authority of his or her position in order to obtain unlawfully or use without authority any means of identification, as defined section 1028(d)(4) of title 18, United States Code.

(2) Ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutory provisions.

(3) Make any necessary and conforming changes to the sentencing guidelines.

(4) Ensure that the guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

In addition to any other sums authorized to be appropriated for this purpose, there is authorized to be appropriated to the Department of Justice, for the investigation and prosecution of identity theft and related credit card and other fraud cases constituting felony violations of law, $2,000,000 for fiscal year 2005 and $2,000,000 for each of the 4 succeeding fiscal years.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1731, currently under consideration.

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

There was no objection.

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

Mr. Speaker, identity theft and identity fraud are terms used to refer to all types of crime in which someone wrongfully obtains and uses another person's personal data in some way that involves fraud or deception, typically for economic or other gain including immigration benefits.

The Federal Trade Commission received 161,819 complaints of someone using another's information in 2002. In 2003 the FTC performed a random sampling of households. The results from the survey suggest that almost 10 million Americans were the victim of some form of ID theft within the last year, which means that despite all of the attention to this type of crime since September 11, 2001, the incidence of this crime is increasing.

As border security and international cooperation increases to combat terrorism, al Qaeda and other terrorist organizations increasingly turn to stolen identities to hide themselves from law enforcement. For example, according to testimony from the Inspector General of the Social Security Administration, five Social Security numbers associated with some of the September 11 terrorists appeared to be counterfeit. One was assigned to a child and four of the terrorists were associated with multiple Social Security numbers.

□ 1615

Since September 11, 2001, Federal and State officials have taken notice of this crime because of the potential threat to security. But the cost to the consumer and corporations is equally alarming. The FTC estimates that loss to business and financial institutions from identity theft to be $47.6 billion per year. The costs to individual consumers is estimated to be approximately $5 billion a year.

As this crime increases, we must find new ways to combat it. Web sites developed by the FTC and consumer groups encourage consumers to protect themselves by shredding mail and keeping a close watch over their credit report. Yet the FTC statistics suggest that identity thieves are obtaining an individual's personal information for misuse not only through ''dumpster diving'' but also through accessing information that was originally collected for an authorized purpose, a so-called ''insider threat.''

In one such case, U.S. attorneys charged a 33-year-old customer service representative from Long Island, New York with identity theft and fraud. This individual was using his position at a company that provided computer services to banks and lending companies to access personal consumer credit information from three credit reporting agencies. The scheme allowed him to access personal information of over 30,000 victims.

The insider threat from identity theft and identity fraud is a threat to personal security as well as national security. The U.S. Attorney in Atlanta charged 28 people as a part of a fraud ring to supply over 1,900 individuals with fraudulent Social Security cards. The cards were supplied by a Social Security Administration clerk in exchange for $70,000 in payoffs.

Under current law, many identity thieves are receiving short terms of imprisonment or probation; however, many of these thieves will use false identities to commit much more serious crimes. Thus H.R. 1731 provides enhanced penalties for persons who steal identities to commit terrorist acts, immigration violations, firearms offenses, and other serious crimes. The bill would amend current law to impose a higher maximum penalty for identity theft used to facilitate acts of terrorism.

This legislation will allow prosecutors to identify identity thieves who steal an identity, sometimes hundreds or even thousands of identities, for purposes of committing one or more crimes. Importantly, it will facilitate the prosecution of terrorists who steal identities with the intent of subsequently committing terrorists acts. It also directs the Sentencing Commission to apply the guidelines for abuse of trust to an insider who uses his position to steal identities.

I support this common sense legislation and urge my colleagues to join me in its passage.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 1731. Although I agree with the purpose of the bill, my position is based on the reliance in the bill of mandatory minimum sentencing. By adding mandatory minimum sentencing and denying probation and concurrent sentences, the bill imposes unnecessary and unproductive restrictions on the ability of the Sentencing Commission and judges, in individual cases, to assure a rational and just system of sentencing as a whole and for individuals.

The notion that Congress is in a better position to determine at the front end what the sentence has to be for an individual case than the judge who has heard the case and applies guidelines established by the sentencing professionals not only defeats the rational

sentencing system that Congress adopted but also makes no sense in our separation of powers scheme of governance. Moreover, the notion of mandating a 2-year or 5-year sentence to someone who is already willing to risk a 15-year sentence is not likely to add any deterrence.

Mandatory sentences do not work. They have been studied extensively and have been shown to be ineffective in preventing crime. They distort the sentencing process. They discriminate against minorities in their application, and they waste money. In a study report entitled ''Mandatory Drug Sentences: Throwing Away the Key or the Taxpayers Money?'' The Rand Corporation concluded that mandatory minimum sentences were less effective than either discretionary sentencing or drug treatment in reducing drug-related crime and far more costly than either. The Judicial Conference of the United States has reiterated its opposition to mandatory minimum sentencing over a dozen times to Congress, noting that though sentences ''severely distort and damage the Federal sentencing system . . . undermine the Sentencing Guideline regimen'' established by Congress to promote fairness and proportionality,'' and ''destroy honesty in sentencing by encouraging charge and fact plea bargains.'' The U.S. Sentencing Commission indicated its opposition to the Senate bill, which is virtually identical to this bill, for similar reasons.

Both the Judicial Center in its study report entitled ''The General Effects of Mandatory Minimum Prison Terms: a Longitudinal Study of Federal Sentences Imposed'' and the United States Sentencing Commission in its study entitled ''Mandatory Minimum Penalties in the Federal Criminal Justice System'' found that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences. The Sentencing Commission also reflected that mandatory minimum sentences increased the disparity in sentencing of like offenders with no evidence that mandatory minimum sentencing had any more crime-reduction impact than discretionary sentences.

Chief Justice Rehnquist has spoken often and loudly about these wasteful cost increases. One quote attributed to him says: ''Mandatory minimums are perhaps a good example of the law of unintended consequences.''

Mr. Speaker, there is one good part of the bill, and that is an authorization for funding to investigate consumer credit card fraud cases. I introduced in the committee a newspaper report of an identity theft case in which a Senator from New Mexico, Senator DOMENICI, was the victim. It involved about $800 worth of fraudulent credit card purchases. We checked with the FBI. No action is being taken on this case because of limitations on resources. That is not surprising because these cases often involve stolen credit cards with the card stolen in one jurisdiction, purchases made in another jurisdiction, a suspect living entirely somewhere else, and so the local place cannot effectively investigate these cases. They can be solved because there is usually a paper trail leading right back to the suspect, but it takes resources. Mandatory minimum sentences will do nothing in cases that are not investigated and not prosecuted, and this bill does provide funds to investigate and prosecute cases such as Senator DOMENICI's.

Unfortunately, Mr. Speaker, because this bill primarily focuses on the narrow piece of the identity theft problem, much of which has nothing to do with consumer identity theft, through the discredited and ineffective and costly mechanism of mandatory minimum sentencing, I cannot support the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I am pleased to be the author and sponsor of H.R. 1731, the Identity Theft Penalty Enhancement Act, and appreciate the support of the gentleman from Wisconsin (Chairman SENSENBRENNER) and the fact that he advanced this important legislation. I would also like to thank the gentleman from California (Mr. SCHIFF) for his support as the lead co-sponsor on this bill.

This legislation addresses the growing occurrences of identity theft. It will facilitate the prosecution of criminals who steal identities in order to commit felonies.

Felonies arising from identity theft are a very serious problem. Four years in a row, the Federal Trade Commission has reported identity theft as the number one consumer-reported complaint filed with the Commission. More than 200,000 identity theft complaints were reported in 2003.

Mr. Speaker, unfortunately, the mentions of ID theft are becoming all too commonplace. Just recently, last month, I believe, two brothers were convicted in Dallas of running an ID theft ring to buy luxury cars and obtain bank loans worth over $1 million, sometimes using the names of dead people. In Collin County, Texas, a former Texas driver's license bureau clerk pleaded guilty to selling ID cards to illegal immigrants using stolen information from immigration papers.

Just as concerning, the trafficking of identities aids terrorist crimes. Terrorists can move more freely in the United States with illicit IDs, credit cards, and other documentation. Insufficient legislation and prosecution has allowed a situation to arise where identities are easy to steal without fear of reprisal. Last year, the U.S. Department of Homeland Security warned that would-be terrorists may try to use stolen IDs, uniforms, and vehicles to enter sensitive facilities in order to carry out an attack.

The Identity Theft Penalty Enhancement Act gives prosecutors greater power in convicting and sentencing identity theft. First, it creates a new separate crime of aggravated identity theft for any person who uses the identity of another person to commit certain felonies. It provides a separate sentence of 2 years for most felonies and 5 years for terror-related felonies is mandatory. It would run consecutively to any other sentences.

Second, the bill lessens the burden prosecutors face when seeking convictions of aggravated identity theft. Under this bill, if a thief uses the stolen identity in connection with another Federal crime and the intent of the underlying Federal crime is proven, the prosecutor may not need to prove the intent to use the false identity in a crime.

H.R. 1731 addresses the improper receipt that Social Security, Medicare, disability, veterans and other benefits by misuse of illegally obtained Social Security numbers. We have a responsibility to protect the benefit programs of the Social Security Administration from these identity thieves.

This legislation also addresses a prevalent mode of identity theft which is committed by insiders of organizations who illegally use or transfer individuals' identifying information which has been entrusted to them. This is an increasing problem which we must protect all our consumers from. Last year Texas witnessed an example of this when a University of Texas student who was trusted with access to the University's database stole 55,000 Social Security numbers, including one of my staffers.

A recent report by researchers at Michigan State University estimates about half of all identity crimes were the result of personal information being stolen from corporate databases. This legislation directs the U.S. Sentencing Commission to amend its guidelines to appropriately punish ID theft offenses involving the abuse of a position.

I urge my fellow colleagues to favorably support H.R. 1731. And, again, I thank the chairman for his support and the hard work of his staff on behalf of this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SCHIFF), a distinguished member of the Committee on the Judiciary and a former assistant U.S. Attorney.

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

I also want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), our distinguished chairman; and the gentleman from North Carolina (Mr. COBLE), subcommittee Chair, for moving this legislation through the Committee on the Judiciary and onto the House floor.

I joined the gentleman from Texas (Mr. CARTER) in introducing this legislation in response to the plague of

identity theft that has beset the country. Identity theft has now topped the list of consumer complaints filed with the FTC for the last 4 years in a row, impacting millions of Americans and costing consumers and businesses billions of dollars.

My home State of California ranks number three in the number of victims of identity theft per capita with over 37,000 complaints reported by consumers, costing over $40 million just last year alone. Nationally, California cities crowd the top ten list of metropolitan areas with the highest per capita rates of identity theft reported. The Los Angeles-Long Beach metropolitan area, which includes my district, is particularly prone to such crimes and ranks number two nationally with over 13,000 victims.

A victim of identity theft usually spends a year and a half working to restore his or her identity and good name. Many of my constituents have contacted me. Many of my colleagues have heard similar urging that Congress act quickly and effectively to crack down on this growing epidemic. For this reason, I joined the gentleman from Texas (Mr. CARTER) in introducing the Identity Theft Penalty Enhancement Act, legislation that will make it easier for prosecutors to target those identity thieves who steal an identity for the purpose of committing other serious crimes. The bill will stiffen penalties to deter such offenses and strengthen the ability of law enforcement to go after identity thieves and prove their case.

□ 1430

Our legislation also makes changes to close a number of gaps identified in current Federal law. Identical legislation was introduced by Senators FEINSTEIN and KYL, passing by unanimous consent in the Senate in January of last year. H.R. 1731 has also been endorsed by the Justice Department and the Federal Trade Commission.

I am very mindful of the reservations that my colleague, the gentleman from Virginia (Mr. SCOTT) has expressed about mandatory minimums in general, and I share those concerns about the practice of mandatory minimums. I think my difference with the gentleman from Virginia (Mr. SCOTT) comes in where there are appropriate exceptions. In this case, I believe there is an appropriate exception, and I believe the gentleman from Virginia (Mr. SCOTT) believes this is not an appropriate case for an exception. But let me outline why I believe that this is an appropriate exceptional case.

First, we have the epidemic nature of the crime, which rather than abate has merely grown and proliferated over the last several years.

Second, because the enhanced penalties are reserved for aggravated identity theft, they must be committed in connection with other serious felony offenses. But since the underlying offense and the identity theft are generally merged for sentencing purposes, prosecutors have little incentive to charge identity theft. This current sentencing structure and practice is flawed because it does not reflect the impact on the victim, in addition to the impact and loss to the financial institution.

I was pleased to work with the gentleman from Texas (Mr. CARTER) as well as sponsors from the other body in order to make some additional improvements to the bill in committee. These improvements respond to specific concerns that were raised by the Social Security Administration. In addition, we respond to the ever-growing problem of insider theft. A peer review study will be coming out later this year that will show perhaps as much as 70 percent of identity theft cases are facilitated through the workplace.

Homeland security concerns have certainly highlighted the need to protect against identity theft, given the potential ease with which a terrorist can assimilate to or move about in our society with stolen identity documents.

In order total protect the good credit of hard-working Americans and their reputations and to protect the homeland, the time to strengthen the law is now. I also support the effort of the gentleman from Virginia (Mr. SCOTT) to increase the resources for the enforcement of these laws. Merely increasing the deterrent value is not enough if the resources lag behind.

I want to thank my colleague for all his efforts along those lines, and again want to thank my colleagues, Mr. Speaker, for acting on this piece of legislation, and urge their support.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California for his remarks and also for his hard work on this legislation. As I have indicated, I agree with the purpose of the legislation. However, I disagree with the use of the mandatory minimums.

With mandatory minimums, low level offenders frequently get too much time. The more serious violators often get too little time. That is why we have the Sentencing Commission, that is why we have judges who will hear the evidence and impose the appropriate punishment in the individual case.

Mr. Speaker, I would hope that we would reject the legislation so that we could eliminate the mandatory minimums.

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

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

Mr. Speaker, the only opposition to this bill appears to come from those who are opposed in principle to mandatory minimum sentences. I think that opponents of mandatory minimums would have a much more compelling case if they could assure Congress that the judges are faithfully following the sentencing guidelines that were passed 20 years ago at the time when Congress abolished parole and passed the law establishing determinant sentencing. Sadly, I am afraid the evidence does not support that.

The most disturbing recent example of judges deciding to ignore the sentencing guideline's recommendations comes from Supreme Court justice Anthony Kennedy's testimony before a House appropriations subcommittee in which he stated that judges who depart downward are courageous, and the judges should not have to blindly follow unjust guidelines.

Now, Congress creates crimes, Congress prescribes the penalties for crimes, and the reason that there were sentencing guidelines passed to begin with was to prevent both prosecutors and defense counsel from shopping around for judges to try cases that met with their own particular views on what the sentence should be, should the defendant be convicted.

Well, because of statements like Justice Kennedy's, we now have to have mandatory minimums when we feel the crime is important enough that somebody should at least spend a day in jail or more. That is why there are mandatory minimums in the bill that is before us that deals with identity theft and identity fraud.

I would urge the House to reject the argument that mandatory minimums are bad per se. We need a mandatory minimum in this burgeoning crime. I urge support of this bill.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1731, as amended.

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

A motion to reconsider was laid on the table.

LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 218) to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, as amended.

The Clerk read as follows:

H.R. 218

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 ''Law Enforcement Officers Safety Act of 2003''.

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§ 926B. Carrying of concealed firearms by qualified law enforcement officers

''(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

''(b) This section shall not be construed to supersede or limit the laws of any State that—

''(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

''(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

''(c) As used in this section, the term 'qualified law enforcement officer' means an employee of a governmental agency who—

''(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

''(2) is authorized by the agency to carry a firearm;

''(3) is not the subject of any disciplinary action by the agency;

''(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

''(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

''(6) is not prohibited by Federal law from receiving a firearm.

''(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

''(e) As used in this section, the term 'firearm' does not include—

''(1) any machinegun (as defined in section 5845 of the National Firearms Act);

''(2) any firearm silencer (as defined in section 921 of this title); and

''(3) any destructive device (as defined in section 921 of this title).''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

''926B. Carrying of concealed firearms by qualified law enforcement officers.''.

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

"§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

''(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

''(b) This section shall not be construed to supersede or limit the laws of any State that—

''(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

''(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

''(c) As used in this section, the term 'qualified retired law enforcement officer' means an individual who—

''(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

''(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

''(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

''(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

''(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

''(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;

''(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

''(7) is not prohibited by Federal law from receiving a firearm.

''(d) The identification required by this subsection is—

''(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

''(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

''(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

''(e) As used in this section, the term 'firearm' does not include—

''(1) any machinegun (as defined in section 5845 of the National Firearms Act);

''(2) any firearm silencer (as defined in section 921 of this title); and

''(3) a destructive device (as defined in section 921 of this title).''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

''926C. Carrying of concealed firearms by qualified retired law enforcement officers.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CUNNINGHAM. Mr. Speaker, is it the committee position to pass this bill?

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

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the committee position is to pass the bill, and I have made the motion to do so.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, is it the intent to divide time equally for and against the bill?

Mr. SENSENBRENNER. Mr. Speaker, if the gentleman will yield further, it is the intent of the chairman of the committee to divide time based upon requests that are made by Republican Members on this side. I have no idea how time on the Democratic side will be divided, since I would assume that the gentleman from Virginia (Mr. SCOTT), the ranking member of the subcommittee, will be recognized for 20 minutes to manage the time on the Democratic side.

The SPEAKER pro tempore. In answer to the gentleman's previous inquiry, a motion that the House suspend the rules is debatable for 40 minutes, one-half in favor of the motion, one-half in opposition thereto.

Mr. CUNNINGHAM. Mr. Speaker, further parliamentary inquiry. Since the chairman of this committee is opposed to his own committee's position, is it not uncommonly unfair to allow someone opposed to the bill, A, to manage the bill, and also to close? I understand the right to close at the end of the bill in favor of the committee position.

The SPEAKER pro tempore. The chairman of the committee offered the motion to pass the bill.

Mr. CUNNINGHAM. Mr. Speaker, I find this uncommonly unfair.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 218, as amended.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time.

Mr. Speaker, as I said at the subcommittee hearing and as I said at the full committee hearing, and as I will

reiterate today, reasonable men and women have adamantly supported this bill before us, and reasonable men and women have adamantly opposed it. So that is where we are.

Today I rise in support of H.R. 218, the Law Enforcement Officers Safety Enhancement Act of 2003. H.R. 218 would exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms.

Currently, most States do not recognize within their borders concealed carry permits issued in other States. This legislation, Mr. Speaker, would allow active and retired law enforcement officers to carry a concealed weapon in any of our 50 states. There are important provisions in the bill that require such officers to maintain appropriate firearms training and to carry identification recognizing their affiliation with a law enforcement agency.

Further, the bill has garnered tremendous bipartisan support, and recently passed the House Committee on the Judiciary by a vote of 23 to 9. On June 15, the Subcommittee on Crime, Terrorism, and Homeland Security held a legislative hearing on H.R. 218, and some concerns were raised regarding States' rights, coordinating adequate training standards and the liability problems that may arise by having law enforcement officers using firearms outside of their respective jurisdictions.

While there may be room for improvement, I do believe that the bill before us is a positive step toward ensuring that law enforcement officers have the means to defend themselves and other innocent victims from potential acts of violence and crime.

Mr. Speaker, having said that, I would, at this time, like to engage in a colloquy with my good friend, the distinguished gentleman from Virginia (Mr. SCOTT), who is the ranking member on the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security.

The gentleman from Virginia (Mr. SCOTT) authored an amendment which passed the full committee, and which I supported, and I think which was supported in toto by the membership and which is included in the version of the bill we are considering today, that would exclude someone from the definition of qualified law enforcement officer if that person is under the influence of alcohol or any other intoxicating or hallucinatory drug. As I said, I supported the amendment.

I just want to clarify that the amendment only applies during the time that the officer involved is actually under the influence of the alcohol or drug. In other words, as an example, if an officer is going on a 3-day trip, for example, out of his home State, and he is going to be under the influence of alcohol or a drug during 2 hours of that trip, let us say, then he would only lose his coverage under this bill for that 2 hour period and not for the entire 3-day trip.

I just want to clarify that if he does carry his weapon during that 2-hour period, he would not be subject to any special penalty as a result of this law, but rather would just be subject to whatever the penalty is under the applicable local law.

I would ask my friend from Virginia, the ranking member, if that is his understanding as well.

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

Mr. COBLE. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, the gentleman has correctly stated the intent of my amendment.

Mr. COBLE. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to H.R. 218. This bill authorizes so-called qualified active and retired Federal and State law enforcement officers to carry concealed weapons interstate without regard to State and local laws prohibiting or regulating such carriage.

''Law enforcement officer'' includes corrections, probation, parole and judicial officers, as well as police, sheriffs and other law enforcement officials, and just about anybody who has statutory power of arrest and anyone who is engaged through employment by a government agency in the prevention, detection, investigation, supervision, prosecution or incarceration of law violators.

□ 1445

In the past, we have considered this bill under the title, Community Protection Act. The rhetoric surrounding the bill was an indication that its purpose was to aid in protecting the public by putting tens of thousands of additional armed law enforcement officers in a position to protect the public as officers travel from State to State and jurisdiction to jurisdiction.

From the name of the current bill, it appears that the emphasis now is on the safety of the officers as they travel. Yet the language is exactly the same.

One of the problems with even suggesting that purpose of a Federal law is for law enforcement officers to assist in protecting the public outside their jurisdictions is that it may give them encouragement or even a sense of obligation to do so.

I submitted for the record in the hearing before the subcommittee a long list of articles and reports in instances where, even in the same jurisdiction, off-duty plainclothes law enforcement officers have shot, or been shot by, other off-duty officers, or gotten shot by them or uniform officers, in gun battles because the plainclothes officers were mistaken as criminals.

If off-duty officers in the same jurisdiction are being shot by their fellow officers, encouraging out-of-state officers to join in such activities through a Federal law will certainly only add to the problem. Therefore, any perceived benefit that could arise from such engagement is of dubious value.

Now, this is especially true when there are officers from small jurisdictions who may not be trained in how to tell fellow police officers from criminals. Such training would be routine in large cities; but if it is a small jurisdiction where everyone knows everybody, that training would not take place.

It is this specter of individually determined engagement in law enforcement actions by out-of-state plainclothes off-duty officers who may not be trained for specific situations that gives police chiefs and local and State governments huge concern. Clearly, they see these officers as more of a challenge to law enforcement than a help.

The bill not only takes away the ability for local law enforcement leaders to manage concealed firearms activities from out-of-state officers, but it also overrides the ability of the police department to regulate its own officers.

The bill overrides a police chief's ability to regulate his own officers in what they do with their own private funds within their jurisdiction. It also eliminates control over concealed weapons activities of retired officers within their own jurisdiction.

Now, it also even overrides a police chief's ability to say what the officers can do with agency-issued guns in their possession within their own jurisdiction.

State legislatures can authorize out-of-state off-duty officers to carry concealed weapons within their jurisdictions. Some have, although most have not. I do not know what the liability implications are for local jurisdictions when officers become engaged in out-of-state shoot-outs. Which jurisdiction is liable for the conduct of the out-of-state active or retired officer who may be negligent? The jurisdiction viewed as allowing an unfamiliar, untrained officer to participate in the shoot-out or the jurisdiction that issued the gun and certified the officer to carry it or other concealed weapons across State lines? The liability insurance implications alone should give Congress pause in imposing an interstate concealed-carry provision on State and local governments.

Now, most organizations representing policymakers in law enforcement, like police chiefs, have opposed this legislation. Congress should not usurp State and local control of law enforcement activities, as this bill will do. So we should oppose this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Speaker, the Law Enforcement Officers Safety Act is a commonsense piece of legislation that will make our communities safer by allowing qualified law enforcement officers to carry their concealed firearms across State lines. Criminals do not recognize jurisdictional boundaries, particularly when it comes to seeking revenge against the police officers who arrested them.

If a doctor were traveling on vacation and he came across a child in a traffic accident who needed CPR to save his life, our society would expect the doctor to be a good Samaritan and save the child's life, regardless of State boundaries.

Similarly, law enforcement officers are, in effect, always on duty; and we are right to expect a police officer to come to the aid of a crime victim, and we are right to give that police officer the ability to provide that help by passing this important law.

If our airline pilots have the ability to carry firearms across jurisdictional boundaries, surely our police officers should have that same right.

Without this law, a police officer from Orlando, Florida, who wanted to take his family on a vacation to D.C. to see the monuments would have to travel through six separate States where he would face an instant patchwork of concealed weapons laws which would make it legal for him to have a gun in some jurisdictions and illegal in others. This law solves that problem and enhances the ability of that officer to defend his family and our communities.

For these reasons, I am proud to be a cosponsor of this legislation and was a vocal advocate in passing the bill through the Committee on the Judiciary in a clean form. It is a very popular bill. It has 296 cosponsors in the House. It passed the Senate by a vote of 90 to 8 as an amendment to another piece of gun legislation. It is supported by police officers and other organizations across the U.S.

In summary, Mr. Speaker, this is a good bill, and I urge my colleagues to vote ''yes'' on H.R. 218.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on the Judiciary and a highly respected district attorney from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, and I rise in opposition to this proposal, which I consider dangerous as well as irresponsible. I guess the question that I would pose is, what has happened to States' rights?

The gentleman from Florida indicated that criminals do not respect jurisdictional lines. That is true, they do not. However, the United States Constitution respects State lines and State boundaries, because the Founders believed that Federalism was an important concept in our democracy. It seems that the evolution of the fundamental principle of the Reagan revolution is no longer operative in this Chamber. I would suggest that a true conservative should deplore what this proposal does to that core American concept of Federalism.

Mr. Speaker, I want to commend the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his opposition to this bill. I agree with his statement that it is an affront to State sovereignty and the Constitution. In fact, what we are doing is undermining the 10th amendment, which reserves so many rights to the States. We are doing it daily in this Chamber, and we are doing it in a way that should cause every American citizen, and particularly those who call themselves conservative, should cause them profound concern.

I can remember before I ran for office to this branch, in the previous election there was much to-do about a so-called Contract With America. Well, that contract seems to have been discarded. It no longer has value, presumably, at least political value. It is clear that States' rights and local control are no longer in vogue today. Washington knows best. I guess that is the current refrain. The new term is ''preemption.'' Preemption of States' rights. Preemption is a word we have heard a lot about. It does not just apply to our foreign policy, I would suggest. It now applies to American democracy.

This bill represents a quantum leap, if you will, in terms of the erosion of the rights granted to States under the 10th amendment. It would amend title XVIII to exempt current and retired law enforcement officers from State and local laws that prohibit the carrying of concealed weapons. As the ranking member indicated, I served as the chief law enforcement officer, the elected district attorney in metropolitan Boston, for more than 20 years; and I cannot understand why Congress believes that it is in a better position than State and local law enforcement to make decisions as to what is best in their jurisdictions. It was the former Chair of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), who made the statement a while back that the best decisions on fighting crime are made at the local level, not here in Washington.

Congress has never passed a bill that gives anyone a right to carry weapons in violation of State and local laws until now, in our entire constitutional history. Purportedly, involving public safety, this bill will allow people from out of State to come into my home State with a loaded, concealed weapon without the duty to notify public safety officials in Massachusetts or in Boston or in any community in the Commonwealth of Massachusetts.

The reality is that this legislation will preempt, if you will, or supersede, the laws of 31 States that currently restrict carrying a concealed weapon to on-duty officers. That is the law in 31 States. Yet Washington knows best. Let us just discard those 31 State laws that regulate the carrying of concealed weapons by on-duty officers in their jurisdictions. Of course, it also disregards State laws that oppose conditions on how and when retired officers may carry a concealed weapon. And it ignores the reality that there has been constructive and thoughtful deliberative efforts by other State legislatures, as well as the State of New Jersey, that have addressed exactly these issues. These issues have been addressed in a thoughtful and deliberative way at the State and local level.

This bill does not limit the weapons that officers can carry, like some States do. This bill also does not limit the maximum age for an officer carrying a concealed weapon, like some States do. And this bill does not allow local departments to deny permits to retirees no matter where they come from, like some States do. Under this proposal, a retired Customs inspector from Alabama can come into Massachusetts carrying a concealed weapon, and my local sheriff or my local police chief can do nothing about it.

With the passage of this bill, Congress will enable officers who retire or resign, or resign while under investigation for domestic abuse, racial profiling, excessive force, or substance abuse to be eligible for a concealed weapon permit. It is all too easy to imagine a scenario where there will be a tragedy under these circumstances, and we will be responsible for it. The rationale often in support of this proposal is that law enforcement officers, whether active or retired, are never off duty.

Now, I have profound respect for the hard work of law enforcement officials everywhere. I was part of them. I know them. But when they go off duty and travel to my State and to my hometown, they should respect the rules and policies of the local police departments and the communities where I live and where they are visitors. The Federal Government should not strip sheriffs and police officers of the authority and discretion to determine who can carry concealed weapons within their jurisdictions. Why should Congress, of all places, why should Congress decide if an off-duty or retired police officer from another State can carry a hidden firearm into my community or into your community?

Mr. Speaker, by no means does this bill reflect Federal support for State and local law enforcement. It will not reduce violence; and I dare say, to the contrary, it very well may undermine public safety.

□ 1500

So, for all these reasons, I urge my colleagues to defeat this proposal.

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. CUNNINGHAM), the author of the bill.

Mr. CUNNINGHAM. Mr. Speaker, this bill has been a long time coming.

And for those to say that this violates States rights, when they themselves have voted for hundreds of bills on this floor against States rights, I think is an oxymoron.

I also believe that one can spend this any way they want if one is opposed to it. But look who is for it. A super majority in the Senate has already passed this bill, this House floor, over 300 votes, on this floor.

We have policemen in D.C. that gave their lives to save Members of Congress and they are waiting outside for the passage of this bill, Mr. Speaker. They are so excited. This is the number one legislative act for law enforcement, the number one. During Memorial Day, we mourned our law enforcement agents that we lost. They had us up on the stage that support this bill as recognition. Those in opposition can spin this any way they want.

Who else supports this bill? The ranking member and the chairman in the subcommittee and the committee were overridden by their own committee on the amendments. The Scott amendment, which is good, and I think it improves the bill, and it does. I wish I had thought of it. But in this body to override a chairman and a ranking minority in their own committee takes guts, and it is guts because it supports the right thing.

We all say we support law enforcement. Well, they support this, even the Retired Chiefs of Police. We had a chief of police oppose this, but the Retired Chiefs of Police support this bill.

If one looks at what this bill does, the training that is required, all of the access to anyone that would use this bill is in the bill. The liability itself is in this bill. And I would say that if one takes a look also at who supports these positions, they wrote this, the law enforcement agencies helped over the years write this bill. It helps them. If one looks to Law Enforcement Alliance of America, LEAA, the National Association of Police, NAPO, the National Law Enforcement Council, and FOP, all of them support this bill, Mr. Speaker.

Very rarely can we come across and have a bill that is passed out of the committee over the objection of the chairman and the ranking member to make it to the floor, and that time be controlled by both the people that are opposed to this bill.

Now, the chairman granted me 5 minutes. I thank the chairman for that. But I also think it is unfair for someone that is opposed to the bill be on the floor closing, because that is usually in the committee position. The committee position is to pass this bill. Even though the chairman purported the bill to pass it, he is speaking against it. He wants to close, which I do not think is fair.

And who is it not fair for? It is not fair for the millions of law enforcement agents that risk their lives every day. They give their lives for us, almost as many of those have been lost in Iraq. When they arrest somebody that is not always a good guy, their families are getting killed when they retire. And they said, hey, we want protection. Give us protection against the bad guys. Because they do carry weapons.

I would like to submit, Mr. Speaker, the letter from the President of the United States. And I will read, ''I am pleased to offer my support for the Law Enforcement Officers' Safety Act. Our Nation relies upon the men and women in law enforcement to keep the streets and neighborhoods safe. This legislation will better protect our Nation from danger by ensuring that these first responders are ready to handle an emergency, regardless of their location and duty status.''

The President is saying this helps us in homeland security. We will be struck, Mr. Speaker, by some terrorist act. I think it is inevitable. And we want the people that are highly trained that protect us every day, to have the right to speak.

Mr. Speaker, I think we owe it to the very people what support this bill across the land. They are waiting outside. I am not supposed to speak about who is in the gallery, Mr. Speaker, but I was if allowed to do that, I would say that law enforcement agents are there to support this bill. And I do not know what I can do to have a position supported by the Senate super majority, a super majority of this body, a super, super majority of law enforcement agents, and someone to oppose it is just wrong.

Mr. Speaker, I thank the chairman for his courtesy of the 5 minutes and extra minute, but I also would submit my disappointment that the controlling of the time was not by the subcommittee as originally set, agreed upon, and that the right to close does not fall on someone that supports this bill.

Mr. Speaker, at this time, I will insert the letter that I referred to earlier in the RECORD.

THE WHITE HOUSE,
Washington, DC, June 18, 2004.

Mr. CHUCK CANTERBURY,
National President, Fraternal Order of Police, Grand Lodge, Washington, DC.

DEAR CHUCK:

I am pleased to offer my support for the Law Enforcement Officers' Safety Act. Our Nation relies upon the men and women in law enforcement to keep the streets and neighborhoods safe. This legislation will better protect our Nation from danger by ensuring that these first responders are ready to handle an emergency regardless of their location and duty status.

I am particularly pleased that the Senate sponsors named this provision after our mutual friend, Steven Young. I know how hard you and Steve worked for passage of this bill, and I look forward to honoring his memory by signing it.

Sincerely,

GEORGE W. BUSH.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I rise in opposition to this legislation and urge my colleagues to vote against it.

I would ask my colleagues to ignore the list of organizations that have supported the bill and read what the bill does. In Federalist Paper number 45, James Madison, in explaining the division of power between the States and the Federal Government envisioned, stated, ''The powers reserved to the several States will extend to all objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.''

This legislation takes away the ability of the 50 States to govern their internal order. Just look at the title of the bill: ''To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed weapons.'' In exercising its authority to keep internal order, the State has traditionally controlled who, within its borders, may carry concealed weapons and when law enforcement officers may carry firearms.

This legislation undermines the power of the individual states and frustrates the principles of Federalism. As long as they do not infringe on the rights granted under the second amendment to the Constitution, laws regulating the carrying of concealed firearms should remain within the jurisdiction of the State government where they can be more effectively monitored and enforced.

Currently Federal law is silent on the issue of allowing State and local law enforcement officers to carry concealed weapons across State lines, allowing each individual State to decide whether or not it wishes and to what extent to allow this practice.

Additionally, current Federal law does not mandate that the States allow both active and retired State and local law enforcement officers to carry a concealed weapon without the permission of each specific State. I understand that at least six States and the District of Columbia currently forbid officers from other States to carry concealed weapons. Thirty-one States restrict carrying a concealed weapon to an officer off duty. And nine States allow an out-of-state officer to carry a concealed weapon.

H.R. 218 would override State right to carry laws and mandate that active and retired police officers could carry a concealed weapon anywhere within the United States. Such a measure is an affront to State sovereignty and the Constitution.

I have received letters from the National League of Cities and State leaders around the country objecting to this legislation because it replaces the judgment of State and local governments with the judgment of Congress on an important safety issue. The International Association of Police

Chiefs, the Major City Chiefs, and the Police Executive Research Forum also object to this legislation. So law enforcement is not unanimous in support of it.

The IACP testified at a hearing before the Subcommittee on Crime, Terrorism, and Homeland Security that H.R. 218 will create a dangerous situation for law enforcement and citizens alike because there is so much variation in training standards for law enforcement. In addition to these variations, it may be difficult for officers to recognize official badges held by legitimate officers and fake badges and fake ID cards, which are easily obtainable on the Internet.

I am also very concerned who will bear the responsibility and liability for potential actions that these officers might take while out of their State. It is a real possibility that the law enforcement agency that trained these officers could wind up being forced to defend itself against actions taken by an off duty, out-of-state officer.

I received a letter from Joseph Polisar, president of the International Association of Chiefs of Police. And I will insert it in the RECORD in total, but I would like to just read one paragraph.

''Finally, the IACP is concerned about or concerned over the liability of law enforcement agencies for the actions of off-duty officers who use or misuse their weapon while out of State. If an off-duty officer who uses or misuses their weapon while in another State, it is likely that their department will be forced to defend itself against liability charges in another State. The resources that mounting this defense would require could be better spent serving the communities we represent.''

Because of all of the concerns that I have expressed, I must oppose this legislation and ask that my colleagues join me in my opposition. I realize this is a tough vote, but this is not a good bill. I believe that the issues at hand could be better addressed by the States in an appropriate manner through the use of reciprocity agreements, many of which already exist, rather than taking away the right of the States to legislate in this area which H.R. 218 does.

An approach of reciprocity agreements would allow individual States to have the final say on whether or not it believes allowing out-of-state officers to carry concealed weapons within its borders would enhance rather than undermine public safety.

The letter previously referred to follows:

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Alexandria, VA, June 23, 2004.

Hon. JAMES SENSENBRENNER,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SENSENBRENNER: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong opposition to H.R. 218, the Law Enforcement Officers Safety Act of 2003. This bill would authorize off-duty and retired law enforcement officers to carry concealed weapons throughout the country.

It is the IACP's belief that states and localities should have the right to determine who is eligible to carry firearms in their communities. It is essential that state and local governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities. This applies to laws covering private citizens as well as active and former law enforcement personnel.

The IACP strongly believes that each state should retain the power to determine whether they want police officers that are trained and supervised by agencies outside of their state carrying firearms in their jurisdictions. Why should a police chief who has employed the most rigorous training program, a strict standard of accountability and stringent policies be forced to permit officers who may not meet those standards to carry a concealed weapon in his or her jurisdiction?

However, in addition to these fundamental questions over the preemption of state and local firearms laws, the IACP is also concerned with the impact that this legislation may have on the safety of our officers and our communities.

There can be no doubt that police executives are deeply concerned for the safety of our officers. The IACP understands that the proponents of S. 253 contend that police officers need to protect themselves and their families while traveling, and that undercover officers may be targets if recognized on vacation or travel. These are considerations, but they must be balanced against the potential dangers involved. In fact, one of the reasons that this legislation is especially troubling to our nation's law enforcement executives is that it could in fact threaten the safety of police officers by creating tragic situations where officers from other jurisdictions are wounded or killed by the local officers. Police departments throughout the nation train their officers to respond as a team to dangerous situations. This teamwork requires months of training to develop and provides the officers with an understanding of how their coworkers will respond when faced with different situations. Injecting an armed, unknown officer, who has received different training and is operating under different assumptions, can turn an already dangerous situation deadly.

In addition, the IACP is concerned that the legislation specifies that only an officer who is not subject to a disciplinary action is eligible. This provision raises several concerns for law enforcement executives. For example, what types of disciplinary actions does this cover? Does this provision apply only to current investigations and actions? How would officers ascertain that an out-of-state law enforcement officer is subject to a disciplinary action and therefore ineligible to carry a firearm?

Additionally, while the legislation does contain some requirements to ensure that retirees qualify to have a concealed weapon, they are insufficient and would be difficult to implement. The legislation fails to take into account those officers who have retired under threat of disciplinary action or dismissal for emotional problems that did not rise to the level of ''mental instability.'' Officers who retire or quit just prior to a disciplinary or competency hearing may still be eligible for benefits and appear to have left the agency in good standing. Even a police officer who retires with exceptional skills today may be stricken with an illness or other problem that makes him or her unfit to carry a concealed weapon, but they will not be overseen by a police management structure that identifies such problems in current officers.

Finally, the IACP is also concerned over the liability of law enforcement agencies for the actions of off-duty officer who uses or misuses their weapon while out of state. If an off-duty officer who uses or misuses their weapon while in another state, it is likely that their department will be forced to defend itself against liability charges in another state. The resources that mounting this defense would require could be better spent serving the communities we represent.

The IACP understands that at first glance this legislation may appear to be a simple solution to a complex problem. However, a careful review of these provisions reveals that it has the potential to significantly and negatively impact the safety of our communities and our officers.

Again, the IACP is strongly opposed to this legislation and we urge you to oppose it as well.

Thank you for attention to this important issue to law enforcement executives.

Sincerely,

JOSEPH POLISAR,
President.

Mr CUNNINGHAM. Mr. Speaker, I rise today to strongly urge Members to vote ''yes'' on my bill, the Law Enforcement Officers Safety Act of 2003 (H.R. 218) to allow qualified off-duty and retired law enforcement officers to carry concealed weapons in any jurisdiction. The bill has broad bipartisan support with 296 cosponsors.

The benefits of the legislation are twofold—officer safety and improved public safety. Many jurisdictions do not allow off-duty officers to carry concealed weapons. Due to the unique responsibilities and dangers that come with law enforcement, off-duty officers are at a greater risk than most Americans. It is not uncommon for off-duty officers to run into people they have arrested or helped to incarcerate. There have been documented instances where felons have sought retribution against officers who helped to put them in jail or prison. It is only right that the men and women who put their lives on the line everyday when they go to work be afforded the right to protect their families and themselves while they are off duty.

These concerns apply not only to off-duty officers, but to retired officers as well. A criminal who is seeking retribution does not care that the officer who put them away is retired. It is a disservice to those men and women who risked their lives to perform a public service to be deprived of the right to defend themselves and their families simply because they retired.

Legal issues are also posed when neighboring jurisdictions have different regulations for carrying concealed weapons. An off-duty officer is faced with a problem when he is traveling state to state or even city to city. In a circumstance where his/her home jurisdiction requires off-duty officers to carry, but he is traveling to a jurisdiction where the law prohibits carrying concealed weapons, the officer is forced to choose which law to break. Does he leave his gun at home and break the law in his home jurisdiction, or take it with him and break the law when he enters the next jurisdiction?

Aside from the issues of self-defense and jurisdictional conflicts, H.R. 218 provides additional officers to prevent crime, without the cost. There are countless stories of retired and off-duty officers who have prevented crime and protected everyday citizens because they were allowed to carry concealed weapons. In

this time of heightened security, it seems only logical that additional means to prevent crime and even terrorism be implemented. Off-duty and retired law enforcement officers have the training to recognize suspicious activity and prevent crime. When qualified off-duty and retired police officers are allowed to carry, more law enforcement officers are put on the street at zero cost to taxpayers.

Mr. Speaker, I would like to take a minute to read some stories from around the United States where off-duty officers have prevented crimes, in part, because they were allowed to carry their firearm. The first story is from my hometown of San Diego.

OFFICER FINDS WORK ON HER DAY OFF

(By Joe Hughes)

HILLCREST.—For San Diego police Officer Sandra Oplinger, it was anything but an off day. Olinger ended up capturing a suspected bank robber at gunpoint on her day off yesterday.

She happened to be in the area of Home Savings Of America on Fifth Avenue near Washington Street about 12:30 p.m. when she saw a man running from the bank, a trail of red smoke coming from an exploded red dye packet that had been inserted into a wad of the loot.

With her gun drawn, she tracked down and caught the man. Citizens helped by gathering up loose bank cash. The incident began when a man entered the bank and asked a teller if he could open an account. The teller gave him a blank form and he left. He returned 10 minutes later, approached the same teller and declared it was a robbery, showing a weapon and a demand note he had written on the same form the teller had given him.

He then grabbed some money and ran out the door. The dye pack exploded outside, leaving a trail of smoke that attracted Oplinger's attention and led to the suspect's arrest.

The names of the man and a possible accomplice in a nearby car were not immediately released. A gun was recovered.

DEPUTY APPARENT TARGET OF ROBBERY, CARJACKING

Gunfire was exchanged on Milwaukee's north side Wednesday during an attempted robbery and carjacking.

An off-duty Milwaukee County Sheriff's deputy was the victim of an attempted robbery and carjacking Wednesday afternoon as he was leaving the Advance Auto Parts store near Teutonia and Hampton Avenues, WISN 12 News reported Ben Tracy said. The deputy, who had a gun exchanged fire with one of the suspects. No one was injured or hit by gunfire, Tracy reported. Milwaukee Police and Milwaukee County Sheriff's deputies were on the scene. They were examining a car they believe belongs to the suspects. They were searching for two suspects.

OFF-DUTY OFFICER SHOOTS ATTACKER

An off-duty Houston police officer shot a man in southwest Houston early Sunday.

The officer, whose identity was not released, was working in the parking lot of a reception hall in the 9500 block of Wilcrest. About 3 a.m., he repeatedly asked two men who were talking to two women to leave the parking lot and go inside the building, officials said.

The men refused to leave and confronted the officer. The confrontation escalated to an assault, according to the Houston Police Department, with one of the men knocking off the officer's eyeglasses.

The officer, whose vision was impaired after being hit, said he saw a man approaching him with his arms near his pockets, police said. They said the officer asked him to stop, when he didn't, the officer drew his weapon and fired. Daryl D. Gorman, 30, was taken to Ben Taub Hospital with gunshot wounds to the hip and left side investigators said. He was listed in fair condition Sunday.

The officer, a 16-year veteran of the Fondren division, received facial injuries. No charges had been filed Sunday.

OFF-DUTY POLICE OFFICER, SUSPECTED ROBBER SHOOT EACH OTHER

SOUTH GATE, CA. (AP).—An off-duty police officer exchanged gunfire with a would-be robber early Saturday morning. Both men were wounded but were expected to survive, police said. Fabian Mejia, a three-year veteran of the Calexico Police Department, was using a corner pay phone shortly after midnight when a 19-year-old gunman demanded money from him, said Lt. Darren Sullivan of the South Gate Police Department.

After the men shot each other, the suspect got in a car and left as Mejia called 911. Police arrested the gunman and an 18-year-old woman with him after they arrived at a nearby hospital, Sullivan said. Their names were not immediately released. Mejia was in stable condition at a hospital while the suspected robber was in serious but stable condition, said Sullivan.

Mejia was in South Gate, just southwest of Los Angeles, to visit his parents, Sullivan said.

OFFICER SHOOTS AT YARD-STATUE THIEVES

(By Peggy O'Hare)

An off-duty Houston police officer followed two men who stole concrete statues from his front yard Tuesday and fired at the driver when he pointed a gun at him, authorities said.

Officer J.H. Lynn said two men forced their way through his front yard's locked gate at 12:45 p.m., took two statues from the lawn and drove off.

The officer followed the thieves to get their license plate number. When they reached the 1000 block of West 25th, they turned around and drove toward Lynn, with the driver pointing a handgun at the officer.

Lynn fired his duty weapon one time at the driver, but the pair drove through a ditch and sped away.

TULSA POLICEMAN SHOOTS INTRUDER

(By Mick Hinton)

TULSA.—A month after joining the Tulsa police force, Mark Sole shot the hand of an intruder early Monday in the front yard of the officer's home. The intruder and an accomplice are suspected of breaking into Sole's garage. Sole and his wife were awakened about 6 a.m. by noises coming from their garage. Sgt. Wayne Allen said. The officer found two men in his garage. Allen said one man ran, but Sole held the other at gunpoint in his front yard. "He ordered the suspect to take his hands out of his pocket, and the suspect had a dark metallic object," Allen said. The officer apparently thought it was a weapon and shot the man in the hand, Allen said.

Police arrested John Warren Kays, 29, of Tulsa and took him to Tulsa Regional Medical Center, where he was being treated, Allen said.

COP SAVES TEENS FROM PIT BULLS

(By Bradley Cole)

EAST CHICAGO.—AN EAST CHICAGO POLICE OFFICER SHOT AND KILLED TWO PIT BULLS TUESDAY AS HE CAME TO THE RESCUE OF TWO LOCAL TEENS WHO FACED SERIOUS INJURY. POLICE OFFICER JOHN MUCHA WAS ASLEEP TUESDAY AFTERNOON AFTER WORKING A MIDNIGHT SHIFT WHEN THE PIERCING SCREAM OF A 16-YEAR-OLD BOY WOKE HIM UP. MUCHA RAN TO THE WINDOW AND SAW TWO PIT BULLS ATTACKING A YOUNG MAN IN THE 5000 BLOCK OF TOD AVENUE. BEFORE HE COULD REACT, MUCHA WATCHED AS THE BOY, WITH THE PIT BULLS CHASING HIM, JUMPED A FENCE TO SAFETY. THEN HE HEARD A SECOND SCREAM. AS MUCHA TURNED TO THE WINDOW AGAIN, HE SAW THE PIT BULLS PIN A 14-YEAR-OLD GIRL TO THE SIDEWALK AND BEGIN MAULING HER.

East Chicago Sgt. Joe De La Cruz said Mucha, in his underwear and T-shirt, grabbed his gun and ran barefoot into the street. As Mucha approached the girl, the two pit bulls turned their attention toward him, De La Cruz said. "Officer Mucha then positioned himself between the girl and the pit bulls," De La Cruz said. "The dogs made a pass at him, then attacked. He shot at the dogs, wounding them both, before they ran off." De La Cruz said Mucha took after the first dog, which he managed to corner. He said the dog tried to attack Mucha again, he shot it and killed it.

Within seconds, Mucha ran after and spotted the second dog on a nearby porch. Once again, as Mucha approached the dog, it tried to attack and was shot to death.

Police said the boy wasn't seriously injured, but the girl was taken to St. Catherine Hospital in East Chicago, where she was treated and released. De La Cruz said the dogs' owner, Anna Gonzalez, 24, of 5013 Tod Ave., received numerous tickets from East Chicago dog warden Steve Ruiz before the incident. He said she also received numerous tickets afterward and has prompted the city to once again crack down on pit bulls. "We passed an ordinance 10 years ago that anyone who owns a pit bull must have $1 million in insurance," De La Cruz said. "All pit bulls must be registered at City Hall. They must be on a leash and muzzled when they're walked." De La Cruz said pit bulls are becoming a problem again, and the city plans to step up its efforts to ensure that pit bull owners are complying with the law.

Mucha will receive an official commendation from East Chicago Police Chief Frank Alcala for his bravery, De La Cruz said.

H.R. 218 is strongly supported by the Law Enforcement Alliance of America, the Fraternal Order of Police, the National Troopers Coalition, the National Association of Police Organizations, the International Brotherhood of Police Officers, and many others. In most cases, H.R. 218 is their #1 legislative priority. These groups have worked tirelessly for over 10 years to see the passage of this legislation. I want to thank them for all their hard work and diligence in seeing H.R. 218 come to the Floor.

I also want to thank the 296 members who cosponsored H.R. 218 this year. Their support has been crucial in getting a vote on this bill this year.

During this time of heightened security, it makes sense to put more qualified officers in a position to prevent crime. Mr. Speaker, I strongly urge my colleagues to vote "yes" today on this crucial piece of legislation. I thank Members and so will their cops.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time, and ask for a no vote.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 218, as amended.

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

A motion to reconsider was laid on the table.

INCREASING MAXIMUM AMOUNT OF HOME LOAN GUARANTY AVAILABLE UNDER HOME LOAN GUARANTY PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. BROWN of South Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4345) 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.

The Clerk read as follows:

H.R. 4345

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

SECTION 1. INCREASE IN, AND ANNUAL INDEXING OF, MAXIMUM AMOUNT OF HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES.

(a) MAXIMUM LOAN GUARANTY BASED ON 100 PERCENT OF THE FREDDIE MAC CONFORMING LOAN RATE.—Section 3703(a)(1) 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.''.

□ 1515

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the rule, the gentleman from South Carolina (Mr. BROWN) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4345. This bill would provide the largest increase in the VA home loan guaranty since 1978, increasing the maximum home purchase guaranty from $240,000 to $333,700. That is a 39 percent increase.

Additionally, this measure would provide for annual increases in the home loan guaranty to match rising housing prices. It would do so by linking the VA loan limit with the conforming loan rate of the Federal Home Loan Mortgage Corporation. Not only would this measure assist our veterans, but it would ensure that our courageous servicemembers fighting in Iraq, Afghanistan, and throughout the world, along with their families, can take part in the American dream of homeownership.

In fiscal year 2003, the VA guaranteed 419,717 home loans for veterans and 57,129 home loans for active duty servicemembers. Since the program's inception in 1944, the VA has guaranteed more than 17.5 million home loans, thus providing homeownership opportunities to millions of veterans and their families.

This is a good bill; and I thank my colleagues, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentlewoman from California (Mrs. DAVIS), for their bipartisan cooperation.

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

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

Mr. Speaker, I rise in strong support of H.R. 4345. I would just like to begin by saying that managing this legislation for our side is particularly meaningful for me today because I have fought to improve the VA's home loan program since I was first elected to Congress over 3 years ago.

I also wanted to thank the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Ranking Member EVANS) for bringing this legislation before the Committee on Veterans' Affairs and for sending it to the House floor.

I certainly want to thank my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), with whom I have been honored to serve on the Committee on Veterans' Affairs, for working with me over recent months to perfect legislation that brings significant improvements to the home loan program administered by the Department of Veterans Affairs.

Mr. Speaker, I have heard from many veterans in San Diego about the need to increase the loan amount under the VA's home loan program. Simply put, veterans living in high-cost areas cannot use the VA loan because the current limit of $240,000 is not nearly enough to purchase a home in regions such as San Diego where the median price for a home has now reached $500,000. Far too many of our veterans cannot take advantage of the benefits that come with a VA loan because of this low limit.

I also fear that many veterans in my community will never have the opportunity to buy a home without a subsidized VA loan. My staff heard from one disabled veteran shortly after I was elected who tried to purchase a home in San Diego; and unfortunately, with the low limit in the VA program, he was not able to find anything affordable and still lives in an apartment today.

It is my goal to let veterans know that homeownership is a real possibility for them.

The bill before Congress today, H.R. 4345, introduced by me and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), would not only increase the home loan limit to $333,700, but it would index the amount to the Freddie Mac criteria to guarantee automatic increases annually.

America's veterans deserve to be on an equal footing with the general public in today's competitive real estate markets. The bill before the House accomplishes exactly that. I urge my colleagues to support this important legislation.

Though passage of H.R. 4345 will be a victory for our veterans, I intend to keep working hard on this issue to ensure that they can continue to achieve homeownership and that the home loan program is effective.

Just last week, I introduced H.R. 4616 to extend a VA home loan pilot program set to expire in September of 2005, which would offer adjustable rate mortgages to veterans. Like the general public, our veterans should have the ability to choose the type of mortgage that will best suit their needs.

After fighting for the United States, our veterans deserve the opportunity to live in their own home. I am hopeful that my colleagues will continue to support improvements to our veterans home loan program.

Again, I am truly honored that the House is considering this legislation so that we may assure meaningful home loan benefits to America's veterans.

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

Mr. BROWN of South Carolina. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I am very pleased to speak on behalf of this legislation, which was introduced to improve the VA home loan program. The Veterans Housing Affordability Act, H.R. 4345, is a good government solution which will assist veterans across the Nation at no cost to the taxpayers.

Homeownership is one of the main building blocks of strong communities and also a strong economy. A home is the largest financial investment most American families will ever make, and it allows them to build financial security as the equity in their home increases. Moreover, this tangible asset provides a family with borrowing power to finance important needs such as the education of their children. It is also a nest egg with very reliable and significant returns on investment regardless of race, color, or creed.

The VA has been providing home loan guarantees to men and women who serve our country since 1944. Under this program, the veteran purchases a home through a private lender and the VA guarantees to pay the lender a portion of the loss if the veteran defaults on the loan. Because of this benefit, millions of veterans have been able to realize the American dream of owning their own home.

Since its inception in 1944, the VA has guaranteed $748 billion in loans for 16.9 million homeowners. In 2002, the VA guaranteed more than $40.1 billion

in loans to finance the purchase or refinance 317,250 homes. Obviously, this program is a rip-roaring success. It has been a tremendous asset to veterans and their families at minimum cost to the government.

The first decade of the 21st century, however, has seen an expansive growth in home values. For homeowners this has been a tremendous boon. They have seen their tangible asset increase in value. In some regions, home values have more than doubled in the last 5 years.

However, those not fortunate to already be a homeowner are facing daunting prices for entry-level homes. In New Jersey, median housing prices hover in the 300 to $400,000 range. The same is true for other regions in Connecticut, California, Washington, Virginia, Maryland, Illinois, and even my home State of Florida.

Many soldiers postpone their homeownership until after they are out of the service. For these brave veterans, as median housing prices rise, the VA benefit actually decreases. The rising housing market erodes the purchasing power of the VA home loan. Depending on where the veteran lives, the $240,000 amount is simply insufficient to cover their housing needs.

This is simply wrong. At the very least, we owe our veterans the same chance at the American dream after their service as they had the day that they enlisted.

H.R. 4345 indexes the maximum VA guarantee amount to 25 percent of the Freddie Mac conforming loan rate. The prevailing VA loan limit would be $333,700, and it would continue to automatically adjust to the market and to the housing needs of veterans.

The good news is that the Congressional Budget Office has determined that this bill actually saves the government money. Imagine that, helping veterans and saving money. According to the CBO projection, it will save $39 million in 2005 and $208 million over 5 years and a whopping $288 million in 10 years.

We are all very proud of the men and women who serve our Nation past and present, and I hope that the Members will agree that the value of the veterans benefit should not vary depending on where they live or when they purchase a home. I think this legislation is important and very timely, and I urge support of this legislation.

I certainly want to thank the gentleman from New Jersey (Chairman SMITH) and also the gentleman from South Carolina (Mr. BROWN) for their leadership on issues affecting veterans; and the gentlewoman from California (Mrs. DAVIS), who was an original cosponsor on this legislation, should also be recognized for her strong support in bringing about this legislation.

Additionally, Senator CORZINE has introduced the bill in the Senate, and we are hoping for some speedy action there. This truly is obviously a bipartisan effort to assist veterans throughout our Nation, and I urge support of this legislation.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 4345. This bill is an example of bipartisan legislation that the House Committee on Veterans' Affairs has voted for.

It includes provisions drawn from H.R. 1735, introduced on April 10, 2003, by the gentlewoman from California (Mrs. DAVIS), and H.R. 4065, introduced by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) in March of this year.

H.R. 4345, a compromise bill, increases the VA home loan amount to that provided by the Freddie Mac program for a single family residence. It also indexes the VA home loan amount to the Freddie Mac program, thereby taking into account future needs in this program. This is something that the veterans deserve.

In addition, I would like to note that the original Davis bill would have generated more savings than the original Brown-Waite bill, but this bill exceeds the CBO savings for either bill. These savings will be needed to pay for improvements to benefit our Nation's current and future veterans. The Committee on Veterans' Affairs has ordered these much-needed improvements reported to the House in H.R. 1716, which contains the provisions and cost savings of H.R. 4345. Veterans across the country are anxiously awaiting this bill's scheduling to come under suspension.

Mr. BROWN of South Carolina. Mr. Speaker, we have no further speakers at this time, and I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MICHAUD).

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

I rise in strong support of H.R. 4345, which provides an increase in the home loan amount for veterans.

I want to thank the gentlewoman from California for introducing H.R. 1735, which raised our awareness of this very important issue, and for her bipartisan work on this matter. I am glad that the provisions of H.R. 1735 are included in the bill we are considering today.

I also want to thank the gentlewoman from Florida for introducing her bill, H.R. 4065, and for her continued dedication to this issue.

H.R. 4345 is a bipartisan compromise bill which includes the best features of H.R. 1735 and H.R. 4065. I appreciate the gentlewoman from Florida's willingness to include the higher amount proposed by the gentlewoman from California's (Mrs. DAVIS) bill and to limit the loan amount to that provided under Freddie Mac for a single family home.

As a result, we obtain maximum savings for the home loan provision without including the higher amounts under the Freddie Mac program for multifamily units which have a significant higher foreclosure rate.

By limiting the amount to that for a single family dwelling, the risk of loss to the taxpayer is lessened.

In my hometown of East Millinocket, a person can buy a three-bedroom home for $35,000. However, I recognize in other parts of the country, and indeed other parts of the State of Maine, homes are much more costly.

□ 1530

This bill would provide necessary home loan benefits to veterans regardless of where they live, whether in East Millinocket or San Diego. Veterans who serve our Nation should be able to obtain homes through the Department of Veterans Affairs anywhere in the United States.

I note that a similar provision of H.R. 4345 has been included in section 301 of H.R. 1716, the ''Veterans Earn and Learn Act.'' I would like to thank the chairman, the gentleman from New Jersey (Mr. SMITH), and the ranking member, the gentleman from Illinois (Mr. EVANS), and the subcommittee chairman, the gentleman from South Carolina (Mr. BROWN) for their leadership on this issue.

In closing, Mr. Speaker, I also would like to acknowledge the newest member of the Committee on Veterans' Affairs, the gentlewoman from South Dakota (Ms. Herseth), who will also be speaking on this bill. I look forward to working with the gentlewoman from South Dakota on the committee to improve benefits for our veterans.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of H.R. 4345, and would like to take this opportunity to thank my colleagues on the Committee on Veterans' Affairs, especially the gentlewoman from Florida (Ms. BROWN-WAITE) and the gentlewoman from California (Mrs. DAVIS) for bringing this issue forward.

For many years, the gentlewoman from California (Mrs. DAVIS) has been advocating for this, and I am glad that we are taking it up on suspension today. Like all Americans, our veterans dream of obtaining the American Dream of homeownership. Our veterans have fought selflessly on behalf of our country and are entitled to the benefits we have promised them, including home loan benefits.

Unfortunately, for many, the dream is faced with many obstacles. The current VA home loan limits of $240,000 prevents many veterans from using home loan benefits to purchase a home in many high-cost areas, like California, Florida, and many parts of the State of Texas, which affect my veterans who are retired.

This legislation indexes the maximum loan amount to 100 percent of

the Freddie Mac Conforming Loan Rate to make the VA home loan program compatible with the home loans available to the public nationwide. Additionally, the legislation allows the maximum VA loan amount to adjust automatically each year to the Freddie Mac standard in order to remain compatible with the national housing market.

This legislation is extremely important. During 2003, three million veterans took advantage of the VA home loan program. Three million. And I am also very positive that more veterans will be able to take advantage of these benefits because of the improvements we have made today.

As our troops are fighting in Iraq and Afghanistan, we must continue to show them and to say thanks from a grateful Nation. This particular piece of legislation is something that is needed and I am real pleased we have had this opportunity. I cannot think of a better way of saying thanks to all our soldiers and our veterans than by improving the benefits to our soldiers with this legislation.

Once again, I thank the two authors.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Ms. Herseth).

Ms. HERSETH. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of H.R. 4345, which will provide an increase in the home loan amount for veterans. As a new Member of the House Committee on Veterans' Affairs, I am pleased to speak in support of this bipartisan measure.

As has been mentioned, H.R. 4345 would increase the amount of the VA loan guarantee to 25 percent of the Freddie Mac loan amount for a single-family home, and automatically increase the amount whenever the Freddie Mac amount was changed. This has the effect of matching the VA loan guarantee to that of Freddie Mac. As importantly, the bill generates savings of $288 million over 10 years.

This bill will impact veterans in South Dakota and around the country. Some areas, such as San Diego, have much higher real estate prices. However, I believe our veterans, no matter where they choose to live, should have an equal opportunity to obtain a home loan from the Department of Veterans Affairs. This bill will provide that opportunity.

As the gentleman from Maine (Mr. MICHAUD) noted, this bill contains provisions identical to those included in section 301 of H.R. 1716, which I have proudly cosponsored. While I am new to the Congress, I recognize the need to provide for the costs associated with improved benefits for veterans. The $288 million in savings from this bill would free up the resources for Congress to pay for many of the provisions in H.R. 1716, which will benefit the 76,000 veterans in South Dakota and millions of United States veterans who have served in wartime and in peacetime.

I would like to thank our chairman, the gentleman from New Jersey (Mr. SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS) for welcoming me to the Committee on Veterans' Affairs as well as for their work on this bill. I look forward to working with them and others to provide for our Nation's veterans.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I, too, proudly rise today in support of H.R. 4345 and in support of all the veterans that stand to benefit from its passage.

I would like to thank the gentlewoman from California (Mrs. DAVIS) and the gentlewoman from Florida (Ms. BROWN-WAITE) for recognizing that veterans need help meeting the staggeringly high increases in the cost of buying their own home. And, Mr. Speaker, I would like to especially thank the gentlewoman from California (Mrs. DAVIS) for introducing her original legislation, H.R. 1735, which first brought attention to this issue last year by gathering 61 cosponsors of her proposal to increase the loan guarantee.

The old loan guarantee of $60,000, which provides a loan of $240,000, is not sufficient in Guam to meet the cost of buying a home, and I expect that this is also true in San Diego, Florida, and all over the United States. The new maximum amount in this legislation addresses this problem to help veterans secure the mortgage financing that they need.

I look forward to further opportunities to improve the benefits available to veterans, and urge my colleagues to support this important piece of legislation. This will be such good news for our veterans across the Nation. On Guam, it will be particularly welcomed, since many of our veterans feel shortchanged when it comes to veterans' benefits. I strongly support H.R. 4345.

Mrs. DAVIS of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. TERRY). The gentlewoman from California has 7½ minutes remaining.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentlewoman from California (Mrs. DAVIS) and the gentlewoman from Florida (Ms. BROWN-WAITE) for their work on this important issue.

Mr. Speaker, I am pleased to rise in support of H.R. 4345, and I am very proud to support opportunities for our veterans to own their own home. Who better can we support to realize the American Dream than those who fight to keep the American Dream alive for all Americans? Unfortunately, in many cities, including my home city of Los Angeles, the goal of owning a home is elusive for many families because of the high price of homes. However, this bill will provide significant assistance to veterans who wish to own their own home, and I am pleased to support it.

I am proud to be a cosponsor of the bill of the gentlewoman from California (Mrs. DAVIS), H.R. 1735, which would have increased the maximum amount of the home loan guarantee. However, I am pleased to support this bill, sponsored by the gentlewoman from Florida (Ms. BROWN-WAITE) and supported by the gentlewoman from California, which will increase the maximum loan guarantee to $333,700 and index loan amount to 25 percent of the Freddie Mac Conforming Loan Rate to make the VA's home loan program compatible with the home loans available to the public nationwide.

By indexing the loan rate Congress will assure that veterans will continue to have the opportunity to purchase homes regardless of how high the Conforming Loan Rate climbs.

Mr. Speaker, this bill is a small but important gesture to thank veterans for their service to our country. I am pleased to support this bill and urge my colleagues to support is also.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am delighted to be part of this bipartisan recognition that sometimes you have to expand government. There are times when government is too limited and too small to perform its vital social role, and, apparently, Members on both sides recognize this is a case where we have not given the government enough of a role in providing housing to our veterans.

Since our veterans, of course, fought for this country and served, it is appropriate that we do this. What this bill does is to raise the loan limit to the VA, which means, of course, into this very important government program, the Veterans' Affairs Department being part of the Federal Government and being supported by tax dollars, although this is a program that does not need a lot of subsidy, under this bill, this particular government program will be expanded. It will make more people eligible and it will cover more homes.

In particular, it will bring some States back into the union. In much of Massachusetts, in much of California, in parts of Illinois programs like the Veterans' Affairs housing and the FHA and others might as well be in Ukraine, for all the use the American citizens who live there can get from them because the housing prices have gone too far.

So I am very supportive of this. It is a very important way to show one more example of how we appreciate what our veterans have done. It is a very relevant example of the times when you should expand the reach of government so we can provide services that the private sector alone would not do. Obviously, if the private sector was

entirely able to do this on their own, there would be no need for the VA guarantee.

This is a good example of how public and private sectors cooperate. It is not a case of either/or. It sets a useful precedent, too, for legislation that I hope we will be dealing with soon, that the gentleman from California (Mr. MILLER) and I and others have sponsored to do a similar adjustment for the FHA.

So I thank the members of the committee for this sensible recognition that we need to adjust programs to meet different conditions, and in particular, for understanding that there are times when the responsible thing for us to do, I hope on a unanimous basis, is to expand the role of the Federal Government.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume to thank my colleagues for their support of this valuable piece of legislation for our veterans.

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

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

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume to commend the continued cooperation which has been so evident in the work of the Subcommittee on Benefits and urge my colleagues to support H.R. 4345.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BROWN) that the House suspend the rules and pass the bill, H.R. 4345.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 4345.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, proceedings will resume on the following questions and motions to suspend the rules, which shall be taken in the following order:

The previous question on House Resolution 686, by the yeas and nays;

The adoption of House Resolution 686, if ordered;

H.R. 4635, by the yeas and nays;

H.R. 4053, by the yeas and nays; and

House Concurrent Resolution 460, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 686 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 222, nays 200, not voting 11, as follows:

[Roll No. 286]

YEAS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
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)
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
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
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
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
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—11

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Greenwood
Hastings (FL)
Israel
Tauzin
Weldon (PA)

□ 1608

Mr. DINGELL and Mr. RUSH 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 (Mr. TERRY). 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 220, noes 200, not voting 13, as follows:

[Roll No. 287]

AYES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
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)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
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)
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
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
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
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
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—13

Bereuter
Berman
Buyer
Carson (IN)
Cox
DeMint
Deutsch
Gephardt
Greenwood
Hastings (FL)
Israel
Tauzin
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1616

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.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART III

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4635.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4635, on which the yeas and nays are ordered.

This will be a 5-minute vote.

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

[Roll No. 288]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
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 (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
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)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
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
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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
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
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
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)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Greenwood
Hastings (FL)
Hunter
Israel
Jones (OH)
Meek (FL)
Tauzin
Taylor (NC)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). There are 2 minutes left in this vote.

□ 1624

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES INTERNATIONAL LEADERSHIP ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4053.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4053, 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 365, nays 56, not voting 12, as follows:

[Roll No. 289]

YEAS—365

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
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
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
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)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
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
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—56

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Bonner
Burgess
Cannon
Carter
Chocola
Coble
Collins
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Harris
Hayes
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Isakson
Johnson, Sam
Jones (NC)
King (IA)
Manzullo
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Renzi
Schrock
Shadegg
Smith (MI)
Tancredo
Tiahrt
Toomey
Wamp
Weldon (FL)

NOT VOTING—12

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
Meek (FL)
Souder
Tauzin
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1632

Messrs. FEENEY, HAYWORTH, WAMP and BURGESS changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGARDING THE SECURITY OF ISRAEL AND THE PRINCIPLES OF PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 460.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 460, 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 407, nays 9, answered ''present'' 3, not voting 14, as follows:

[Roll No. 290]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
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 (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
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)
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
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
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
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
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
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
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
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Conyers
Dingell
Kilpatrick
Kucinich
Lee
Paul
Stark
Waters
Woolsey

ANSWERED ''PRESENT''—3

Payne
Watson
Watt

NOT VOTING—14

Bereuter
Berman
Boucher
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
Kirk
Meek (FL)
Neugebauer
Tauzin
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1641

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KIRK. Mr. Speaker, earlier today, I missed rollcall vote No. 290, H. Con. Res. 460, regarding the security of Israel and the principles of peace in the Middle East. As a strong supporter of the state of Israel had I been present I would have voted "yea".

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1205

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1205.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3720

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3720.

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

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4548, the bill about to be considered.

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

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The SPEAKER pro tempore. Pursuant to House Resolution 686 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. 4548.

□ 1641

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. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

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

Mr. Chairman, I rise in support of H.R. 4548, and I ask my colleagues on both sides of this great House to support this bill. Casting their vote is a vote of confidence, respect, and deep admiration for the honorable and heroic patriots who toil quietly, and usually without notice, throughout the intelligence community in order to keep

us safe, prosperous, and free in this wonderful country. It is imperative that these men and women understand in these troubled times that this House holds them in the highest regard and appreciates that the work accomplished by them is critical to the defense of our liberty and security. Amid great sacrifice and often intense conditions, the men and women of the intelligence community continue to perform their missions with great energy and admirable devotion to duty. We commend these officers. The security of our Americans at home and abroad truly relies on their success.

Mr. Chairman, if my colleagues like the Defense appropriation bill that passed yesterday on a vote of 403 to 17, then this bill should equally please my colleagues today. Yesterday's Defense appropriation bill was coordinated closely with the House Permanent Select Committee on Intelligence, and our funding levels are very, very close. The Intelligence bill currently before the House, however, authorizes funding slightly above the level the appropriators set for intelligence funding. In fact, this Intelligence bill funds the intelligence community at its highest levels in history. It exceeds the total fiscal year 2004 appropriated level for the intelligence community, including all supplementals, approximately by hundreds of millions. As my colleagues know, we cannot be totally precise on the numbers we speak. For all intelligence programs in this bill, the committee authorizes a total of approximately 16 percent over the President's February request.

This bill increases investment in human intelligence and the capabilities that they represent for us, the core mission of our intelligence community. It improves intelligence analysis, coverage in depth, so that we have more focused, sharper information for our decisionmakers. It strengthens intelligence community language capabilities across the board, through both improved legislative authorities and initial investment, so we have the people who know the languages we need to know to do our job.

It improves the structure and management of the disparate elements of the intelligence community's information technology systems by creating an intelligence community Chief Information Officer, hopefully to get better coordination so that we can overcome some of the problems we learned as we reviewed the events of 9/11. It bolsters U.S. counterintelligence resource capabilities; and, specifically, it adds 22 percent above the President's request for human intelligence and human-related programs. That is the core business of intelligence. Substantial increases in funding for improved analytical capabilities, as I have said, are included.

Significant additional amounts for information technology infrastructure, what we call enterprise architecture, is included, and information-sharing capabilities, which are critical. Tens of millions are included for improved foreign language capabilities.

This money has been carefully applied; it is carefully managed. This bill is very close to the bill passed unanimously out of our sister committee in the other body, with one major exception, of course, that they did not have the benefit of the contingent emergency relief fund during their consideration.

□ 1645

So, it is fair to say that our bill is more generous to the global war on terror than the other body's version, and that bill enjoys bipartisan support, unanimous bipartisan support I am informed.

Some in the minority have suggested that voting down this bill somehow better supports our intelligence community and makes our country safer. In my view, that is a convolution to the point of absurdity. They say if an attack happens before the election, it will somehow be our fault for not funding the global war on terror.

I would point out that the 2004 fiscal year goes on until October, and any shortage of resources would be of interest to those who did not support the $87 billion supplemental bill for fiscal year 2004.

All I would say is that the majority in the House Permanent Select Committee on Intelligence voted to support the men and women of the intelligence community in this bill today. We did not vote against the community and we did not shortchange the community in the global war on terrorism.

Now, there is an irony here. For years, I have been trying to get more support for intelligence. Usually the record will show that usually the cutting amendments have come from certain Members of the minority, as is their right. Now, it seems my sin is to bring forth a bill that spends not enough on intelligence rather than too much. Frankly, I think I should declare victory and say thank you all for listening.

But I will be disappointed, on a serious note, if at the end of this day, Members on all sides cannot agree that this bill authorizes proper sums carefully managed and properly coordinated with the appropriators and the other affected committees.

This is a very good bill with many important aspects that I have outlined. Indeed, it is with some hope I note the classified version of the minority views in their very first paragraph admit as much. Members who took the time to come up to the committee spaces to review the classified annex, which is available to all Members as usual, have seen the important work this committee has done.

Our work is not done in the public with klieg lights all the time. But it is a little misleading to suggest, as some have, that the committee product is less worthy because we do take seriously the responsibility, our commitment it is, to safeguard properly classified material by using closed sessions. That, incidentally, has been the practice for all the recent Congresses that I have been on the committee.

We must also be mindful that our enemies watch and hear what we say. Our audience is the American people primarily. Those are the people to whom we are accountable and responsible and proud of the work we do, and are pleased to share it with them. But, unfortunately, our enemies are listening too, and we are a Nation at war. Sometimes the enemy is able to gauge their conduct on how this body acts. They are able to use psychological warfare to drive wedges. They also could gain an enormous advantage if we do not take the appropriate opportunities to keep from public discourse our committee discussion on the sensitive intelligence matters that we are charged with overseeing. And when we have that debate in committee, I like the committee to have the full range of conversation, so we start out with the idea in closed session and then we winnow out what we can talk about in public, which is why we are here today talking about what we can talk about in public.

For the past 7-plus years, I have been working to refit the intelligence community for its future, with the members of the committee, for whom I am extremely grateful, to posture it for the days ahead. We have always worked hard on the committee to create a constituency for intelligence inside and outside of this institution. We have insisted that the committee be both supportive advocates and constructive overseers. None of like gotcha politics when it comes to national security.

I have tried to engage the past two administrations on the needs to retool the Intelligence Community for smarter, better days ahead, and I have had the full support of the committee in our efforts so far. This bill continues that effort. I urge its adoption.

Mr. Chairman, I submit the following for the RECORD.

STATEMENT OF ADMINISTRATION POLICY—H.R. 4548—INTELLIGENCE AUTHORIZATION ACT FOR FY 2005

The Administration supports House passage of HR 4548, which authorizes appropriations for fiscal year 2005 for the conduct of the intelligence and intelligence-related activities of the United States Government. The committee-reported bill authorizes funding that strengthens core intelligence capabilities and supports intelligence activities that would sustain the Global War on Terror.

Now more than ever before, our Nation's security relies on accurate, timely, and actionable intelligence—and the challenges facing the intelligence community are difficult and complex. This makes it vitally important for the administration and Congress to work together to provide the intelligence community with the tools and resources it needs to enhance our national security posture, win the Global War on Terror, and reduce the proliferation of weapons of mass destruction.

We are making advances in our ability to collect, process, and analyze intelligence information. Although not part of this bill, crucial innovations such as the PATRIOT Act and the Terrorist Threat Integration Center are helping us to protect our homeland by sharing information better than ever before. The President has also expressed his interest in working with Congress, when the time is right, to examine structural reforms that may be needed to improve our intelligence capability in the future. The upcoming reports of the Senate intelligence Committee and the 9/11 Commission, along with the work of the Commission on Intelligence Capabilities Regarding Weapons of Mass Destruction, will provide important information that will help Congress and the Administration in this effort.

The Administration looks forward to working with Congress to support the vital work of the intelligence community, especially its counterterrorism activities, to assure continued strong, flexible intelligence capabilities, and to refine certain provisions in this bill, including relating to procurement, to ensure that these provisions maintain the flexibility the President needs to most effectively manage the ongoing war against terrorists of global reach.

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

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

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

Ms. HARMAN. Mr. Chairman, strong intelligence is our first line of defense in the war on terrorism. And make no mistake, we are at war. The gruesome beheadings of Danny Pearl, Nick Berg, Paul Johnson, and yesterday's murder of 33-year-old Kim Sun Il of South Korea are stark reminders of the nature of our enemy.

Our brave men and women in the intelligence community are on the front lines fighting that enemy. They risk their lives for our freedom and they deserve our unflinching support. Yet, unfortunately, Mr. Chairman, this legislation deprives them of full support. This bill provides less than one-third of the key funding that the intelligence community has told us they need to fight the war on terrorism. Less than one-third.

I want to use my time to engage the gentleman from Florida (Chairman GOSS) in a brief dialogue on this important issue. I would like to ask my colleague directly, on my time, Mr. Chairman, does this bill provide all of the counterterrorism funding that the intelligence agencies have told our committee they need for the coming year? Yes or no.

I yield to the gentleman.

Mr. GOSS. Mr. Chairman, officially yes, because we do have the statement of support from the administration on this bill.

Ms. HARMAN. Well, Mr. Chairman, I appreciate that response, but the classified schedule of authorizations in the majority's bill specifically states that the additional funds are only for the first quarter of the year. Well, that is woefully inadequate.

The gentleman from Alabama (Mr. CRAMER), the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Iowa (Mr. BOSWELL) all proposed an amendment to fully fund counterterrorism. Let me demonstrate exactly what this full funding amendment does. The majority's bill funds only first quarter ops tempo for counterterrorism. The full funding amendment, which we hope to offer, funds a full year for counterterrorism.

The majority's bill gives the CIA 11 percent less than fiscal year 2004 funding, whereas the full funding amendment we had hoped to offer gives the CIA 5 percent more than 2004 funding. The majority's bill funds only 5 percent of the NRO's CT budget, 19 percent of NSA's CT budget, 26 percent of NGA's CT budget, and 35 percent of the CIA's CT budget. The full funding amendment funds 100 percent of these budgets.

Finally, the majority's bill provides no supplemental funding for critical CT HUMINT support functions whereas the full funding amendment provides full funding for all the HUMINT support functions.

In short, Mr. Chairman, H.R. 4548 is too weak. What is the President going to tell the American people when they learn that we are going to have a gap in counterterrorism funding next year? There could be a gap of 3 to 4 months before we pass a new supplemental. And during that gap, our Nation will be at unnecessary risk at a time when, for example, we will be having events like the presidential inauguration and the Super Bowl.

The majority has twisted itself into a pretzel trying to justify this weak bill, all the while bemoaning the harmful impact of budgeting-by-supplemental on our intelligence community's ability and our committee's ability to do robust oversight.

Jim Pavitt, the CIA's Deputy Director for Operations, gave a speech this week in which he said that, ''there is no end in sight'' to the terrorist threat we face. Terrorism is no longer a one-time emergency. It is no longer something we should scramble around to fund. It is our way of life. It is our central national security challenge. And if the White House or the majority does not understand that, then we are in serious danger.

In our committee we offered several amendments to strengthen intelligence and strengthen oversight. They were common sense measures. Yet, all of them were rejected on party line votes.

Mr. Chairman, we know terrorists are actively planning to attack us again. We know there is nuclear material out there that is unaccounted for for sale to the highest bidder. We know the next attack will be followed by the usual Washington hand-wringing about why we did not do more.

The rule under which we debate today has squandered an opportunity to do much more. We have lost an opportunity to strengthen intelligence, to strengthen congressional oversight, to retire the soon-to-be-vacant DCI position and replace it with a 21st century organization capable of integrating 15 intelligence agencies into one intelligence community and to keep full faith with the brave men and women who are on the front lines at this hour risking their lives for our freedom.

This bill is weaker, far weaker than the American people deserve.

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

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the House Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, a world controlled by terrorists or threats of terrorists is not acceptable. A world controlled by dictators or dictatorial regimes or corrupt regimes is not acceptable. The United States of America is vulnerable on many fronts to these types of threats, but the more effective our intelligence operations, the better we are at what we do in the field of intelligence, whether it is technical intelligence or human intelligence. The more effective our intelligence is, the more secure America is and will be.

I believe we did very well in the area of overhead technology, as well as other types of technology, many of which we cannot even talk about here in this open session today, but we have not done nearly as well on human intelligence. And today's world requires a very effective human intelligence capability.

The gentleman from Florida (Chairman GOSS) and I have discussed this many, many times, because, as we appropriate for the intelligence activities, we work very closely with my colleague as he authorizes intelligence activities.

This bill, while I am sure you will hear much debate today that it is not a perfect piece of legislation, is a very good step toward making our intelligence capability far more effective. And I would say again, effective intelligence is good security. The more effective the intelligence is, the more secure our Nation and our people.

I commend the gentleman from Florida (Chairman GOSS) for the good work that he has done in preparing this legislation. I know that there will be serious debate. There will be amendments that will be offered. But I have to give credit to the chairman for having produced a good product.

I hope that the House will vote on this bill in big numbers. While we worked together in developing our appropriations bill that we passed yesterday, we actually came up with our own conclusions, but our conclusions were very similar in to those in this authorization.

So I support the bill and I commend the chairman.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the House Committee on Armed

Services, the committee on which I was honored to serve for 6 years.

Mr. SKELTON. Mr. Chairman, this is an important bill. It provides for the programs and activities in our national intelligence agencies. As the attacks of September 11, 2001, and the war in Iraq have taught us, timely and accurate intelligence is so vitally important in both protecting our country domestically as well as enabling us to act militarily.

I view this bill from the perspective of having served on the Committee on Armed Services for over 25 years, and also as a former member of the Permanent Select Committee on Intelligence. Year in and year out, both of the bills from the Committee on Armed Services as well as Permanent Select Committee on Intelligence historically passed the House with broad bipartisan support.

That is why I am troubled by the path the intelligence authorization bill has taken this year. I cannot remember the last time an intelligence bill passed out of committee on a party line vote or when amendments offered in committee were all voted down on a party line. I am also disappointed that the Committee on Rules only made in order one Democratic amendment.

□ 1700

What is all the more disappointing is that apparently the reason for the posture of this bill is that the majority has been unwilling to provide as much funding for counterterrorism activities as intelligence agencies have told the committee they need. I would remind my colleagues that we are now in a war against terrorism. I would think that we should make sure that all the funding goes into the counterterrorist area.

So although this bill may provide an overall increase in funding, which is a positive note for these intelligence activities, the details really are important. It is unfortunate we cannot increase the budget in the places that need to have it the most; and though I will favor this bill, I must express my disappointment, my deep disappointment at the shortage in this area.

Mr. GOSS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), a chairman of a subcommittee of the committee.

Mr. GIBBONS. Mr. Chairman, I rise today in very strong support of H.R. 4548, the Intelligence Authorization Act for fiscal year 2005.

As the chairman of the Subcommittee on Human Intelligence, Analysis, and Counterintelligence, I can say unequivocally that H.R. 4548 is one of the best, most far-reaching, most constructively critical, and urgently needed authorization bills that I have been involved in.

The bill makes urgently needed fixes to the CIA's human intelligence collection capability that even the DCI suggested was 5 years away from being adequate. I do not believe we can or should wait 5 years, and it also authorizes a very sizeable amount beyond the DCI's base request to ensure we keep up the maximum possible operational tempo against the counterterrorism and counterproliferation targets, both inside and outside the theater of war.

In the area of analysis, significant new funds will be provided to address a critical concern: the simple lack of analytical depth. The DI analytical cadre is badly in need of bench strength and real expertise. We have been burning up our analysts in wartime conditions and shipping the majority of them to cover pressing counterterrorism requirements since the mid-1990s without being able to adequately backfill positions.

Those analysts need to have the right skills, firsthand exposure to countries or issues they cover, cultural appreciation and, if at all possible, the necessary foreign language skills in order to be effective, and H.R. 4548 addresses all of these issues, particularly with regard to language, which has consistently been a high-priority item for the Permanent Select Committee on Intelligence and a pressing need for the whole intelligence community.

The bill addresses counterintelligence shortfalls, ensures that the necessary infrastructure for field operations, training, and a host of other important activities are adequately funded, and brings astonishingly new technical tools into play.

The bill continues the committee's long-standing efforts to get the CIA's dangerously flawed compensation reform plan back on track; and it demonstrates that we strongly support a more aggressive, risk-taking, innovative intelligence collection posture. Such a posture would finally give us a fighting chance to penetrate terrorist groups. It would also allow us to tackle other hard-target countries, countries that have plans and intentions to do us harm.

Overall, H.R. 4548 demonstrates that we are going to back up our spies and our analysts when it counts the most.

To my distinguished colleagues on both sides of the aisle, this war we are in is not just about Iraq or about Afghanistan or about where Osama bin Laden may be hiding. It is truly a global war on terrorism with significant global challenges; and these include money laundering, illicit traffic, the preaching of hate, kidnapping, extortion, and even at the national level, as we saw, the Madrid train bombing and the elections that followed.

It is a war that is going to take time to win. It is a war that is going to take fortitude to win, and it is a war that is going to take a substantial and continued investment in our intelligence community.

I ask my distinguished colleagues to support H.R. 4548 for the sake of our Nation's security. Some of my colleagues across the aisle have decided that it is not important to provide for the intelligence community in the middle of the global war on terrorism, and I say it could not be more important.

This bill moves us closer to acquiring the capabilities and directions that are needed not only to win the war on terror but to win the peace in Iraq and to make sure we do not forget about the rest of the world. We must never forget that the actions of others affects U.S. national security interests. We must never retreat in the face of evil.

Vote ''yes'' on H.R. 4548 because it is urgently needed. The Nation simply cannot afford to shortchange its men and women out on the frontlines.

Ms. HARMAN. Mr. Chairman, those of us on this side of the aisle feel it is important to fund stronger intelligence in the global war on terror, and it is now my pleasure to yield 2 minutes to the gentleman from Texas (Mr. REYES), a dedicated member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentlewoman for yielding me the time, and I also want to express my appreciation to the gentleman from Florida (Mr. GOSS), our chairman, and the ranking member for the hard work that they always put into these kinds of efforts and legislation.

Mr. Chairman, there is much that we expect from our military, from our intelligence personnel, and from our civilian employees in what we call this war on terrorism. We all take a great deal of pride in their work, their professionalism, their dedication, and, yes, sometimes the sacrifice that they make by making the ultimate sacrifice on behalf of our great Nation.

So my question this afternoon is, When we expect so much from them, why can we not expect the same from ourselves? Why can we not put together a piece of legislation that supports them with the same dedication, the same professionalism, the same level, 100 percent, of the funds that are required for them to succeed?

In this legislation, Mr. Chairman, I was pleased to see that some focus in this bill is on improving the functioning of the new intelligence analysis element of the Department of Homeland Security. I was also pleased that the bill, in general terms, recognizes the importance of sharing information between the Federal, local, and State levels and also the Federal levels such as the FBI.

I was, however, Mr. Chairman, disappointed that the bill did not include language supportive of focusing on the necessary resources of the El Paso Intelligence Center, such as enhancing the key contributions that it makes towards homeland security through intelligence analysis and information sharing. Just as the committee has increasingly supported the FBI's joint terrorism task forces as a potentially useful model for information sharing, EPIC is also a successful model for focusing intelligence and law enforcement resources on protecting the U.S. Southwestern border.

I am most disappointed, Mr. Chairman, that this bill does not include a

provision like the Peterson amendment, which would have funded the intelligence requirements at the full 100 percent level in this war on terrorism. This is not about whether we supported the $87 billion supplemental, not about politics. It is not about anything other than giving the full amount of resources that are necessary to dedicated personnel in the field.

Mr. GOSS. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from North Carolina (Mr. BURR), a valued member of the committee and distinguished Member.

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

Mr. BURR. Mr. Chairman, our enemies are watching us. The terrorists know it is an election year, and they want us to become divided. They believe that a terrorist act against our country will influence our elections. They have a belief that democracy can be divided; yet they underestimate the passion of our citizens and their patriotism.

Despite the decision of minority Members to play politics with this bill, I believe we all are united against our enemies. These are serious times, and it is important that we send a message to our enemies that we cannot be divided. Support this intelligence bill. Send the message.

It sends the message that we are on the offensive to eliminate the threats to our homeland. Our intelligence community needs to know the United States Congress supports them 100 percent.

This bill increases the funding for the global war on terrorism. It increases by 22 percent our human intelligence. It supports our effort on counternarcotics to eliminate the 17,000 Americans that die every year from drug-related causes and the $160 billion annually in health care, social, and criminal costs. We have provided extra funding for the DCI to tackle this problem in this country.

On a personal note, Mr. Chairman, I would like to bid farewell to my colleagues on the House Permanent Select Committee on Intelligence. I have enjoyed serving under the leadership of the gentleman from Florida (Chairman GOSS), and I think we are all fortunate that he was in the Chair immediately following September 11. The gentleman from Florida (Chairman GOSS) was the right man for our country when we needed an intelligence community with expertise, intelligence, moral clarity, and compassion. We will miss him.

I would also like to recognize the gentleman from Nebraska (Mr. BEREUTER), who will also leave, and wish him good luck on his future endeavors. I have been proud to serve with both of them.

Immediately after September 11, the esteemed chairman of the Committee on International Relations came to this floor and quoted the words of Sir Winston Churchill which he wrote 6 decades ago: ''Civilization will not last,'' Churchill wrote, ''freedom will not survive, peace will not be kept, unless a very large majority of mankind unite together to defend them.''

We were united on September 11. Let us unite today. Let us support the Intelligence authorization bill. Let us do it because it is the right thing to do.

Ms. HARMAN. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL), ranking member of the Subcommittee on Human Intelligence, Analysis, and Counterintelligence.

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

Mr. BOSWELL. Mr. Chairman, I thank the gentlewoman for the time.

I thank the gentleman from Florida (Mr. GOSS) for his hard work. I agree with some things that have been said about the gentleman's good work. I actually thought, and I do not say this in anything but a gentleman's way, I thought he would accept our idea to fully fund counterterrorism. He surprised me, but I still do not take away from his good work, and I want him to understand that.

But the debate over the Intelligence authorization bill this year has been a hard fight. There are some serious disagreements about what the best bill to protect the American people ought to look like.

I believe this bill has not gone far enough to strengthen intelligence and strengthen oversight.

We, in this House and on the Permanent Select Committee on Intelligence, have not shied away from standing strong and debating these issues head-on. I believe what the American people deserve is our best effort to support what we believe is right.

A lot of good work has gone into the bill. As the ranking Democrat on the Subcommittee on Human Intelligence, Analysis, and Counterintelligence, I am glad to see funding and support for analysis.

As we have reviewed the intelligence on Iraq's WMD, it has become clear to us that analysis did not have the ability to examine the reliability of sources. It now appears, for example, that all four sources that Secretary Powell relied upon to describe Iraq's mobile bioweapons facilities were not solid. I hope that this bill's support will improve the quality of analysis so that a future Secretary of State has better intelligence at his or her disposal.

I am also pleased to see investment in long-term HUMINT needs, the hiring and training of new case officers. The demands of the counterterrorism campaign have been great and the intelligence agencies have worked hard to meet those demands, but the war in Iraq has stretched our resources. According to The Washington Post, one of the largest intelligence efforts since the Vietnam War is under way there.

I am concerned that the demands Iraq has placed on our intelligence resources have left large parts of the world alarmingly undercovered.

While this bill makes long-term investments, the bill falls short on addressing some of the most urgent needs. This bill only provides one-third of the additional funds the intelligence agencies say that they need to fight terrorism.

The President will not send the rest of the funding request to Congress until after the election, at the same time that he is urgently warning of a possible terrorist attack before the election. To me, this state of affairs is unacceptable.

I say to my good friends and colleagues here today, What should the American people expect us to do? They expect us to do what is right to provide them safety through funding counterterrorism. I hope the President will send this supplemental funding request to Congress before then so we can get on with the business of protecting the American people.

I had hoped that this bill would have been stronger, stronger in its support to the dedicated men and women of the intelligence community, and I look forward to working with my colleagues to improve it as we go through the conference.

Mr. GOSS. Mr. Chairman, I would say to the distinguished gentleman in the well who just finished that I would have been pleased to have the opportunity to try and work out his amendment if we had seen it ahead of time before committee.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. COLLINS).

□ 1715

Mr. COLLINS. Mr. Chairman, I thank the gentleman from Florida (Chairman GOSS) for yielding me this time.

Mr. Chairman, I rise in strong support of the Intelligence Authorization Act for the next fiscal year. Yes, we are at war. We are at war and a different kind of war than we have seen before. We are at war with an enemy who has no identity, who has no uniform and has no country. And I agree with the statement that was made earlier. I see no end in sight for this war. But, Mr. Chairman, I also see no end to the funding in sight for the intelligence community who does such a good job of providing us with valuable information.

The President said it right at the podium there just past February when he said we are a Nation of many responsibilities, but the primary responsibility of this country and this government is the safety of the American people. We are discussing the authorization for funding, funding that was passed yesterday in the defense appropriation bill. We disagree on the funding levels, yes. We also disagree on whether or not we should create a new bureaucracy, a new level of bureaucracy to head up what I call a super spy organization for the intelligence community.

But as we move forward with the changes that are being made today over at the CIA with the retirement of Director George Tenet, we need to also keep in sight those who are doing the job and make sure that they have the funds and the funds that would be available under this authorization to perform their duties.

We will debate the differences, the differences we have based on the different political parties, the different philosophy, and then we will vote on those differences later on in this process, but I urge those on both sides of the aisle that when it comes to the final passage of this authorization, we should all vote yes. We should vote to support those who are in harm's way gathering information so that we will have the correct information, as best as possible, to fight the war on terrorism and protect the American people.

Ms. HARMAN. Mr. Chairman, I would point out to the gentleman from Florida (Chairman GOSS) that our amendments were shared in advance and our views on budgeting by supplemental have been known for years and are shared by the majority.

Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), a courageous member of our committee.

Mr. PETERSON of Minnesota. Mr. Chairman, here in general debate, I feel it is necessary to repeat what I said earlier for the sake of colleagues who may be listening in their offices before they come down here to vote.

This authorization bill has a lot of good things in it, and I want to commend the gentleman from Florida (Chairman GOSS) and the ranking member, the gentlewoman from California (Ms. HARMAN) and my colleagues for the work that they have put together in this bill. And to the gentleman from Florida (Chairman GOSS), I want to say that this Member will miss you when you are gone next year, and we appreciate your leadership.

But this bill just is not strong enough. It does not fully authorize funds for the intelligence community's key counterterrorism operations. It authorizes less than a third of the funds that the intelligence agency needs for key counterterrorism operations next year, and that is just not the right thing to do when the Nation is under threat from terrorism.

The administration has said that they are going to send down another supplemental request next year, but there is ample evidence that al Qaeda is plotting to strike us again this year, next year and into the future.

This bill leaves 3 to 4 months open funding before a supplemental bill can get through this Congress. If there is another terrorist attack, do we want the next 9/11 commission to find that the Congress failed in our duty to fully authorize funding for counterterrorism? I think not.

In the Permanent Select Committee on Intelligence, we sit up there for hours listening to the different agencies tell us how critical it is for these funds to be authorized. They roundly criticize the practice of funding them on recurring supplementals. Supplementals prevent them from planning effectively. They prevent us from doing adequate oversight. They have to rob Peter to pay Paul while we wait for these additional funds to arrive, and they will probably not receive those funds until sometime next year, in April or May, and as I said, it is going to leave 3 or 4 months open.

Supplementals have also been roundly criticized on our committee by a bipartisan membership in the committee. The agencies have indicated with some precision that additional funds that they will need in the coming year, what they are, and we have addressed that.

So the question before the Congress is quite simple. Do we want to fully authorize funds for the intelligence community's counterterrorism requirements, or do we not? As it stands now, the majority answer to that question is no, and I think we need a stronger bill.

Mr. GOSS. Mr. Chairman, could I inquire the status of the time on both sides?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. GOSS) has 12 minutes remaining. The gentlewoman from California (Ms. HARMAN) has 15½ minutes remaining.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER), a dedicated member of our committee, who is ranking member on the Subcommittee on Technical and Tactical Intelligence.

Mr. CRAMER. Mr. Chairman, I want to thank the gentlewoman from California (Ms. HARMAN), and I want to say to the gentleman from Florida (Chairman GOSS) that I have enjoyed his service on this committee. And even though we have had strong differences here at the very end, we have enjoyed his dedication to these issues and we will miss him.

To the gentlewoman from California (Ms. HARMAN), of course, I count on your leadership and your dedication to the field as well.

Mr. Chairman, I am the ranking member of the Subcommittee on Technical and Tactical Intelligence, and I served with the gentleman from Michigan (Mr. HOEKSTRA) on the other side of the aisle. And we have had another good year as well, and despite my differences over the counterterrorism funding, I want to talk about positive aspects of this bill that I do support.

In addition to the investments in human intelligence and language skills, the bill strengthens our Nation's tactical and technical collection and analytical capabilities.

I am proud to say that H.R. 4548 advances the analytical efforts at the Missile and Space Intelligence Center, known as MSIC, which is in Huntsville, Alabama, my Congressional district.

MSIC works to assess the capabilities of surface-to-air missiles that continue to be proliferated across the globe by illicit arms traffickers and terrorist groups threatening both military and civilian aircraft. And those men and women there at MSIC work very hard to make sure that we are right on the edge of analyzing that material, and we provide them the skills and the tools and the funding to do that with.

At this time, also I want to thank my colleague from the Alabama delegation, the gentleman from Alabama (Mr. EVERETT) who is also on this select committee. He looks after Alabama's involvement through the Missile and Space Intelligence Center through those good people there that work on those issues, and we in north Alabama thank our lower Alabama native for his dedication and support there as well.

But we will continue with this effort to make sure that we give the field the tools that they need to do the work that they should be able to do. A better understanding of the threat capability is needed, and this is a bill that provides for that as well.

So all in all, I think this is a good bill, and in spite of my strong feelings that we should have fully funded counterterrorism, there are strengths in this bill.

Ms. HARMAN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member for her leadership in the committee, and to the chairman of the full committee, who has given much for this country, both in service and in representing his congressional district, as well as this committee, I salute him, and we all salute him for it.

To the gentleman from Nebraska (Mr. BEREUTER), who will be leaving the House of Representatives, I salute him as well for his wonderful service on the House Permanent Select Committee on Intelligence.

Mr. Chairman, last week was really quite an extraordinary week for those of us who serve on the House Permanent Select Committee on Intelligence. Breaking with past precedent, all committee Democrats voted against the intelligence authorization bill in the committee markup. And there was one primary reason for that, and that is that counterterrorism is underfunded significantly, by two-thirds, in this authorization bill.

I have said more than once you cannot have a 100 percent commitment to counterterrorism and the global war on terrorism if you are only going to fund it by 33 percent.

We have failed, I believe, to do everything we can to strengthen the oversight. Truth is the oxygen of democracy, and it is the responsibility of members of the House Permanent Select Committee on Intelligence to pursue the truth through strong oversight.

We offered amendments to fully fund the intelligence community's counterintelligence operations, and we offered amendments in the committee to

strengthen oversight. They were rejected by the majority. I offered the amendment at getting the straight story on the Defense Department's relationship with a man by the name of Ahmad Chalabi.

I want to know why the Department invested so much political and financial capital in a man with such a checkered past. The CIA terminated its relationship with him because it found him to be unreliable. The State Department could not account for how he was spending U.S. Government funds. And despite the obvious warning signs, the Defense Department could not wait to give him more money. Now we are finding out that Mr. Chalabi's organization may have fed the intelligence community misleading or fabricated information on Iraq's weapons of mass destruction. He may have been instrumental in persuading the administration that the Iraqi people would welcome U.S. soldiers with open arms, rather than improvised explosive devices.

That is why we have come to the floor. That is why we have come to the floor with our objections. Bipartisanship means that people come together. It does not mean that one side stands and says, you have to meet us 100 percent in order to make it bipartisan. We should be able to agree on the money for counterterrorism and for stronger oversight.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. LAHOOD), the distinguished chairman of the Subcommittee on Terrorism and Homeland Security.

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

Mr. LAHOOD. Mr. Chairman, let me add to what I said in the rule about the chairman. No one in this House, for the last 10 years, has done more for the intelligence community, for the people who work in the intelligence community than the gentleman from Florida (Mr. GOSS). No one has.

As a former CIA agent, he came to the House with the kind of experience that I think most of us would relish, and he took it to the Permanent Select Committee on Intelligence and has done an extraordinary job. Now, does anybody believe that somebody like Porter Goss is going to sell short the intelligence community; is going to sell short the men and women who work in dark places in the world? It is not even believable.

He has been working at it for 10 years as a member of the committee, 8 years as the chairman, and he served as an officer of the CIA. This is nonsense for you to be coming to the floor trying to persuade people, the American people or Members of the House, that the chairman of the committee is going to sell short the CIA. Baloney. Do not believe it. If you are watching this on C–SPAN, do not believe it.

This guy has been committed to this stuff his whole life. You think he is going to take the committee down this primrose path? Of course, he is not. So do not come here with your charts and do not come here with your staged speeches and try and diminish the work this fellow has been doing on behalf of people all over this world to collect intelligence and do a good job.

No better person here in this House to talk about intelligence and funding it and making sure that we have the money to do it than PORTER GOSS. And we thank him for his service. Thank God he was the Chair of the committee when 9/11 happened.

And for people who come to the floor and have voted against opportunities to fund defense and to fund counterintelligence, really, to me, you have no standing here when you come down here and say we are selling it short. You know it is baloney. You know it is not factual. And you know that the American people are not going to buy it. This guy is not going to sell the intelligence community short.

Bipartisanship ended this year, but it started last year with a document in the other body, where a whole game plan was laid out where the Democrats were going to try to diminish this administration and use the intelligence community to do it. That is not right. It is not fair to people who work hard in this business, who spend their careers trying to find people who want to do harm to America. But that is the way it is. That is what happens around here.

And you have fallen into this trap where your leadership has decided they are going to use the intelligence community to try to diminish the work of people who work hard, for no good reason except for political gain. You know what? People in the House are not going to buy it.

I say support the bill. It is a good bill. It is a bill that was drafted in a way that will help the intelligence community do the hard work that needs to be done.

□ 1730

It will provide the funding that needs to be provided, and it is a tribute to the chairman of the committee. This is his last bill. And for those of my colleagues to stand on the floor and diminish that, I think is wrong.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a reasonably recent and very dedicated member of our committee.

Mr. HOLT. Mr. Chairman, there are a few good features in this bill. For example, the bill supports the State Department's Bureau of Intelligence and Research funding request and provides additional funding for enhanced training of State Department intelligence activities. Following my request last year when my amendments with regard to foreign language instruction were rejected and the leadership assured me that we would take care of it this year, I worked closely with the gentleman from Nebraska (Mr. BEREUTER) on a number of important provisions. I am pleased to acknowledge the work that he did. Nearly $29 million of the $33 million in language programs that we find in this bill were what I had specifically recommended or even written. They will do a number of things to improve our proficiency in critical languages.

But I am very disappointed in a number of failures. There was a commonsense amendment I offered to provide foreign language instruction for students of science and engineering at American universities. It was a simple idea. We need it. It was voted down on party lines. But the fundamental problem, and this is what we keep coming back to today, all the world knows that there have been some major intelligence failures. We read it in the world's press. In fact, too often we read about these things in the world's press a day or two after critical people have come before our committee and failed to tell us what we need to know in order to exert oversight.

The reason we are talking about the underfunding here is because the approach that the administration is taking, the approach that the leadership here is endorsing is funding by supplemental appropriations. It removes the oversight process. A large fraction of the funding for counterterrorism is now removed from the oversight process, and it compromises the work of this committee, it compromises the work of this Congress, and it results in a fundamentally flawed authorization bill.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA), who is the chairman of our Subcommittee on Technical and Tactical Intelligence but was also on probably the most recent delegation back from Iraq, and I appreciate the extra effort that he and his colleagues made.

Mr. HOEKSTRA. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 4548, the Intelligence Authorization Act. I am disappointed by some of the rhetoric that we have heard from the other side of the aisle today. The last speaker on the other side of the aisle referenced the unwillingness of the committee to accept an amendment. The problem is, there are other committees in this House that have jurisdiction. I have similar bills in the Committee on Education and the Workforce. The Permanent Select Committee on Intelligence accepted a significant portion of what the gentleman from New Jersey presented. We accepted it. The Committee on Education and the Workforce passed on jurisdiction, meaning that even though we have responsibility to review it, we respect the leadership of the chairman of the committee, we respected the work of the members of this committee, and we respected and realized how important it was to get that done. So we passed on it and we said, let the intelligence bill carry this forward.

But when it comes to the little amendment, there is no thank you, no thank you to the Committee on Education and the Workforce for passing the majority of what this individual wanted and letting it go without jurisdiction.

What I have learned out of this process is that perhaps the next time the gentleman from New Jersey proposes an amendment, we maybe accept the amendment with a realization that says the committee of jurisdiction also ought to have the process and also ought to have the opportunity to review.

This chairman has led the committee graciously and effectively for a long period of time. Members on the other side of the aisle are talking about funding. When they had the opportunity to fund the intelligence community earlier this year, the majority of the minority said, No, we are not going to give the intelligence community the money that they need. Thankfully, the will of the House went in the other direction.

What has happened in this process is a breakdown in bipartisanship. It has characterized this committee for as long as it has been on the Hill. I hope that as we move forward, as we move through conference we can come back to a bipartisan approach that the men and women in the field look to each and every day. They want to know that the people here in Washington and the people around the country support the effort.

I urge my colleagues to support this bill.

Ms. HARMAN. Mr. Chairman, I commend the last speaker for his sincere efforts at bipartisanship.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), our rookie on the committee.

Mr. RUPPERSBERGER. Mr. Chairman, first I think I do have to respond to some of the comments made from the colleagues on the other side of the aisle. I do respect each and every member of this committee, and this committee should be bipartisan, and our goal is U.S.A. first. I think some of the comments that were made have to be addressed.

First, there is a lot of respect for our chairman, the gentleman from Florida. This is not about a personal attack on the gentleman from Florida. I respect the gentleman from Florida. I respect what he has done as it relates to the intelligence community throughout his career. He has done a great job. However, I was elected to come to the Halls and the floor of Congress to debate issues. It seems to me that the majority thinks that if we disagree on an issue that we are being unpatriotic. That is just not so. We disagree on one major issue and that is the major issue of the funding of counterterrorism. That is what the issue is here today.

My comments are basically about NSA. I happen to represent Maryland's Second Congressional District. NSA is located in my district. I want to acknowledge General Hayden and all the members of NSA both in Iraq and Afghanistan and throughout the world that do a superb job. Unfortunately, the American people should know more about what they do, but we cannot really talk about that.

The bill also makes some reductions in several NSA programs that I believe are too deep. All of the affected programs are essential to NSA's overall technology modernization program, which is key to the future success of the agency. I hope that these reductions will be addressed in conference with the Senate.

Congress last year transferred the authority to review and approve NSA's acquisitions programs to the Under Secretary of Defense for Acquisition in the Defense Department. NSA and the Under Secretary are faithfully implementing this direction, and NSA is, in my judgment, making good progress in restoring confidence in its acquisition management capabilities.

I want to express again my appreciation to the gentleman from Florida. He is an honorable man. He has done a great job. We have a disagreement on an issue. Again, I ask the majority to understand, because we disagree does not mean we are being political. It means that we think this is in the best interests of the United States of America and its national security.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise to engage in a colloquy with the gentlewoman from California, the ranking member of the Permanent Select Committee on Intelligence.

I want to thank the gentlewoman for her steady leadership on so many issues that are very, very grave related to our national security. Let me just say that I appreciate this opportunity to discuss an issue very briefly that is of great importance, that is, ensuring that our Federal intelligence dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

Ms. HARMAN. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentlewoman from California.

Ms. HARMAN. I thank the gentlewoman for yielding. I want to assure her that I understand and fully support the general principle reflected in her point and appreciate her intention in raising this issue. I also want to assure the gentlewoman that, as this bill moves forward, we will be mindful of the issue and will try to be helpful.

Ms. LEE. I thank the gentlewoman for her attention to this issue. I look forward to working with her.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of our committee who is probably better known as a world-class pilot.

Mr. CUNNINGHAM. I thank the chairman for yielding time. I am just an old man today.

Mr. Chairman, I would like to invoke two names: JACK MURTHA and IKE SKELTON. If you watched the defense bill go through here, both in authorization and appropriations, those gentlemen do not care who is President or who has the majority. They fight tooth, hook and nail for the military, for intelligence, and this Nation. I always felt that this committee that I serve on did the same thing, until, as it has been mentioned, last year, unfortunately in election year politics, the Democrat leadership has forced, I think, or at least led some of the more thoughtful members to be partisan. That is the saddest thing.

In the rule, I talked about the gentlewoman from California. During Ronald Reagan's burial, I had tears in my eyes. I could not hold them back. She reached over and took my hand to console me, patted my hand and said, ''Duke, isn't it good to be friends?'' I would tell the gentlewoman from California, we are good friends and the members on the committee I hunt and fish with, a lot of them. Some of the ladies I do not.

What is so disappointing, and I tell my friends on the other side, we could do this just like IKE SKELTON and JACK MURTHA and after sitting in the committee for several hours and watching the intentional partisanship, intent just to hurt the President, even though you know there were a couple of those amendments that I wanted to vote for, but there was no way I was going to vote for them after that and that is sad. I think that we can do better in this committee. We will have dinner together. We will hunt, we will fish, and we will cry together; but I just think it is sad at this.

PORTER GOSS is the finest chairman in defense that I have ever seen in 14 years. His experience at CIA and on this committee, sometimes during the committee I get upset, but the gentleman from Florida is levelheaded, sits there and meets with the ranking member and tries to work through these bills in a very bipartisan way. I think we do ourselves a disservice today in some cases.

I ask Members to vote for this bill.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I rise today in support of H.R. 4548. Am I the only one that finds it odd that my colleagues from the other side are in the position of saying, ''Well, you know, I voted for this thing before I voted against it''? Every one of them voted for it yesterday in the Defense appropriations bill.

Nevertheless, I am proud to serve as a member of this Permanent Select Committee on Intelligence, and it is a distinct privilege to serve as a crossover member on the House Committee on Armed Services. This bill takes the

lead in defense intelligence and fully supports the Secretary of Defense and his initiatives to transform the Department for the future. I think we have a large, but responsible, spending plan here, including the contingent emergency reserve fund; and the challenge will be to integrate these initiatives into baseline efforts for the purpose of fighting terrorism.

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Mr. Chairman, I am disappointed, sincerely disappointed, that my friends on the other side did vote against this bill in committee. It is a sad departure from what we normally do in that committee. But it is a good bill. It properly supports intelligence.

I will submit my entire statement at this time in the RECORD.

Mr. Chairman, I rise today in support of H.R. 4548. I am proud to serve as a member of the Intelligence Committee, and it is a distinct privilege to serve as a crossover-Member on the House Armed Services Committee. I would like to commend the Chairman, Mr. GOSS, for bringing this bill to the floor at a time when it is needed most in our country's history.

H.R. 4548 addresses a critical need for the Intelligence Community and the Department of Defense's architectural strategy, integration, and information sharing among classic intelligence activities (like SIGINT and IMINT) and innovative or dynamic disciplines such as Measurement and Signatures Intelligence (MASINT), and Human Intelligence (HUMINT) that is being increasingly relied on, in our current global conflicts.

This bill takes the lead in Defense Intelligence and fully supports the Secretary of Defense and his initiatives to transform the Department for the future. I think we have a large, but responsible spending plan here, including the Contingent Emergency Reserve Fund, and the challenge will be to integrate these initiatives into baseline efforts for the fight against terrorism.

Mr. Chairman, I would however, also like to express my sincere disappointment on the decision of the minority Membership of the Committee not to vote for this bill. This is a bad departure from the strong tradition of bipartisan support for this legislation.

Mr. Chairman, I am pleased that this bill properly supports the Intelligence Community, and provides our best and first line of defense for America. I urge my colleagues to support H.R. 4548.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. HUNTER), who is actually known as the chairman of the House Committee on Armed Services, and otherwise known as our colleague and friend.

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

And let me just say that when we put the defense bill together, put together with bipartisan support, passed the committee unanimously, we bolted on $25 billion in supplemental for this next year. 2.2 billion of that, after consultation with the gentleman from Florida (Chairman GOSS), we put into the intel side which went into his intel budget. That is only for a couple of months. It was understood that was just for a couple of months.

And I would say to the gentlewoman who said we have underfunded counterterrorism to hold on to her horses because we have got a supplemental coming up for 2005, which will have a large intel piece to it and she will be tired of voting for intel increases.

So there is no cut to the intel budget. This was always intended to be a bridge. And everybody, everybody, on both sides of the aisle, we passed this thing 60 to zero in the committee, an overwhelmingly vote in the full House. It was only be supposed to be for a couple of months at the end of this year so our intel people and the people that wear the uniform would have that bridge in the winter months of this year.

So I want to applaud the gentleman for everything he has done. We did this with total synchronization, total coordination, and we have got a great budget for the folks who carry out the intel duties for this Nation.

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

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

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

Ms. HARMAN. Mr. Chairman, I would point out to our last speaker that the DOD appropriations bill is a $400 billion bill, a small fraction of which is for intelligence. In my view, that is not the place for this debate about fully funding counterterrorism intelligence. The intelligence bill is where we should make our stand. And I do appreciate the gentleman from California's (Mr. HUNTER) clarification, as he just said, that the additional counterterrorism funding in his bill is only for a couple of months.

That is the point we are trying to make, Mr. Chairman. We all are patriots. We all support the troops. We all support our intelligence personnel. We just think that the primary mission of the intelligence community ought to be funded in the base bill, the one we are voting on today.

Mr. Chairman, the Intelligence Authorization bill represents the culmination of many months of work by our community to provide the intelligence community with the resources it needs to safeguard our national security. It also presents an opportunity to lay down important oversight markers so that we can fulfill our constitutionally mandated duty to provide oversight of the intelligence community. The Intelligence Committees were created for precisely this reason, and if we simply become a rubber stamp for the administration, then we might as well cease to exist.

At the outset, let me commend our diligent staff on both sides of the aisle for their hard work and late nights, and let me commend all members of our committee on both sides of the aisle for their focus and dedication to getting it right. Four of them, the gentleman from Florida (Chairman GOSS), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from North Carolina (Mr. BURR), and the gentleman from Georgia (Mr. COLLINS), will leave us this year, and I wish them fair winds. I also want to explain the gentleman from Florida's (Mr. HASTINGS) absence. Our thoughts are with him as he cares for his ailing mother.

Mr. Chairman, this debate has been very difficult, certainly for me. As everyone here knows, over five terms in Congress, I have voted for every intelligence authorization bill and every defense authorization bill, and I have often worked to try to plus-up amounts in those bills. The brave men and women of the intelligence community rely on us. Without us, they cannot do their job. I have traveled around the world and visited with them, and their bravery and courage speaks volumes about how much they love this country.

For all of these reasons, I stand here today with a heavy heart because I feel that unfortunately and needlessly, this bill could have and should have provided for stronger intelligence and stronger oversight.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just wanted to say to the gentlewoman the reason we bolted on $25 billion, not $50 billion, not $75 billion, with a piece of that being carried for her committee was because we have a war in two theatres which is ebbing and flowing. We cannot see into the future. We may need more money in January and February than projected $50 billion or even $75 billion. So I would just say to the gentlewoman, there is plenty of money for current operations. Nobody is being short-changed in this year.

Ms. HARMAN. Mr. Chairman, reclaiming my time, if I could just respond to the gentleman, and I would be happy to yield again if I have any more time if he wants to respond to what I have to say, I appreciate that comment, but mine is a bit different. I understand that we may not fully know what we need. That is why we have supplementals. But in this case we do fully know what we need. We know what the agencies in the intelligence community need for counterterrorism because they have told us, and the amendments we wish had been in order had an unclassified piece, which basically says we should fully fund counterterrorism, and a classified piece, where we carefully allocated across the intelligence community all the money these agencies have told us they need. They told us it is hard to plan for their year without knowing for sure that they will get money.

And the last point I want to make to the gentleman, and I do appreciate what he is saying, is that I do not think we will pass another supplemental until sometime after the first quarter of next year. We will be gearing up in a new Congress, and if we pass the supplemental in next March or April, as I pointed out in my earlier remarks, we may have a gap in funding counterterrorism just at the time when we have the presidential inauguration and the Super Bowl, and those are huge events were maximum counterterrorism efforts are needed.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, let me just say to the gentlewoman that I too have looked at requirements. And intel requirements in those two war-fighting theatres, Afghanistan and Iraq, are as difficult for the intel experts to project as it is for our defense experts, our people who are leading uniformed troops, and there is plenty of money to carry this bridge. This is a bridge fund, and I might say 60 out of 60 people, Republicans and Democrats, agreed this was a good number, and this had the $2.2 billion intel piece embedded in it when we passed it. So I can just tell the gentlewoman there is not going to be a gap.

The CHAIRMAN. The gentlewoman's time has expired.

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

First of all, I want to assure the gentlewoman that I associate myself with stronger intelligence. Her poster, I think, is excellent, and I am delighted that we all agree on that.

Second of all, I want to tell the gentlewoman that I totally agree that the form is not pretty. I do not like supplementals either. We work with what we have to work with. But the substance, I think, came out as well as it could. And I want to thank the distinguished chairman of the Committee on Armed Services for reaching out to help us with the bridge.

In a more direct answer to the gentlewoman's question a while ago about what requests were, and I am going to be very candid, these were the requests we were working with. And they are not for the whole year, but they are the requests to deal with the war on terror. And we actually come up with 32 percent more than what the CIA requested, 100 percent of what DIA requested, 39 percent more than what NSA requested, 88 percent more than NRO, and 19 percent more than NGA.

So we are way ahead in bridging. But obviously, her point is we have not gone for a whole year, and we all understand that. The question is will there be a short-change? And my answer is no. And the problem I have with her solution that she had proposed, somewhat belatedly, if I may say that, and I will come to that point if I have time, is that authorized money without appropriated money behind it is monopoly money, as we all know, and that was part of the problem.

Now let me go to the gentleman from Missouri's (Mr. SKELTON) point, which I think was a very poignant point and I have huge regard for the gentleman from Missouri (Mr. SKELTON), as we all do: What happened this year? And the answer is that normally we do work out all of our differences before we bring our bill out. We get them done in committee. This year we are on a schedule. I thought we had all our differences worked out. I honestly did not know we were going to have some of these amendments that she came up with until a couple of hours before the meeting. I asked that they try to be worked out. Apparently they were.

Normally we need more than 2 or 3 hours to work out something as important as a budget. So I do not think there is any bad intention. What I think is that there is more work to be done, and there will be an opportunity between now and the conference.

I urge support for this bill because I think it is a great place to go forward.

Mr. HASTERT. Mr. Chairman, I rise today in support of this important Intelligence Authorization, and I urge my colleagues to support it.

First of all, I want to congratulate PORTER GOSS not only for his work on this legislation, but also for his distinguished career as a servant for the people.

Everyday, PORTER GOSS has come to work with one thought in mind: How do I make this country a better and safer place?

PORTER, we are going to miss you when you leave this House.

I had hoped that the Minority would give you the respect you deserve and work with you on this bill.

Instead, they want to play politics.

I have to hand it to the Minority. They have taken the strategy that the best defense is a good offense to its extreme.

They have no defense when it comes to their pathetic record on intelligence funding. So they try to cloud the issue by saying that we are not spending enough on intelligence.

What makes this strategy laughable is the fact that just yesterday, House Democrats voted overwhelmingly for intelligence funding in the Defense Appropriations bill.

Yesterday, the funding was just right. Today, they are simply shocked, shocked, that we don't spend enough.

Why the sudden change of heart? Politics, of course. Pure politics.

Throughout the 1990's, leading Democrats offered amendment after amendment to slash Intelligence funding. They offered amendment after amendment in an effort to hamstring the C.I.A. And the Clinton White House not only ignored the Intelligence Community, they disdained it. Bill Clinton himself rarely allowed the CIA Director into the Oval Office.

Let's not kid ourselves. The left wing of the Democratic Party has a long tradition of hostility to the C.I.A. They have never been comfortable with the world of intelligence gathering.

Even after 9–11, many in the Minority have sought to decimate intelligence funding. These same Members who today claim the pending bill is inadequate, voted against emergency supplemental intelligence funding last year.

For members of the Democratic Party to come to the House floor and say that they could do it better than PORTER GOSS is simply not believable.

Mr. Chairman, our intelligence community deserves better than partisan political stunts.

Without intelligence, we cannot win the war on terror.

Intelligence funding helped bring to justice Saddam Hussein and his evil sons, Qusay and Uday. And it has assisted in the death of or capture of 42 of the 55 most wanted criminals of the Saddam regime and of more than 2,700 Al-Qa'ida leaders and foot soldiers around the globe.

Perhaps most important, in the United States, nearly 200 suspected terrorist associates have been charged with crimes with the help of quality intelligence information.

We are doing the right thing with this authorization. Vote to make America safer. Vote for this Intelligence Authorization.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to several aspects of the legislation that we consider, H.R. 4548, the Intelligence Authorization Act for FY 2005. It is ridiculous that of eight quality amendments offered at the Rules * * *.

The most important of the eight amendments offered but not made in order, the Peterson-Cramer-Boswell amendment, would have fully funded the counterterrorism activities of the intelligence community at the amount that the intelligence agencies have suggested be requested. All nine Democrats who serve on the Permanent Select Committee on Intelligence voted unanimously to support this amendment at its markup.

Mr. Chairman, without this important amendment, our intelligence capabilities will be handicapped. The outlays called for in the Peterson-Cramer-Boswell amendment would have provided for additional oversight over intelligence, which is critical, especially in light of the state of confusion that we see in this Administration's intelligence program.

Like President Bush's request in his FY 2005 Budget, H.R. 4548 proposes to fund only a small fraction of the intelligence agencies' counterterrorism requirements. Only 20 percent of the funding requirements for the CIA Counterterrorism Center were called for in the Bush Budget. The fact that the administration then requested a supplemental allocation for the first quarter of FY 2005 evidences the dire need for these monies.

The intelligence community should not have to rely on supplemental funding to carry out its core functions! In the wake of 9/11 and new episodes of terrorism violence almost daily, it is not comforting to know that our intelligence community is operating on supplemental "crutches." While this nation sits in a vulnerable state, the Administration puts us on "ice" until November elections. Very scary.

The CIA Counterterrorism Center has had to wait for supplemental funding for 80 percent of its requirements! Reports from the Houston FBI's Field Intelligence Group (FIG), there have been several reports that one of Houston's major sources of vulnerability, either the airports, the Port of Houston, or the nuclear South Texas Project will be hit by al-Qaeda "sleeper cells." We need the most effective counterterrorism resources available to prevent such an occurrence. Waiting for supplemental funding will not keep our families safe,

especially with upcoming events that would attract a potential terrorist such as the Democratic and Republican National Conventions, the November elections, and Independence Day celebrations.

Mr. Chairman, it is important that, should this legislation pass, the conferees address the fact that less than one-third of what the intelligence agencies have suggested is provided in the proposal. Therefore, I would fully support a motion to recommit for purpose of incorporating the critical addition of outlays to counterterrorism that are needed to secure our homeland.

Mr. Chairman, I urge my colleagues to support a motion to recommit.

Mr. PAUL. Mr. Chairman, I rise in opposition to this legislation. Though I certainly recognize the legitimate national security role of our intelligence community, I have concerns about this authorization and the questionable role played by components of the intelligence community.

Specifically, I am concerned about our history of secret regime changes carried out by our intelligence apparatus. More often than not, we see many of the problems we face today were created as a result of this unwise practice of forcibly changing regimes in secret.

The stories of such activities are numerous. In 1953 the CIA overthrew Mohammad Mossadegh in Iran, installing the Shah as dictator. This led to increasing anti-Americanism, the overthrow of the Shah in 1979, the kidnapping of Americans, the establishment of a hardline Islamic regime hostile to the United States. In the 1980s the United States provided covert support to Saddam Hussein's Iraq in its war with Iran. Ten years later the United States went to war against Saddam Hussein and then 11 years after that the United States went to war again against Saddam's Iraq. In the 1980s the United States provided weapons and training to the Taliban and what later became al-Qaeda in Afghanistan as they sought to overthrow the communist government in power. Some 20 years later, that same Taliban and Osama bin Laden struck out against the United States. The United States then went to war against that Taliban government.

I am also concerned about the efficacy of our intelligence community. The intelligence budget seems to grow every year, but seldom do my colleagues ask what exactly we are getting for our constituents' money. It may be unfair that we only hear about the intelligence community's failures and shortcomings, but we cannot help but be concerned over so many such failures in recent years. Despite the tens of billions we spend on these myriad intelligence agencies, it is impossible to ignore the failure of the intelligence community to detect and prevent the September 11, 2001 attacks.

Additionally, as we now see so clearly, our intelligence community failed completely to accurately assess the nature of the Iraqi threat. We were told of weapons of mass destruction capable of reaching the United States. This proved to be false. We were told of Iraq's relationship with al-Qaeda. This proved to be false. The intelligence community relied heavily—perhaps almost exclusively—on Iraqi exile and convicted criminal Ahmad Chalabi to provide intelligence on Iraq and most of it turned out to be incorrect, perhaps intentionally misleading. Now we are told that Chalabi and his organization may have passed sensitive intelligence to Iran. We have read reports of secret pseudo-agencies set up in the Pentagon and elsewhere whose role appears to have been to politicize intelligence in order to force predetermined conclusions. This does not serve the American people well. These are all by any measure grave failures, costing us incalculably in human lives and dollars. Yet from what little we can know about this bill, the solution is to fund more of the same. I would hope that we might begin coming up with new approaches to our intelligence needs.

I encourage my colleagues to reject this bill and instead begin looking for new ways to strengthen the legitimate functions of our intelligence community so as to better protect the borders and citizens of the United States.

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

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 4548

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Assistant Director of Central Intelligence for Information Management.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Permanent extension of Central Intelligence Agency voluntary separation incentive program.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. National Security Agency Emerging Technologies Panel.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

Sec. 601. Provision for annual funding.
Sec. 602. Modification of obligated service requirements under the National Security Education Program.
Sec. 603. Improvements to the National Flagship Language Initiative.
Sec. 604. Establishment of scholarship program for English language studies for heritage community citizens of the United States within the National Security Education Program.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

Sec. 611. Assistant Director of Central Intelligence for Language and Education.
Sec. 612. Requirement for foreign language proficiency for advancement to certain senior level positions in the intelligence community.
Sec. 613. Advancement of foreign languages critical to the intelligence community.
Sec. 614. Pilot project for Civilian Linguist Reserve Corps.
Sec. 615. Codification of establishment of the National Virtual Translation Center.
Sec. 616. Report on recruitment and retention of qualified instructors of the Defense Language Institute.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Department of Justice.
(10) The Federal Bureau of Investigation.
(11) The National Reconnaissance Office.
(12) The National Geospatial-Intelligence Agency.
(13) The Coast Guard.
(14) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2005, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4548 of the One Hundred Eighth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2005 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account

of the Director of Central Intelligence for fiscal year 2005 the sum of $318,395,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2006.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 310 full-time personnel as of September 30, 2005. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2005 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2006.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2005, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2005 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $29,811,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2006, and funds provided for procurement purposes shall remain available until September 30, 2007.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2005 the sum of $239,400,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR INFORMATION MANAGEMENT.

(a) ESTABLISHMENT OF POSITION WITHIN THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—Subsection (e)(2) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) by striking subparagraph (G); and

(2) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) The Assistant Director of Central Intelligence for Information Management.''.

(b) DUTIES.—Section 102 of such Act (50 U.S.C. 403) is amended—

(1) by striking subsection (h); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR INFORMATION MANAGEMENT.—(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Information Management who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Director of Central Intelligence for Information Management is the chief information officer of the intelligence community.

''(2) Subject to the direction of the Director of Central Intelligence, the Assistant Director of Central Intelligence for Information Management shall—

''(A) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community;

''(B) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components;

''(C) direct and manage all information technology-related procurement for the intelligence community; and

''(D) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director of Central Intelligence for such architecture.

''(3) An individual serving in the position of Assistant Director of Central Intelligence for Information Management may not, while so serving, serve as the chief information officer of any other agency or department, or component thereof, of the United States.''.

(c) REFERENCES.—Any reference to the Assistant Director of Central Intelligence for Administration in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Assistant Director of Central Intelligence for Information Management.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. PERMANENT EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) TERMINATION OF FUNDS REMITTANCE REQUIREMENT.—(1) Section 2 of such Act (50 U.S.C. 403–4 note) is further amended by striking subsection (i).

(2) Section 4(a)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note) is amended by striking '', or section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103–36; 107 Stat. 104)''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. NATIONAL SECURITY AGENCY EMERGING TECHNOLOGIES PANEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 19. (a) There is established the National Security Agency Emerging Technologies Panel. The panel is a standing panel of the National Security Agency. The panel shall be appointed by, and shall report directly to, the Director.

''(b) The National Security Agency Emerging Technologies Panel shall study and assess, and periodically advise the Director on, the research, development, and application of existing and emerging science and technology advances, advances on encryption, and other topics.

''(c) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the National Security Agency Emerging Technologies Panel.''.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

SEC. 601. PROVISION FOR ANNUAL FUNDING.

(a) IN GENERAL.—Title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 105 Stat. 1271), as amended by section 311(c) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2037), is amended by adding at the end of section 810 the following new subsection:

''(c) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $8,000,000, to carry out the scholarship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).''.

(b) CONFORMING AMENDMENT.—Section 802(a)(2) of such Act (50 U.S.C. 1902(a)(2)) is amended in the matter preceding subparagraph (A) by inserting ''or from a transfer under section 810(c)'' after ''National Security Education Trust Fund''.

SEC. 602. MODIFICATION OF OBLIGATED SERVICE REQUIREMENTS UNDER THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) IN GENERAL.—Subsection (b)(2) of section 802 of title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 105 Stat. 1273), as amended by section 925(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1578), is amended by striking subparagraphs (A) and (B), and inserting the following:

''(A) in the case of a recipient of a scholarship, as soon as practicable but in no case later than three years after the completion by the recipient of the study for which scholarship assistance was provided under the program, the recipient shall work for a period of one year—

''(i) in a national security position that the Secretary certifies is appropriate to use the unique language and region expertise acquired

by the recipient pursuant to such study in the Department of Defense, in any element of the intelligence community, in the Department of Homeland Security, or in the Department of State; or

''(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); or

''(B) in the case of a recipient of a fellowship, as soon as practicable but in no case later than two years after the completion by the recipient of the study for which fellowship assistance was provided under the program, the recipient shall work for a period equal to the duration of assistance provided under the program, but in no case less than one year—

''(i) in a position described in subparagraph (A)(i) that the Secretary certifies is appropriate to use the unique language and region expertise acquired by the recipient pursuant to such study; or

''(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); and''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendment made by subsection (a). In prescribing such regulations, the Secretary shall establish standards that recipients of scholarship and fellowship assistance under the program under such section 802 are required to demonstrate to satisfy the requirement of a good faith effort to gain employment as required under subparagraphs (A) and (B) of subsection (b)(2) of such section.

(c) APPLICABILITY.—(1) The amendment made by subsection (a) shall apply with respect to service agreements entered into under the David L. Boren National Security Education Act of 1991 on or after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not affect the force, validity, or terms of any service agreement entered into under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act that is in force as of that date.

SEC. 603. IMPROVEMENTS TO THE NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

(a) INCREASE IN ANNUAL FUNDING.—Title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 105 Stat. 1271), as amended by section 311(c) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2037) and by section 333(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2397), is amended by striking section 811 and inserting the following new section 811:

''SEC. 811. FUNDING FOR THE NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

''(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2003 and 2004.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

''(b) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $12,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

''(c) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available under this section shall remain available until expended.''.

(b) REQUIREMENT FOR EMPLOYMENT AGREEMENTS.—(1) Section 802(i) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(i)) is amended by adding at the end the following new paragraph:

''(5)(A) In the case of an undergraduate or graduate student that participates in training in programs under paragraph (1), the student shall enter into an agreement described in subsection (b), other than such a student who has entered into such an agreement pursuant to subparagraph (A)(ii) or (B)(ii) of section 802(a)(1).

''(B) In the case of an employee of an agency or department of the Federal Government that participates in training in programs under paragraph (1), the employee shall agree in writing—

''(i) to continue in the service of the agency or department of the Federal Government employing the employee for the period of such training;

''(ii) to continue in the service of such agency or department employing the employee following completion of such training for a period of two years for each year, or part of the year, of such training;

''(iii) to reimburse the United States for the total cost of such training (excluding the employee's pay and allowances) provided to the employee if, before the completion by the employee of the training, the employment of the employee by the agency or department is terminated due to misconduct by the employee or by the employee voluntarily; and

''(iv) to reimburse the United States if, after completing such training, the employment of the employee by the agency or department is terminated either by the agency or department due to misconduct by the employee or by the employee voluntarily, before the completion by the employee of the period of service required in clause (ii), in an amount that bears the same ratio to the total cost of the training (excluding the employee's pay and allowances) provided to the employee as the unserved portion of such period of service bears to the total period of service under clause (ii).

''(C) Subject to subparagraph (D), the obligation to reimburse the United States under an agreement under subparagraph (A) is for all purposes a debt owing the United States.

''(D) The head of an element of the intelligence community may release an employee, in whole or in part, from the obligation to reimburse the United States under an agreement under subparagraph (A) when, in the discretion of the head of the element, the head of the element determines that equity or the interests of the United States so require.''.

(2) The amendment made by paragraph (1) shall apply to training that begins on or after the date that is 90 days after the date of the enactment of this Act.

(c) INCREASE IN THE NUMBER OF PARTICIPATING EDUCATIONAL INSTITUTIONS.—The Secretary of Defense shall take such steps as the Secretary determines will increase the number of qualified educational institutions that receive grants under the National Flagship Language Initiative to establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

(d) CLARIFICATION OF AUTHORITY TO SUPPORT STUDIES ABROAD.—Educational institutions that receive grants under the National Flagship Language Initiative may support students who pursue total immersion foreign language studies overseas of foreign languages that are critical to the national security of the United States.

SEC. 604. ESTABLISHMENT OF SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES WITHIN THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES.—(1) Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) awarding scholarships to students who—

''(i) are United States citizens who—

''(I) are native speakers (commonly referred to as heritage community residents) of a foreign language that is identified as critical to the national security interests of the United States who should be actively recruited for employment by Federal security agencies with a need for linguists; and

''(II) are not proficient at a professional level in the English language with respect to reading, writing, and interpersonal skills required to carry out the national security interests of the United States, as determined by the Secretary,

to enable such students to pursue English language studies at an institution of higher education of the United States to attain proficiency in those skills; and

''(ii) enter into an agreement to work in a national security position or work in the field of education in the area of study for which the scholarship was awarded in a similar manner (as determined by the Secretary) as agreements entered into pursuant to subsection (b)(2)(A).''.

(2) The matter following subsection (a)(2) of such section is amended—

(A) in the first sentence, by inserting ''or for the scholarship program under paragraph (1)(E)'' after ''under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i)''; and

(B) by adding at the end the following: ''For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 812.''.

(3) Section 803(d)(4)(E) of such Act (50 U.S.C. 1903(d)(4)(E)) is amended by inserting before the period the following: ''and section 802(a)(1)(E) (relating to scholarship programs for advanced English language studies by heritage community residents)''.

(b) FUNDING.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR CERTAIN HERITAGE COMMUNITY RESIDENTS.

''(a) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $4,000,000, to carry out the scholarship programs for English language studies by certain heritage community residents under section 802(a)(1)(E).

''(b) AVAILABILITY OF FUNDS.—Amounts made available under subsection (a) shall remain available until expended.''.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

SEC. 611. ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR LANGUAGE AND EDUCATION.

(a) IN GENERAL.—Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) by adding at the end the following new subsection:

''(i) ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR LANGUAGE AND EDUCATION.—(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of

Central Intelligence for Language and Education who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Assistant Director of Central Intelligence for Language and Education shall carry out the following duties:

''(A) Overseeing and coordinating requirements for foreign language education and training of the intelligence community.

''(B) Establishing policy, standards, and priorities relating to such requirements.

''(C) Identifying languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

''(D) Monitoring the allocation of resources for foreign language education and training in order to ensure the requirements of the intelligence community with respect to foreign language proficiency are met.'';

(2) in subsection (d)(2) by adding at the end the following:

''(E) Through the Assistant Director of Central Intelligence for Language and Education, ensuring the foreign language education and training requirements of the intelligence community are met.''; and

(3) in subsection (e)(2)—

(A) by redesignating subparagraph (H) as subparagraph (I); and

(B) by inserting after subparagraph (G) the following new subparagraph (H):

''(H) The Assistant Director of Central Intelligence for Education and Language.''.

(b) REPORTS.—Not later than 1 year after the date on which the Assistant Director of Central Intelligence for Language and Education is first appointed under section 102(i) of the National Security Act of 1947, as added by subsection (a), the Assistant Director shall submit to Congress the following reports:

(1) A report that identifies—

(A) skills and processes involved in learning a foreign language; and

(B) characteristics and teaching techniques that are most effective in teaching foreign languages.

(2)(A) A report that identifies foreign language heritage communities, particularly such communities that include speakers of languages that are critical to the national security of the United States.

(B) For purposes of subparagraph (A), the term ''foreign language heritage community'' means a community of residents or citizens of the United States—

(i) who are native speakers of, or who have fluency in, a foreign language; and

(ii) who should be actively recruited for employment by Federal security agencies with a need for linguists.

(3) A report on—

(A) the estimated cost of establishing a program under which the heads of elements of the intelligence community agree to repay employees of the intelligence community for any student loan taken out by that employee for the study of foreign languages critical for the national security of the United States; and

(B) the effectiveness of such a program in recruiting and retaining highly qualified personnel in the intelligence community.

SEC. 612. REQUIREMENT FOR FOREIGN LANGUAGE PROFICIENCY FOR ADVANCEMENT TO CERTAIN SENIOR LEVEL POSITIONS IN THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403–4) is amended by adding at the end the following new subsection:

''(i) REQUIREMENT FOR FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.—(1) An individual may not be appointed to a position in the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency unless the Director of Central Intelligence determines that the individual—

''(A) has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level on such other indicator of proficiency as the Director determines to be appropriate; and

''(B) is able to effectively communicate the priorities of the United States and exercise influence in that foreign language.

''(2) The Director shall carry out this subsection through the Assistant Director of Central Intelligence for Language and Education.''.

(b) CONFORMING AMENDMENT.—Subsection (i) of section 102 of the National Security Act of 1947 (50 U.S.C. 403), as added by section 611(a), is amended in paragraph (2) by adding at the end the following new subparagraph:

''(E) Making determinations under section 104(i).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments made on or after the date that is one year after the date of the enactment of this Act.

(d) REPORT ON EXCEPTIONS.—The Director of Central Intelligence shall submit to Congress a report that identifies positions within the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency that should be exempt from the requirements of section 104(i) of the National Security Act of 1947, as added by subsection (a), and that includes the rationale for the exemption of each such position identified by the Director.

SEC. 613. ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C.) is amended—

(1) by inserting before section 1001 (50 U.S.C. 441g) the following:

***"Subtitle A—Science and Technology"**;*

and

(2) by adding at the end the following new subtitles:

"Subtitle B—Foreign Languages Program

''PROGRAM ON ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY

''SEC. 1011. (a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Director of Central Intelligence may jointly establish a program to advance foreign languages skills in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States (hereinafter in this subtitle referred to as the 'Foreign Languages Program').

''(b) IDENTIFICATION OF REQUISITE ACTIONS.—In order to carry out the Foreign Languages Program, the Secretary of Defense and the Director of Central Intelligence shall jointly determine actions required to improve the education of personnel in the intelligence community in foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States to meet the long-term intelligence needs of the United States.

''EDUCATION PARTNERSHIPS

''SEC. 1012. (a) IN GENERAL.—In carrying out the Foreign Languages Program, the head of an element of an intelligence community entity may enter into one or more education partnership agreements with educational institutions in the United States in order to encourage and enhance the study of foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States in educational institutions.

''(b) ASSISTANCE PROVIDED UNDER EDUCATIONAL PARTNERSHIP AGREEMENTS.—Under an educational partnership agreement entered into with an educational institution pursuant to this section, the head of an element of an intelligence community entity may provide the following assistance to the educational institution:

''(1) The loan of equipment and instructional materials of the element of the intelligence community entity to the educational institution for any purpose and duration that the head determines to be appropriate.

''(2) Notwithstanding any other provision of law relating to transfers of surplus property, the transfer to the educational institution of any computer equipment, or other equipment, that is—

''(A) commonly used by educational institutions;

''(B) surplus to the needs of the entity; and

''(C) determined by the head of the element to be appropriate for support of such agreement.

''(3) The provision of dedicated personnel to the educational institution—

''(A) to teach courses in foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States; or

''(B) to assist in the development of such courses and materials for the institution.

''(4) The involvement of faculty and students of the educational institution in research projects of the element of the intelligence community entity.

''(5) Cooperation with the educational institution in developing a program under which students receive academic credit at the educational institution for work on research projects of the element of the intelligence community entity.

''(6) The provision of academic and career advice and assistance to students of the educational institution.

''(7) The provision of cash awards and other items that the head of the element of the intelligence community entity determines to be appropriate.

''VOLUNTARY SERVICES

''SEC. 1013. (a) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, and subject to subsection (b), the Foreign Languages Program under section 1011 shall include authority for the head of an element of an intelligence community entity to accept from any individual who is dedicated personnel (as defined in section 1016(3)) voluntary services in support of the activities authorized by this subtitle.

''(b) REQUIREMENTS AND LIMITATIONS.—(1) In accepting voluntary services from an individual under subsection (a), the head of the element shall—

''(A) supervise the individual to the same extent as the head of the element would supervise a compensated employee of that element providing similar services; and

''(B) ensure that the individual is licensed, privileged, has appropriate educational or experiential credentials, or is otherwise qualified under applicable law or regulations to provide such services.

''(2) In accepting voluntary services from an individual under subsection (a), the head of an element of the intelligence community entity may not—

''(A) place the individual in a policymaking position, or other position performing inherently government functions; or

''(B) except as provided in subsection (e), compensate the individual for the provision of such services.

''(c) AUTHORITY TO RECRUIT AND TRAIN INDIVIDUALS PROVIDING SERVICES.—The head of an element of an intelligence community entity may recruit and train individuals to provide voluntary services accepted under subsection (a).

''(d) STATUS OF INDIVIDUALS PROVIDING SERVICES.—(1) Subject to paragraph (2), while providing voluntary services accepted under subsection (a) or receiving training under subsection (c), an individual shall be considered to

be an employee of the Federal Government only for purposes of the following provisions of law:

''(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

''(B) Section 552a of title 5, United States Code (relating to maintenance of records on individuals).

''(C) Chapter 11 of title 18, United States Code (relating to conflicts of interest).

''(2)(A) With respect to voluntary services accepted under paragraph (1) provided by an individual that are within the scope of the services so accepted, the individual is deemed to be a volunteer of a governmental entity or nonprofit institution for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

''(B) In the case of any claim against such an individual with respect to the provision of such services, section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply.

''(3) Acceptance of voluntary services under this section shall have no bearing on the issuance or renewal of a security clearance.

''(e) COMPENSATION FOR WORK-RELATED INJURIES.—For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5, United States Code, to an individual providing voluntary services accepted under subsection (a), the monthly pay of the individual for such services is deemed to be equal to the amount determined by multiplying—

''(1) the average monthly number of hours that the individual provided the services, by

''(2) the minimum wage determined in accordance with section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

''(f) REIMBURSEMENT OF INCIDENTAL EXPENSES.—(1) The head of an element of the intelligence community entity may reimburse an individual for incidental expenses incurred by the individual in providing voluntary services accepted under subsection (a). The head of an element of the intelligence community entity shall determine which expenses are eligible for reimbursement under this subsection.

''(2) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

''(g) AUTHORITY TO INSTALL EQUIPMENT.—(1) The head of an element of the intelligence community may install telephone lines and any necessary telecommunication equipment in the private residences of individuals who provide voluntary services accepted under subsection (a).

''(2) The head of an element of the intelligence community may pay the charges incurred for the use of equipment installed under paragraph (1) for authorized purposes.

''(3) Notwithstanding section 1348 of title 31, United States Code, the head of an element of the intelligence community entity may use appropriated funds or nonappropriated funds of the element in carrying out this subsection.

''REGULATIONS

''SEC. 1014. (a) IN GENERAL.—The Secretary of Defense and the Director of Central Intelligence jointly shall promulgate regulations necessary to carry out the Foreign Languages Program authorized under this subtitle.

''(b) ELEMENTS OF THE INTELLIGENCE COMMUNITY.—Each head of an element of an intelligence community entity shall prescribe regulations to carry out sections 1012 and 1013 with respect to that element including the following:

''(1) Procedures to be utilized for the acceptance of voluntary services under section 1013.

''(2) Procedures and requirements relating to the installation of equipment under section 1013(g).

''DEFINITIONS

''SEC. 1015. In this subtitle:

''(1) The term 'intelligence community entity' means an agency, office, bureau, or element referred to in subparagraphs (B) through (K) of section 3(4).

''(2) The term 'educational institution' means—

''(A) a local educational agency (as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))),

''(B) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) other than institutions referred to in subsection (a)(1)(C) of such section), or

''(C) any other nonprofit institution that provides instruction of foreign languages in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

''(3) The term 'dedicated personnel' means employees of the intelligence community and private citizens (including former civilian employees of the Federal Government who have been voluntarily separated, and members of the United States Armed Forces who have been honorably discharged or generally discharged under honorable circumstances, and rehired on a voluntary basis specifically to perform the activities authorized under this subtitle).

"Subtitle C—Additional Education Provisions

''ASSIGNMENT OF INTELLIGENCE COMMUNITY PERSONNEL AS LANGUAGE STUDENTS

''SEC. 1021. (a) IN GENERAL.—The Director of Central Intelligence, acting through the heads of the elements of the intelligence community, may assign employees of such elements in analyst positions requiring foreign language expertise as students at accredited professional, technical, or other institutions of higher education for training at the graduate or undergraduate level in foreign languages required for the conduct of duties and responsibilities of such positions.

''(b) AUTHORITY FOR REIMBURSEMENT OF COSTS OF TUITION AND TRAINING.—(1) The Director may reimburse an employee assigned under subsection (a) for the total cost of the training described in subsection (a), including costs of educational and supplementary reading materials.

''(2) The authority under paragraph (1) shall apply to employees who are assigned on a full-time or part-time basis.

''(3) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

''(c) RELATIONSHIP TO COMPENSATION AS AN ANALYST.—Reimbursement under this section to an employee who is an analyst is in addition to any benefits, allowances, travels, or other compensation the employee is entitled to by reason of serving in such an analyst position.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by striking the item relating to section 1001 and inserting the following new items:

''Subtitle A—Science and Technology

''Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in science and technology.

''Subtitle B—Foreign Languages Program

''Sec. 1011. Program on advancement of foreign languages critical to the intelligence community.

''Sec. 1012. Education partnerships.

''Sec. 1013. Voluntary services.

''Sec. 1014. Regulations.

''Sec. 1015. Definitions.

''Subtitle C—Additional Education Provisions

''Sec. 1021. Assignment of intelligence community personnel as language students.''.

SEC. 614. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

(a) PILOT PROJECT.—The Director of Central Intelligence shall conduct a pilot project to establish a Civilian Linguist Reserve Corps comprised of United States citizens with advanced levels of proficiency in foreign languages who would be available upon a call of the President to perform such service or duties with respect to such foreign languages in the Federal Government as the President may specify.

(b) CONDUCT OF PROJECT.—Taking into account the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), in conducting the pilot project under subsection (a) the Director of Central Intelligence shall—

(1) identify several foreign languages that are critical for the national security of the United States;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a); and

(3) implement a call for the performance of such services and duties.

(c) DURATION OF PROJECT.—The pilot project under subsection (a) shall be conducted for a three-year period.

(d) AUTHORITY TO ENTER INTO CONTRACTS.—The Director of Central Intelligence may enter into contracts with appropriate agencies or entities to carry out the pilot project under subsection (a).

(e) REPORTS.—(1) The Director of Central Intelligence shall submit to Congress an initial and a final report on the pilot project conducted under subsection (a).

(2) Each report required under paragraph (1) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(3) The final report shall be submitted not later than 6 months after the completion of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of Central Intelligence for each of fiscal years 2005, 2006, and 2007 in order to carry out the pilot project under subsection (a) such sums as are specified in the classified Schedule of Authorizations referred to section 102.

SEC. 615. CODIFICATION OF ESTABLISHMENT OF THE NATIONAL VIRTUAL TRANSLATION CENTER.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''NATIONAL VIRTUAL TRANSLATION CENTER

''SEC. 119. (a) IN GENERAL.—There is an element of the intelligence community known as the National Virtual Translation Center under the direction of the Director of Central Intelligence.

''(b) FUNCTION.—The National Virtual Translation Center shall provide for timely and accurate translations of foreign intelligence for all other elements of the intelligence community.

''(c) FACILITATING ACCESS TO TRANSLATIONS.—In order to minimize the need for a central facility for the National Virtual Translation Center, the Center shall—

''(1) use state-of-the-art communications technology;

''(2) integrate existing translation capabilities in the intelligence community; and

''(3) use remote-connection capacities.

''(d) USE OF SECURE FACILITIES.—Personnel of the National Virtual Translation Center may carry out duties of the Center at any location that—

''(1) has been certified as a secure facility by an agency or department of the United States; and

''(2) the Director of Central Intelligence determines to be appropriate for such purpose.''.

(b) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after

the item relating to section 118 the following new item:

''Sec. 119. National Virtual Translation Center.''.

SEC. 616. REPORT ON RECRUITMENT AND RETENTION OF QUALIFIED INSTRUCTORS OF THE DEFENSE LANGUAGE INSTITUTE.

(a) STUDY.—The Secretary of Defense shall conduct a study on methods to improve the recruitment and retention of qualified foreign language instructors at the Foreign Language Center of the Defense Language Institute. In conducting the study, the Secretary shall consider, in the case of a foreign language instructor who is an alien, to expeditiously adjust the status of the alien from a temporary status to that of an alien lawfully admitted for permanent residence.

(b) REPORT.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the study conducted under subsection (a), and shall include in that report recommendations for such changes in legislation and regulation as the Secretary determines to be appropriate.

(2) DEFINITION.—In this subsection, the term ''appropriate congressional committees'' means the following:

(A) The Select Committee on Intelligence and the Committee on Armed Services of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

The CHAIRMAN. No amendment to the substitute is in order except the amendments printed in House Report 108–561. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to be a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–561.

AMENDMENT NO. 1 OFFERED BY MR. GOSS

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

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GOSS:

In section 104(e)(1), strike ''$29,811,000'' and insert ''$37,811,000''.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Florida (Mr. GOSS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

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

The purpose of this amendment is very simple. It restores the funding for the National Drug Intelligence Center to the levels contained in the President's fiscal year 2005 budget request. In fact, a number of actions were taken in committee regarding NDIC this year in response to an ongoing investigation into activities there. This amendment does nothing to affect these investigations that are ongoing in any way. It does not change in any reporting requirements nor does it lift any fences that were put in place. But what it does do is it restores the authorization level to include $8 million that had been cut from the President's fiscal year 2005 budget request.

I am doing this to address the concern that the cut might significantly impact the important mission of the National Drug Intelligence Center, and the reason I have brought the amendment forward is because I wanted to have the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. MURTHA), who I felt has actually been the person who is most instrumental in this particular program, have as much time as he wanted to address this issue. I wanted to make sure he had the opportunity.

In any event, I am assuming he would support the amendment. In the absence of knowing nothing beyond that, I am going to suggest that this amendment be adopted.

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

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I ask to control the time on this side.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. HARMAN) may control the time.

There was no objection.

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

Mr. Chairman, I support the Goss amendment to restore the level of funding requested for NDIC, the National Drug Intelligence Center. I was concerned to learn that these funds had been cut, as have others for key satellite programs, and I am pleased that the chairman has now decided to restore the level of funding the Center needs to carry out its important counternarcotics mission. Hopefully we will address other shortfalls that some on our side have identified in the conference.

Mr. Chairman, I would just like to make an additional comment about a subject the chairman raised at the end of general debate, and that was when he called additional budget authority monopoly money. I certainly share his view that we should appropriate the funds that we authorize. That is why this side wants to authorize additional funds and then hopefully to get them appropriated. I have spoken to the highest levels of this administration about my keen view that the amount of money to fully fund counterterrorism for fiscal year 2005 is not so great.

□ 1800

It is not a big budget buster, certainly not as big as many other requests made by this administration.

I see the gentleman from California (Mr. LEWIS) in the room, for whom I have high regard. It would be my hope that sometime soon, even perhaps in the defense appropriations bill that comes out of conference, we will increase the funding for counterterrorism for fiscal year 2005.

Mr. Chairman, I support the Goss amendment.

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

Mr. GOSS. Mr. Chairman, pending the arrival of the gentleman from Pennsylvania (Mr. MURTHA), if he is able to be here, I would be very happy to yield such time as he may consume to the distinguished gentleman from California (Mr. LEWIS), the man with whom our committee works very closely. He is the appropriator for our business, and we are indeed indebted and grateful for the kind attention and the generosity that he bestows on the intelligence community.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman very much for yielding, and I appreciate the comments of the ranking member as well.

It was my privilege to serve on the Permanent Select Committee on Intelligence for some years, and I have great respect for the work you are about.

I must say that while the gentleman from Pennsylvania (Mr. MURTHA) and I have discussed this amendment and I know of his concerns and I am very supportive of his concerns, in the meantime, I really asked for the time because I am a bit disconcerted about what I sensed from the general debate as I was watching it over C–SPAN from my office.

There appears to be developing here a level of kind of partisanship that I am not used to seeing when we discuss intelligence. There is absolutely no question that intelligence work does not know a partisan divide, if things are happening as they should, and to see that developing in the committee is most disconcerting to this Member.

Over the years, we all know that intelligence funding was way, way below where it should be. The development of that lack of funding took place as the Congress some years ago was radically reducing defense spending. In those days, I used to say as defense spending is coming down, intelligence spending should go up, because the Commander-in-Chief needs better and more information at such a time, rather than less.

In the meantime, there is little doubt that during the 1990s, there were significant impacts that were negatively affecting our intelligence programming. In recent years, we have seen a movement in the other direction.

In the bill that came off the floor yesterday, there was a reflection of all of our concern. Indeed, within the base bill, the appropriations for defense, we spent more than was in the President's budget. And in the Committee's action on the amendment that came from the administration for some $25 billion, we provided substantial amounts of additional funding for intelligence work.

There is little doubt of the priority of this president, this administration, in making sure we have adequate funding, and I feel very strongly that we should know that especially the Commander-

in-Chief does not see partisan value in this work.

The committee is a great committee, but there is a divide here that, I must say, reflects more than normally membership divide. If, at the staff level, we have people who are reacting for purely partisan purposes or their own biases, that is disconcerting to me. It is not healthy for the community, it is not healthy for our national defense, it clearly is not healthy for our intelligence community.

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

Mr. Chairman, I would urge support for the amendment. Not knowing that there would be a contrary wish from the gentleman from Pennsylvania (Mr. MURTHA), whose guidance I would follow very closely on this, I am going to make that assumption. I hope that is a correct assumption and has the support of the other side, as we have heard expressed.

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

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

Ms. HARMAN. Mr. Chairman, it has our support.

Mr. GOSS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 108–561.

AMENDMENT NO. 2 OFFERED BY MR. GALLEGLY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GALLEGLY:

Add at the end the following new title:

TITLE VII—REFORM OF DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

SEC. 701. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''Subject to paragraphs (5) and (6), a'' and inserting ''A''; and

(B) by striking ''for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)'' and inserting ''until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)'';

(2) by striking subparagraph (B) and inserting the following:

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).''; and

(3) by adding at the end the following:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 6-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.''.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking ''or a redesignation made under paragraph (4)(B)'' and inserting ''at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)''; and

(ii) in clause (i), by striking ''or redesignation'';

(C) in paragraph (7), by striking '', or the revocation of a redesignation under paragraph (6),''; and

(D) in paragraph (8)—

(i) by striking '', or if a redesignation under this subsection has become effective under paragraph (4)(B),''; and

(ii) by striking ''or redesignation''; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking ''of the designation in the Federal Register,'' and all that follows through ''review of the designation'' and inserting ''in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review'';

(B) in paragraph (2), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'';

(C) in paragraph (3), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation''; and

(D) in paragraph (4), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'' each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term ''designation'', as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

SEC. 702. INCLUSION IN ANNUAL DEPARTMENT OF STATE COUNTRY REPORTS ON TERRORISM OF INFORMATION ON TERRORIST GROUPS THAT SEEK WEAPONS OF MASS DESTRUCTION AND GROUPS THAT HAVE BEEN DESIGNATED AS FOREIGN TERRORIST ORGANIZATIONS.

(a) INCLUSION IN REPORTS.—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction,'' after ''during the preceding five years,''; and

(B) by inserting ''any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration

and Nationality Act (8 U.S.C. 1189),'' after ''Export Administration Act of 1979,'';

(2) in subsection (b)(1)(C)(iii), by striking ''and'' at the end;

(3) in subsection (b)(1)(C)—

(A) by redesignating clause (iv) as clause (v); and

(B) by inserting after clause (iii) the following new clause:

''(iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups; and''; and

(4) in subsection (b)(2)—

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

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

''(C) efforts by those groups to obtain or develop weapons of mass destruction;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning with the first report under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), submitted more than one year after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from California (Mr. GALLEGLY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

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

Mr. Chairman, my amendment is very important to the question of how our government spends its resources fighting international terrorism. The amendment streamlines the very burdensome and time-consuming procedure for redesignating a group as a foreign terrorist organization, thereby allowing the Federal Government to focus on actually fighting terrorism and preventing new attacks.

Under existing law, the U.S. Government must devote significant amounts of its counterterrorist resources to the terrorist organization redesignation effort. This bureaucratic process must take place every 2 years, even though the vast majority of these groups do not even dispute their designation. And, as we all know, some groups, such as al Qaeda, openly boast of their terrorist activity.

This amendment would make two principle changes to the law. First, it would replace the requirement to formally redesignate terrorist organizations every 2 years with a procedure that allows the groups to petition the Secretary of State at 2-year intervals to have their designation revoked. It would also require the Secretary to review each group's designation every 6 years.

Let me be clear. This amendment does not change the procedure for placing a group on the foreign terrorist organization list. The government must still undergo the same lengthy process that exists today.

What changes under the amendment is the every 2 year redesignation process. Currently, the burden is on the State Department and other agencies to demonstrate that a group should stay on the list. This amendment shifts the burden to the terrorist organization to petition the government to be removed from the list. A terrorist group can petition the government every 2 years. Even if a terrorist group does not petition for formal removal from the terrorist list, the government must still review the designation every 6 years.

By streamlining the process, the State Department and other agencies, including our intelligence services, can focus on designating new groups as terrorist organizations and focus on preventing new attacks.

For example, last year, 29 of the 37 organizations on the foreign terrorist list were due for redesignation. As a result, the State, Justice, Treasury and the intelligence community spent thousands of hours in preparing a detailed administrative record for each of these groups.

Meanwhile, back in March, the State Department designated for the first time the group, Ansar al-Islam, as a foreign terrorist organization based in north Iraq. The group has been linked to al Qaeda and is known to have participated in attacks on both U.S. troops and Iraqi civilians. The designation of Ansar al-Islam took longer than it should have, because over the preceding 6 months, Federal counterterrorism groups were bogged down in the redesignation of large numbers of terrorist groups.

The modified redesignation requirement proposed by the amendment will still provide designated terrorist groups with plenty of procedural safeguards. For example, a group can still request a court review of designation within 30 days after its first designation. In addition, the amendment allows organizations to petition the Secretary every 2 years to revoke its designation. If that review is not to the group's satisfaction, the designation can still be challenged in court.

The amendment also establishes a new, expedited procedure for handling the situation in which a terrorist group changes its name or uses new aliases.

The language on foreign terrorist organizations is identical to the provisions contained in an en bloc amendment to the Department of State authorization bill that was passed by a voice vote here on the floor.

Given the importance of this measure, I introduced it as a separate bill. It was approved by the Subcommittee on International Terrorism, Nonproliferation and Human Rights on March 17. In addition, this provision has the support of both the State Department and the Department of Justice.

Lastly, section 702 of my amendment requires that the State Department's annual report on terrorism include information on countries and terrorist groups that are seeking to obtain weapons of mass destruction. Experts on terrorism, both within and outside the government, agree that the nexus between terrorism and weapons of mass destruction is the most dangerous security threat faced by the United States and our allies. Therefore, it makes absolute sense to have the State Department's main report on terrorism discuss this linkage.

Mr. Chairman, I urge passage of this important amendment.

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

Ms. HARMAN. Mr. Chairman, I do not oppose this amendment, but I will control the time on this side.

The CHAIRMAN. Without objection, the gentlewoman from California is recognized for 10 minutes.

There was no objection.

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

Mr. Chairman, I want to support the author of this amendment for his carefully crafted amendment and excellent remarks. I believe it is imperative that we maintain an effective and efficient process for designating foreign terrorist organizations and understand better the threat posed by those terrorist organizations and their links to weapons of mass destruction.

I understand, as the gentleman said, that the Committee on the Judiciary and the Committee on International Relations have been working on a stand-alone bill to require the Secretary of State to review designations every 4 years, not every 6, as this amendment provides.

I think this additional flexibility would be a good thing and would suggest, for example, that a bill, which I assume will be taken up at another time, should include a provision allowing the Secretary of State to remove groups from the list of foreign terrorist organizations if they renounce terrorism. This is one way of using our soft power instead of relying solely on military power to influence groups on the list. I would hope that these details and others could be worked out separately, or in the conference on this bill.

Mr. Chairman, I would just like to add that from 1999 to 2000, I served as a member of the so-called Bremer Commission on Terrorism, headed by former Ambassador L. Paul Bremer, who now serves as civil administrator in Iraq. The issue of listing groups and states as terrorist actors was something we considered carefully. In fact, we spoke out about one such state.

I think this is an excellent tool to help defeat the threats we face. I really want to commend the gentleman from California (Mr. GALLEGLY) for offering this improvement to our intelligence authorization bill.

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

Mr. GALLEGLY. Mr. Chairman, I yield 2½ minutes to my good friend, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I want to thank my friend, the gentleman from California (Mr. GALLEGLY) for offering this amendment.

In 1996, following a series of terrorist attacks throughout the world, Congress acted to make clear that this country is not to be used as a staging ground for those who seek to commit acts of terrorism against persons in other countries.

One of the components in the Committee on the Judiciary's 1996 anti-terrorism legislation was to authorize the Secretary of State to designate foreign terrorist organizations, or FTOs, that threaten U.S. residents or the national security of the United States.

Seven years of experience with the designation process has shown that it is needlessly burdensome, draining resources that are needed in the war on terrorism. There are now some 37 designated FTOs, and the redesignation of each requires intensive interagency review and the preparation of a voluminous administrative record. Which can take months, of course.

Few of the designated FTOs ever challenge their designation. For example, it is unlikely that al Qaeda will seek judicial review of the Secretary's designation of them as FTOs in the D.C. Circuit Court. Nevertheless, every 2 years the Federal Government must compile the record against them.

State and Justice Department officials have informed the Committee on the Judiciary that the cost of repeatedly proving that FTOs have retained their terrorist characteristics diverts resources from other pressing counterterrorism work, including pursuit of additional designations.

Mr. Chairman, the amendment offered by the gentleman from California (Mr. GALLEGLY) addresses each of these concerns in a way that still assures appropriate review. The text of this amendment tracks language in a bill that has been reviewed by the Committee on the Judiciary. This amendment would free up critical anti-terrorism resources that are now expended on the onerous and, for most groups, largely pointless task of redesignation, while assuring that affected groups have the opportunity to seek appropriate review.

I urge my colleagues to support this amendment.

Ms. HARMAN. Mr. Chairman, I reiterate my support for this amendment, and I yield back the balance of my time.

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

Mr. Chairman, I would like to thank my friend, the gentlewoman from California (Ms. HARMAN), for her positive comments and for the support.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in House Report 108–561.

AMENDMENT NO. 3 OFFERED BY MR. BOEHLERT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BOEHLERT:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS ON THE DISMANTLING AND REMOVAL OF LIBYA'S WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds the following:

(1) Libya has been listed as a state sponsor of terrorism by the Department of State each year since 1979.

(2) A German court found the Libyan Government guilty of the East Berlin La Belle disco bombing of 1986, in which two US servicemen were killed.

(3) A Scottish court in January 2001 found a former Libyan official guilty of the 1988 bombing of Pan Am Flight 103.

(4) Libya received and deserved world's condemnations for these horrific acts against innocents.

(5) In March 2003, while Coalition Forces were preparing to liberate Iraq, Libya quietly approached members of the intelligence services of the United States and United Kingdom and indicted a willingness to discuss Libya's weapons of mass destruction programs.

(6) On December 19, 2003, after nine months of intense negotiations, Libya publicly announced that it was prepared to eliminate all elements of its clandestine nuclear and chemical weapons programs.

(7) The United States, the United Kingdom, partners in the Proliferation Security Initiative and key arms control agencies, including the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), have worked in a multilateral and concerted fashion with Libya in an effort to completely dismantle Libya's weapons of mass destruction programs and the means to deliver them.

(8) Because of the hard work by the men and women of the intelligence community, United States policymakers were able to work successfully to convince Libya to relinquish its WMD programs.

(9) On January 27, 2004, a cargo plane flew from Libya to Knoxville, Tennessee, carrying 55,000 pounds of equipment and documents relating to Libya's nuclear weapons and missile programs.

(10) Documents relating to those programs indicate that Libya had purchased a virtual ''turnkey facility'' to produce parts for gas centrifuges together with assistance to assemble and test these centrifuges, and was otherwise attempting to develop a large uranium enrichment plant which could have produced enough fuel for several nuclear bombs a year.

(11) On January 24, 2004, Libya announced that it would accede to the Chemical Weapons Convention (CWC).

(12) On March 4, 2004, Libya submitted its Chemical Weapons Convention declaration, including a full declaration of its chemical weapons, an inventory of its production capacity, a description of any industrial activity that could be involved in making illegal weapons, and a plan for destroying any banned materials.

(13) All of Libya's known chemical munitions have since been destroyed and the country's stocks of mustard gas have been consolidated within a single secure facility under the supervision of the OPCW.

(14) On May 6, 2004, a cargo ship departed Libya for the United States carrying an additional 1,000 tons of weapons of mass destruction equipment, including centrifuge parts and components needed to enrich uranium, the Libyan uranium conversion facility and all associated equipment, five SCUD-C missiles and launchers, and two partial missiles.

(15) In testimony before the Committee on International Relations of the House of Representatives on May 10, 2004, Assistant Secretary of State for Verification and Compliance, Paula DeSutter, indicated that Libya had signed the additional protocol for the IAEA in Vienna and announced ''the complete dismantlement of Libya's longest range and most sophisticated missiles and the elimination of all of Libya's declared chemical munitions''.

(16) International inspectors and monitors are expected to remain on the ground with full cooperation from Libya to ensure that Libya possesses no biological weapons programs and that its weapons of mass destruction programs have been fully dismantled and or converted to civilian use.

(17) The United States and Libya currently are engaged in talks to enter a third phase of negotiations focused on follow-up, verification, and long-term monitoring to ensure that Libya's weapons of mass destruction programs and the means to deliver them have been completely dismantled, as well as plans for the retraining of Libyan scientists and technicians for peaceful work.

(18) Libya's cooperation with international inspectors and revelations about procurement networks have helped identify numerous black market suppliers in an ''international supermarket'' for nuclear parts and weapons designs that also has aided such countries as Iran, Syria, and North Korea.

(19) Other countries voluntarily have dismantled their weapons of mass destruction programs, but Libya is the first and only country on the Department of State's list of State Sponsors of Terrorism to do so.

(20) Libya's decision to shed it pariah status and divest itself of its weapons of mass destruction programs can be directly attributed to the demonstrated resolve of the United States in the global war against terrorism, the liberation of Iraq by United States Armed Forces and Coalition Forces, and the adoption of policies in targeting and seizing shipments of such weapons.

(21) It is appropriate to pursue a policy of cautious and deliberate re-engagement with Libya based upon verifiable results, but the United States should not restore full diplomatic relations with Libya unless and until Libya has—

(A) agreed and submitted to comprehensive monitoring of the full dismantling of its weapons of mass destruction programs;

(B) severed all links to and support for acts of international terrorism;

(C) ceased all support for insurgency groups which have destabilized countries in Africa;

(D) demonstrated respect for human rights and the rule of law;

(E) implemented its pledge to cooperate in the further investigation of the destruction of Pan Am Flight 103; and

(F) settled all legal claims relating to past acts of international terrorism, including but not limited to the bombings of Pan Am Flight 103 and the La Belle Discotheque.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the world has been made safer with the dismantling and removal of Libya's weapons of mass destruction and the means to deliver them;

(2) this would not have been possible if not for the demonstrated resolve of the United

States in the global war on terror and in the liberation of Iraq by United States and Coalition Forces;

(3) the President should be commended for having the courage to undertake those policies which persuaded Libya to agree to relinquish such weapons; and

(4) other countries such as Iran, Syria, and North Korea, should follow Libya's example, and voluntarily dismantle their weapons of mass destruction and submit their programs to international inspections.

□ 1815

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

MODIFICATION TO AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. BOEHLERT:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS ON THE DISMANTLING AND REMOVAL OF LIBYA'S WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds the following:

(1) Libya has been listed as a state sponsor of terrorism by the Department of State each year since 1979.

(2) A German court found the Libyan Government guilty of the East Berlin La Belle disco bombing of 1986, in which two US servicemen were killed.

(3) A Scottish court in January 2001 found a former Libyan official guilty of the 1988 bombing of Pan Am Flight 103.

(4) Libya received and deserved world's condemnations for these horrific acts against innocents.

(5) ''As a result of Libya's support for international terrorism and its destabilizing role in the international community, the United States maintained a comprehensive economic embargo on Libya for more than two decades, which was aided by multilateral sanctions imposed by United Nations Security Council Resolutions 731 and 742 in 1992, and which together hobbled the development of the Libyan economy.''

(6) In March 2003, while Coalition Forces were preparing to liberate Iraq, Libya once again quietly approached members of the intelligence services of the United States and United Kingdom and indicted a willingness to discuss Libya's weapons of mass destruction programs, as it had previously in the 1990's.

(7) On December 19, 2003, after nine months of intense negotiations, Libya publicly announced that it was prepared to eliminate all elements of its clandestine nuclear and chemical weapons programs.

(8) The United States, the United Kingdom, partners in the Proliferation Security Initiative and key arms control agencies, including the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), have worked in a multilateral and concerted fashion with Libya in an effort to completely dismantle Libya's weapons of mass destruction programs and the means to deliver them.

(9) Because of the hard work by the men and women of the intelligence community, United States policymakers were able to work successfully to convince Libya to relinquish its WMD programs.

(10) On January 27, 2004, a cargo plane flew from Libya to Knoxville, Tennessee, carrying 55,000 pounds of equipment and documents relating to Libya's nuclear weapons and missile programs.

(11) Documents relating to those programs indicate that Libya had purchased a virtual ''turnkey facility'' to produce parts for gas centrifuges together with assistance to assemble and test these centrifuges, and was otherwise attempting to develop a large uranium enrichment plant which could have produced enough fuel for several nuclear bombs a year.

(12) On January 24, 2004, Libya announced that it would accede to the Chemical Weapons Convention (CWC).

(13) On March 4, 2004, Libya submitted its Chemical Weapons Convention declaration, including a full declaration of its chemical weapons, an inventory of its production capacity, a description of any industrial activity that could be involved in making illegal weapons, and a plan for destroying any banned materials.

(14) All of Libya's known chemical munitions have since been destroyed and the country's stocks of mustard gas have been consolidated within a single secure facility under the supervision of the OPCW.

(15) On May 6, 2004, a cargo ship departed Libya for the United States carrying an additional 1,000 tons of weapons of mass destruction equipment, including centrifuge parts and components needed to enrich uranium, the Libyan uranium conversion facility and all associated equipment, five SCUD-C missiles and launchers, and two partial missiles.

(16) In testimony before the Committee on International Relations of the House of Representatives on May 10, 2004, Assistant Secretary of State for Verification and Compliance, Paula DeSutter, indicated that Libya had signed the additional protocol for the IAEA in Vienna and announced ''the complete dismantlement of Libya's longest range and most sophisticated missiles and the elimination of all of Libya's declared chemical munitions''.

(17) International inspectors and monitors are expected to remain on the ground with full cooperation from Libya to ensure that Libya possesses no biological weapons programs and that its weapons of mass destruction programs have been fully dismantled and or converted to civilian use.

(18) The United States and Libya currently are engaged in talks to enter a third phase of negotiations focused on follow-up, verification, and long-term monitoring to ensure that Libya's weapons of mass destruction programs and the means to deliver them have been completely dismantled, as well as plans for the retraining of Libyan scientists and technicians for peaceful work.

(19) Libya's cooperation with international inspectors and revelations about procurement networks have helped identify numerous black market suppliers in an ''international supermarket'' for nuclear parts and weapons designs that also has aided such countries as Iran, Syria, and North Korea.

(20) Other countries voluntarily have dismantled their weapons of mass destruction programs, but Libya is the first and only country on the Department of State's list of State Sponsors of Terrorism to do so.

(21) Libya's decision to shed it pariah status and divest itself of its weapons of mass destruction programs can be directly attributed to decades of United States and multilateral economic sanctions against Libya, the demonstrated resolve of the United States in the global war against terrorism, the liberation of Iraq by United States Armed Forces and Coalition Forces, and the adoption of policies in targeting and seizing shipments of such weapons.

(22) It is appropriate to pursue a policy of cautious and deliberate re-engagement with Libya based upon verifiable results, but the United States should not restore full diplomatic relations with Libya unless and until Libya has—

(A) agreed and submitted to comprehensive monitoring of the full dismantling of its weapons of mass destruction programs;

(B) severed all links to and support for acts of international terrorism;

(C) ceased all support for insurgency groups which have destabilized countries in Africa;

(D) demonstrated respect for human rights and the rule of law;

(E) implemented its pledge to cooperate in the further investigation of the destruction of Pan Am Flight 103; and

(F) settled all legal claims relating to past acts of international terrorism, including but not limited to the bombings of Pan Am Flight 103 and the La Belle Discotheque.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the world has been made safer with the dismantling and removal of Libya's weapons of mass destruction and the means to deliver them;

(2) this would not have been possible if not for decades of United States and multilateral sanctions against Libya, the demonstrated resolve of the United States in the global war on terror and the liberation of Iraq by United States and Coalition Forces;

(3) the President and previous Administrations should be commended for having the courage to undertake those policies which persuaded Libya to agree to relinquish such weapons; and

(4) other countries such as Iran, Syria, and North Korea, should follow Libya's example, and voluntarily dismantle their weapons of mass destruction and submit their programs to international inspections.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the modified amendment be considered as read and printed in the RECORD.

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

Ms. HARMAN. Mr. Chairman, reserving the right to object, though I will not object, I want to be sure that the language that has not been read is consistent with the language I just reviewed.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I can assure the gentlewoman that that is the case.

Ms. HARMAN. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from New York?

There was no objection.

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

Let me tell my colleagues a little bit about the genesis of this amendment. Early in February, as a senior member of the Permanent Select Committee on Intelligence, I was asked to lead a delegation for a mission to Iraq and Afghanistan. That delegation included the distinguished gentlewoman from California (Ms. HARMAN), the ranking member of the committee, and there were four others. There were six of us. We planned a most ambitious schedule for 6 days: six countries, 6 days.

Our purpose was not to determine the progress on the Constitution, important though that was; not to check on the morale of the troops, important though that always is; not to check on how we were spending our money on the reconstruction, and that too is very important. Our purpose as members of the Permanent Select Committee on Intelligence was to meet with members of the intelligence community on-site in that war zone to hear from them in their own words their assessment of the situation. I want to compliment all of the members of that delegation for the outstanding contribution they made to that mission.

But before we were going and still in the planning stages, I had a call from the State Department, Ambassador Burns, who directs the Near East desk. He said, Mr. Chairman, I would like you and the delegation to consider making an addition to your trip, another stop. I said, have you looked at our schedule? Six countries in 6 days. We do not have time to wind our watch. He said, let me talk to you about it. Then he came up to Capitol Hill; and in the secure sanctuary of the Permanent Select Committee on Intelligence rooms on the fourth floor of the Capitol, he said, We would like you to go to Libya. We would like your delegation to meet with Colonel Qadhafi. I said, Are you kidding? Are you serious? Libya is engaged in state-sponsored acts of terrorism against American citizens. It has endured U.N. sanctions; that has been going on for 20 years; disregarded world condemnation, and dismissed diplomatic settlements. What has changed? And he said, in the secure sanctuary of the Permanent Select Committee on Intelligence quarters on the fourth floor of the Capitol, There is movement; There is progress. We think it would be very valuable for your bipartisan delegation to go to Libya to meet Colonel Qadhafi, because we want to demonstrate in tangible form that if he begins to cooperate with us, we will cooperate with him.

After checking with the gentlewoman from California (Ms. HARMAN), she agreed. She thought it would be a good idea, and off we went. We spent 8 hours in the country, the final 2 hours in a tent in the middle of the Libyan desert outside of Surt, Colonel Qadhafi's hometown. We talked about weapons of mass destruction. We talked about the war on terrorism. We talked about the shooting down of Pan Am Flight 103, which has a searing impact on my soul forever more because there were 35 students from Syracuse University on that flight. We talked about all of the gut-wrenching issues that are so important to our security and the security of the Free World, and it was a meaningful discussion. And the gentlewoman from California (Ms. HARMAN) can characterize it from her standpoint what she thought of it.

Then we completed the rest of our mission. We went to Jordan, we went to Iraq, we went to Afghanistan, we went to Turkey. This was a world-wind visit of the Permanent Select Committee on Intelligence, very serious business, doing very important work. As a matter of fact, 3 of the 6 days, we did not even sleep in a hotel; we slept in the airplane. We got back home, and we reported everything to the committee and to the State Department.

Since then, there has been a great opening up with Libya. Colonel Qadhafi, I do not think he went to bed one night and suddenly woke up and said, Hey, those guys are right and I have been wrong. I am going to change my ways. I think he looked around at the world and he said, the war on terrorism could negatively impact him like it negatively impacted his neighbor to the north, who is now behind bars, Saddam Hussein. I think he said that he wants to be concerned about his legacy and in what shape he was going to leave that country. I think he decided that it would be best to cooperate.

What has happened since then? He has turned over the weapons of mass destruction, he has made his country open for inspection, and he is cooperating fully.

Does that mean we can clap our hands and say, boy, is this not a great victory? Although it is a great victory as far as it goes, and it does prove that leadership really results in something positive if we work together. But the fact of the matter is, we have to continue to be cautious, but we have to be very deliberate.

That country is moving in the right direction. Let us hope they continue that movement. We want signals to be sent to others. We want Iran and North Korea and other nations, others who are on the list of countries that sponsor state terrorism, to get the message; and we think that this amendment that I am offering, this sense of the Congress amendment, will do the right thing in the appropriate way.

Let me add that there are a number of Members on both sides of the aisle that have worked very cooperatively on this. The gentleman from California (Mr. LANTOS) had some suggestions for language. That is what my modifying amendment includes, the suggestions he made. That is the way we work best together, when we reach across the center aisle and find common ground.

So I would urge the adoption of my amendment.

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

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I will control the time on this side; and I yield myself such time as I may consume.

I want to commend the gentleman from New York (Mr. BOEHLERT) not only for the amendment but for, as he said, engaging the gentleman from California (Mr. LANTOS) in a constructive effort to improve the amendment, and I think it is a lot better. Frankly, I wish that our bill that we are considering and voting on today had engaged the minority more constructively at an earlier stage; I think it would have been a lot better.

I do support the Boehlert amendment. I fondly remember our trip, six countries, 6 days. I think the gentleman left out Sicily, so we might add 7 countries in 6 days.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from New York.

Mr. BOEHLERT. The only reason we left out Sicily, because the initial was 6 countries in 6 days; but as the gentlewoman will recall, when we added Libya, there were requirements on the pilots in that they could not fly a certain amount of time beyond their standard time, so we could not go any farther than Sicily. We had to exit Libya, but we could not go any farther than Sicily, so we stayed overnight and got up the next morning and off we went.

Ms. HARMAN. Mr. Chairman, reclaiming my time, I thought our Sicily stop was outstanding, which is why I brought it up.

But I think that the improvements made to this amendment by the gentleman from California (Mr. LANTOS) are noteworthy. What he did, as I understand it, was to insert a bit of the history here, the role of sanctions initiated by President Reagan, the role of international legal negotiations to get Libya to renounce terrorism and turn over terrorism suspects to international courts, and the role of diplomacy in previous administrations and by the British and others before the beginning of this administration. Though this administration did play a role, and I commend it, in President Qadhafi's stunning decision to do the right thing, that should be reflected, and is, in this amendment.

Mr. Chairman, I will put two very important articles on this subject in the RECORD. One is by Dr. Flynt Leverett entitled ''Why Libya Gave Up the Bomb'' from the January 23, 2004, New York Times; and the second is a Middle East Institute Policy Brief by two former assistant Secretaries of State and former ambassadors, Martin Indyk and Edward S. Walker entitled ''What Does Libya's Disarmament Teach About Rogue States?'' dated April 7, 2004.

Finally, let me make two other points. We have seen in recent days troubling allegations that Colonel Qadhafi was himself involved in ordering assassinations of Saudi leaders. These

are, of course, press reports. But these stories remind us that the success of our policies toward Libya remain an open question, and I am sure the gentleman from New York (Mr. BOEHLERT) agrees with me that we need to be clear-eyed and diligent to make certain that these promises by Colonel Qadhafi are kept, and that in other respects, he does not convert to any of his old habits.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from New York, the sponsor of the amendment.

Mr. BOEHLERT. Mr. Chairman, I thank the gentlewoman for yielding. Let me stress we have to be cautious, but deliberate. But as a favorite son of the gentlewoman's State, the great President that we just lost, I am reminded of his admonition: trust, but verify.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for those comments and strongly agree with them.

In closing, Mr. Chairman, let me just mention that on that trip that was described, we did spend a day and evening in Baghdad. It was my second visit. We met with troops, but we also met with all of our intelligence personnel at the scene in addition to the leaders of the CPA. What is troubling about that, and I believe the gentleman from Florida (Chairman GOSS) has commented on this in another appearance, our appearance yesterday in the Committee on Rules, because the timing of our trip was February 2004. While we were in Baghdad, General Taguba was doing his investigation of prison abuse and so forth in Baghdad, and we were never told by these intelligence leaders that that investigation was ongoing. That was wrong. That diminishes our oversight, and those folks whom we support as robustly as we can need to be fully candid with our committee, especially when we are seeking them out to try to help them.

Mr. Chairman, I would conclude by saying that I support the gentleman's amendment as improved by the gentleman from California (Mr. LANTOS).

[From the New York Times, 23 January 2004]

WHY LIBYA GAVE UP ON THE BOMB,

(By Flynt Leverett)

WASHINGTON.—As President Bush made clear in his State of the Union address, he sees the striking developments in relations with Libya as the fruit of his strategy in the war on terrorism. The idea is that Col. Muammar el-Qaddafi's apparent decision to renounce weapons of mass destruction was a largely a result of the overthrow of Saddam Hussein, which thus retroactively justifies the war in Iraq and holds out the prospect of similar progress with other states that support terrorists, seek weapons of mass destruction and brutalize their own people.

However, by linking shifts in Libya's behavior to the Iraq war, the president misrepresents the real lessons of the Libyan case. This confusion undermines our chances of getting countries like Iran and Syria to follow Libya's lead.

The roots of the recent progress with Libya go back not to the eve of the Iraq war, but to the Bush administration's first year in office. Indeed, to be fair, some credit should even be given to the second Clinton administration. Tired of international isolation and economic sanctions, the Libyans decided in the late 1990s to seek normalized relations with the United States, and held secret discussions with Clinton administration officials to convey that message. The Clinton White House made clear that no movement toward better relations was possible until Libya met its responsibilities stemming from the downing of Pan Am Flight 103 over Lockerbie, Scotland, in 1988.

These discussions, along with mediation by the Saudi ambassador to the United States, Prince Bandar bin Sultan, produced a breakthrough: Libya turned over two intelligence officers implicated in the Pan Am 103 attack to the Netherlands for trial by a Scottish court, and in 1999 Washington acquiesced to the suspension of United Nations sanctions against Libya.

Then, in the spring of 2001, when I was a member of the State Department's policy planning staff, the Bush administration picked up on those discussions and induced the Libyans to meet their remaining Lockerbie obligations. With our British colleagues, we presented the Libyans with a ''script'' indicating what they needed to do and say to satisfy our requirements on compensating the families of the Pan Am 103 victims and accepting responsibility for the actions of the Libyan intelligence officers implicated in the case.

We also put an explicit quid pro quo on the table: if Libya met the conditions we laid out, the United States and Britain would allow United Nations sanctions to be lifted permanently. This script became the basis for three-party negotiations to resolve the Lockerbie issue.

By early 2003, after a Scottish appeals court upheld the conviction of one of the Libyan intelligence officers, it was evident that our approach would bear fruit. Indeed, Washington allowed the United Nations sanctions against Libya to be removed last summer after Libya reached a compensation agreement with the Pan Am 103 families and accepted responsibility for its officials' actions.

But during these two years of talks, American negotiators consistently told the Libyans that resolving the Lockerbie situation would lead to no more than elimination of United Nations sanctions. To get out from under the separate United States sanctions, Libya would have to address other concerns, particularly regarding its programs in weapons of mass destruction.

This is the content in which Libyan officials approached the United States and Britain last spring to discuss dismantling Libya's weapons program. The Iraq war, which had not yet started, was not the driving force behind Libya's move. Rather, Libya was willing to deal because of credible diplomatic representations by the United States over the years, which convinced the Libyans that doing so was critical to achieving their strategic and domestic goals. Just as with Lockerbie, an explicit quid pro quo was offered: American officials indicated that a verifiable dismantling of Libya's weapons projects would lead the removal of our own sanctions, perhaps by the end of this year.

The lesson is incontrovertible: to persuade a rogue regime to get out of the terrorism business and give up its weapons of mass destruction, we must not only apply pressure but also make clear the potential benefits of cooperation. Unfortunately, the Bush administration has refused to take this approach with other rogue regimes, notably Iran and Syria. Until the president is willing to employ carrots as well as sticks, he will make little headway in changing Iranian or Syrian behavior.

The president's lack of initiative on this point is especially disappointing because, in the diplomatic aftermath of the Sept. 11 attacks, the administration has a singular opportunity to effect strategic realignments by both Iran and Syria. Well-placed Iranians, including more pragmatic elements of Iran's conservative camp, have indicated through diplomatic channels and to former officials (including myself) their interest in a ''grand bargain'' with the United States. Basically, Tehran would trade off its ties to terrorist groups and pursuit of nuclear weapons for security guarantees, a lifting of sanctions and normalized relations with Washington.

Likewise, senior Syrian officials—including President Bashar al-Assad himself, in a conversation in Damascus last week—have told me that they want a better strategic understanding with the United States. To achieve this, however, Washington needs to be willing to spell out what Syria would get in return for giving up its ties to terrorists and its chemical weapons and ballistic missiles. As Mr. Assad told me, Syria is ''a state, not a charity''—if it gives up something, it must know what it will gain in return.

One reason the Bush administration was able to take a more constructive course with Libya was that the White House, uncharacteristically, sidelined the administration's neoconservative wing—which strongly opposes any offer of carrots to state sponsors of terrorism, even when carrots could help end such problematic behavior—when crucial decisions were made. The initial approach on the Lockerbie case was approved by an informal coalition made up of Condoleezza Rice, the national security adviser, and Secretary of State Colin Powell. Likewise, in the lead up to the negotiations involving Libyan weapons of mass destruction, the neoconservatives at the Pentagon and in the shop of Under Secretary of State John Bolton were left out of the loop.

Perhaps a coalition among members of the State Department's bureau of Near Eastern affairs and the National Security Council's more pragmatic elements can chart a similar course involving Iran and Syria. However, until the administration learns the real lessons of the Libyan precedent, policy toward other rogue regimes is likely to remain stuck in the mind of ideology.

Flynn Leverett, a visiting fellow with the Saban Center for Middle East Politics at the Brookings Institution, was senior director for Middle Eastern affairs at the National Security Council from 2002 to 2003.

[From the Middle East Institute, April 7, 2004]

WHAT DOES LIBYA'S DISARMAMENT TEACH ABOUT ROGUE STATES?

(By Ambassador Martin S. Indyk; Ambassador Edward S. Walker)

Summary. Ambassadors Martin Indyk and Edward Walker discussed the bilateral negotiations begun in 1999 between the United States and Libya that led to Libyan leader Colonel Mu'ammar Qadhafi's radical change in foreign policy. These talks began during the Clinton Administration as part of a broader strategy that sought to ''graduate'' rogue states into the international community and establish normal relationships with the United States. Although initially wary of the process, the Bush Administration successfully forged ahead with the secret negotiations bringing about the recent rapprochement between the two countries.

Brief. When the secret US–Libyan negotiations began in 1999, Libya was engaged in an effective campaign in the United Nations to cease the multilateral sanctions imposed on

it by the international community. The United States was in a difficult position because it was the only member that refused to lift the sanctions and therefore was in danger of becoming isolated in the Security Council. Had the United States merely vetoed a new UN resolution to lift the sanctions, the international consensus that made the sanctions regime effective would have eroded, and this potentially would have led to the failure of the US objectives regarding Libya: the halting of state sponsorship of terrorism, an admission of responsibility for the bombing of Pan Am Flight 103 over Lockerbie, Scotland, and the payment of compensation to families of Pan Am Flight 103's victims.

A New Strategy. The United States' primary short-term goal in the negotiations was to maintain the sanctions. At the same time, the US was pursuing a new strategy that went considerably beyond a policy of containment. The goal of this broader strategy was to try to change the behavior of rogue states and ''graduate'' them into the international community and normalize relations with the United States. Libya was a good test case for this new strategy because the broad international consensus that Colonel Qadhafi's actions were unacceptable provided the US with more flexibility. As for the Libyan goals, Qadhafi, having abandoned his pan-Arab aspirations, made a deliberate tactical decision to normalize relations with America.

The Negotiations. The negotiations began in May 1999, with Musa Kusa, Colonel Qadhafi's head of intelligence services, leading the Libyan delegation. Crown Prince Abdullah of Saudi Arabia and President Hosni Mubarak of Egypt strongly backed the process and at times even provided logistical support. The US put forth two initial conditions which Colonel Qadhafi fulfilled immediately: first, that Libya halt all efforts in the UN to have the sanctions lifted; and second, that the bilateral dialogue be kept secret. Surprisingly, Libya was prepared to accept subsequent US requirements with little negotiation. Among the additional requirements were the closure of all terrorist camps in the country, acknowledging responsibility for the Pan Am Flight 103 terrorist operation, paying compensation to families of the victims, and disclosing weapons of mass destruction (at the time only consisting of chemical weapons, as Libya had yet to begin a nuclear weapons program).

Ambassador Indyk suggested these negotiations could have proceeded more quickly, possibly concluding prior to the 2000 election season, had the United States not periodically instituted new demands to ensure Colonel Qadhafi's consistency and compliance. Another complicating factor was a strong and vocal anti-Libyan constituency among the families of Pan Am Flight 103 victims who slowed down the reconciliation. The negotiations were also put on hold for the 2000 American presidential elections out of concern that the process would be leaked to the press and result in a scandal. Once elected, although initially wary of the process, the Bush Administration resumed talks in a more public forum and ''took them to their natural conclusion,'' which has led to the recent public US-Libyan rapprochement.

Although this has been a success story for this new strategy, it is not necessarily applicable to all rogue states. There were specific conditions with regard to Libya that made the process work. First, the international community was united in condemning Libya's terrorist actions. Though the United Nations contemplated lifting sanctions, the international consensus against Libya was largely still intact. Second, the United States had shown previously that it was willing to use military force against Libya, after the 1986 West Berlin nightclub bombing. Finally, Qadhafi had a change of heart. He decided that he wanted American companies specifically to develop Libya's oil fields and this strongly influenced his decision-making. The United States was able to use the carrot and the stick effectively throughout the process, and Colonel Qadhafi consistently reinforced his willingness to comply with US demands.

The Ambassadors added that one way to improve this type of strategy in the future would be for the US Administration to articulate from the outset the final goals of the engagement and identify concrete steps for compliance. On a final note, both Indyk and Walker believe that the new approach has been very effective and extend credit to the George W. Bush Administration for seeing this unusual policy to its conclusion.

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

Mr. BOEHLERT. Mr. Chairman, I will complete the balance of my time by just once again emphasizing that all is not over, all is not hunky-dory, as the phrase goes; but there has been significant movement in the right direction, thanks to good intelligence, thanks to firm and decisive leadership. But we have to go forward with the admonition that we trust, but verify.

So I would urge strong support of this amendment for all the reasons that have just been enumerated by the gentlewoman from California (Ms. HARMAN) and this gentleman, and I would urge a ''yes'' vote on my amendment.

Mr. SHERMAN. Mr. Chairman, I voted against the Boehlert Amendment to the Intelligence Authorizations bill for 2005, H.R. 4548, due to the language which suggested that the war against Iraq and the policies of our commander-in-chief were the major factors in Libya's change with respect to the development of nuclear and other weapons of mass destruction. It was, in fact, concerted multilateral economic and diplomatic pressure which brought Libya's leader, Col. Qaddafi, to his senses to cut a deal to end U.S. and multilateral sanctions and relieve Libya's diplomatic isolation. I agree with the Ranking Member of the International Relations Committee, who insisted that language be added noting the effect sanctions had on the Libyan leader's policies. However, I cannot support legislation which suggests that the President's policy in Iraq played the major role in affecting policy in Tripoli.

I also voted against the Rogers Amendment. Though I agree with many of its provisions, I cannot support its partisan tone.

Mr. VAN HOLLEN. Mr. Chairman, this amendment represents another example of the Republican leadership playing politics with important matters of national security. The decision of Libya to renounce its program to develop weapons of mass destruction represents an important victory for U.S. diplomatic and foreign policy efforts. However, the attempt to directly tie that success to the war in Iraq is not supported by the facts. Consequently, while I agree with much that is contained in this amendment, I will not engage in this politically motivated farce.

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 108–561.

AMENDMENT NO. 4 OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SAM JOHNSON of Texas:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS THAT THE APPREHENSION, DETENTION, AND INTERROGATION OF TERRORISTS ARE FUNDAMENTAL TO THE SUCCESSFUL PROSECUTION OF THE GLOBAL WAR ON TERROR.

(a) FINDINGS.—The Congress finds the following:

(1) Throughout the 1980s and 1990s, the people of the United States were too often brutalized again and again by deadly terrorist violence, as evidenced by the hundreds of American deaths in the Beirut and Lockerbie bombings, the attack on the World Trade Center in 1993, the destruction of the Khobar Towers military barracks, the bombing of the American embassies in Kenya and Tanzania, and the vicious attacks on the USS Cole in 2000.

(2) The terrorist violence targeted against the United States became more emboldened after each attack, culminating in the deadly attacks on the World Trade Center and the Pentagon on September 11, 2001, which killed thousands of innocent Americans, including innocent women and children.

(3) Since September 11, 2001, the citizens of the United States have remained the priority target of terrorist violence, with journalists and employees of non-governmental organizations being held hostage, tortured, and decapitated in the name of terror.

(4) Congress has authorized the President to use all necessary and appropriate means to defeat terrorism ; and on numerous occasions since September 11, 2001, and throughout the Global War on Terror, the interrogation of detainees has yielded valuable intelligence that has saved the lives of American military personnel and American citizens at home and abroad.

(5) The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations, their target selection process, and the identities of key operational and logistical personnel that were previously unknown to the Intelligence Community.

(6) The lawful interrogation of detainees is consistent with the United States Constitution.

(7) The abuses against detainees documented at Abu Ghraib prison in Iraq were deplorable aberrations that were not part of United States policy and were not in keeping with the finest traditions of the United States military and the honorable men and women who serve.

(8) The loss of interrogation-derived information would have a disastrous effect on the Nation's intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terror during this critical time.

(9) The apprehension, detention, and interrogation of terrorists are essential elements to successfully waging the Global War on Terror.

(10) The interrogation of detainees can and should continue by the United States within the bounds of the United States Constitution and the laws of the United States of America.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Texas (Mr. SAM JOHNSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

My amendment is pretty simple. It expresses the sense of Congress that the apprehension, detention, and legal interrogation of terrorists is imperative to winning the war on terrorism and stopping the barbarians.

The terrorist thugs that we are fighting today are well-organized, well-financed forces who have publicly declared war on the United States of America and the Free World. They have a global network of hide-outs and cells, set up solely to wage war on the United States and kill innocent American citizens.

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They have carried out attack after attack on Americans. They attacked the USS *Cole*. They attacked our barracks. They attacked our embassies, and we will always remember the highly coordinated attacks of September 11 on our own land.

This Congress has authorized the President to use all necessary and appropriate means to defeat terrorism. On numerous occasions since September 11 and throughout the global war on terror, the interrogation of detainees has yielded valuable intelligence. This intelligence has saved the lives of American military personnel and American citizens at home and abroad. The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations and their target selection process and the identities of key operational and logistical personnel who were previously unknown.

The reported abuses against detainees at the Abu Ghraib prison in Iraq has led some to question our interrogation policy. Make no mistake. What happened at Abu Ghraib was not part of U.S. policy, not keeping with the finest traditions of the United States military.

The careers of those people are over. They are being punished. However, the deplorable actions of some should not jeopardize the use of interrogation by our armed services, and we should not let it tarnish the sterling representation of our military.

The loss of interrogation-derived information would have a disastrous effect on our Nation's intelligence, collection and counterterrorism efforts. It would constitute a damaging reversal in the global war on terror at this critical time.

Support this amendment for the safety of our troops for Americans all over the globe, and for the war on terror. It is imperative that lawful interrogation of detainees continue, and this Congress ought to support it.

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

The CHAIRMAN. Who seeks to control the time in opposition to the amendment?

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I will control the time on our side.

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

There was no objection.

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

Mr. Chairman, I will support the amendment, though I wish it had included a clear statement about the importance of U.S. obligations to adhere to international laws, conventions and treatises to prevent torture, cruel, inhumane and degrading treatment of human beings.

Mr. Chairman, one of the most troubling aspects of this whole detainee issue, besides the absolutely reprehensible abuse of prisoners, is the all-out assault on the rule of law that is clearly revealed in legal memos that seem to justify abuse and even torture of detainees.

None of us is naive here, and as a member of the Permanent Select Committee on Intelligence, I strongly believe in the importance of interrogations and understand that interrogations can yield information that protect thousands or millions of Americans. We have to interrogate prisoners, but over the many years of our country's history, we have always done those interrogations consistent with the rule of law, and only recently have some very troubling memoranda surfaced at the highest levels of the Justice Department and the Defense Department that raise questions and that actually assert that the President of the United States in his role as commander in chief could actually be above the law.

I thought, Mr. Chairman, that we had defeated that idea at Runnymede centuries and centuries ago and that our country was built on a foundation of the rule of law, and I worry, Mr. Chairman, that if we do not observe the rule of law, not only do we undercut our moral authority, but we endanger our troops who might be treated just the way some of our people are treating other troops.

Now, let me add quickly that the beheading of Americans and other nationals is absolutely outrageous, and nowhere do I think that behavior is consistent with even rational or humane behavior. It is abhorrent and appalling, and I strongly condemn it.

But in conclusion, I think it is important that we support this amendment, but I think it is also important that as we do support this amendment, we think about the fact that the rule of law must always apply as we treat detainees and proceed with the important work of interrogations.

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

Mr. SAM JOHNSON of Texas. Mr. Chairman, I thank the gentlewoman from California (Ms. HARMAN) for her comments, and I agree that it is barbarous what is going on over there.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I thank the gentleman from Texas (Mr. JOHNSON) for bringing this amendment forward and for yielding me the time.

As my ranking member has said, the use of interrogation is absolutely critical. It is a very important tool in the war on terrorism. Getting information timely, not only saves lives for our forces, but in the type of unconventional war we are fighting today, it is critical to know where the next bad surprise is going to come from, because these folks do not fight fair, as you say.

Equally, in order to protect the tool that we have, the proper use of interrogation, we need to prevent the abuse of interrogation. We all understand that, and unfortunately, I think that those of us who understand it and have looked into it are a little puzzled by the fixation that the liberal media has assigned to some of this, what I would call, aberration problem that took place at Abu Ghraib, which was admittedly terrible, but I believe it is an aberration.

I would like to point out to the American people that our committee does have oversight over interrogation, and we have looked into what has happened in the intelligence aspects, the interrogation aspects. We have had numerous briefings, and we had a rather full-scale day of hearings settled for, I guess it was last Friday. Unfortunately, that was preempted by the sad events with President Reagan's, the national day of mourning for State ceremony for former President of the United States, Ronald Reagan. So the government was closed, and obviously we have had to postpone.

But we are on top of the hearings in keeping up with this, and we have reams of material and reports, and we are obviously going to have more, because more reports are taking place.

I think the purpose of the gentleman's amendment is very, very important. We must not lose sight that interrogation is a critical tool, and despite the hype and the sensationalism that the liberal media is fixing on, and it is a shame they do not talk more about the cruelty and the barbarity, as the gentleman has alluded to, of the enemy than they do of some people who got out of control on our team.

I would also like to say that for the record, it is my understanding, and we do not know all of the facts yet, that perhaps the reason that the gentlewoman did not get an intelligence briefing in February while she was in Iraq is because the prisoners that were involved, we are finding out, were prisoners of crimes, of murder and rape and so forth, and not necessarily subjects of intelligence interest.

Now, that needs to be pursued further, but you can understand that if they are just criminals, that there would not be a huge reason to go out and get the Permanent Select Committee on Intelligence involved, its abuse of prisoner handling, if that is the issue.

So we have got an area of jurisdiction there where we will sort out. I do think that it is extremely important that we support this amendment. And I thank the gentleman for bringing it forward. I think it is a huge improvement to our bill, and I will be very happy to accept it from our perspective.

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

Mr. Chairman, I would say to the gentleman from Texas that I appreciate his comments welcoming my comments. That, again, is in the spirit of bipartisanship. We all do better when we are bipartisan.

I would just also make a comment to the gentleman from Florida (Mr. GOSS). I certainly agree that a lot of material is in our committee spaces, but we will consider an amendment later this afternoon on this subject of the committee's ability to oversee the detainee problem. Some of us remain skeptical that our committee has gotten all the material we need and certainly skeptical that we have gotten adequate candid testimony from administration officials.

I would also point out to the gentleman from Florida (Mr. GOSS) that while we were in Baghdad, we should have been told about some issues directly relevant to our jurisdiction, such as this issue of ghosting of detainees as described by General Taguba in his report, and that is the placing of detainees without revealing their numbers or their identity in prisons so that, as I understand it, the International Red Cross and other outside observers would not be aware of their existence. This is a serious issue directly relevant to our jurisdiction. I believe that it was known to those we met with in Baghdad and they should have informed us; at least that is my personal opinion.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), another member of our committee to comment on the Johnson amendment.

Mr. HOLT. Mr. Chairman, the amendment by our colleague from Texas indeed states a correct proposition that the detention and lawful interrogation of terrorists is fundamental to our national security. The key word, of course, is ''lawful.'' And perhaps the amendment could have been improved by spelling out more explicitly the importance of adhering to international convention, international law, international standards.

There is no doubt that the gentleman from Texas has the admiration and appreciation of every Member here in this body for his service, and no one knows better than he, he has very personal and strong reasons for caring about the treatment of detainees and prisoners. And, in fact, I just wanted to underscore the point that I am sure the gentleman knows better than I, that the reason we do adhere to international standards, is for the protection of our own servicemen and women who may indeed become prisoners themselves.

We certainly deplore the barbaric treatment of Americans, Koreans and others by the terrorists. We understand that non-state terrorists sometimes do not feel bound by the international standards, but the gentleman's legislation with an emphasis on the word ''lawful'' makes a good point.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I wanted to make a point about the fact that the gentleman from Florida (Chairman GOSS) had invited several of us on the committee to go to Guantanamo on two different occasions. We spent 2 full days on two separate occasions touring and observing and paying attention. And there is absolutely no question the work that goes on there is absolutely critical to our ability to win the war on terror. And it is absolutely critical to our work and the work of law enforcement people in this country to find those people that are still here in America, trying to hurt our country and trying to hurt our system.

And that is why the amendment of the gentleman from Texas is so important because it does point up the importance of the work that goes on. And the work that goes on in the Guantanamo is very professional work. It is done by the book. It is done in a way that, I think, has elicited the kind of information that has really helped those in this country and around the world get the information they need.

And so I support the amendment and I support those that are doing the hard work in Guantanamo because it will make a difference in our ability to win the war on terror.

Ms. HARMAN. Mr. Chairman, I see no additional speakers on our side. I support the amendment, and I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that I advocate lawful and legal interrogation, and it must continue because it does save lives on our side. And I would also like to point out that the Bush administration has recently declassified and released hundreds of pages of internal documents that show that torture against detainees has never been authorized and will never be authorized by our Nation.

Mr. BLUMENAUER. Mr. Chairman, I voted against the amendment because while the Abu Ghraib prison abuses should not be part of the United States' policy, the evidence is not clear that it was not part of the policy of the Bush administration. Given the disturbing documents that are coming to light, this amendment seemed to be partisan wishful thinking rather than a clear expression of policy supported by objective analysis.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. SAM JOHNSON) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment number 5 printed in House Report 108–561.

□ 1845

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGERS of Michigan:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS ON SUPPORT FOR THE EFFORTS OF THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—The Congress finds the following:

(1) The men and women of the intelligence community are the backbone of the Nation's efforts to gather and collect the intelligence which is vital to the national security of the United States.

(2) The men and women of the intelligence community are great patriots who perform their jobs without fan fair and all too often without receiving the proper credit.

(3) The men and women of the intelligence community are combating vastly different threats to the Nation's security compared to their Cold War colleagues.

(4) Threats to the United States have evolved through the use of technology and non-state actions, demanding alternatives to traditional diplomatic actions.

(5) The 1995 ''Deutch Guidelines'' regarding the recruitment of foreign assets impeded human intelligence collection efforts and contributed to the creation of a risk averse environment. Despite repeated efforts by the intelligence oversight committees of Congress to convince the Director of Central Intelligence to drop the guidelines, these guidelines stood until formally repealed in 2001 by an Act of Congress.

(6) The President's budget request for the intelligence community fell by 11 percent from 1993 to 1995.

(7) Congress cut the President's budget request for the intelligence community each year from 1992 through 1994.

(8) The cutbacks in resources and political support during the middle of the previous decade has caused nearly irreversible damage.

(9) Widespread risk aversion in clandestine HUMINT collection and intelligence analysis resulted from lack of resources and, more importantly, of political support for the mission during the middle of the previous decade.

(10) Unnecessarily cumbersome legal impediments to the clandestine HUMINT collection mission were raised during the middle of the previous decade, leaving our intelligence officers unable to penetrate legitimate target organizations, such as terrorist groups.

(11) Congress and the current President have worked cooperatively to restore funding, personnel levels, and political support for intelligence.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should be revitalized by investing in the missions, people, and capabilities of the community; and

(2) the efforts of the men and women of the intelligence community should be recognized and commended.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 10 minutes.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I might consume.

I rise today, and I am not one that normally comes to the floor; but given my time as a special agent with the FBI and watching the intelligence community get really abused in the 1990s and to see this very partisan debate engaged in this Intelligence authorization, I felt compelled to come to the floor, at least to try to interject some common sense and some plea that we could get back to the serious work of protecting the United States of America. One way we do that is we stand tall and we stand together and we commend those who are risking their lives every day in what is an art, a skill, to some degree a science, of collecting intelligence around the world.

The 1990s was brutal to intelligence collection. Funding was reduced. As a matter of fact, the number of intelligence operatives declined by 27 percent from 1992 to 1999. From 1991 to 1997, the number of stations declined by 30 percent. The number of assets declined by 40 percent. The intelligence reporting declined by approximately 50 percent. As a matter of fact, George Tenet said in front of the commission, When I became DCI, I found a community and a CIA whose dollars were declining and whose expertise was ebbing.

There was a feeling in the community of intelligence that they were the stepchild; they were the sinister folks who we did not need to spend money on anymore, who had passed their prime after the close of the Cold War. They became the great awful folks that we wanted to blame for a lot of things.

As a matter of fact, in the Deutch guidelines of 1995, they basically said that CIA operatives around the world could not associate with unsavory characters. I have to tell my colleagues that as an agent of the FBI, if you were not dealing with some unsavory characters, you were not catching bad guys. That is exactly what we needed to do. My colleagues can imagine the morale and the confusing message that we send to somebody who is risking their life in some remote corner of the world, dealing with somebody who would just as soon slit your throat as to say hi, and say to them, boy, you cannot deal with unsavory characters to save and defend the United States of America; it might embarrass us somewhere along the way.

Well, if we are going to defeat terrorism, we need to deal exactly with those unsavory characters. The gentlemanly days of Ivy League spies are over. The threat today are those who behead their hostages. The threat today are those who use illegal operations and criminal enterprise to conduct horrible acts against the United States, including flying airplanes into buildings.

So what we do by this amendment is say, yes, we have made some mistakes; yes, we did not hold you in high regard in the last decade, but we do today and we appreciate your work. You will not be on TV. You probably will not write a book. You probably will not be famous, but you are risking your life every single day for the defense of the United States.

I talked to a CIA station chief just this weekend who said our business is really to steal secrets, and all we want is the appreciation of what we do, the art of getting to them before they get to us.

These are great Americans, and when we tell them not to do something, they will not do it. When we tell them that we care and believe in them, they are going to do it. So this amendment is exactly that. It is us standing together, trying to set aside our partisan differences on what should never be a partisan issue, the safety and security of the United States of America.

So, to every FBI agent who gets up in the morning and worries that on their watch something bad is going to happen, to every CIA agent, to every other intelligence operative that we have employed by the United States of America who stands tall as a patriot for their Nation, we ought to say today, we recognize we did not treat you well, but we understand how valuable you are today, and we will stand with you. We will stand with you all the way. We are going to give you the resources you need, and we are going to give you the respect that you should command.

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

The CHAIRMAN. Who seeks to control the time in opposition to the amendment?

Ms. HARMAN. Mr. Chairman, I rise in opposition to this amendment, and I will control the time on our side.

The CHAIRMAN. The gentlewoman from California (Ms. HARMAN) is recognized for 10 minutes.

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

Let me just say to the sponsor of the amendment that all of us in this House, on a bipartisan basis, recognize and respect and honor the heroism and sacrifice of the men and women in the intelligence community. I have spoken to it two or three times already today. That is not the issue. The issue is additional language in this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER), our rookie.

Mr. RUPPERSBERGER. Mr. Chairman, I thank the gentlewoman from California (Ms. HARMAN) for the time.

First, we appreciate the gentleman from Michigan's (Mr. ROGERS) service, and I agree with a lot of the comments he made about coming together and supporting our men and women who really toil in the intelligence community. They toil tirelessly in the shadows for sake of our Nation's security.

Today, we have heard complaints about our side being involved in partisan politics when, in fact, we are just trying to debate an issue that we disagree on; but I believe that certain parts of this amendment deal with a lot of politics, and I think it is important when we deal with the issue of politics that we then follow the facts because we need to be bipartisan as it relates to intelligence.

The problem with this amendment, basically, is that the facts are as follows: first, the cuts in the Intelligence budget began after the first Bush administration. The first President Bush ordered a 17.5 across-the-board cut in intelligence staffing from 1991 to 1997.

Now, let us talk about the reasons for some of these cuts. It was the end of the Cold War. The entire intelligence community was going through a transition that we are still going through today. So let us follow the facts.

House Republicans supported a 6 percent cut in President Clinton's Intelligence budget by voice vote in 1992. The Republicans have controlled the Congress in the last 10 years, which includes the purse strings. In 1996, Dr. Paul Wolfowitz, Under Secretary of Defense; the gentleman from Florida (Mr.

GOSS), chairman of the Permanent Select Committee on Intelligence; and Senator WARNER were cosigners of the Brown-Rudman report calling for further staffing reductions in intelligence, 3 years after the World Trade Center bombing in 1993.

Senate Republicans cut $400 million from President Clinton's Intelligence budget in 1998, and these cuts were later restored.

In 1999, President Clinton's CIA Director, George Tenet, secured the largest single increase in intelligence funding in 15 years.

House Republicans increased President Clinton's fiscal year 2000 budget by just 1 percent.

From 1990 to 2003, overwhelming bipartisan majorities have supported every intelligence budget by a roll call or voice vote.

I think we all recognize what this amendment really is. Let us get back to national security, and let us get away from the politics.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SIMMONS), whose service in the CIA has been unparalleled, and his service to his country is unmatched.

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for the time.

I rise in support of the amendment. As my colleague from Michigan mentioned, I spent 10 years in the Central Intelligence Agency. For all of those 10 years, I was a case officer. Five of those 10 years I served abroad on what I feel are difficult and dangerous missions. We have people today overseas serving under similarly difficult and dangerous conditions.

The life of a CIA officer operating undercover overseas is not easy. They are required to penetrate a host government, a terrorist organization, or some other entity that may do harm to our Nation. Of definition, you are going to be dealing with unsavory characters. Of definition, you are going to have to do things that you would not normally do to accomplish your mission.

This is stressful and this is dangerous, and so you can imagine what it must be like to operate in this environment when the DCI in 1995 issues the Deutch Guidelines, where cumbersome legal impediments are placed upon the clandestine operative in his or her effort to accomplish their mission.

I think this resolution correctly points out some of the difficulties that we have encountered over the last 3 years, and I would argue that some of those difficulties were encountered on both sides of the aisle, no question about it.

But I think it is also incumbent that we use this opportunity, this Intelligence authorization bill to discuss some of these issues so the American people better understand how regulations like the Deutch regulations, which sound good on the surface, which restrict us from dealing with unsavory characters, in fact, work to defeat the fundamental mission of our intelligence men and women operating undercover overseas.

I thank the gentleman for his amendment.

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

I want to agree with the comments of the last speaker and commend his service as part of the Central Intelligence Agency. He brings great expertise to this House, and I as one Member value it enormously.

He may not know that the Bremer Commission on which I served recommended that the Deutch Guidelines not apply in the case of recruitment of terrorist spies. We, too, found that, though well-intended, and I believe they were well-intended, those guidelines inhibited the aggressive recruitment of people who had the qualifications to penetrate the worst terrorist organizations, which we need them to do. Yes, these are unsavory characters, and yes, we need them, provided that they are reasonably vetted so that we know that they are reliable, but nonetheless, yes, we need them. I do not want to be heard to be ambivalent about this at all.

A few years ago, our committee found that those guidelines had not been rescinded; and on a bipartisan basis, we directed that the DCI rescind them and replace them, and that was done at our direction. That was one of our impressive bipartisan actions, and so I would just point out that, while the language of this amendment commending our people in the field who take risk on our behalf is excellent, the problem we are having on this side is with the findings that very narrowly focus on a very few years of history.

The history is longer, and let me say in the spirit of bipartisanship that we all got it wrong after the Cold War. We all thought the world would be more peaceful. We all thought there would be a peace dividend. That is why the 41st President, President Bush, began to draw down both the Defense and Intelligence budgets, anticipating a more peaceful world, which obviously did not come to pass.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, well, I know that we like to have it both ways around here, all of us do; but you cannot have it both ways. You cannot come to the floor tonight and say that we are not doing enough and then vote against this amendment.

This amendment says that in the 1990s we did not put enough money in. You all know that. The cash cow when Clinton came into office was Defense and Intelligence, and what he did was he took the cash cow and he used the money for a lot of other things as all of you supported over there.

So the idea that we are not doing enough but they did enough sort of belies belief here, and what the gentleman's amendment talks about is the fact that in the 1990s they took the cash cow, which was Intelligence and Defense, emasculated it, drew it down as far as they could and used it on a lot of other things. These charts prove that.

Then the idea that the former head of the CIA, President Herbert Walker Bush, did not do that, that is fiction, too. You all know that. So you cannot come here and have it both ways. You cannot say you are saying that the chairman did not put a good mark up here because he did not fund fully the things that you want and yet during the 1990s they did. You know what, it does not work that way, but I guess it does work that way because you can come here and say anything you want; but the facts are the facts.

The gentleman has a good amendment, and you all ought to be supporting that.

Ms. HARMAN. Mr. Chairman, how much more time do we have?

The CHAIRMAN. The gentlewoman from California (Ms. HARMAN) has 5 minutes remaining. The gentleman from Michigan (Mr. ROGERS) has 2½ minutes remaining. The gentlewoman from California has the right to close.

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

I would just point out to the gentleman from Illinois (Mr. LAHOOD) that the findings section of this amendment claims there was a funding reduction in the Intelligence budget of 11 percent between 1993 and 1995. This narrow period matches a period when President Clinton was in office and Democrats still controlled the Congress.

□ 1900

But the decline commenced in the first Bush administration, in 1990, as the Soviet empire was collapsing. And the trend continued through the 6-year period of Republican control of Congress until 9–11.

It is good that we have increased the budget. I hope everyone in this House supports those increases. Certainly those of us on this side of the debate are talking about full funding of counterterrorism, because it turns out that the world was not more peaceful after the fall of the Berlin Wall. The world was more dangerous, and all of us underestimated the lethality of the threats we faced.

In hindsight, we all, over three administrations, should have done a lot more. In foresight, hopefully together on a bipartisan basis, we will.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, the rhetoric of this debate is not without its dangers. While this evening's discussion is ostensibly about the intelligence reauthorization, and I welcome

the more temperate approach tonight has, on other days the vituperative words here and also on the campaign trails, I believe, may have harmful consequences that demand our attention.

We may be responsible for giving weapons of intelligence to the terrorists themselves. In World War II, the Germans launched V2 rockets towards England and waited to learn where they fell. Newspaper and radio accounts of the damage could help the Nazis adjust their fire accordingly.

Now, you do not have to be a psychologist to understand the behavior of terrorists towards us is based upon the feedback they get from us. Are they getting their ideas and marching orders from the evening news?

Politicians look to incite anger and blame over gas prices. Does this lead to bombing of refineries?

Politicians raise doubt about Iraqi security strength. Is that why they attack police barracks?

Politicians questioned if Iraqi leaders were ready to take over. Did that contribute to assassinations of Iraqi leaders?

Politicians screamed about enemy prisoner abuse. Did that contribute to the capture, torture, and decapitation of American citizens?

And politicians questioned if Americans could tolerate casualties of our soldiers. Could that be encouraging attacks on our troops?

Terrorists watch the evening news for our reactions to their crimes, listen to our speeches, listen for calls to run away, watch the polls, and are emboldened by any sign we are weakening, and are thwarted by signs we remain steadfast. We tell them where, how, and how severe to strike next. Our intelligence is important here.

After U.S. politicians began to apply the words ''Vietnam'' and ''quagmire'' in Iraq, al Qaeda added the same words to their daily lexicon.

Terrorists are looking for ways to sway public opinion. Look at Madrid. And now the ultimate question before them is: How will a direct attack on the U.S.A. affect our fall elections?

I believe these concerns are real. But even if only a remote chance of a link, should we not stop, think, and ask where we must draw the line.

And while we deliberate the intelligence bill tonight, let us stop aiding the enemies of freedom through politicized debate here or on the campaign trails. Unless we do, we risk having the blood of Americans on our hands. I say support the amendment.

Ms. HARMAN. Mr. Chairman, how much time is remaining on our side?

The CHAIRMAN. The gentlewoman from California (Ms. HARMAN) has 4 minutes remaining, and the gentleman from Michigan (Mr. ROGERS) has ½ minute remaining.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of our committee.

Mr. HOLT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I would subscribe to the comments of the gentleman from Connecticut (Mr. SIMMONS), and I would like to point out the problem with this amendment. It says it is the sense of Congress that the intelligence community should be revitalized by investing in its missions, people, and capabilities of the community. And, of course, that the efforts of the men and women of the intelligence community should be recognized and commended.

This is commendable. This is what we would like to do. But if you read the findings of this, you find out what is really at play here. It is a gratuitous swipe at an administration that has long been out of office.

If, in fact, we want to revitalize the community by reinvesting in its missions, we should be doing exactly what we have been talking about today, funding counterterrorism at something more than 30 percent of what the community, these people, say they need to carry out their missions and the capabilities that they need. Yes, we should revitalize by reinvesting. That is what we are asking to do today.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume just to clarify and point out that in fiscal year 1993, President Bush requested a 4 percent increase, and the Democrat Congress that year cut the request by 10 percent, effectively reducing the funding by 5 percent from the 1992 appropriation.

I understand the politics of being a convert to intelligence. Thank you. Let us stand together and say, okay, that time has gone, we are going to move forward, we are going to stand with the intelligence community.

Mr. Chairman, I yield the remainder of my time to the gentleman from Florida (Mr. GOSS), the chairman of the committee.

Mr. GOSS. Mr. Chairman, I actually urge support of this. When something bad is going to happen, we want to make sure that it is the bad guys that get us and not the good guys. And we are concerned that we have not, in our own country, focused enough on that subject.

I think this amendment helps the good guys and hurts the bad guys, so I urge its support.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume. I do not think we have any further speakers on this amendment, but I would like to enter into a dialogue with the amendment's sponsor to suggest to him that we might agree by unanimous consent that the sense of Congress in his resolution be the entire resolution.

We strike the findings, because our side feels that they are not complete and that some of them may be misleading. And that, as I said, on a bipartisan basis we all were wrong in 1990 when the wall came down and we expected a more peaceful world.

Would the gentleman be amenable to striking the findings and having his resolution be the Sense of Congress, as he has drafted it, which I would predict would be adopted unanimously?

Mr. ROGERS of Michigan. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Chairman, facts are very stubborn things. Given the sense of where the intelligence community is today, they are beleaguered at every corner. For years, their hands were tied behind their back. And now you have commissions coming out and say, gee, we tied your hands and now we are faulting you for not being super heroes and doing super work without the funding and resources.

I think it is accurate, and I think we should make that statement that we all recognize those shortcomings of 1990s, but we will stand with you today. It is an important commitment for the morale of the intelligence officers in the field.

Ms. HARMAN. Well, reclaiming my time, Mr. Chairman, I am disappointed in that answer only because I think there is plenty of blame to go around over three or four administrations and findings that made that clear, I think, would be more helpful.

Let me reiterate my strong view, and the view of everyone that I can imagine on our side, that we support the men and women of the intelligence community. That is something I have said over and over and over again in our committee briefings, hearings, and travels. Everywhere we go around the globe, and the gentleman from Florida (Mr. GOSS) and I and others have traveled to places like Pyongyang, and Baghdad and Kabul and Libya and elsewhere. We have always thanked the men and women of the intelligence community with whom we have met.

I wish that this would have been drafted on a bipartisan basis with what we would view as a fairer statement of findings over a longer period of time. I think that that would do more honor to the capable men and women who are now in harm's way. So I regrettably urge a ''no'' vote on this amendment.

Mr. OXLEY. Mr. Chairman, I stand in strong support of the Rogers Amendment recognizing the vital, groundbreaking work of our intelligence community.

As a former FBI special agent, I well understand the importance of human intelligence gathering. The patriots of our intelligence community are frequently unsung heroes, not receiving due credit for their tireless efforts. Due to the nature of their work, they don't make the headlines, but their work will continue to derail terrorist activities and thus prevent headlines from being made.

Mr. Chairman, we're facing significant new threats in the post-Cold War era, and certainly since September 11, 2001. New hot spots have emerged throughout the world, and new havens for terrorists and their supporters. The threats we encounter are no longer solely state-based, and require new methods to combat them.

Unfortunately, changing our Cold War ways has not kept pace with these new threats. It

has taken too long to reverse the Church Commission's outdated and overreaching reforms that crippled our intelligence abilities, restricting human intelligence and limiting people from getting out in the field. The 2002 Joint Inquiry into the Terrorist Attacks confirmed that the lack of reliable human sources in al Qaeda "significantly limited the [intelligence] community's ability to acquire intelligence that could be acted upon before the September 11 attacks."

While human intelligence can be the force multiplier in many instances, our intelligence community has not received the funding or the support it requires to conduct operations. Through the leadership of Chairman GOSS and others, we're continuing to work toward revitalizing the community, giving our operatives what they need to continue their work and respond to the new threats we face. Their work stands at the center of our global war on terrorism.

I salute MIKE ROGERS for introducing this amendment to recognize the dedication and importance of our intelligence community, and thank Chairman GOSS for crafting this authorization to meet our current and future threats.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

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

Mr. ROGERS of Michigan. 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 Michigan (Mr. ROGERS) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 108–561.

AMENDMENT NO. 6 OFFERED BY MR. ACKERMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ACKERMAN:

At the end of title III, insert the following new section:

SEC. 304. REPORTS ON PAKISTANI EFFORTS TO CURB PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND TO FIGHT TERRORISM.

(a) IN GENERAL.—The Director of Central Intelligence shall submit to the appropriate committees of Congress classified reports on the following matters:

(1) The efforts by the Government of Pakistan, or individuals or entities in Pakistan, to acquire or transfer weapons of mass destruction and related technologies, or missile equipment and technology, to any other nation, entity, or individual.

(2) The steps taken by the Government of Pakistan to combat proliferation of weapons of mass destruction and related technologies.

(3) The steps taken by the Government of Pakistan to safeguard nuclear weapons and related technologies in the possession of the Government of Pakistan.

(4) The size of the stockpile of fissile material of the Government of Pakistan and whether any additional fissile material has been produced.

(5) The efforts by the Government of Pakistan to fight Al Qaeda and the Taliban as well as to dismantle terrorist networks operating inside of Pakistan.

(6) The efforts by the Government of Pakistan to establish and strengthen democratic institutions in Pakistan.

(b) DEADLINE FOR SUBMITTAL OF REPORTS.—(1) The Director of Central Intelligence shall submit the first report required under subsection (a) not later than 90 days after the date of the enactment of this Act.

(2) The Director shall submit subsequent reports required under subsection (a) on April 1 of 2005, 2006, 2007, 2008, and 2009.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the following:

(A) The Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

(B) The Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.

(2) WEAPONS OF MASS DESTRUCTION.—The term "weapons of mass destruction" has the meaning given such term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996. (Public Law 104–201).

(3) MISSILE EQUIPMENT AND TECHNOLOGY.—The term "missile equipment and technology" has the meaning given such term in section 74(a)(5) of the Arms Export Control Act (22 U.S.C. 2797c(a)(5)).

The CHAIRMAN. Pursuant to House Resolution 686 the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ACKERMAN).

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

Last year, Mr. Chairman, President Bush announced a 5-year, $3 billion aid package for Pakistan in return for Pakistan's continued cooperation in the global war on terrorism. At that time, the President, through his spokesman, said that Congress would be looking closely at Pakistan's efforts on nuclear nonproliferation, on combating al-Qaeda, the Taliban, and other terrorist groups, and the reestablishment of democracy.

Without question, Pakistani cooperation in the war on terrorism will be key to our success. Yet since the President's announcement, the media has been filled with reports of Pakistan's A.Q. Khan's nuclear network, where it turns out two-thirds of the axis got their nuclear technology and that Khan's agents tried to sell it to the other third.

In addition, there have been recent reports of uneven cooperation from Pakistan with regard to terrorism generally, and al-Qaeda in particular. These reports reach to the very heart of the administration's justification for supporting Pakistan.

Lastly, I do not think anyone can credibly say that the so-called referendum on General Musharraf's rule, or the parliamentary elections held last year, were either fair or free. Real democratization in Pakistan just does not seem to be high on General Musharraf's list, and we must do much more than to pretend it is high on ours.

My amendment would require the Director of Central Intelligence to issue a classified, that is classified report to the appropriate committees of Congress regarding, one, the efforts of any Pakistani entity or individuals to acquire or transfer weapons of mass destruction and related technologies or missile equipment and technology to any other nation, entity, or individual; two, Pakistan's efforts to curb proliferation of weapons of mass destruction and the means to deliver them; three, Pakistani steps to ensure that their own nuclear weapons are secure; four, Pakistani efforts to dismantle terrorist networks operating inside Pakistan, including but not limited to al-Qaeda and the Taliban; and, finally, five, Pakistani steps to restore democracy.

The point, Mr. Chairman, of my amendment, is to help Members establish, on a classified basis, some of the facts about Pakistan's efforts and cooperation on all of these subjects. We will all be asked to support substantial military and economic assistance to Pakistan over the next several years, and I strongly support that proposition, but I believe that Members should understand the whole picture as they are being asked to approve this substantial assistance.

While I understand that executive agencies generally do not like reporting requirements, we are a coequal part of government, and we have to learn the facts and the truth, we have to authorize and appropriate the money, and we must be informed. I have personally, as well as others have personally, tried to get the information from the administration, particularly regarding A.Q. Khan, and those efforts have been rebuffed.

I do not believe my amendment would be unduly burdensome to the CIA, since they are supposed to be following the events in Pakistan anyway. I am merely asking that they put their information into some useful form for Members.

Mr. Chairman, the administration has said repeatedly and properly that weapons of mass destruction and the possibility that they may be acquired by terrorists is the single biggest threat facing the United States, and in Pakistan, we have the epicenter of both of those threats. Our relationship with Pakistan is a complicated one and presents the United States with one of its most difficult near-term foreign policy challenges. I think the Members must make intelligent decisions regarding Pakistan, and we should have as much information on a classified basis as possible.

Mr. Chairman, I urge Members to support the amendment.

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

Mr. GOSS. Mr. Chairman, I rise in opposition, and I yield myself such time as I may consume.

Mr. Chairman, I do not have huge heartburn over this at all, but I am a little concerned on a couple of points.

The first is that Pakistan is one of our strongest allies in a very delicate part of the world with this global war of terrorism. I think it is important to remember that Pakistan's stability and continued cooperation in the war on terror is of paramount importance to the United States' national interest at this time, and we all know it. Without Pakistan's help, the war on terror would be much more difficult to fight and to win.

Anyone who doubts Pakistan's commitment need only see last week's report that Pakistani forces killed one of the country's best known, most wanted pro al-Qaeda militants, that would be Nek Mohammed, in a missile strike. Pakistani security forces have killed or captured dozens of al-Qaeda operatives since 9–11 and have sustained significant casualties in so doing, and considered high-level casualties there, too, I am sorry to say.

President Musharraf, moreover, is walking a political tightrope in helping us, as all of us who have been in that country know, yet he believes that the war on terror must be won, and is willing to take significant political, and I would say personal risk on his part to do it.

The stories about A.Q. Khan's proliferation exploits were not a surprise to the intelligence community. This was an example of very good work, and it is work that is continuing.

□ 1915

The intelligence community and State Department are working diligently, constructively, carefully and quietly on the sensitive matters referred to in this amendment. The committees of jurisdiction are being kept well informed about the status of things.

The amendment offered by the gentleman from New York, I know the motivation is good, but nevertheless this requires the Director of Central Intelligence to report to eight congressional committees on Pakistan's efforts to curb WMD proliferation, fight terrorism, safeguard nuclear weapons, strengthen Pakistan's democratic institutions, and disclose the size of Pakistan's fissile material stockpile. Actually that is happening. I think that is all going on. I do not have any problem reiterating it, but I am a little concerned the amendment might be misconstrued by some, given the sensitive state of affairs in the region; and frankly I do not think it is helpful to U.S. interests.

As I say, I think much of the oversight noted in what he is trying to accomplish is already being done by the committees of jurisdiction. As I say, I do not have huge heartburn over this, but I am worried that it could upset a delicate balance.

Mr. ACKERMAN. Mr. Chairman, I am glad that the gentleman does not have heartburn. I appreciate his sentiments. Nobody is suggesting that we oppose aid to Pakistan.

Mr. Chairman, I am delighted to yield 2 minutes to the gentlewoman from California (Ms. HARMAN), the ranking member.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time and commend him for this amendment and rise in support.

I do agree with Chairman GOSS that our committee is already studying these issues. I also agree with Chairman GOSS that these are touchy issues because we certainly want to communicate our strong support for the Government of Pakistan which has, after all, been an ally of ours in this very, very difficult global war on terror and which continues to take major risks on our behalf. So, yes, that is true.

On the other hand, I believe it is important to run to ground key questions, including the breadth and scope of the proliferation headed by A.Q. Khan, the number of customers, the degree of cooperation with other rogue states, and whether at any level there was complicity of the Pakistani Government. These are tough questions, and I think that what is requested in this amendment, which is a report on these questions, will certainly burden the agencies. Yes, it will. On the other hand, it will give us some answers that we need.

On balance, I think it is commendable that we focus additional attention on the damage done with respect to proliferation around the world by A.Q. Khan and his network and we recognize that there is a place, I think the place is now, in our consideration of these issues to get the clear answers we deserve.

I support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 108–561.

AMENDMENT NO. 7 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment, and I ask unanimous consent that the amendment be read. It is short.

The CHAIRMAN. Without objection, the amendment will be read in full.

There was no objection.

The Clerk read as follows:

Amendment No. 7 offered by Mr. SHAYS:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS.

It is the Sense of Congress that the head of each element of the intelligence community, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the intelligence elements of the Department of Defense, the Department of State, and the Department of the Treasury should make available upon a request from a committee of Congress with jurisdiction over matters relating to the Office of the Iraq Oil-for-Food Program of the United Nations, any information and documents in the possession or control of such element in connection with any investigation of that Office by such a committee.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I obviously move the adoption of the amendment.

Mr. Chairman, I yield 4½ minutes to the gentleman from California (Mr. OSE).

Mr. OSE. I thank the gentleman from Connecticut for yielding me this time.

Mr. Chairman, before you came to Congress doing business, were you ever ripped off? Just plainly and simply ripped off? Mr. Chairman, this oil-for-food program is a rip-off to trump any scheme or action perpetrated on any member of any country anytime anywhere. This oil-for-food program got hijacked, pure and simple.

The way it worked was, Iraq complained about not having enough money to buy food or medicine for its people, so the United Nations frankly in what turned out to be a moment of great generosity set up a program whereby a limited amount of Iraqi oil could be brought to market and sold to willing buyers for the purpose of generating revenue that Iraq could then use through the United Nations to buy food and medicine for its people.

Lo and behold, the grand bazaar of Baghdad turned out to be a rip-off of all rip-offs. Saddam Hussein hijacked this program, arguably with the knowledge beforehand of certain members of the United Nations staff responsible for oversight to make sure this did not happen and lined his pockets with up to $10 billion of surcharges and levies on this program. Over the course of the oil-for-food program, $67 billion worth of oil was sold. Half of that $67 billion in turn was used to purchase food and medicine and other supplies for the benefit of the Iraqi people. Keep in mind that under the United Nations resolution that set this program up, the purpose of these oil sales was to provide food and medicine to the starving and unhealthy population in Iraq.

However, let me tell my colleagues what the dictator of Baghdad purchased for the people of Iraq in part. The people of Iraq were asked to consume 1,500 ping-pong tables. They were provided with all sorts of soft ice cream machines. They purchased overpriced dental chairs from China. They even were able to acquire a warehouse full of undelivered wheelchairs and cigarettes. They paid $2 billion for presidential palaces. They bought 300 Mercedes-Benz sedans. They paid for a $200 million Olympic stadium. They bought limos. They even bought defective ultrasound machines from Algeria to feed their people with.

The purpose of the gentleman from Connecticut's amendment is to harness

the energies and talents of America's agencies to help us get to the bottom of this. There is absolutely no rationale for allowing this kind of a rip-off to occur. The gentleman from Connecticut's amendment directs American agencies to cooperate with the different committees of Congress to get to the bottom of this.

I would close, Mr. Chairman, by, in effect, pardon my phrase, throwing back at the Secretary-General his words. Secretary-General Kofi Annan said, ''I want to get to the truth and I want to get to the bottom of this.'' Mr. Chairman, we want the truth as well. We want some answers. We want to know, what was the purpose of Cotecna in this dynamic process? How come we had to send stuff through Jordan at discounts of upwards of 67 percent to true value? How come we were able to ship stuff through Syria for only a 33 percent discount? This thing begs for an investigation. Interestingly enough, between Benon Sevan and Kojo Annan and the people who were responsible for this, the future holds answers that are just going to fascinate us all.

I urge adoption of this amendment.

The CHAIRMAN. Who claims time in opposition to the amendment?

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I will control the time on this side.

The CHAIRMAN. Without objection, the gentlewoman from California is recognized for 10 minutes.

There was no objection.

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

Mr. Chairman, as a strong supporter of congressional oversight, I believe that information should be readily available to those congressional committees of jurisdiction conducting investigations, including investigations of the U.N. oil-for-food program. Therefore, I am happy to support the amendment offered by the gentleman from Connecticut and feel it is very constructive.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER), a member of our committee.

Mr. RUPPERSBERGER. Mr. Chairman, one of the issues we have been debating today is the issue of oversight with respect to the Permanent Select Committee on Intelligence. I am a member of that committee, but I am also a member of the Subcommittee on National Security of the Committee on Government Reform of which the gentleman from Connecticut (Mr. SHAYS) is our chairman. I support this amendment. I find that the gentleman from Connecticut is taking his responsibility for oversight very seriously. Not only has he ruled and really been in charge of this committee and trying to seek and follow the facts but he has gone to Iraq. He has done his investigation. It is important that we follow the facts and that we move forward because this oil-for-food program is a rip-off. People were taken advantage of. Our citizens were taken advantage of, as were the Iraqi citizens. We must follow this investigation.

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

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

Mr. OSE. The gentleman from Maryland is very accurate in terms of talking about the oil-for-food program. I just want to highlight one thing. Some of the revenues that were used in this program in effect were used to buy food that had spoiled. We paid people to deliver food under this program that was spoiled. And Saddam collected commissions or levies or tariffs or something on it. We need to get to the bottom of this. I cannot tell the gentleman how pleased I am to have both sides interested in making this happen.

Mr. RUPPERSBERGER. Reclaiming my time, there is also an issue of Mr. Chalabi, who made allegations that he had evidence concerning this issue. We had under oath certain representatives representing Mr. Chalabi that were going to come forward with evidence. That did not occur. It is important that we move forward in a bipartisan way and follow the facts.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume. I do not think I need to use the whole debate, particularly given the gracious support of both sides of the aisle, the chairman of the full committee and ranking member, and say that they have always been a pleasure to work with. I thank the gentlewoman from California so much for all the work that she does and the gentleman from Florida. The gentleman from Maryland (Mr. RUPPERSBERGER) has been a tremendous supporter for our efforts. The gentleman from California (Mr. OSE) has really brought out a lot in the hearing that we had.

We know that we could not allow the sanctions to deprive Iraqi citizens of food and medicine. The problem was they did not get the food they paid for and they did not get the medicines they paid for, because Saddam Hussein was basically allowed to run the program with the oversight of the U.N. that chose not to provide oversight, particularly the Chinese and the Russians who did not believe that there should even be sanctions and did not go out of their way to make this system work.

So we had countries that knowingly allowed Saddam to rip off his own people. He undersold oil and then got huge kickbacks, and he overpaid for commodities and got huge kickbacks, $4.4 billion in the overcharges, the surcharges for the oil and the kickbacks on humanitarian purchases and an estimated $5.7 billion going through Syria. The Syrians and the Russians and, frankly, the French were not helpful in this process.

What I rejoice in was that this story was really outed by the free press in Iraq. We all knew that this was a corrupt program; but what happened was the Iraqi Governing Council, some in it, leaked information to their now free press that printed the names of almost 300 people. Well over 200. They were high-ranking government officials including, frankly, Kofi Annan's son allegedly involved, Benon Sevan in charge of the program, and so we have now an investigation of the U.N.

But Mr. Volker will tell you, it is kind of like being in the Senate. It is unanimous consent. He has to get the cooperation of everyone. He does not have the ability to just say, I want this information. If I don't get it we're going to subpoena it. So he is first looking at the U.N. and what they are doing to try to, in my judgment, go carefully to build credibility so he can go after what he thinks are more serious problems. The bottom line is we need to encourage much more aggressive activity on the part of the U.N. We can only do that if we get the information, information from the Permanent Select Committee on Intelligence and our criminal justice system. I want to also compliment the Committee on International Relations. They are working so well with our subcommittee and our subcommittee is working so well with them.

□ 1930

We are trading information. There is more than any one committee can do, and ultimately I think we will get to the truth of it. I just would say that the gentleman from California (Mr. OSE) was absolutely correct when he said that this is one of the largest rip-offs to any country, and it was a community rip-off by other nations. They allowed Saddam to make billions of dollars at the expense of his own people.

And it really suggests why in some cases some countries may not have been interested in our allowing the Iraqis to overthrow Saddam, getting this information that will expose him. I think they all thought it would just be quiet and that this program would continue ad infinitum.

I have spoken longer that I have chosen. I do not really have anything else to say other than to thank my colleagues and to them on a bipartisan basis we are going to get at the truth.

From its inception in 1996, the United Nations' Oil-for-Food Program (OFF) was susceptible to political manipulation and financial corruption. Trusting Saddam Hussein to exercise sovereign control over billions of dollars of oil sales and commodity purchases invited the illicit premiums and kickback schemes now coming to light.

But much is still not known about the exact details of Oil-for-Food transactions. That is one reason my Subcommittee on National Security, Emerging Threats, and International Relations convened a hearing on April 21st: to help pierce the veil of secrecy that still shrouds the largest humanitarian aid effort in history.

This much we know: The Hussein regime reaped an estimated $10.1 billion from this

program: $5.7 in smuggled oil; $4.4 in oil surcharges and kickbacks on humanitarian purchases through the Oil-for-Food Program. There is no innocent explanation for this.

At the hearing, the Subcommittee heard the program, while successful in many ways, was riddled with corruption and the independent efforts of the Iraqis to investigate the fraud was being stifled by the Coalition Provisional Authority.

We want the State Department, the CPA, the intelligence community, and the U.N. to know there has to be a full accounting of all Oil-for-Food transactions, even if that unaccustomed degree of transparency embarrasses some members of the Security Council.

Two months ago, U.N. Secretary General Kofi Annan assured me he wants to get to the bottom of this scandal and restore faith in the ability of the U.N. to do its job. Subsequently, the Secretary General appointed Paul Volcker to lead an independent panel to look into the Oil-for-Food Program.

While Mr. Volcker brings expertise and prestige to the task, we are concerned about the slow pace of the U.N. investigation. The Volcker panel has just announced the hiring of senior staff. Nevertheless, they continue to say an interim report, possibly this summer, will address the conduct of U.N. employees and allegations about the Secretary General's son involvement.

But we also need to know more than what just happened at the U.N. We also need to know what happened at the U.S. Mission. We need to know what our intelligence community knew and knows.

Many of the allegations are true, we just don't know which ones yet. We should be long past asking whether something went wrong in OFF. It's time to find out exactly what went wrong and who is responsible.

Our staff has been through the minutes of the U.N. "661 Committee" of Security Council members responsible for sanctions monitoring and oversight of OFF. Those minutes tell a story of diplomatic obfuscation and an obvious, purposeful unwillingness to acknowledge the program was being corrupted. Questions about oil or commodity contracts were dismissed as dubious media rumors beneath the dignity of the U.N. to answer, while Saddam was given the undeserved benefit of every doubt.

We cannot ignore the profoundly serious allegations of malfeasance in the Oil-for-Food Program. To do so would be to deny the Iraqi people the accounting they deserve and leave the U.N. under an ominous cloud. This is the Iraqi's money we're talking about, so the Iraqi Governing Council and its successor should get cooperation from the CPA and the State Department in conducting its inquiries.

In Iraq, and elsewhere, the world needs an impeccably clean, transparent U.N. The dominant instrument of multilateral diplomacy should embody our highest principles and aspirations, not systematically sink to the lowest common denominator of political profiteering.

This emerging scandal is a huge black mark against the United Nations and only a prompt and thorough accounting, including punishment for any found culpable, will restore U.N. credibility and integrity.

That is why it is critical to get to the bottom of the corruption. In order to do that we need for the intelligence community to better assist the Congress in its investigations.

Mr. Chairman, this Sense of Congress will help address the difficulties many committees have had obtaining information and documents—especially from the intelligence community—pertaining to the Iraq Oil-for-Food Program. This amendment should reinforce the importance Congress places on the Oil-for-Food investigations.

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

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

As I have stated earlier and others on our side have stated, we support this amendment. We think congressional oversight matters. Committees can make a big difference, and on a bipartisan basis we think this amendment should be supported by the whole House.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

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

Mr. SHAYS. 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 Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 108–561.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

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

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KUCINICH:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. INSPECTOR GENERAL REPORT ON EVIDENCE OF RELATIONSHIP BETWEEN SADDAM HUSSEIN AND AL-QAEDA.

(a) AUDIT.—The Inspector General of the Central Intelligence Agency shall conduct an audit of the evidence of any relationship, existing before September 11, 2001, between the regime of Saddam Hussein and al-Qaeda, referenced in all intelligence reporting of the Central Intelligence Agency, including products, briefings and memoranda, distributed to the White House and Congress.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the audit conducted under subsection (a).

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8722. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General James E. Cartwright, United States Marine Corps, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8723. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Former Yugoslav Republic of Macedonia (Transmittal No. 02–04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8724. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

8725. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with France, Belgium, Germany and the United Kingdom (Transmittal No. DDTC 037–04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8726. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usablefissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

8727. A letter from the Secretary, Department of Education, transmitting the thirtieth Semiannual Report to Congress on Audit Follow-Up, covering the six-month period ending March 31, 2004 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8728. A letter from the Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Institution's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8729. A letter from the Director of Congressional Relations, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8730. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, and the Office of Management and Budget Memorandum 04–07, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8731. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8732. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the 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.

8733. A letter from the Managing Director, Federal Home Loan Banks, transmitting the 2003 management reports of the 12 Federal Home Loan Banks (FHLBanks), Resolution Funding Corporation (REFCORP) and the Financing Corporation (FICO), pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8734. A letter from the Chairman, International Trade Commission, 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 8G(h)(2); to the Committee on Government Reform.

8735. A letter from the Executive Director for Operations, Nucelar Regulatory Commission, transmitting a report on Year 2003 Inventory of Commercial Activities and Inherently Governmental Functions, in accordance with the Federal Activities Inventory Reform Act (FAIR) of 1998 and with the Office of Management and Budget (OMB) Circular No. A–76, ''Performance of Commercial Activities''; to the Committee on Government Reform.

8736. A letter from the Assistant Secretary For Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Seip Earthwood unit of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes''; to the Committee on Resources.

8737. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To revise the designation of wilderness areas in Cumberland Island National Seashore, and for other purposes''; to the Committee on Resources.

8738. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Excelsior Springs, MO. [Docket No. FAA–2004–17147; Airspace Docket No. 04–ACE–13] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Gideon, MO. [Docket No. FAA–2004–17150; Airspace Docket No. 04–ACE–16] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cassville, MO. [Docket No. FAA–2004–17152; Airspace Docket No. 04–ACE–18] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Moberly, MO. [Docket No. FAA–2004–17420; Airspace Docket No. 04–ACE–21] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Gothenburg, NE. [Docket No. FAA–2004–17423; Airspace Docket No. 04–ACE–24] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Johnson, KS. [Docket No. FAA–2004–17151; Airspace Docket No. 04–ACE–17] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Platinum, AK [Docket No. FAA–2003–17042; Airspace Docket No. 04–AAL–03] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wales, AK [Docket No. FAA–2004–17019; Airspace Docket No. 04–AAL–02] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fulton, MO. [Docket No. FAA–2004–17149; Airspace Docket No. 04–ACE–15] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8747. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2002–NM–204–AD; Amendment 39–13617; AD 2004–09–27] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8748. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Denton, TX [Docket No. FAA–2004–17261; Airspace Docket No. 2004–ASW–09] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8749. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Galliano, LA [Docket No. FAA–2004–17259; Airspace Docket No. 2004–ASW–07] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8750. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Clayton, NM [Docket No. FAA–2004–17260; Airspace Docket No. 2004–ASW–08] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8751. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Wahoo, NE. [Docket No. FAA–2004–17725; Airspace Docket No. 04–ACE–37] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8752. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ogallala, NE. [Docket No. FAA–2004–17724; Airspace Docket No. 04–ACE–36] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8753. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; North Platte, NE. [Docket No. FAA–2004–17723; Airspace Docket No. 04–ACE–35] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8754. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Restricted Area 5115, NM; and Restricted Areas 6316, 6317, and 6318, TX [Docket No. FAA–2004–17612; Airspace Docket No. 04–ASW–03] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8755. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Restricted Area 2204, Oliktok Point; AK [Docket No. FAA–2003–15410; Airspace Docket No. 03–AAL–1] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8756. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lynchburg, VA [Docket No. FAA–2004–17296; Airspace Docket No. 04–AEA–03] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8757. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; McCook, NE. [Docket No. FAA–2004–17722; Airspace Docket No. 04–ACE–34] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8758. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mosby, MO. [Docket No. FAA–2004–17721; Airspace Docket No. 04–ACE–33] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8759. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Oshkosh, NE. [Docket No. FAA–2004–17427; Airspace

Docket No. 04–ACE–27] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8760. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Federal Airway 137. [Docket No. FAA–2003–16437; Airspace Docket No. 03–AWP–02] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8761. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hamilton, MT. [Docket No. FAA 2003–16070; Airspace Docket 03–ANM–05] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8762. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 2003–NM–50–AD; Amendment 39–13675; AD 2004–12–15] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8763. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 2003–NM–56–AD; Amendment 39–13674; AD 2004–12–14] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8764. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes [Docket No. 2003–NM–75–AD; Amendment 39–13668; AD 2004–12–09] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8765. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001–NM–321–AD; Amendment 39–13633; AD 2004–10–03] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8766. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC 130 B4 and AS 350 B3 Helicopters [Docket No. 2003–SW–29–AD; Amendment 39–13650; AD 2004–11–05] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8767. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003–NM–18–AD; Amendment 39–13647; AD 2004–11–02] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8768. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lycoming Engines (formerly Textron Lycoming), Direct-Drive Reciprocating Engines [Docket No. 89–ANE–10–AD; Amendment 39–13644; AD 2004–10–14] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8769. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher GmbH & Co. Segelflugzeugbau Model ASH 25M Sailplanes [Docket No. 2003–CE–64–AD; Amendment 39–13638; AD 2004–10–08] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8770. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GARMIN International Inc. GTX 330 Mode S Transponders and GTX 330D Diversity Mode S Transponders [Docket No. 2003–CE–39–AD; Amendment 39–13645; AD 2004–10–15] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8771. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes Equipped with Certain Honeywell Start Converter Units [Docket No. 2001–NM–291–AD; Amendment 39–13640; AD 2004–10–10] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1156. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project (Rept. 108–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 646. A bill to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; with an amendment (Rept. 108–563). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 142. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; with amendments (Rept. 108–564). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4056. A bill to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; with an amendment (Rept. 108–565 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration. H.R. 4056 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4056. Referral to the Committee on International Relations extended for a period ending not later than June 23, 2004.

United States of America

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

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Senate

(Legislative day of Tuesday, June 22, 2004)

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Wondrous Sovereign of the sea, land, and air, at Your command, oceans and rivers flow and flowers blossom. Mountains and hills tremble in Your presence. Be exalted, O God, among the nations.

Bless America. Illuminate its path through the night with Your divine light. Bless these gifted Senators to whom You have delegated the challenging responsibility of governmental service. May they exercise their authority responsibly. Help them to be faithful stewards of Your blessings. Remind them that they possess nothing of value that they have not received, for every good gift comes from You. Protect all who put their trust in You, particularly the members of our military. Help those whom You have set upon the sure foundation of Your loving-kindness.

We pray this in the Name of the One who lives and reigns with You now and forever.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we resume consideration of the Defense authorization bill. The agreement last night provides for debate on five amendments prior to the votes in relation to those amendments. Those amendments are the Corzine amendment on Reserve retirement, the McConnell amendment and Kennedy amendment on an Iraq report, the Reed amendment on missile defense, and the Byrd amendment on troop cap.

If all debate time on these amendments is used, we will proceed to a series of votes at approximately 11:15 this morning. I had originally hoped and expected we would be voting on final passage of the Defense bill this morning. Unfortunately, we have not been able to reach an agreement providing for the Senate to complete the bill. Therefore, last night I filed a cloture motion in the event we don't complete the bill. Our intention is to complete the bill this afternoon.

If we are unable to complete the Defense bill, that cloture vote would occur tomorrow. This is the fourth week of consideration of the Defense authorization, and it is time for us to finish the bill. I think we are proceeding along those lines.

I remind my colleagues that if a cloture vote occurs and the Senate votes cloture, germane amendments will still be in order in addition to an additional 30 hours of debate. It is vitally important that we consider the Defense appropriations bill this week, which will ensure our troops have the appropriate resources available to them. We need to begin this appropriations process, and I will be seeking an agreement on the Defense appropriations bill this week before the recess.

I add we will have additional judicial nominations today and into the evening, if necessary. We need to have those votes. We still have nine nominees who are to be considered on the floor and voted upon. These unanimous votes clearly will consume valuable Senate time and it may be necessary to have these votes into the evening to ensure we process these judicial nominations.

Finally, we have an additional 23 ambassadorships and U.N. Representatives which are now available on the calendar. Included on this list is the nomination of one of our former colleagues, Jack Danforth, to be our Ambassador to the U.N. These are vitally important nominations to act on. We need to do that expeditiously. We have had a blanket objection to executive nominations, but I believe these diplomatic nominations should not be held up for unrelated issues.

I have heard there may be debate necessary on the Danforth nomination. I hope we can look at a reasonable amount of time, or we will be here late at night, or we will have to delay the start of the recess in order to vote on these important nominations.

I yield the floor.

Mr. KENNEDY. Will the leader yield for a question?

Mr. FRIST. Yes.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. First, the Senator from Nevada is recognized.

FINISHING DOD AUTHORIZATION

Mr. REID. Mr. President, we on this side want to finish this bill. In fact, last night, as we indicated, we agreed to shorten the time to the five amendments that are pending. We want to move forward. We feel we can finish this bill. One of the suggestions—and I have not had a chance to talk to the managers—but rather than having the votes after this stack, we can have another series of amendments when we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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finish debate on these, so we would not be interrupted continually with votes.

We are going to do everything within our power to complete this bill as quickly today as possible. There has been this contentious issue raised dealing with delaying amendments. This is not going to hold up this bill. We believe we can dispose of these amendments in a relatively short period of time and go to final passage. The Leahy amendment should not hold up this bill. We have cooperated, we feel, immeasurably. We started out with about 300 amendments, and we have completed work on these. We are waiting to go. We hope the time is shortened, and we will move forward and do the best we can.

I apologize to my friend from Massachusetts. He has a question to ask.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Yes. One of the amendments we were considering yesterday was the Reid amendment, offered on behalf of the Senator from Vermont, myself, and other members of the Judiciary Committee, about getting certain reports we have not been able to receive yet. I am wondering, since it is still in order, whether we are going to have an opportunity to address that issue in a short time discussion or debate, or is it the position of the majority leader that we are not going to have an opportunity to have that amendment offered and considered and voted on and disposed of?

Mr. FRIST. Mr. President, in response, through the Chair, that discussion continued last night with the managers as to how that particular amendment is handled. What we did do last night, so we can continue business, is agree upon the five we laid out. No commitments have been made, at least from the leadership level, in terms of particular amendments that are out there.

So I suggest right now, or after you complete your remarks, getting together with the managers of the bill. Right now the only agreement is we will continue straight ahead with these five amendments and keep the ball rolling.

Mr. KENNEDY. Mr. President, I thank the majority leader for his willingness to move ahead. There are a number of us who are going to insist we at least have an opportunity to offer that amendment and address it at some time. I know I can speak for the Senator from Vermont, and he would be willing to enter into a short time agreement. It is a matter of enormous importance and consequence involving, we believe, the security of American troops because that is what the Geneva Conventions are all about: protecting American troops.

It is important on an issue of this importance and consequence that we move toward final conclusion, that we have a resolution of that issue. As a matter of fact, it is, I believe, imperative.

I thank the majority leader. We will find how we can deal with this issue over the course of the day. I thank our leader as well.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Service, and other purposes.

Pending:

Bond modified amendment No. 3384, to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy employees Occupational Illness Compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose.

Reed amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-based Midcourse Defense program pending the submission of a report on operational test and evaluation.

Bingaman Amendment No. 3459, to require reports on the detainment of foreign nationals by the Department of Defense and on Department of Defense investigations of allegations of violations of the Geneva Convention.

Warner amendment No. 3460 (to amendment No. 3459), in the nature of a substitute.

Feingold modified amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority.

Landrieu/Snowe amendment No. 3315, to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and to provide for a one-year open season under that plan.

Reid (for Daschle) amendment No. 3409, to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation.

Ensign amendment No. 3467 (to amendment No. 3315), to provide a fiscally responsible open enrollment authority.

Daschle amendment No. 3468 (to amendment No. 3409), to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation.

Reid (for Akaka) amendment No. 3414, to provide for fellowships for students to enter Federal service.

Reid (for Leahy) amendment No. 3387, relative to the treatment of foreign prisoners.

Warner (for Lott) amendment No. 3220, to repeal the authority of the Secretary of Defense to recommend that installations be placed in inactive status as part of the recommendations of the Secretary during the 2005 round of defense base closure and realignment.

Warner (for Bennett/Hatch) amendment No. 3373, to provide for the protection of the Utah Test and Training Range.

Warner (for Bennett) amendment No. 3403, to prohibit a full-scale underground nuclear test of the Robust Nuclear Earth Penetrator weapon without a specific authorization of Congress.

Warner (for Inhofe) amendment No. 3280, to reauthorize energy saving performance contracts.

Warner (for McCain) amendment No. 3442, to impose requirements for the leasing of aerial refueling aircraft for the Air Force.

Warner (for McCain) Amendment No. 3443, to impose requirements for the aerial refueling aircraft program of the Air Force.

Warner (for McCain) amendment No. 3444, to restrict leasing of aerial refueling aircraft by the Air Force.

Warner (for McCain) amendment No. 3445, to prohibit the leasing of Boeing 767 aircraft by the Air Force.

Levin (for Biden/Lugar) amendment No. 3378, to provide certain authorities, requirements, and limitations on foreign assistance and arms exports.

Levin (for Byrd) amendment No. 3423, to modify the number of military personnel and civilians who may be assigned or retained in connection with Plan Colombia.

Levin (for Byrd) amendment No. 3286, to restrict acceptance of compensation for contractor employment of certain executive branch policymakers after termination of service in the positions to which appointed.

Levin (for Corzine) amendment No. 3303, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

Levin (for Daschle) amendment No. 3328, to require the Secretary of the Air Force to maintain 3 additional B–1 bomber aircraft, in addition to the current fleet of 67 B–1 bomber aircraft, as an attrition reserve for the B–1 bomber aircraft fleet.

Levin (for Daschle) amendment No. 3330, to authorize the provision to Indian tribes of excess nonlethal supplies of the Department of Defense.

Levin (for Dayton) amendment No. 3203, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom, Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism.

Levin (for Dodd) amendment No. 3311, relating to the imposition by the Department of Defense of offsets against certain contractors.

Levin (for Dodd) amendment No. 3310, to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to the Federal law enforcement officers in certain high-cost areas.

Levin (for Feingold) amendment No. 3400, to enable military family members to take leave to attend to deployment-related business and tasks.

Levin (for Graham (FL)) amendment No. 3300, to amend the Haitian Refugee Immigration Fairness Act of 1998.

Levin (for Leahy) amendment No. 3388, to obtain a full accounting of the programs and activities of the Iraqi National Congress.

Levin amendment No. 3336, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process.

Levin (for Kennedy) amendment No. 3201, to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions.

Levin (for Kennedy) amendment No. 3377, to require reports on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region.

Levin (for Reed/Kohl) amendment No. 3355, to ensure the soundness of defense supply chains through the support of Manufacturing Extension Partnership centers that improve the productivity and competitiveness of small manufacturers; and to clarify the fiscal year 2004 funding level for a National Institute of Standards and Technology account.

The PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank the Chair.

Mr. President, I see the proponent of the first amendment on the floor, and we are prepared to engage. So at this time, I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey.

AMENDMENT NO. 3303

Mr. CORZINE. Mr. President, I call up amendment No. 3303 and ask for its immediate consideration.

The PRESIDENT pro tempore. The amendment is pending. The Senator is recognized.

Mr. CORZINE. Mr. President, I ask unanimous consent that Senator MURRAY from Washington be added as a cosponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORZINE. Mr. President, this amendment is very simple, but very important for those who serve us so well and so ably across the globe. It is an amendment that will lower the retirement age for National Guard and Reserve troops from 60 to 55. During this critical time when so many members of the Guard and Reserve are serving bravely in Iraq, Afghanistan, and elsewhere, I think this is the least we can do.

We are moving the retirement age to match up with the civilian retirement age in the country. The current retirement age was established 50 years ago at a time when it neared civil service retirement age. In the intermediate time, we have lowered civil service retirement age to 55, but we left Guard and Reserves at 60. It does not make sense that we are treating civilian Federal employees differently than we are treating reservists, particularly, I will point out, in a changed security situation.

Because the world has changed so dramatically since the cold war, our Guard and Reserves have a very different role today than they did during that time period. I have a chart that shows in stark terms what has actually happened with deployment of our Guard and Reserve members. This is the number of major contingencies and operations with Reserve participation. From 1953 to 1990, there were 11 callups. From 1991 to 2001, there were 50. I think all of us know how seriously our Guard and Reserve are involved in Iraq and Afghanistan.

They truly have become an integral part and contributor of our Nation's defense on the front lines. Not coming into the Reserve training centers once a month, 2 weeks on a summer's day, but they are on the front lines defending America day in and day out, and I think it is time we recognize that and made some adjustments to 50-year-old policies.

Considering the demands we are placing on our ready Reserve right now, not only do they make up 46 percent of our uniformed Armed Forces personnel, they are especially important in areas of expertise most pertinent to the stabilization and nation-building missions in Iraq and Afghanistan. Guard and Reserves count for 97 percent of military civil affairs units—think of what we are using them for in Afghanistan—and 70 percent of engineering units. Think of what we are trying to do with regard to reconstruction in both Afghanistan and Iraq. And 66 percent of our military police.

As a matter of fact, they just called up a National Guard unit in my home State of New Jersey. They sent out about 100 folks to Guantanamo. It is incredible how we are using over and over our Guard and reservists for the very functions we need in the new world we are facing.

As we all know, mobilization is up dramatically. More than 160,000 Reserve personnel are now on active duty. Last year, the number of Reserves was more than 400 percent what it had been 4 years earlier—a 400-percent increase in the number of reservists on duty relative to 4 years ago. Again, the number of deployments is exploding, whether it is in Haiti, Afghanistan, Bosnia, or Kosovo. Name it, that is where we are using these folks day in and day out.

Reservists are serving longer durations as well. Last year the average duration was 319 days for the reservists and guardsmen. That, by the way, only included those who completed their assignments. That is looking at the folks who had been sent back home. That does not take into account the extended time many of those on call are serving.

With some 140,000 troops currently serving in Iraq and 40 percent of Guard and Reserves, it is clear we are relying more and more on these brave Americans, more than at any time in the recent past.

The next chart I have demonstrates one component of our Reserve forces, the Army National Guard. By the way, in New Jersey, we have about 7,000 of the 9,000 National Guard folks on call, just as a backdrop—7,000 out of the 9,000. Until the end of 2002, the number of mobilized personnel was relatively stable at 20,000, which is what we see on this chart. After that, it exploded upward. It was about 70,000 when I last brought up this proposal when we were discussing the Iraq supplemental last year, and it is up 20,000 which, by the way, was in the October period, and now it has gone up another 24,000, to almost 95,000 National Guard personnel mobilized in the service of the Nation.

It is clear our Reserve forces are no longer a part-time force. This is not sideline work. We have entered a new era where a larger number of troops will be deployed for long periods of time, and our policies need to change. We have a 50-year-old policy, one that does not even match up with our civilian retirement age. I think our National Guard and Reserve units have made an unbelievably important contribution, and we need to reflect that in our policies as we go forward.

That is what this amendment is about. I know the problems facing the Guard and Reserve because I have talked with a lot of these folks myself. There are 303 Guard and Reserve members from my State of New Jersey who are over the age of 55, fifty-five of whom have already been deployed. Additionally, there is a large swath of folks in that 45-to-55 age bracket. These people would like to have responses.

To make this a little more personal, 2 weeks ago Saturday, we lost Guard folks in Iraq. One was 51, and one was 46. These were people who had made long-term commitments to serve our Nation. They were wonderful people with great life stories about how they participated in the community.

I went out to Walter Reed, and there were seven of New Jersey Guard folks who were injured in the same firefight.

You do not meet braver people, and they are performing and sacrificing the same way our other troops are. They have a contingent risk, and they have all kinds of interference in their lives. Why are we not addressing some of the fundamental needs these individuals have that are at least the same as our civilian employees? I feel passionately that we need to respond to what has changed in how we operate our military forces as we go forward.

I understand the budgetary considerations. I know there are reasons that push this back, but we need to put faces to these individuals and understand it. By the way, there are good personnel management policies and if there are these earlier retirements people are not staying around longer than they would otherwise so that they could get the benefits they want to have and there could be a greater flow and help recruiting; lots of good reasons that are independent of the change in policy in activation and use of our Reserve Forces. It is something I have a hard time understanding.

I have some other things in here. We can talk about stop-loss orders and how that has impacted the lives of so many of the military folks who are extending their terms of duty. I think there are about 16,000 reservists who are under this new policy because of our needs as a nation, and those are perfectly reasonable. We are not arguing about whether that was the right or wrong thing to do. It needed to be done. It had to be done. It was an exigency that needed to be done, but we ought to reflect that in our policies. We need to change policies when circumstances have changed.

Finally, this is one of those things that the people who represent our military men and women in the Reserves

and Guard are absolutely almost 100 percent behind. The military coalition, including the Reserve Officers Association, Veterans of Foreign Wars, Air Force Sergeants Association, the Air Force Association, Retired Enlistment Association, Fleet Reserve, Naval Reserve Association, National Guard Association, all of these people feel strongly that this is one of their top priorities.

There are others. We can talk about health care, the demonstrations of it and a number of issues. But why are we staying with a 50-year-old policy that is not even as reflective of retirement needs of people who are risking their lives to protect Americans as we are with our civilian employees? I am not criticizing what our policy is for our civilian employees in the Federal Government. We ought to reflect the fact that we are using these folks on a regular basis. The deployments are up. The numbers are up and they are serving at great risk for us.

I think this is one of those things we can do to actually change the lives of their families and reflect those sacrifices they are making for us, and that is why I am asking for the support of the Senate with regard to changing the retirement age.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. CORZINE. Yes.

Mr. NELSON of Florida. Mr. President, how much time does the Senator have remaining?

The PRESIDENT pro tempore. There is 4 minutes.

Mr. NELSON of Florida. Mr. President, if the Senator will yield, I say to the Senator that I think he is right on. In my State of Florida, we have the same experience and the very same statistics that he has pointed out with regard to New Jersey. This is not what was originally contemplated for the Guard and the Reserves, and because of their specialties, because there is not enough of the Active-Duty Force, they have become, in effect, a full-time active-duty force.

The good news is they are professionally trained warriors, as much as the Active-Duty force. The bad news is, this is not what they bargained for in the Reserves and the National Guard, because they have their own civilian lives. So I appreciate the Senator offering this amendment. I support it.

If the Senator is finished with his comments, I will take 30 seconds and point out one of the differences between the Senate bill and the House bill on something we tried to address in 2001, after the debacle we had in the 2000 Presidential election in Florida, where there was an inconsistency of the application of State laws on to the counting of military overseas ballots in the Presidential election.

One of the things we did was start a pilot study for Internet voting of overseas military. There was some concern that fraud could be injected into Internet voting. So what we have done in the Senate bill is still have a process but have it delayed to the 2006 and 2008 elections. The House bill on Defense authorization has done exactly the opposite and instead has cut out any kind of pilot study on Internet voting for overseas military.

I hope when we get to conference that we will insist on the Senate provision.

I thank the Senator for yielding.

The PRESIDENT pro tempore. The Senator yields for a question. The Senator from New Jersey has the floor.

Mr. CORZINE. I yield the floor.

The PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. WARNER. Mr. President, if I might just speak personally, I served in the Reserves some 12, 14 years and we knew what we had as our obligation when we signed up. That is the way it has been throughout our contemporary military history.

I share with the Senator how the Reserves and the Guard with their families have borne the brunt of battle in the same way as the regular forces, but bear in mind that the regular forces, which are given an option for early retirement, have to put in a minimum of 20 full years of obligated service. If we continue to narrow the differences between the pay and benefits for the Reserves and Guard and the Regulars, pretty soon people will say, let's opt for the Reserve or the Guard rather than spend 20 years of our lives to gain those benefits that Congress accords our people.

For that reason, I intend to raise a budgetary point of order with respect to Senator CORZINE's amendment on that very point. The amendment would allow eligible reservists to be able to collect retirement pay at age 55 instead of age 60. That would be an extremely costly change to implement. CBO has estimated it would increase mandatory spending in 2005 by $1.7 billion. It would cost $8.2 billion in mandatory spending over the coming 5 years and $16 billion over the coming decade. Those are very major costs.

I bring to the attention of my colleagues that already in this bill we have added, by way of amendments, an additional $1 billion in direct spending, and discretionary spending is at $10 billion. So this bill goes up and up and up, and it is going to the point where it might well become so top heavy we cannot persuade our colleagues to support it and/or the administration as they look at the overall budgetary aspects of our financial projections for defense.

Keep in mind there are additional costs that are incurred—I did not hear the Senator address these—regarding health care for retired reservists that would be caused by this amendment. The amendment would have the effect of lowering to 55 the age at which a reservist retiree or his or her dependents would become eligible for medical coverage under TRICARE.

The Department of Defense estimates that the added costs to the defense health care program could be as high as $427 million in the first year should this matter be enacted, and $6.8 billion over the coming 10 years. So both the retirement costs as well as the health care costs have to be added in if the Senate wants to look at the total financial impact of the initiative by my friend from New Jersey.

The Senate considered this identical amendment less than a year ago. Senator CORZINE once before introduced it during debate on the Emergency Supplemental Appropriations Act for Iraq and Afghanistan in October of 2003. The amendment fell on a budgetary point of order failing to achieve even 50 votes.

The Department of Defense has voiced strong objection to the amendment, citing studies and experience showing that lowering the Reserve retirement age to 55 would not help the services meet recruiting, retention, or force management objectives. DOD advises that, in fact, 80 percent of those who would benefit from this amendment have already retired.

Let me be clear that my opposition to this amendment does not reflect any implied criticism of the patriotic service being rendered by the Reserve and the Guard. Once again, however, we are seeing a proposal to change a well-established condition of military service, one all of those who go into the Reserves fully understand at the time they commit to service. Should this amendment be passed, we are incurring an enormous financial impact on this bill and the outyear budget of the Department of Defense.

In response to the claim that the greater reliance on the Reserve component calls for increased rewards, please keep in mind the enhanced health care benefits included in this legislation already as a result of the work of Senator GRAHAM of South Carolina. Consider also Senator HARRY REID's amendment on current receipt and Senator LANDRIEU's pending amendment, should that be adopted, that would enhance the Survivor Benefit Program. That is a broad range of benefits going to the Reserve and Guard and others. These amendments equally benefit the Guard and Reserve retiree population, the same individuals who would benefit from the pending amendment of the Senator from New Jersey.

As I say, we currently added over $10 billion in discretionary spending to this legislation on top of benefits we also increased in the underlying bill itself in committee.

In response to the assertions that the role of the Guard and Reserve is changing and the enhanced retirement benefits are needed, let me point out there is in the underlying bill a requirement for a commission on the National Guard and Reserve that would have the responsibility of examining the roles and missions of the Guard and Reserve, and specifically to ''assess the adequacy and appropriateness of the compensation and benefits currently provided for the members of the National

Guard and reserve components'' and ''to assess the effects of proposed changes in compensation and benefits on military careers in both regular and reserve components.''

I anticipate that this commission will provide important insights to the Congress in the continuing debate over these issues.

In summary, the Department of Defense simply cannot continue to absorb mandatory spending directives that drive the cost of military personnel, both Active and Reserve, to levels we simply cannot support at the same time we are trying to modernize, and also the operational costs of the military today.

I urge you to reject this amendment on the point of order.

At this point in time, the pending amendment offered by Senator CORZINE increases mandatory spending and, if adopted, would cause the underlying bill to exceed the Armed Services Committee's section 302 allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER (Mr. ENZI). The point of order is not timely until all time has expired.

Mr. WARNER. I realize that. I thought all time had expired on the other side. I was about to yield back my time. Is that not correct?

The PRESIDING OFFICER. The Senator from New Jersey has 1 minute 51 seconds remaining.

Mr. CORZINE. I will yield back my time, but pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WARNER. The pending amendment offered by the Senator increases mandatory spending if adopted and would cause the underlying bill to exceed section 302. Therefore, I once again raise the point of order against the amendment, pursuant to section 302(f) of the Congressional Budget Act.

I yield back my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur at the appropriate time. The Senator from Michigan.

Mr. LEVIN. The vote will then occur on the waiver?

Mr. WARNER. That is correct. And the votes, again, for colleagues who might not have followed the majority leader and Democratic whip's comments, are to be stacked at approximately 11:30, at which time we will proceed to all votes.

Will the Chair advise the Senate with regard to the next amendment in order and the time allocated to each side?

The PRESIDING OFFICER. The Senate will now consider a McConnell amendment and a Kennedy amendment, No. 3377, concurrently, for a total of 30 minutes equally divided.

Mr. WARNER. Mr. President, I did not hear. I was unable to hear the Presiding Officer. Will he repeat it.

The PRESIDING OFFICER. We now go to the McConnell and Kennedy amendments, concurrently, with 30 minutes equally divided.

Mr. WARNER. I thank the Chair.

AMENDMENT NO. 3472

The PRESIDING OFFICER. The clerk will now report the McConnell amendment which has not yet been reported.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. MCCONNELL, proposes an amendment numbered 3472.

The amendment is as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON THE STABILIZATION OF IRAQ.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States and coalition forces for stabilizing Iraq. The report shall contain a detailed explanation of the strategy, together with the following information:

(1) A description of the efforts of the President to work with the United Nations to provide support for, and assistance to, the transitional government in Iraq, and, in particular, the efforts of the President to negotiate and secure adoption by the United Nations Security Council of Resolution 1546.

(2) A description of the efforts of the President to continue to work with North Atlantic Treaty Organization (NATO) member states and non-NATO member states to provide support for and augment coalition forces, including efforts, as determined by the United States combatant commander, in consultation with coalition forces, to evaluate the—

(A) the current military forces of the NATO and non-NATO member countries deployed to Iraq;

(B) the current police forces of NATO and non-NATO member countries deployed to Iraq; and

(C) the current financial resources of NATO and non-NATO member countries provided for the stabilization and reconstruction of Iraq.

(3) As a result of the efforts described in paragraph (2)—

(A) a list of the NATO and non-NATO member countries that have deployed and will have agreed to deploy military and police forces; and

(B) with respect to each such country, the schedule and level of such deployments.

(4) A description of the efforts of the United States and coalition forces to develop the domestic security forces of Iraq for the internal security and external defense of Iraq, including a description of United States plans to recruit, train, equip, and deploy domestic security forces of Iraq.

(5) As a result of the efforts described in paragraph (4)—

(A) the number of members of the security forces of Iraq that have been recruited;

(B) the number of members of the security forces of Iraq that have been trained; and

(C) the number of members of the security forces of Iraq that have been deployed.

(6) A description of the efforts of the United States and coalition forces to assist in the reconstruction of essential infrastructure of Iraq, including the oil industry, electricity generation, roads, schools, and hospitals.

(7) A description of the efforts of the United States, coalition partners, and relevant international agencies to assist in the development of political institutions and prepare for democratic elections in Iraq.

(8) A description of the obstacles, including financial, technical, logistic, personnel, political, and other obstacles, faced by NATO in generating and deploying military forces out of theater to locations such as Iraq.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the floor managers, we have a half hour, and that time is divided between the Senator from Kentucky and myself. We have two different amendments. At some time at the leadership's discretion we will have an opportunity to vote on those. The asking for the yeas and nays still is yet to be done, but it is certainly my intention to do so.

Mr. President, I yield myself now 5 minutes.

I want to address an issue that came up yesterday just prior to making the comments on my amendment because I do think it is of importance, as we are reaching the final hours in the deliberation of the Defense authorization bill, to make a comment on a particular amendment. This is effectively the Leahy amendment which is supported by a number of the members of the Senate Judiciary Committee.

I understand there is a reluctance on the other side of the aisle among Republican leadership—not necessarily the chairman of our Armed Services Committee but of the Republican leadership—voting on it.

I want to mention very briefly as we are coming into the final hours of the consideration of the legislation, the importance of the consideration of that particular proposal. I am very concerned that our Senate Republican friends are effectively stonewalling the release of the Justice Department memorandum on the torture of prisoners, and specifically the majority leader has filed cloture on the Defense bill in hopes of preventing a vote on an amendment that would require the release of the Justice Department documents.

The administration released a handful of documents yesterday, but the materials are far from complete. This is not a partisan issue; it is a constitutional issue.

It is required by our oath of office to preserve, protect, and defend the Constitution of the United States. The administration has shown a stunning disregard for the law and the usual rights of oversight, resorting time and time again to saying that we are at war.

We are not under martial law in this country. The laws and the Constitution are not suspended because we are at war. The actions of the administration

and questionable advice by the Justice Department contradict the founding principles of this country. Our country is not above the law. The President is not above the law. The Attorney General is not above the law. The Justice Department is not above the law. The Bush administration cannot continue to refuse to reveal memoranda because we are at war and because he does not want to. This is a precedent that could dangerously undermine our system of laws and government as we know them.

I believe the Senate itself is on trial. We have a constitutional and an oath of office responsibility to prevent this stonewalling of required accountability. If we look the other way and refuse to take action, then we are complicit in the gross violation and abuse of all that makes this country great.

America's Constitution is not a document of convenience to be followed only when we feel like it. It represents our best ideals as a democracy and protects our freedoms. I hope the Senate will uphold the Constitution and demand accountability for the prison abuses that are so contrary to all we stand for as a nation. I will have more to say on that later in the day.

The amendment which I offer on behalf of myself, the Senator from West Virginia, Mr. BYRD, the Senator from Michigan, Mr. LEVIN, Mr. LEAHY, and Mr. FEINGOLD, is a very simple amendment. Effectively, we understand that the President now is going to the EU and then to NATO. During that period of time, he will be asking our international allies and friends to participate and help offload some of the very heavy burden that Americans are bearing in Iraq, the most notable being the loss of life which exceeds 95 percent of the lives that are lost, and over 96 percent in terms of the casualties and the extraordinary expenditure of American taxpayers' funds, what I think will come out well in excess of $4 billion a month.

We also ought to know the scheduling in some detail for the development of internal security—primarily police—and what is being done inside the country and outside the country, and what is being done in terms of other countries around the world in helping, assisting, and offloading the burden on American service men and women who are caught in the bull's eye over in Iraq.

Many, including myself, find it is going to be extremely difficult to remove the concept of occupation as long as we are the only ones who are involved in the security issues in Iraq.

This amendment is the result of efforts by the President. We are asking for a list of countries that are committed to deploying military and police forces. With respect to each country and the level of such deployment, we are asking for the scheduling of providing such assistance—that would be economic aid—and effectively when that assistance will come.

As a result of the President's efforts, we want to know the number of police and military forces in Iraq that have been recruited for policing and for the military—the numbers of members of the police and military forces that have been trained. We want a description of the anticipated U.S. military force posture in the region during the next year, including the estimate—I underline the word ''estimate''—of the numbers of members of the Armed Forces that will be required to serve in Iraq during the next year. That is what we are asking for, effectively.

We are talking about planning, which the military does. Every year they have to submit a 5-year plan in terms of troops for the military. They have the Quadrennial Defense Review where they talk about the planning in terms of the troops and the needs in terms of the troops.

What we are trying to find out is what is the best estimate. We are asking for the estimate, and we are asking for that estimate 30 days after the bill becomes law. We hope this bill is going to come to a conclusion in the next 2 days. It then will go to conference. All of us are very hopeful and expect it will be concluded prior to the time of the summer recess. Then the administration will have 30 more days in order to make this kind of estimate and report. We will certainly know, since the President will return in the next several days, we will be able to make that kind of estimate.

Then we are asking: All right. Give us that information in 30 days, and level with the American people. Let the American people know. People ask: Why should we do this? It is because we have 140,000 American reasons to do it. That represents the American troops over there. That is the reason to do it. The American people are entitled to an estimate within 30 days, and then the follow-on and update of that in 6 months.

Americans who have members of their families serving over there are entitled to this information. The American people are entitled to this information.

There is ample precedents where we have required similar information in the Defense authorization—before going into the Balkans.

This is a matter of estimates. It is a matter of information. It is a matter of giving the American people the best information we have.

We have heard all kinds of estimates over all periods of time. We heard estimates yesterday by Mr. Wolfowitz talking about the American forces may be in there for years.

The American people are entitled to know what exactly this administration and this Defense Department, to the best of their information, can provide and should provide for the American people.

It is a simple amendment. It helps establish some benchmark for which we can measure the kind of progress we are making in terms of help and assistance from other countries around the world—not only in terms of getting support for troops and financial support but also help in assisting and getting information to the American people with regard to the development of police forces and the training of those forces.

Those are essential elements in terms of Iraqi policy. The American people are entitled to this.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the Kennedy amendment is little more than an effort to undermine the President and further the myth that our efforts to bring stability and democracy to Iraq are somehow unilateralist.

It is past time for some Senators to stop pretending that we are ''going it alone'' in Iraq. Neither the liberation of Iraq nor our efforts today could be characterized by anyone with a rudimentary understanding of mathematics as unilateral.

To begin with, the United States was merely a part of a coalition of 19 countries that toppled Saddam Hussein and liberated Iraq. In contrast, the United States joined only 16 other nations during World War II.

Nineteen is more than one. It is more than a couple. It is more than a few. It is a lot. Nineteen countries are more than most Americans will visit during their lifetimes.

The liberation of Iraq was less unilateral than the French opposition to it.

Since liberation, the administration has worked to bring more nations into Iraq to help stabilize and reconstruct that country. Currently, 34 nations are providing military and security forces to assist the Iraqis in defending their newly free country from the insurgents and terrorists.

The international commitment to Iraq has grown. Today the South Korean President announced that his country will push ahead with the deployment of 3,000 soldiers, despite the savage beheading of a South Korean citizen in Iraq this very week.

Although the junior and senior Senators from Massachusetts have both diminished the role that NATO countries are playing in Iraq, it is worth noting that 17 of these countries are members of NATO. NATO is involved in Iraq. It is also involved in Afghanistan. Both efforts are integral to our global war against terrorism.

Currently, 6,000 NATO troops from 25 nations are participating in the International Security Assistance Force in Afghanistan. There are over 8,000 foreign troops there, representing over half of the 15,000 non-Afghan forces in Afghanistan.

Now, the President's critics argue that NATO should be more involved, that the international community should be more involved. We all wish we had more help in Iraq. I wish we had

more help in Afghanistan. I applaud the President's recent efforts to secure passage of a new Security Council resolution that endorses the new Iraqi government's democratic transition and to encourage NATO to provide greater assistance. Predictably, Jacques Chirac opposed a NATO greater role. Given that NATO operates on the basis of consensus, Chirac's unilateral opposition will likely block NATO authorized deployments.

There are two principle barriers to greater international participation. It is important to focus on this. First, a number of countries, frankly, did not want democracy to take hold in Iraq. They do not like the idea that Iraq may become a democracy. Some nations are threatened by the march of freedom.

Mr. WARNER. Mr. President, I am going to ask the Senator to yield momentarily to the managers for the purpose of a unanimous consent request, which is concurred in by the leadership, without charging the time against the debate of this amendment.

Mr. President, on behalf of the leadership, I submit the following request: Currently, we are debating five votes with the understanding that at the conclusion of those votes, and possibly yielding back some time, a sequence of five votes will commence. I am now asking unanimous consent that sequence of five votes be delayed until 1:45 and that at the conclusion of the debate on the five scheduled votes, pursuant to regular order, we return to the first pending amendment at the desk, which is the Bond amendment, and proceed to debate that amendment.

Mr. REID. Mr. President, reserving the right to object, we on this side express our appreciation to the two managers for this arrangement. It will be most helpful to everyone, and it will help us see the end of this bill. We will have other amendments after we finish the Bond amendment.

No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. Let me start by saying there are two principle barriers to greater international participation. First, there are a lot of countries that did not want democracy to take hold in Iraq. They are not democratic themselves, and they do not want any democracies in the neighborhood.

Second, some nations are threatened by the march of freedom. Others had financial interests in the former Saddam Hussein regime. Some nations would not contribute troops unless we were to cede control in Iraq to the U.N., a prospect most Americans recognize as a dangerous fantasy. At such a price, their assistance is not worth the tremendous risk placing American security and Iraqi democracy in the hands of the U.N. entails.

Second, many countries that want to help simply lack the resources to help. As appreciative as we are of NATO's contributions, we are also cognizant of its limitations. European nations spend on average about 2 percent of their gross domestic production on defense. Of that money, a majority is spent on personnel costs and benefits. Relatively little is spent to modernize or sustain the equipment, weapon systems, and logistic capabilities of NATO militaries.

Many NATO countries cannot generate sufficient forces or sustain their deployment outside of the European theater. They lack the weapons, the aircraft, the logistics, transportation, and supply capabilities the United States has. Because of these limitations, many nations have decided to contribute to Iraq's future by providing economic, humanitarian, or other forms of assistance to the liberated Iraqis. According to the Department of the Treasury, the 10 largest donors to Iraq have offered nearly $8 billion in assistance. In addition, 29 donors have offered hundreds of millions more in financial aid, and 16 more have offered in-kind assistance.

Even if significantly more international troops could be deployed to Iraq, their deployment would not be a substitute for the long-term security needs of that country. These needs can only be met by Iraqi security forces.

There are clearly problems and challenges. The Iraqi security forces need training, they need equipment, and we will be providing it. We will be recruiting, training, and equipping Iraqis to defend Iraq from external attack and from internal subversion. These Iraqis, far more than foreign troops, will determine the future of that country.

The long-term solution to Iraqi security does not lie with the U.S. military. It does not lie with the U.N. or with NATO. It lies with the Iraqi people. We must be committed to supporting them and their efforts to bring stability and security to their own country.

I commend the soldiers of the U.S. military and those 32 other nations currently serving in Iraq for their brave efforts to bring peace to a troubled land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are all grateful for the participation of other countries around the world in Iraq. But the facts remain, when all is said and done, the estimate by the Defense Department is that 96.9 percent of the casualties are U.S. forces and 97 percent of nonhostile casualties are U.S. forces. We are grateful for the other countries, but the burden is on the U.S. forces.

I will mention what the difference is between the amendment of the Senator from Kentucky and my amendment, our amendment. There are only two basic differences. One is the number of reports. We have three reports. He has one report. And the timing of that report. The other difference, the major difference, is we are asking for estimates of the number of American troops that are going to be there. The American families are entitled to that information. The families who have service men and women over there, whether they are in the Regular Army, Reserves, or Guard, are entitled to an estimate. They ought to be able to get an estimate. It is amazing that the Senator from Kentucky will not even include an estimate about the number of American troops that are going to be there. Not even an estimate.

Mr. WOLFOWITZ stated yesterday, when he testified in the House, in response to Mr. SKELTON, that, No, we are not stuck. The U.S. strategy in Iraq is clearly to develop Iraqi forces.

The Senator from Kentucky and I agree, we are asking for progress and estimating the progress in developing the security force and the police force. We agree with that. But he said the U.S. strategy in Iraq clearly is to develop an Iraq that can take over security from U.S. and allied troops. That is the policy.

What is wrong with asking the estimated time? What in the world is wrong with asking how long will it take, and get us a report 30 days after this bill? If that will not be accurate, give it to us 6 months after that. If that does not help, give us 6 months after that. Why in the world is there a reluctance to level with the American people about the amount of forces we are going to have over there?

The Senator from Kentucky includes reporting on the amounts of resources that will come from other countries. He includes in his amendment the training of the personnel, the security personnel, the police force. He gets a report on that. Why in the world do we prohibit the families who are serving over there, and the American people, from having an estimate about the amount of troops going over there?

Now we had that. We did that before. This is not something that is enormously new. In the 1995 Defense authorization bill, Congress required a report that had to include 11 elements, including: estimates of the total number of forces required to carry out the operation, estimates on the expected duration of the operation, an estimate of the cost of the operation, and an assessment of how many Reserve units would be necessary for the operation.

That was passed here. I do not know whether the Senator from Kentucky voted against that. I do not hear him saying: We had that in 1995, and I voted ''no'' because we can't do that sort of thing here.

We have done that before in Bosnia. Is Iraq less important than Bosnia? We were prepared to do that in Bosnia, and it got the virtual unanimous support of the Members of this body at that time. And we are not prepared to do it in Iraq? I am confused. I do not understand.

What possibly is the justification for not leveling with the American people on the best estimate this administration has on the number of troops we

are going to have over there? We are not saying: Give us a number, and then withdraw our troops; give us a number and then come back to Congress and tell us if you are going to need more troops. We are not asking that. Estimates, estimates, estimates.

We have the President who is going over to meet with NATO, with allies abroad. He is going to obviously, hopefully, ask others to participate because they clearly have an interest. They clearly have some responsibility. They have not recognized it. I wish they would. But clearly they have to understand they have an interest in the security of that part of the world, and they ought to be participating.

We know the French were all too interested in finding out and participating in the oil issues, and it was obviously indicated to American representatives at the U.N. that they did not think we were transferring sovereignty unless we were going to transfer over to the Iraqi ministers the ability to have independent European oil participation in the development of the oil resources over there.

We want them to be in there with regard to offloading the burden on American troops and helping and assisting in terms of developing the security and the police. We ought to know, and the American people ought to know, whether they are willing to do that.

The President is headed over there. All we are asking for is estimates. It is amazing to me, given the past precedents, that we are unwilling to share that kind of information with the American people. I think the American people are entitled to it.

That is what our amendment does. It is the principal difference with the McConnell amendment. When you come right down to it, that is the principal reason we have an alternative out here, because the opposition refuses to share with the American people estimates, estimates, estimates on the number of troops. I think the American people are entitled to it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If neither side uses time, time will be yielded from both sides equally.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a minute and a half.

Mr. KENNEDY. Mr. President, I yield myself the minute and a half.

I would mention, in his May 24 speech on Iraq, President Bush said:

> [W]e'll maintain our troop level at the current 138,000 as long as necessary.

On May 4, General Swartz, of J–3 Operations, said: ''the current plan'' and ''what we're working toward'' is to keep the current level of deployments ''through '05.''

General Abizaid, on May 19, before the Senate Armed Services Committee, said:

> [T]he force levels will stay about what they are, I think, until after the elections in Iraq.

Those elections are scheduled in Iraq for December or January.

We have had estimates by individuals. Why not share and give official estimates to the American people? That is the principal difference. I am still stunned by the unwillingness to share that kind of information with the American people.

I reserve any time I have.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I once again wish to emphasize to our colleagues, in the past the Committee of the Armed Services most particularly, and I think the Congress in general, has refrained from requiring the Department of Defense to provide detailed planning, manpower, or cost estimates for future military operations.

The very nature of any military operation is such that the planners do their very best. They establish parameters. There are some great quotes, which I cannot bring to mind, but in war is the unexpected. You never can know for certain what your requirements will be. Certainly in trying to project that into the future, much less the immediate days or weeks or months ahead—force level projections and cost projections or estimates based on assumptions—conditions can change so quickly, for better or worse, rendering such estimates of very little value.

So the Senator has put forth an amendment. In the course of our deliberations with the committee staff and this manager, and with the Senator and others, much of it is very useful and beneficial. There was a lot of thought given. We wanted to accept the amendment with slight modifications.

We have now, for example, at 3 o'clock this afternoon the Secretary of State coming up to brief the Senate. That is consistent with how the executive branch is trying to be very forthcoming, and the Department of Defense, the Department of State, and others, in providing information in briefings about the stabilization and reconstruction efforts in Iraq over the past year, providing numerous updates in a variety of areas, at least on a weekly basis. General Abizaid has been very clear about his force requirements for the next 6 months, reducing the need for what we call a sort of quick-fix report as proposed by the amendment by the Senator from Massachusetts.

The McConnell amendment requires a comprehensive, balanced report within an appropriate and feasible time period that enables the Congress to perform its oversight responsibilities. Therefore, I think this is a question of reasonableness, and that reasonableness is predicated on forthcoming estimates and forthcoming briefings by the administration on a broad range of issues that relate to the operations our military forces are courageously performing worldwide.

Therefore, I strongly urge our colleagues to support the McConnell amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 30 seconds.

Mr. LEVIN. Mr. President, in the fiscal year 1995 Defense Authorization Act, we did precisely the same thing Senator KENNEDY is asking. I am going to quote section 2(B)A. This is relative to Bosnia at that time.

> The report must include an estimate—
>
> ''an estimate''—
>
> of the total number of forces required to carry out such an operation, including forces required for rotation base.

There is good precedent for precisely what Senator KENNEDY is doing in terms of requiring an estimate. The troops deserve it. The Nation deserves that estimate.

Mr. WARNER. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 3 minutes.

Mr. WARNER. Mr. President, I simply say to my colleague from Michigan, how well you, and having been privileged to serve these many years together, recognize that the Balkan situation was one that had a measure of predictability that in no way parallels the complexity of the mission we are carrying out in the Central Command AOR. There are stark differences between those military operations.

So, Mr. President, at this time I urge colleagues to vote for the McConnell amendment, which we think is very reasonable. It could be viewed as a reinforcing of the Senator's desire to get the information we share with him in many respects—important to the Senate.

I yield back the time and ask the Chair to move to the next amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators wish to order the yeas and nays on both pending amendments?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. By arrangement of the managers, there will be side-to-side votes. The McConnell amendment first, followed by the Kennedy underlying.

The PRESIDING OFFICER. The yeas and nays are now ordered on both amendments.

AMENDMENT NO. 3353

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I believe Senator REED controls the time on his side.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I yield myself 8 minutes.

My amendment would condition the acquisition of interceptors 21 through 30 for the ground-based midcourse national missile defense system on the implementation of operational evaluation and testing under the auspices of the director of testing in the Pentagon.

I will try to give a brief explanation of where we are with this system that is to be deployed. It is a combination of existing elements and some brandnew technology. The existing elements, first, the defense support system, a satellite system, is a cold war system designed to pick up the initial lift-off of missiles. That is in place. Then there is a group of Aegis ships that are out around the potential threat area of North Korea. That is a relatively new application of these ships. They were designed to intercept and detect cruise missiles and aircraft. Now we are attempting to expand that to track, at least partially, the flight path of an ICBM coming from a threat, specifically North Korea. Then there is the Cobra Dane radar, an older radar system. It is not particularly well adapted at discriminating, so it is therefore not the best radar we could have. The administration has canceled the X-band radar system, which is better. Then there are the interceptors with the kill vehicles on top.

The subject of this amendment is the interceptors. For many years, this ground-based system was designed to deploy 20 interceptors. Today, we are taking five for this deployment. But 20 was a rather significant number for technology that has not yet been proven. What the administration did this year is say, well, we want to go beyond that 20; we want 40. We want to buy 10 more, 21 through 30, and have long lead-time acquisition funds for 31 through 40. Well, the Congress in its wisdom already terminated the long lead time for 21 through 40, but we still have to budget this money for 21 through 30.

I don't propose to take that money away. I want to simply fence it, make as a condition to spend that money that this system will begin testing and evaluation. We had a vigorous debate about imposing this operational testing scheme. The result was now the Secretary of Defense is required to promulgate some criteria for operational testing and conduct these tests by October of 2005.

My amendment differs, and I think significantly so. It says we cannot depend upon the Defense Secretary's criteria and evaluation—a self-evaluation by the Missile Defense Agency. We need to get this program back into the traditional system of operational testing and evaluation, which is conducted by an independent agency in the Pentagon which designs, supervises the tests, and makes sure the tests will do what we want to do: deliver to the field a system that actually works. I don't think it is unreasonable. In fact, I think it is entirely appropriate to say that before we buy these additional interceptors—10 more—we are at least in a situation where this rudimentary system has been entered into operational testing.

Let me specifically highlight the issue of the interceptors. The operation of the interceptor and kill vehicle is brand new. Neither has been tested in an interceptor test. We have not tried to fly them with a kill vehicle even against a target. Yet we are buying 10 more of them. It would be prudent to say let's wait and at least do a few tests with these new interceptors and kill vehicles. The new version of the kill vehicle, by the way, where the warhead would actually impact the incoming enemy missile, has never even been flight tested. We don't know what it will look like. In fact, problems with the kill vehicle have delayed the scheduled flight test from March until July 31 of this year; and, frankly, we are weeks away from that and it is entirely plausible that this would be delayed even further. So we are deploying a system in which we have not yet even tested in flight one of the most critical aspects of the system, let alone the fact that the rest of the system has been cobbled together by existing pieces of technology being used in new ways.

That is a strong argument, in my mind, to say how serious are we about saying this is deployment. But it is more compelling, in my mind, to say at some point we have to get operational testing and evaluation—not some improvised form by the Secretary of Defense being implemented by the Missile Defense Agency but a traditional system where the director of test and evaluation at the Pentagon does evaluation and testing. This amendment would do that. It would take no money away. It would simply say we cannot spend the money on the next 10 interceptors—21 through 30—until we have entered the traditional mode of operational test and evaluation. This amendment makes a great deal of sense. There are examples of how useful operational testing is.

The Patriot PAC–3 system—probably the closest analogy to this, even though it is a theater missile system—is designed to go against targets that are not as fast and don't leave the atmosphere. But it is the same hit-to-kill technology. In fact, I was bemused years ago when they would show the film clips of how successful we are in this new technology, and they would use PAC–3 film clips about the hit-to-kill technology.

The PAC–3 system was being tested developmentally. Then it went into operational testing and it failed four consecutive operational tests against a realistic target, one in which you try to simulate the conditions of battlefield use. Even though it was successful in the developmental tests, it failed four consecutive operational tests.

Why are we buying missiles today that have the potential of duplicating the PAC–3 experience? Frankly, we could be in the unenviable position where the first time we try to fly this against a potentially real target, it fails. We have to have operational testing and the PAC–3 is a very good example. These operational tests are extremely useful in finally coming up with a system that is much more reliable.

So, as a result, I urge my amendment strongly. It doesn't take the money away. It simply lays out as a condition that we not spend it until we at least have operational testing. By the way, we are already buying 20 missiles.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I must say I am fortunate to serve on the Armed Services Committee with Senator REED and Senator LEVIN. Throughout the many years we have served together, we have had our honest differences of opinion. I don't mind sharing them. I enjoy our debates. It is constructive for the Senate. There is a process by which we go about it.

At some point, there has to be finality reached with regard to issues. I say, most respectfully, to my good friend from Rhode Island, the Senate has voted not once but twice, basically on the same issue raised by this amendment. I am reminded of Winston Churchill, one time in the depths of World War II, the early part of it in the Battle of Britain, when he went back to his old prep school and gave the famous speech saying, ''Never, never, never give in.''

Well, at some point, the Senate has to get on with its business. I think we have more than adequately debated the issues raised by this amendment. Nevertheless, I will take the time of my colleagues to carefully review it.

The Senate has already spoken on every single issue raised by this amendment. First, the testing. The Senate adopted the Warner amendment to require ballistic missile defense testing in 2005. That is the first Reed amendment. It rejected the testing approach which the Reed amendment puts before the Senate once again, an approach, I remind my colleagues, that the Pentagon's own chief testing official described as premature and not helpful to the program.

If the Reed amendment is adopted, it is just another prohibition in the program, possibly a gap in the production line, and all of those things end up in costly bills for the American taxpayers and disruption. We all know what happens when you break down and develop a system whereby you cannot predict with certainty as to how and when the units would be completed on production lines.

It comes down again to, Do you want to deploy a missile defense system or don't you? If you do, I suggest most respectfully to colleagues, let's accept the judgments that you have rendered and get on and not come back and back again and again on these same issues.

The Senate already rejected the Boxer amendment which would have halted the development. Do we want to halt production of missile interceptors for an extended period of time, a path that would increase costs, technical risks, and leave us vulnerable again to this threat where America stands defenseless to protect itself from an accidental or an intentional firing of a ballistic missile on to our territorial 50 States? That is the issue.

The Senate yesterday, after very thorough and, I thought, one of the better debates on this bill, presented by my distinguished colleague, the ranking member, Mr. LEVIN, rejected the Levin amendment which would have done basically the same thing as the Reed amendment. It would have resulted in a disjointed, disrupted program.

I suggest the Senate should not now adopt an amendment that would fence 2005 funds for additional missile defense interceptors until a testing requirement is completed, when it has already imposed a realistic testing requirement in 2005, explicitly rejected the kind of testing proposed in this amendment, and explicitly rejected the delays, costs, and disruptions that would result from withholding the funding needed to proceed with the testing and fielding of missile defense interceptors.

I most respectfully urge my colleagues to sustain the decisions that have been debated and voted on within the past few days by this Chamber.

I reserve the remainder of my time.

Mr. SESSIONS. Mr. President, I rise in opposition to the Reed amendment.

The amendment before us covers ground that was considered and already rejected by the Senate in the three missile defense amendments offered by Senators BOXER, REED, and LEVIN.

The amendment Senator REED offers today uses the same approach to testing proposed in his amendment that we considered last Thursday and that the Senate rejected. But his amendment today has the additional disadvantage of imposing a very significant cost—to the missile defense program and to our ability to defend the Nation from long-range missile attack. These costs are identical to those that the Senate rejected yesterday when we defeated the amendment proposed by Senator LEVIN.

Senatore REED's amendment would prohibit expenditure of fiscal year 2005 funds for ground-based interceptors until initial operational test and evaluation is completed.

I would remind my colleagues that the Senate has already voted in favor of a Warner amendment to require realistic testing of the ballistic missile defense system in 2005. Yet Senator REED is proposing, again, an approach which would require operational test and evaluation of the BMD system and prohibit the use of fiscal year 2005 funds to acquire additional missile defense interceptors until such testing is completed. This is precisely the approach that the Senate has already rejected and precisely the approach that even the pentagon's own chief testing official believes is premature and unhelpful. The Senate has already spoken on the testing issue.

Furthermore, the amendment we are considering, if adopted, would do serious harm to the Nation's ability to defend itself from long-range missile threats. Just as with the Levin amendment yesterday, the Reed amendment would cause a break in production line for missile defense interceptors and unacceptable delays in the effort to defend our Nation from known and serious long-range missile threats.

Planning and conducting operational testing and completing the evaluation of such testing would take at least a year. During that year, no funding for the next 10 interceptors could be spent. Key manufacturing personnel would be lost, subcontractors would be lost, and knowledge of manufacturing processes would be lost. When a production line is broken, it has to be restarted. Rehiring and retraining workers, requalifying subcontractors, and reestablishing manufacturing processes would take additional time and a great deal of money. A production break would also increase technical risk to this program, since quality depends in significant measure on well-trained and experienced workers and well-qualified subcontractors and stable manufacturing processes.

Loss of these funds for just a year could result in a delay in fielding these interceptors of nearly 3 years and a 4- to 5-year gap between fielding the 20th interceptor and 30th interceptor. Restarting the production line would incur a cost to the taxpayer of more than $250 million. Some Senators may argue that fencing funds is not a cut, but I would suggest that if the funds are lost for at least a year, there is not much difference between this fence and a substantial budget cut.

The threat more than justifies the need for additional GMD interceptors. That threat is here today. It was confirmed last year by the Director of Central Intelligence, in testimony before the Armed Services Committee, when he testified that the North Korea has a missile that can reach the United States.

The need for additional interceptors is based on the threat and all the evidence I have seen fully and clearly justifies the acquisition of the 10 interceptors in the budget request. Any significant slowdown in this effort would leave the ground-based midcourse defense element with a severely reduced inventory of interceptors by 2007 and would leave our Nation vulnerable to North Korean and, potentially, Middle Eastern threats. Unfortunately, Senator REED's amendment, if adopted, will cause just such a serious slowdown.

Mr. President, the Senate has spoken already on all the issues raised in this amendment. I strongly urge my colleagues to be consistent and to oppose this amendment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator from Rhode Island will yield 2 minutes to me.

Mr. REED. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I wish to ask the Senator from Rhode Island a question. The Patriot PAC–3 experience he described where I believe there were four failures, did that not, in fact, lead to changes in that system?

The PRESIDING OFFICER. Without objection, the Senator from Rhode Island is recognized to respond.

Mr. LEVIN. I thank the Presiding Officer.

Mr. REED. Mr. President, it actually did lead to changes in the operational use of the system, and those changes were very valuable once deployed in a combat situation.

Mr. LEVIN. Mr. President, the question again is whether this Defense Department is going to obey the law or do they believe they are above the law. The law is very specific. It reads:

> The Secretary of Defense shall provide that a major defense acquisition program may not proceed beyond low-rate initial production until initial operational test and evaluation of the program is completed.

That is the law. This Defense Department too often has decided it is above the law; it is beyond the law; it is not going to abide by the law. We have written a law for a purpose. Operational test and evaluation is required by law, not by the Secretary of Defense, but by the independent office that was created to do this testing.

That is the definition of initial operational test and evaluation. No exception has been made for that. We deployed some UAVs, but we did not exempt them from independent test and evaluation. We deployed airplanes, but we have not exempted them from this requirement. This would be the first system that would be allowed to proceed beyond low-rate initial production without that evaluation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. Mr. President, I ask for 1 additional minute.

The PRESIDING OFFICER. The Senator's time has expired. Twenty minutes was allocated and equally divided.

Mr. WARNER. Mr. President, we grant 1 additional minute over and above the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. One final point in this minute. According to the agency's own papers, disclosures, the production rate capacity of these interceptors is one per month. That is the capacity. They are there. This is full-rate production. They are not at low-rate initial production anymore. The capacity is one per month. That is what they are doing now. That is their plan. Their plan is for one per month. The law says they cannot go beyond low-rate initial production without this independent evaluation.

That is what this amendment is about. It provides the money but says abide by the law, obey this law, there is a purpose for it—to make sure our weapons systems work.

I commend the Senator from Rhode Island for this amendment. It is quite different from any amendment that has been voted on before.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. ALLARD. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The majority controls an additional 5 minutes 20 seconds.

Mr. ALLARD. Mr. President, I request 3 minutes.

The PRESIDING OFFICER. Is there objection to 3 minutes being yielded from the majority? Without objection, it is so ordered. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I have to agree with my colleague from Virginia, the chairman of the Armed Services Committee. We have had this issue before us not only this year a number of times but last year a number of times, and even the year before that to one degree or another.

Whether it is intentional, the net effect of these types of amendments is it delays the programs and it adds to extra costs.

We have had a lot of debate on all these issues that have been in this particular amendment. I think it is time for the Senate to move forward.

I will point out in response to the question that was raised by my colleague from Michigan that we had testimony in the full committee from the chief tester who says he believes we are in full compliance with the law. I do not think anything else needs to be said. We have that testimony. It is on the record in the committee.

I urge my colleagues again to join both Senator WARNER and myself in opposing this particular amendment.

We do have some different testing procedures. That is because this is a different program, unlike the many other programs we have had. So we have to deal with it a different way.

The bottom line again is the chief tester is happy with the way it is progressing. He has had access to the program that has been unprecedented. He is satisfied with the cooperation between the program office and the test community. I have a letter, again, that I submitted for the RECORD in the past that indicates he is fully satisfied. I will read specifically from the letter. It says:

> My office has unprecedented access to GMD, and I am satisfied with the cooperation between the program office and the test community. I will continue to advise the Secretary of Defense and the Director of MDA on the BMDS test program. I will also provide my characterization of system capabilities and my assessment of test program adequacy handling as required by Congress.

In my view, it is time we move on. In effect, when we go for the formal testing that is being advocated in this particular amendment, we add an extra year of delay. It breaks up the manufacturing lines.

We have had this discussion at a previous date. The net effect is subcontractors have to be requalified, workers need to be retrained, and then the manufacturing process has to be relearned. It takes time, up to 2½ years, and money—some have estimated as much as adding $250 million to the cost.

So I ask my colleagues to join me and Senator WARNER in opposing this Reed amendment. It has the net effect of adding costs to the program, delaying the program unnecessarily, and we do have adequate testing now.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Virginia controls the remainder of the time of 1 minute 45 seconds.

Mr. REED. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. The Senator from Virginia has been recognized.

Mr. WARNER. I will accommodate the Senator from Rhode Island.

Mr. REED. I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. I respect the chairman and the chairman of the subcommittee who have engaged in this debate. The question to me is: Will this system work? We really do not know if it will work. If we do not know it is going to work, why are we buying 10 additional interceptors at a price of about $500 million?

So this is not the same amendment, the amendment written over and over again. This is an amendment about scarce resources—will we devote them to these interceptors that are untested or will we devote them to other issues?

I point out that there is nothing in this amendment that slows up the program. There is nothing in this amendment that would take away funds. It simply says, let us get into an operational testing mode before we buy these additional systems.

Final point. This system has been plagued by delays, but they are technological delays. The reason we are not having a test—we did not have one in March, and we are having it in July—is because this kill vehicle is not ready for such testing. There is nothing about our amendment or about our procedures. This is a hard technology, but let us make sure it works.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the indulgence of the Presiding Officer. The time remaining on this side is?

The PRESIDING OFFICER. The time remaining is 1½ minutes.

Mr. WARNER. Fine. I believe our case has been made very clearly to our colleagues that these issues raised by the Senator from Rhode Island have been passed upon by the Senate in the preceding 3 or 4 days after very careful, conscientious, and deliberate debate. The issues are settled. We must come to resolution, no matter how strong our differences may be, and accept the judgment collectively rendered by the Senate in these votes.

I yield back the remainder of my time.

Mr. REED. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, we will now proceed to the next amendment which Senator LEVIN will offer on behalf of a colleague, but I would like to ask for a brief quorum call so I can consult with the majority leader because we are making considerable progress in beginning to define what remains to be done and a course by which this bill can be completed today.

The PRESIDING OFFICER. Under the previous order, all time on the previous amendment has expired.

AMENDMENT NO. 3423

Amendment No. 3423 is now pending, and under the previous order 20 minutes has been allocated, 10 minutes on each side.

Mr. LEVIN. 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. LEVIN. 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, we have on the floor now our distinguished and esteemed colleague, the former President pro tempore of the Senate, Mr. BYRD of West Virginia. My first request would be a unanimous consent to extend the time of this amendment from the current, as I understand it, 20 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. That we extend that to 40 minutes, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Thank you very much. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, it is no secret that America's military forces are stretched thin across the globe. The relentless fighting in Iraq has exacted a heavy toll on the U.S. military, forcing thousands of American troops to face extended tours in a dangerous war zone. Stop-loss orders have prevented thousands more from leaving the military when their obligations have been fulfilled. America's men and women in uniform have gone far beyond the call of duty to meet the increasing demands that have been placed on them, and we owe them a great debt of gratitude.

In the face of such hardship facing America's military personnel, this is hardly a propitious time to arbitrarily expand U.S. military obligations overseas, and yet that is exactly what the bill in front of us does. In an effort to help the Government of Colombia launch a new offensive in its civil war against guerrilla insurgents and the drug trafficking that funds them, the Defense authorization bill substantially increases the number of U.S. military and civilian personnel authorized to support the operations of Plan Colombia in Colombia.

Plan Colombia is a 6-year antinarcotics initiative authorized by Congress in fiscal year 2000 to combat cocaine production and trafficking in Colombia. From the outset, many Members of Congress worry that United States intervention in Colombia's drug wars—even noncombat intervention—could serve to draw the United States into the thick of Colombia's longrunning civil war. In an effort to preserve congressional oversight and prevent mission creep in Colombia, Congress placed a cap on the number of U.S. personnel who could participate in Plan Colombia. Current law limits the number of U.S. personnel in Colombia in support of Plan Colombia to 400 military troops and 400 civilian contractors, for a total of 800.

This is a part of my statement. I believe it was in the year 2000 that we placed a limitation. Originally, the 800 was divided into 500 military and 300 contractors, making a total of 800. That limitation on the number is current. This bill, however, would double the number of military personnel authorized to participate in Plan Colombia, raising the troop cap from 400 to 800.

That troop cap is being doubled. The cap on civilian contractors would be increased by 50 percent, climbing from 400 to 600. This bill says let us put in a little more. Let us lift the number.

The increases reflect the number of military and civilian personnel requested by the administration to carry out a 2-year training and support operation in relation to an aggressive new counterinsurgency offensive being undertaken by the Government of Colombia called Plan Patriota. With the stroke of a pen, just like that—just a stroke of the pen—this bill would increase the number of U.S. civilian and military personnel authorized to be in Colombia to support Plan Colombia from 800 to 1400.

So we are just inching along, just inching along. That may seem like an insignificant increase to some, but I expect it looms large in the minds of U.S. forces who have seen their tours in Iraq extended or who have been prevented from leaving the military when their obligations have been fulfilled. The 800 military personnel who could be sent to Colombia under the proposal are 800 military personnel who would not be eligible to relieve American troops in Iraq, Afghanistan, or elsewhere. Before signing off on such a measure, the Senate should consider very carefully the ultimate goals of Plan Colombia and the amount of oversight Congress should maintain on the program.

I am offering an amendment. The amendment I am offering is an effort to address these considerations. My amendment provides a reasonable and sustainable level of support to continue Plan Colombia and to support Plan Patriota, but it limits the support to immediate needs, not presumed needs a year or two from now. Under my amendment, the cap on both U.S. military and civilian personnel would increase from 400 to 500 each, for a total limit of 1,000.

My amendment conforms with the House-passed version of the Defense authorization bill. The House bill caps the number of military personnel in Colombia at 500. The House bill does not address the civilian caps, but the State Department has determined it needs fewer than 100 additional contractors next year to support Plan Patriota.

Plan Colombia remains a volatile and dangerous mission. Three American civilian contractors operating in support of Plan Colombia have been held captive in the jungle by Colombian insurgents for more than a year. Five other U.S. civilians were killed as a result of aircraft crashes. Additional cocaine fumigation flights have been fired on, and since August 2003, two planes have been downed by hostile fire.

This is not the time, colleagues, and Colombia is not the place for the United States to ramp up its military commitment so sharply. Although the numbers may be relatively small, the mission in Colombia has been constantly increasing.

That is the problem. The mission in Colombia has been constantly increasing, evolving from a strictly antinarcotics campaign into an operation encompassing antiterrorism, pipeline protection, and an air-bridge denial program to intercept drug trafficking flights in Colombia.

A major infusion of additional U.S. personnel into Colombia will place more American personnel at risk and will increase the prospects of the United States being drawn ever deeper into Colombia's civil war.

The State Department has confirmed that it needs fewer than 100 additional personnel next year to accomplish its goals. The Defense Department has estimated that it needs no more than 158 additional personnel to support the second phase of Plan Patriota next year. Defense Department officials have also said they do not need a total of 800 personnel and do not anticipate a time when 800 military personnel would be in Colombia in support of the initiative. The Department is asking Congress to provide broad flexibility through an unnecessarily large troop commitment at a time when both human and financial military resources are severely limited.

I think Congress should take a more conservative approach to Plan Colombia and particularly to the involvement of U.S. forces in Plan Patriota. I am willing to authorize a modest increase in the number of military and civilian personnel for next year, but I believe Congress should review the progress that has been made a year from now before determining what the final number should be.

If the Pentagon cannot tell Congress how many troops it will need in Iraq a year from now, how can it say with such certainty how many forces it will need in Colombia 2 years from now?

The United States has spent the past 4 years training and equipping Colombian troops and flying cocaine crop eradication missions for the Government of Colombia. According to the Congressional Research Service, U.S. funding for Plan Colombia, since fiscal year 2000, totals approximately 3.7 billion bucks.

The administration has characterized the next 2 years as a ''window of opportunity'' to assist Colombia with its war against the insurgents. Now, that may or it may not prove to be true, but the burden of securing that window has fallen on—guess who?—Uncle Sam. That is where it lies, in the lap of Uncle Sam.

If the Government of Colombia is as committed to eradicating the drug crops and defeating the guerillas as the administration contends, then the Government of Colombia should take the lead in seizing this opportunity. Four years and $3.7 billion into Plan Colombia, the United States should be on the verge of tapering down its commitment to Colombia, not sharply increasing it. Where are we going here? When is this going to come to an end?

Plan Colombia has ample flexibility built into it to allow the military to surge, if needed, to respond to emergencies such as search and rescue or evacuation of operation.

In addition, at the request of the administration, Congress has agreed to broaden routine exemptions to personnel-counting procedures, giving the Defense and State Department even greater flexibility in managing the number of personnel in Colombia.

Routine exceptions now include such activities as port calls, DOD civilian visits, certain military exercises, aircrew overnights as needed for weather, maintenance, or crew rest overlapped during deployment location, headquarter staff visits, and traditional commander's activities, just to name a few.

Instead of the United States committing more troops and more civilian contractors to Colombia than are actually needed, the Government of Colombia should increase the resources it is committing to Plan Patriota to mitigate the burden on the United States.

My amendment increases U.S. support for Plan Colombia, but it does so at a prudent level that allows the Defense and State Departments to commit the minimum number of additional U.S. personnel needed to assist the Government of Colombia in prosecuting Plan Patriota while maintaining necessary congressional oversight on Plan Colombia.

In recognition of the current sacrifices this Nation is demanding of its men and women in uniform, I urge my colleagues to support this amendment and to resist unwarranted and excessive increases in a level of military and civilian personnel that may be deployed in Colombia.

I yield the floor.

Mr. WARNER. Mr. President, my understanding is the Senator from Virginia has, under his control or his designee, 20 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I will take a minute or two and ask unanimous consent that the Senator from Alaska be recognized for such time as he may wish, followed by the Senator from Alabama, and then the distinguished Senator, Mr. COLEMAN, chairman of the Western Hemisphere Subcommittee of the Senate Foreign Relations Committee, who will manage the remainder of the time.

Mr. SESSIONS. If the Senator will yield, I will yield to Senator COLEMAN ahead of me.

Mr. WARNER. Very well. But I wish to speak for a few minutes.

I must oppose the Byrd amendment and urge my colleagues to do the same.

The provision in the underlying bill to raise the troop cap in Colombia from the current limitation of 400 military personnel and 400 contractors to 800 military personnel and 600 contractor personnel was recommended by GEN Hill, Commander, U.S. Southern Command, with the endorsement of the Department of Defense, Department of State and the National Security Council. This provision was unanimously approved during markup by the Committee with no dissenting discussion.

The United States has been assisting the government of Colombia—through Plan Colombia—for several years as Colombia continues its struggle against narcoterrorists.

During the course of this assistance, we have asked the Colombians to develop a comprehensive strategic plan for taking back their country. They have developed and begun implementing this plan, with our help.

During the course of this assistance, we have urged the Colombians to modernize their armed forces and become more decisive in their pursuit of the drug-financed insurgents who have terrorized their country for decades. The Colombian armed forces have gained confidence and stature and are forcefully and decisively carrying out increasingly sophisticated military operations with successful results.

Over the years, we have asked the Colombians to invest more of their own national treasure in defense, reduce drug cultivation, respect the human rights of their people. They have done so with very promising results. The Colombian armed forces are now the second most respected institution in Colombia, behind the Catholic Church, according to recent polling.

During the course of our assistance, we have asked the Colombians to be forthright about their future plans, requirements, and needs for additional assistance—they have been and that is why our regional commander and the administration asked for a modest increase in the troop cap, at the request of the Colombian government.

The regional commander has developed a prudent plan to provide additional planning and training assistance that will enable the Colombian armed forces to carry out the sophisticated, coordinated military operations that will allow them to successfully defeat the terrorists and end decades of terror and violence in Colombia.

Troop strength will not automatically double in Colombia, it will ebb and flow depending on progress in Colombia's overall strategy and the availability of U.S. troops to provide assistance.

U.S. troops will not be involved in combat operations. They will continue to work from secure sites, help train additional Colombian military units and help them plan and coordinate military operations.

We have a clear window of opportunity to help President Uribe and the people of Colombia help themselves and end this conflict, but we need this slight increase in assistance to help them realize this goal. Colombia has made great progress, by all measures, and deserves our support.

The Byrd amendment would limit our ability to provide the assistance Colombia has requested and our military commanders have recommended. A modest increase in troops and assistance now does not foreshadow an endless commitment of troops, money and sacrifice—quite the opposite—it offers the opportunity to help Colombia end this conflict in the near future. Defeating the narcoterrorists in Colombia, as quickly as possible, is clearly in the national security interests of our Nation.

The Byrd amendment will complicate the ability of our military commanders and our diplomats to help Colombia end this terrorist insurgency as soon as possible.

I urge my colleagues to vote no on this amendment.

I assure my colleagues that the discussion by the Armed Services Committee to raise these caps was one we did not take lightly. We considered it with very deliberate care. We feel we did so consistent with General Hill, commander of the southern command, who came up and specifically briefed the committee on the needs.

The bottom line is the nation Colombia has come a long way in the past few years to reestablish itself as a pillar of strength in that Central American band of nations where there is such fragility in the stability of these governments. It stands out as the courage of a government overcoming the insurgents in their countries, beginning to have success. For a very modest increase in our military presence and contractor presence, we can ensure the forward momentum of this success.

It is an enormous force multiplier of benefit to the United States of America. Were this nation to slip back into a situation which enabled more and more exporting of drugs from that region, possibly through Colombia, the consequence would be a weakening of that government, and there would be multiple degrees of negative impact on our economy, much less crime and death associated with drugs. So for a small number of additional military personnel which the military carefully crafted, the United States benefits greatly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I support the Armed Services Committee recommendation. It was also the administration's position that this cap on military personnel in Colombia be increased to 1,400. Senator BYRD's amendment reduces that to 500.

There has been dramatic success in the war on drugs in Colombia. I have spent a great deal of time trying to keep up with this. The President of Colombia, Mr. Uribe, deserves a great deal of credit. We should support his continued efforts. His efforts have caused terrorist organizations to come to the peace table.

If we were to reduce our support now, they would have no reason to stay at the peace table. More U.S. personnel will only move the process forward.

I do not think we should go back to limiting our assistance to the Government of Colombia, as suggested by my good friend from West Virginia. I personally spent time with the commander of the U.S. Southern Command, GEN James Hill, as did the

chairman of the Armed Services Committee. We were briefed, as were other members of the subcommittee, on the situation there. He has strongly urged us to support the administration's request to raise this cap.

It is my hope, depending on the circumstances here in the Senate, that a group of us can travel to Colombia this year and examine firsthand what is going on down there.

This country could be a beacon now against terrorism in South America. It is something we should support. We should not retreat from the war on terrorism. The increase to 1,400 is necessary to support this Colombian President, who has done so well, particularly against narcoterrorism.

I urge the Senate to support the request as it is stated in the Armed Services Committee bill, which is also the request of the administration. It certainly is the request of this Senator, who spent a great deal of time considering the problems in Colombia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise in strong opposition to the amendment offered by the esteemed and greatly respected Senator from West Virginia concerning military and civilian personnel strength in Colombia.

I have been to Colombia, I have been to Bogota, and I have had a chance to personally visit with some of our troops that are doing training, and to visit with President Uribe on a number of occasions.

As chairman of the Foreign Relations Subcommittee on the Western Hemisphere, I believe the situation in Colombia is of paramount importance to the entire region. I must state very clearly this is not a civil war in Colombia. Colombia is not engaged in a civil war. Colombia, today, is engaged in a fight against narcoterrorists. That is what this is about. It is not about ideology anymore. It is about money. It is about drugs that are being used to fuel the insurgency. But this is not a civil war. I think that is important to understand.

If you reflect a little bit on the history of what has happened in Colombia, President Pastrana did everything in his power to try to negotiate a settlement. He even set aside a parcel of land, known as a ''despeje,'' as a token of good faith, but it was to no avail. You see, the narcoterrorists had no interest in negotiating a political solution because, again, it is not a civil war. Their objectives were and remain to intimidate the public and to make money through criminal means.

Let me be perfectly clear, all three of the groups—the FARC, the ELN, and the paramilitary AUC—are all terrorist organizations in the eyes of the United States and must continue to be treated as such by the Government of Colombia.

During my last visit to Colombia, I was speaking to the Ambassador from one of the Scandinavian countries who has been involved in trying to create some opportunities for peaceful negotiation. I said to him: Historically, in the past, there may have been a civil war here. There may have been those in some of these organizations who were carrying some ideological belief and fervor that somehow they could change the system of government in Colombia. But today you have a democratically elected President with overwhelmingly high approval ratings, I think around 80 percent. Anybody in this body would like to have those kinds of approval ratings. You have a very active opposition party, a very active democracy in Colombia.

Speaking to this Ambassador, he admitted: Yes, today it is about drugs, and it is about money.

That is what we are dealing with today. That is the passion. That is the common link of those who are engaged in a battle with the government. The top fundraising enterprise of all three of these organizations is drug trafficking. They also are involved in extortion, kidnapping, and intimidation. There are few, if any, legitimate political objectives. They are narcoterrorists.

In fact, this Senate has voted to treat the guerrillas as such. Expanded authorities passed by this Congress allow the U.S. to support the Colombians in their efforts against the insurgents, not just for the purpose of fighting drug trafficking, but also for opposing the terrorist insurgent threat. All three of these groups appear on the State Department's list of terrorist organizations.

As I said before, President Uribe, who enjoys a great deal of popularity in Colombia, was elected with a clear mandate—that the narcoterrorists can be dealt with only from a position of strength. They must be weakened militarily to the point where they abandon their enterprise.

Under the leadership of President Uribe, the tide has begun to turn. Kidnappings are down. Murders are down. The terrorists in many instances are laying down their weapons. Coca eradication has reached record levels. But the task is not yet finished.

It is important. It is not a matter of: Well, we have put resources into Colombia; when are we going to get it done? As we well know, in this country the battle about drugs and narcotics is an ongoing battle. It is something where what we have to do is maintain the pressure, maintain the commitment, maintain the consistency, and not send a signal that somehow we are putting a cap on it.

Again, the numbers we are talking about here are very minimal, whether it is the Armed Services Committee recommendation of increasing the military cap from 400 to 800 and the civilian cap from 400 to 600, with a total increase of 600, versus the distinguished Senator from West Virginia talking about 500. But the message is not minimal.

The understanding of this body of the importance of what we are doing in Colombia, and continuing to build upon success, is important. That is not minimal. What we do here will be heard in Colombia. It will be heard around the world. We have to do the right thing.

Under the Colombian Constitution, President Uribe is limited to one term in office. What this means is during the final 20 months of President Uribe's term, there is a limited window of opportunity to seriously weaken these groups and to move beyond this conflict that has devastated the Colombian people for decades.

That is why I believe the time is right to increase the cap, again slightly increase the cap, on the number of United States military and civilian personnel in Colombia who are assisting the Colombians. We are not talking about lifting the cap entirely. We are talking about increasing the number of military personnel who can be in Colombia at any one time to 800 and civilians to 600. I applaud the chairman for including this necessary provision in the underlying bill.

This is not a blank check. Human rights protections are still very much in place. The United States Government works only with Colombian security forces who have been thoroughly vetted. I am a strong believer in human rights, and in each and every one of my meetings with Colombian officials I raise the human rights issue. I talk about the importance that human rights has in this country and has for our support of what is going on in Colombia. Human rights protections must remain essential to our involvement in Colombia, and the Colombians understand that. President Uribe understands that.

Moreover, the activities of U.S. troops are limited. They are there to train the Colombians. Our troops will continue to operate from secure sites only and will not be exposed to combat.

United States activities in Colombia and the region will continue to deal with the nonmilitary facets of Colombia's crisis as well. We are supporting programs for internally displaced people. We are encouraging alternative crops so farmers are not growing coca and they can make a living for themselves and their families. We are supporting human rights and rule-of-law efforts across the board.

For anyone familiar with the situation in Colombia, it is clear President Uribe is bringing security, stability, and law and order to a country that so desperately needs it. Plan Colombia is a Colombian strategy to retake the country from the grip of narcoterrorists. United States support for Plan Colombia is predicated on a mutual understanding of what is at stake in Colombia, and a belief that the United States and Colombians can work together to address the crisis. We have a critical window of opportunity here to make a major push against narcoterrorists in our own hemisphere

during these final 20 months of President Uribe's term.

When President Uribe was elected and sworn in, there were mortar attacks on his life. I think there have been about 10 to 15 attempts on his life. He is an extraordinarily brave individual. So often we look around the world and say: America will be there to support you, but you have stand up for yourselves. Colombians are standing up. They are saying they want to win this battle against narcoterrorism.

Ninety percent of the cocaine in this country comes from Colombia. We Americans—our kids, our families—have a stake in the success of what happens in Colombia. Again, this is the time. This is the place to send a strong signal that we will strengthen our efforts against narcoterrorism.

The risk is the risk of doing nothing, the risk of sending a signal that somehow we are going to cap this and limit our effort, that somehow this battle against narcoterrorism is a short-term, we-are-in-it-this-week and we-are-out-next-week approach. This is not about that. Again, we are not talking about a civil war. We are talking about working hand in hand with a government that is deeply committed, that has put its own troops on the frontline, that personally has made the commitment not just of fighting narcoterrorism but to economic reform, pension reform, a commitment to human rights, to the rule of law.

The right thing to do is to support the Armed Services Committee recommendation. The right thing to do is to reject the amendment of the distinguished Senator from West Virginia.

I yield the floor.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to Senator BYRD's amendment to Section 1052 which would cap the number of U.S. military personnel and civilian contractors operating in Colombia at 500 and 500, respectively. I support the current committee language that increases the caps to 800 and 600, respectively, because it will enhance our efforts to help the Uribe administration stop the flow of drugs from their country and into ours.

The situation in Colombia is at a critical point. We must ensure that it continues to move in the right direction. Colombia is a strong ally and major trading partner of the United States and is critical to the stability of the Western Hemisphere. It is also the home of three major terrorist organizations that derive about 70 percent of their funding from the production and distribution of cocaine, nearly half of which ends up on our streets. Their violent activities are a result of the need to maintain their narcotics trade, which has resulted in the social and economic instability of the country and the region.

President Uribe has shown a strong commitment to ending the drug trade in Colombia by the end of his administration in 2006. I am extremely encouraged by his successes in drug eradication and his efforts to strengthen democracy and the rule of law. In 2003, coca production was down 21 percent and opium poppy was down 10 percent from the previous year. So far this year, the number of hectares of coca eradicated and the number of drug seizures are up from last year. We must continue this success that is needed to maintain domestic and international support for the eradication program.

In Colombia, narcotics trafficking and terrorist acts have made it one of the most dangerous places in the world. Last year, Vice President Francisco Santos-Calderon testified before the Senate Drug Caucus that more than 8,000 acts of terror were committed against the Colombian people over the previous 5 years, including over 30,000 violent deaths during each of those years. However, since the vice president's testimony, there have been significant reductions in the numbers of homicides, assassinations, kidnappings and other terrorist acts. I am encouraged by these numbers and know that these changes are very encouraging to the people of Colombia.

Our counter-narcotics efforts in Colombia include military funding for equipment, training and education programs for Colombian military personnel. Raising the existing personnel caps will allow additional U.S. personnel to be made available to train Colombian personnel, and will enhance their ability to conduct their counter-narcotics missions. We have a window of opportunity here that we need to take advantage of. The United States must be willing to help the Colombian government reach this goal. I strongly urge my colleagues to oppose this amendment and ensure an adequate number of U.S. personnel available in Colombia.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I wonder if the Senator from West Virginia would yield me 4 minutes.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. LEVIN. I wonder if he would yield me 2 minutes.

Mr. BYRD. Mr. President, I yield the full 3½ minutes to my friend from Michigan.

Mr. LEVIN. Mr. President, I thank Senator BYRD.

The Byrd amendment allows for increases. That is the most important single point to make. There has been a suggestion that somehow or other if the Byrd amendment is adopted, that would reflect some kind of a decrease in support for what we are doing in Colombia. The Byrd amendment provides for an increase from the current level both on the military side and on the civilian side. The current military level is 400. The Byrd amendment allows for an increase to 500.

On the civilian side, the current level in law is 400. The Byrd amendment provides for an increase to 500. So both on the military and the civilian personnel, the cap is raised by the Byrd amendment—not as far as the bill before us raises it. The committee raised it by more than that. But the question is by how much will we raise the cap, not whether we are going to raise the cap.

The Byrd amendment is a more modest increase. It is a more gradual increase. It is appropriate in terms of the circumstances in the world today. We have our troops spread all over. There are great needs, including in Colombia. I happen to agree with my good friend from Minnesota that we have successes in Colombia. I have been there, too. I have witnessed some of these successes. I support our efforts in Colombia. But given the kind of commitments that we have around the world, given the kind of demands on our troops around the world, it seems to me that a modest increase is called for at this time.

Again, we are not talking about reductions, we are talking about increases. The House of Representatives did not allow for an increase on the civilian side at all. They would retain the current cap of 400. The Byrd amendment would allow for that to go up to 500.

An increase, yes; an endorsement of what is going on in terms of the efforts in Colombia, yes, because if we raise the cap, that does reflect an endorsement of those activities. But given the requirements for our troops around the world, the demands upon us, this kind of a modest increase is appropriate.

Finally, it is unlikely that they will be able to use this many additional forces in any event. According to the State Department, the dates for increases in personnel are not just going to depend on our approval but also on program developments, personnel availability, and circumstances that exist on the ground.

The Byrd amendment represents a very proper, cautious, modest increase in flexibility for our Defense Department and State Department. It is appropriate that there be an increase but not as large as is currently in the bill.

I support the Byrd amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 5½ minutes on your side.

Mr. COLEMAN. Mr. President, the recommendation of the Armed Services Committee is a proper, cautious, moderate increase. That is what we are talking about. The numbers are not that great, but the message is significant. The message is significant. What we have is a recommendation, developed by General Hill from SOUTHCOM, saying this is what we need to make sure we are living up to our commitment and to modestly strengthen our commitment, that we have seen success. Let's reward success. Again, in a proper, cautious way.

I agree with my distinguished colleague from Michigan. That is the kind

of increase we need. But we are seeing success with murder down, kidnapping down. We are seeing great courage from President Uribe. We see Colombians step to the plate. We have to maintain the pressure. We are not talking about civil war. We are talking about a battle against terrorist organizations. Winning this battle will have a direct impact on the lives of Americans. It will have a direct impact on slowing the flow of cocaine and narcotics into this country.

On both sides of the aisle our colleagues are seeking the same outcome; that is, to have a proper, cautious, moderate increase in strength. But it would be wrong to send a signal to reject the recommendation, the thoughtful, reasoned, rational, proper, cautious recommendation of the Armed Services Committee on this issue. Let us send the right message and let us do the right thing by upholding the judgment of the Armed Services Committee, by not stepping back, not by placing the caps that this amendment would place.

Let's reaffirm our commitment to Colombia, to the world, about fighting narcoterrorism and winning this battle.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from West Virginia has 19 seconds.

Mr. BYRD. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. They have not.

Mr. BYRD. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays have been ordered.

Mr. BYRD. I yield back the remainder of my time.

The PRESIDING OFFICER. Time is yielded back.

AMENDMENT NO. 3384, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, the pending amendment is Bond amendment No. 3384 on which there is no time limit.

The Senator from Missouri.

Mr. BOND. Mr. President, I call up amendment No. 3384 and ask unanimous consent to incorporate the modifications that are at the desk.

The PRESIDING OFFICER. Is there objection to modifying the amendment?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

At the end of subtitle D of title XXXI, insert the following:

SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and the final rule published on May 26, 2004.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384*l*(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) Subject to the provisions of section 3612A and section 3146(e) of the National Defense Authorization Act for Fiscal Year 2005, the employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrehan' facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

''(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

''(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

''(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.''.

(c) FUNDING OF COMPENSATION AND BENEFITS.—(1) Such Act is further amended by inserting after section 3612 the following new section:

''SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS FOR CERTAIN MEMBERS OF THE SPECIAL EXPOSURE COHORT.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Labor for each fiscal year after fiscal year 2004 such sums as may be necessary for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) in such fiscal year.

''(b) PROHIBITION ON USE FOR ADMINISTRATIVE COSTS.—(1) No amount authorized to be appropriated by subsection (a) may be utilized for purposes of carrying out the compensation program for the members of the Special Exposure Cohort referred to in that subsection or administering the amount authorized to be appropriated by subsection (a).

''(2) Amounts for purposes described in paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a).

''(c) PROVISION OF COMPENSATION AND BENEFITS SUBJECT TO APPROPRIATIONS ACTS.—The provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort referred to in subsection (a) in any fiscal year shall be subject to the availability of appropriations for that purpose for such fiscal year and to applicable provisions of appropriations Acts.''.

(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d)) is amended—

(A) by inserting ''(1)'' before ''Subject''; and

(B) by adding at the end the following new paragraph:

''(2) Amounts for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) may be derived from amounts authorized to be appropriated by section 3612A(a).''.

(d) OFFSET.—The total amount authorized to be appropriated under subtitle A of this title is hereby reduced by $61,000,000.

(e) CERTIFICATION.—Funds shall be available to pay claims approved by the National Institute of Occupational Safety and Health for a facility by reason of section 3621(14)(C) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (b)(2), if the Director of the National Institute of Occupational Safety and Health certifies with respect to such facility each of the following:

(1) That no atomic weapons work or related work has been conducted at such facility after 1976.

(2) That fewer than 50 percent of the total number of workers engaged in atomic weapons work or related work at such facility were accurately monitored for exposure to internal and external ionizing radiation during the term of their employment.

(3) That individual internal and external exposure records for employees at such facility are not available, or the exposure to radiation of at least 40 percent of the exposed workers at such facility cannot be determined from the individual internal and external exposure records that are available.

(f) It is the sense of the Senate that all employees who are eligible to apply for benefits under the compensation program established by the Energy Employees Occupational Illness Compensation Act should be treated fairly and equitably with regard to inclusion under the special exposure cohort provisions of this Act.

Mr. BOND. Mr. President, we are not going to take much time, although I see my colleague from Iowa is here. This is a measure designed to compensate the former energy workers at the Mallinkrodt site in the St. Louis, MO, area and the Iowa atomic energy workers at what was known as the Burlington Atomic Energy Commission plant and the Iowa ordinance plant.

We have gone through many iterations trying to work it out to make sure that all sides are comfortable. I appreciate the courtesies of the New York Senators who have issues. We look forward to working with them on solving their issues. There has been a great deal of work put into this. Some people may think it is small, when it is less than a couple hundred million dollars, but let me tell you, this is huge to the former workers and their families who are directly affected.

I went back to Missouri last Friday, after we had talked about this on the Senate floor. I met with some of the workers and some of their families. The young woman who has been the leader in this effort, Denise Brock, was there. She told me how much this meant to her mother, who lost her husband several years ago as a result of the cancers brought on by excessive radiation. She also told me that when I spoke last Thursday about Jim Mitalski, a former Mallinkrodt worker who had gone into the hospital and slipped into a coma—he lost a foot, had multiple cancers—she said she made a recording of the floor remarks I made, took it down and played it next to Mitalski's bedside where he seemed to be in a deep sleep. She said as she played it and we mentioned his name, she saw a smile come over his face, and she believed that he did know that we were going to do something. Unfortunately, Mr. Mitalksi has since died.

That is happening to workers in Iowa, in Missouri, and all across the country. Yes, they were on the forefront. They were the atomic warriors, and they made what nobody knew at that time were great sacrifices of their health so we could win World War II.

Mr. President, I thank the Chair and I thank all of the people who worked on this issue.

I thank all parties for their assistance. I urge adoption of this after the appropriate comments are made.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Iowa is recognized.

Mr. HARKIN . Madam President, my colleague from Missouri, Senator BOND, and I have been working very hard on this amendment to address the very serious situation faced by former Department of Energy workers in Iowa and Missouri. I thank Senator BOND for his leadership on this issue, and for working very closely to address this very problematic situation. We have also worked very closely with the chairman and the ranking member in reaching an agreement enabling us to get this amendment done. I thank both Senator WARNER and Senator LEVIN and their respective staffs for all of their help in reaching this agreement.

This amendment authorizes adding workers who were employed in nuclear weapons facilities in Missouri and Iowa who are suffering from serious cancers to the group of workers who are already eligible for automatic compensation. The groups of workers eligible for automatic compensation, a ''special exposure cohort, as it is called'', already exists for workers from Kentucky, Ohio, Alaska, and Tennessee.

But since this original legislation was passed in 2000, we have learned a great deal more about the facilities in Iowa and Missouri that makes it necessary to include the Iowa and Missouri workers in the special exposure cohort as well.

In Iowa, over the last 4 years, we have discovered there are virtually no documents that exist that show what workers at the Iowa Army Ammunition Plant were exposed to between 1947 and 1975. This makes it almost impossible to estimate radiation doses received by the workers, a required step before they can be compensated.

Almost 4 years into this program, only 38 Iowans have received compensation. Of the people who worked at these plants assembling nuclear weapons, working with very highly radioactive materials, some are still alive and are elderly, but they are ill and they are dying.

My friend from Missouri spoke about visiting some of his workers in Missouri. I, too, have had that experience over the last several years—visiting my fellow Iowans who worked at the Iowa Army Ammunition Plant during those years after World War II, up until about 1975. They are ill and they are dying and far too many of them are suffering from very painful cancers.

In fact, it is most poignant that this is happening right now because the individual who first brought this to my attention several years ago, Bob Anderson, is once again ill himself. In 1997, Bob wrote me a letter and said that he and some of the former workers at the Iowa Army Ammunition Plant had contracted cancers. Many were dying and he knew they had been exposed to radiation, and he asked was there anything I could do about it because they were not getting any medical help whatsoever.

I, then, wrote a letter to the Department of the Army to inquire about this. I received a reply from the Department of the Army that said basically there were no nuclear weapons ever assembled there. Well, we just took the answer from the Army and sent it back out to Bob Anderson. This upset him greatly. He came back into my office in Iowa and said: Wait a minute. They are wrong; we assembled nuclear weapons there for almost 30 years.

So we started looking at it further, and we found that the Department of the Army was wrong. We had gotten misinformation from the Department of the Army. We finally dug back through the DOE and the old Atomic Energy files and found out that, in fact, they had assembled nuclear weapons at IAAP for close to 30 years. This was all very confusing. We finally got it straightened out. These workers were exposed to radiation, they weren't told what they were being exposed to and they were told at the time this was top secret that they could not discuss it with anyone, that they could receive prison terms if they were to talk about this with anyone.

Many of these people became sick and many died without ever having breathed a word that they had worked assembling nuclear weapons because they were loyal, patriotic citizens. They had taken an oath and were sworn to secrecy that they would not talk about it. Even today some still will not speak about the work they did.

Well, for those who are left, we finally got it cleared that they could

talk about it openly with their doctors, their health care practitioners. But Bob Anderson is the one person singularly responsible for highlighting and bringing to the public attention what happened at the Iowa Army Ammunition Plant, the person who started the ball rolling, so to speak, to get us to understand that there were all these workers who had been exposed but who are unaccounted for.

Bob Anderson is the one who was responsible for us and for the Department of Energy now looking at the Department of the Army trying to find the records, and now understanding that there are no records. There are no dosage records for these people.

Several years ago, when he first contacted my office about this, he had been diagnosed with lymphoma. He has struggled with it ever since. As we speak today, Bob Anderson is in a hospital. He had his thyroid taken out. I spoke with his wife the other day on the phone while he was undergoing surgery. Later on, after he had gotten out, the doctor told her that his cancerous thyroid was the largest swollen thyroid he had ever seen in his life.

We are now waiting for the biopsies. We are hoping it has not spread. But as we stand here today, Bob Anderson lies in a hospital bed waiting to find out if he now has a second kind of cancer, thyroid cancer, on top of his lymphoma. Bob Anderson who side by side with other IAAP workers spent many years assembling nuclear weapons, who had been exposed to radiation, who had not been told what he was exposed to, and who did not wear dosage badges. All Bob Anderson is asking for is fair treatment, and that is what we are accomplishing today. That is what the managers of the bill have agreed to.

So I would like to extend a big thank you to Senator WARNER and Senator LEVIN and their staffs for helping us get this through. These are people who are suffering, they are dying. They need help, and they have no place to turn other than us in the U.S. Congress.

As I said, some people were put into that cohort in 2000. We recognized then that there would be people out there for whom there were no records, and for whom fairness would require that they should be put into that special cohort. That is what this amendment does. This amendment is an important step in that direction: to get these people put into that special cohort to provide them automatic compensation.

Again, I thank my colleague from Missouri for his leadership and help on this issue. I also again thank Senator WARNER and Senator LEVIN and their respective staffs for helping us work this out. I thank Bob Anderson for his courageous stand, for over the last several years never giving up, for his advocacy, not just on his own behalf but for thousands of his fellow workers in Iowa and, I daresay, in Missouri and other places. Even as he lies in the hospital, I want him to know we are doing everything we can to right this wrong and to get compensation to those former nuclear weapons workers.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 3384, as further modified. Is there further debate? The Senator from Missouri.

Mr. TALENT. Madam President, I appreciate the chance to offer a word or two on the amendment. My friend from Missouri and my friend from Iowa have covered the ground very well. In part, I rise to compliment them on their dogged tenacity on behalf of these workers who deserve this compensation and now have a chance of receiving it because of their hard work.

I also compliment the managers of the bill who, even though in their States they do not have people directly involved in this, have seen the plight of our Missouri workers and Iowa workers and have worked with us to get this amendment adopted.

It simply means workers in Iowa and Missouri are going to have the same opportunity to get this compensation under expedited rules and procedures that already exist in other States so they will actually have some recourse and some compensation for the illnesses they have suffered because of this overexposure, and they will get it before they pass away because of the cancers that have resulted.

There have been many tragic instances where people have fought for this compensation, have waited for what the law says they are entitled to, and have never gotten it. This amendment holds out hope now that we will be able to do justice in these cases.

I compliment my friend from Iowa and my colleague from Missouri for their very hard work, and I join them in offering and supporting the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I commend the Senators who have been involved in again bringing this issue to the forefront, fighting the hard fight that was necessary for this to be accomplished.

As far as I know, there are no other Senators at this point who wish to talk about this modified amendment. As far as we are concerned, it can be adopted.

Mr. SCHUMER. Mr. President, I would like to acknowledge Senator WARNER and Senator LEVIN for their efforts on this legislation, which is vital to the men and women of our military and our national security. At this time, I, along with my colleague Senator CLINTON, would like to engage Senators WARNER and LEVIN in a colloquy regarding the needs of employees who worked in Department of Energy, DOE, and DOE-contractor facilities on atomic weapons-related production in New York and throughout the United States.

Mrs. CLINTON. I also wish to recognize the efforts of my friends from Virginia and Michigan on this bill and their willingness to engage in this colloquy in order to discuss the needs of New York's former nuclear workers and the necessity of providing them with prompt access to the compensation they have earned through service to this country.

Mr. WARNER. I thank the Senators from New York for their remarks, and would be happy to engage them in a colloquy.

Mr. LEVIN. I am also happy to engage in this colloquy with the Senators form New York.

Mr. SCHUMER. I thank my esteemed colleagues, Mr. WARNER and Mr. LEVIN, for recognizing the common plight among sick workers throughout our great Nation. In my home State of New York, thousands of nuclear workers labored for decades during the cold war in hazardous conditions at DOE and contractor facilities unaware of the health risks. These workers helped to create the huge nuclear arsenal that served as a deterrent to the Soviet Union during the cold war, but many paid a high price in terms of their health. It is now our obligation to assist them in all possible ways, so that their sacrifices do not go unrecognized.

Mrs. CLINTON. I wholeheartedly agree with the senior Senator from New York. Our State's contribution to America's security throughout the cold war was large and important. New York is home to 36 former atomic weapons employer sites and DOE facilities—more than any other State in the Nation. Fourteen of these facilities are located in the western New York region alone.

Under the Energy Employees Occupational Illness Compensation Act of 2000, Congress made a promise to the people who worked at these sites and others like them across the country that they would receive uniform, timely compensation under the act under certain conditions. But to date, NIOSH has completed just one of the many needed site profiles in New York that are needed to administer the program.

One of the provisions of that act provides for what is known as a special exposure cohort. The act named facilities in four States that would be added to the special cohort, which in essence results in prompt payment of benefits under the act without the need to go through a dose reconstruction process.

The Bond-Harkin amendment would, under certain conditions, add several facilities in Missouri and Iowa to this special exposure cohort. I am very sympathetic to the plight of these

workers, but I am even more concerned about the workers that I represent. Many of the New York workers are in very similar plights as the workers in Missouri and Iowa who might be helped by the Bond-Harkin amendment.

I am encouraged that the amendment recognizes this fact, in that it includes a sense of the Senate declaring that all eligible employees deserve fair and equitable consideration under the act's special exposure cohort provisions.

Mr. SCHUMER. I agree, and hope that when the Bond-Harkin amendment is discussed in conference, the Senators from Virginia and Michigan will take into consideration the workers in New York and throughout the country who share a similar set of circumstances to those workers in Iowa and Missouri. In particular, I would ask that they look at how the special exposure cohort issue can be addressed in the most equitable way possible, and contemplate options that would provide for equitable access to the special exposure cohort for New York's workers.

Mrs. CLINTON. I echo the request of my colleague from New York. I would also ask whether the Senators from Virginia and Michigan share our understanding that the Bond-Harkin amendment to the National Defense Authorization Act of 2004 does not in any way reflect the view that New York's workers or those of any other State are less deserving of access to special cohorts than those named in the amendment.

Mr. WARNER. Mr. President, I thank my esteemed colleagues from New York for their dedication to this cause. We indeed recognize the sacrifice workers made throughout our country in the nuclear arms buildup of the cold war and will endeavor to take into account the similar situations that exist for nuclear workers throughout our great Nation. I agree with their assessments of the Bond-Harkin amendment and assure the Senators from New York that I will take their concerns into consideration when conferencing the House and Senate bills.

Mr. LEVIN. I join my friend from Virginia in recognizing the commitment of the Senators from New York to finding a solution to this critical problem. I share their understanding regarding the scope and intent of the Bond-Harkin amendment, and will do our best to address their concerns when conferencing the House and Senate bills.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3384, as further modified.

The amendment (No. 3384), as further modified, was agreed to.

Mr. LEVIN. 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. COCHRAN. Madam President, I ask unanimous consent that the calling of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 2507

Mr. COCHRAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 580, S. 2507; that the Cochran amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

Mr. REID. Madam President, reserving the right to object, I have spoken with the distinguished junior Senator from Michigan, Ms. STABENOW. She has some problems with the way this piece of legislation is written. She thinks there should be more attention focused on fruits and vegetables. She would like to have further discussion with the distinguished senior Senator from Mississippi.

As a result of that, I hope something can be worked out on this. I reluctantly note my objection on behalf of my friend from Michigan.

The PRESIDING OFFICER. The objection is heard.

Mr. COCHRAN. 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. Madam 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. Madam President, the managers of the bill, in consultation with the leadership, are making progress, I assure colleagues.

MORNING BUSINESS

Mr. WARNER. At this point in time, I ask unanimous consent that the Senate go into a period of morning business, with Senators allowed to speak for up to 8 minutes each, with the right to petition for other time if there is no objection by others waiting, and the Senate resume consideration of the authorization bill at the hour of 1:40.

Mr. ENSIGN. If we could modify the unanimous consent that I be recognized at 1:05 to speak for 8 minutes.

Mr. WARNER. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Nevada.

OIL-FOR-FOOD PROGRAM

Mr. ENSIGN. Mr. President, I rise to speak about the Oil-for-Food scandal. I do so because I have been told that high ranking officials at the State Department and Paul Volcker, who is heading up the U.N. investigation, believe Senators are not personally committed to gaining access to all relevant documents, including U.N. audits. That is not true.

A bipartisan group of Senators, including ranking members from the Armed Services and Foreign Relations Committees, wrote to Mr. Bremer in Iraq asking him to secure the Oil-for-Food documents.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 9, 2004.

Hon. L. PAUL BREMER, III,
Administrator, Coalition Provisional Authority, Baghdad, Iraq.

DEAR MR. BREMER: We are writing to inquire about the status of documents relating to the United Nations ''Oil-for-Food'' Program (OFF Program), and express our concerns about recent developments that could jeopardize American interests with respect to those documents.

The Section 2007 report submitted to Congress in April states that you have ordered ''all relevant records in Iraq ministries be inventoried and protected so that they can be made available'' for certain investigations into the OFF Program. We also understand that the Coalition Provisional Authority (CPA) has recently entered into a Memorandum of Understanding with the Independent Inquiry Committee (IIC) regarding the sharing of documents and information relating to the OFF Program.

Our concern is that all documents related to the OFF Program be secured not only for the IIC and the Iraqi Board of Supreme Audit (BSA), but also for investigations conducted by Congressional committees. Accordingly, we request that the CPA work with the Inspector General's Office of the Department of Defense (DoD IG) to secure a copy of all documents that are being gathered for the BSA and the IIC investigations. Once such documents are secured, a complete set of documents relevant to the OFF Program should be delivered within sixty (60) days or no later than August 31, 2004, to the General Accounting Office for further delivery, upon request, to any Congressional committee of competent jurisdiction. Please identify by no later than June 11, 2004, a person at the CPA and at DoD IG responsible for securing the documents in response to this request.

We are sure you will agree that these documents should be secured for all investigations into the OFF Program, whether in Iraq or the United States. In light of the recent dissolution of the Iraqi Governing Council, the formation of a new Iraqi government ahead of schedule, and the rapidly-approaching June 30th turnover date, we are concerned that American access to such documents will be jeopardized. Accordingly, we believe that the documents should be secured, duplicated, and delivered to DoD IG prior to June 30, 2004.

Sincerely,

NORM COLEMAN,
CARL LEVIN,
SAXBY CHAMBLISS,
JOSEPH R. BIDEN, Jr.,
LINDSEY GRAHAM,
JOHN ENSIGN.

Mr. ENSIGN. Congressional investigators have an interest in making sure those documents are available and accessible. A subpoena has been served on BNP by the Permanent Subcommittee on Investigations. Chairman COLEMAN and the ranking Democrat, Senator LEVIN, have also sent letters seeking Oil-for-Food documents to

the State Department and the General Accounting Office.

An amendment to the Defense bill, which would help Congress to conduct its own inquiries into the Oil-for-Food Program was passed unanimously. We want access to those documents. We wish the Volcker panel well; however, we are not going to abandon the duty of this Congress to conduct proper oversight or subcontract that role to an international body. The stakes are much too high.

We now believe that Saddam Hussein, corrupt U.N. officials, and corrupt well-connected countries were the real benefactors for the Oil-for-Food Program. They profited from illegal oil shipments, financial transactions, kickbacks, and surcharges, and allowed Saddam Hussein to build up his armed forces and live in the lap of luxury.

The evidence in this far-reaching scandal tells an unbelievable story. Our own U.S. General Accounting Office estimates that Saddam Hussein siphoned off $4.4 billion through oil sale surcharges. Saddam Hussein also demanded kickbacks on the humanitarian relief side from suppliers which amounted to 10 to 20 percent on many contracts. Saddam used this revenue to rebuild Iraq's military capabilities, to maintain lavish palaces, buy loyalty, oppress his people, and perhaps financially support terrorism.

And as Claude Haknes-Drielsma, an IGC consultant investigating the scandal, testified, the secret payments . . . ''provided Saddam Hussein and his corrupt regime with a convenient vehicle through which he bought support, internationally by bribing political parties, companies, and journalists . . . This secured the cooperation and support of countries that included members of the Security Council of the United Nations.''

The United Nations should be embarrassed. What resulted from the goodwill gesture was international scandal, corruption at the highest levels, and suffering Iraqi citizens—not exactly a model U.N. program.

Tasked by the international community to deny Saddam Hussein the ability to rebuild his military apparatus while providing humanitarian needs, the United Nations allowed the corrupt to become richer and innocent Iraqis to be oppressed. Today we have a chance to rectify that injustice. We must demand that the United Nations cooperate completely with efforts to extrapolate the truth from this scandal and punish the guilty.

Unfortunately, that does not appear to be happening, as William Safire notes in a recent column entitled ''Tear Down This UN Stonewall.'' He talks about how Paul Volcker's first choices for staffing the U.N.'s own Oil-for-Food—

> . . . were turned off not just by the lack of subpoena or oath-requiring power . . . but by an inadequate budget to dig into the largest financial rip-off in history. As a result, after nearly three months, a foot-dragging bureaucracy has successfully frustrated the independent committee dependent on it.

We know that officials acting on behalf of Benon Sevan, the executive director of the Oil-for-Food Program for the United Nations, who is personally implicated in the scandal, are asking contractors not to release documents relating to the program to congressional investigators without first getting U.N. authorization. We know the U.S. has asked for copies of the U.N. internal audit reports on this program, and the U.N. denied our request. I will include an exchange of letters to that effect in the RECORD.

It was reported recently that the head of the U.N.'s own inspector general's office himself is now being investigated by the United Nations. The U.N. should be more interested in bringing the truth to light than trying to protect its tattered reputation and its corrupt officials. I hope the Volcker panel gets the tools it needs from the U.N. to do a thorough investigation of the Oil-for-Food Program. The Volcker panel work does not obviate the need for the U.S. Congress to conduct its own investigation.

My amendment ensures that the Oil-for-Food documents in Iraq are secured before the June 30 handover and that copies are brought to the United States. Right now it is unclear what will happen to those documents following the June 30 handover. The amendment also requires U.S. agencies to provide relevant congressional committees access to Oil-for-Food documents. Additionally, it calls on the U.S. to use its voice and vote to get access to U.N. Oil-for-Food audits and core documents.

Lastly, it mandates a GAO review of the Oil-for-Food Program. Under the Helms-Biden U.N. reform legislation which was signed into law, as this amendment makes clear, we believe the GAO should have access to U.S. documents relating to the Oil-for-Food Program.

We in the Congress have a choice to make. We could do nothing and allow the word ''humanitarianism'' to be the new code word for corruption and scandal from here on out, or we can stand up and make the United Nations rightfully accountable for the corruption that has harmed innocent Iraqis.

The answer is clear: We must act.

The U.N. is broken. If the Security Council is to function, there cannot be questions as to whether members are more interested in lining their pockets than preserving security. We have to make sure Iraqi government officials get a clear message that the corruption and kickbacks of the Saddam Hussein regime—potentially aided and abetted by U.N. officials—will no longer be tolerated.

I thank my colleagues for helping to craft this amendment. LINDSAY GRAHAM took the lead in achieving this consensus. Senators CHAMBLISS, COLEMAN, LUGAR, KYL, ENZI, and the majority leader all made important contributions, as did the minority, in finalizing the language. This was truly a collaborative process.

I ask unanimous consent that the letters I mentioned earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES REPRESENTATIVE FOR UNITED NATIONS MANAGEMENT AND REFORM,
New York, NY, May 10, 2004.

Mr. DILEEP NAIR,
Office for Internal Oversight Services, the United Nations, New York, NY.

DEAR MR. NAIR: The U.S. Mission requests the following documentation/information regarding the Oil-for-Food Programme:

—The 55 OIOS internal reviews, or audits, of aspects of the OFF program;

—All bank statements for the OFF escrow account at BNP-Paribas;

—All Oil Overseer reports previous to October 2001;

—Copies of all Customs Reports from the UN's Office of Iraq Programme (OIP) to the 661 Committee that contain pricing reviews with notes of concern about possible overpricing.

Please provide these documents by 14 May 2004. If this is not possible, please provide a written explanation, including when we might expect to receive such documentation.

Thank you for your assistance.

Sincerely,

PATRICK KENNEDY.

UNITED NATIONS
INTERNAL OVERSIGHT SERVICES,
New York, NY, May 12, 2004.

Reference: OUSG-04-370

Ambassador PATRICK F. KENNEDY,
Representative for United Nations Management, United States Mission to the United Nations, New York, NY.

DEAR AMBASSADOR KENNEDY: I refer to your letter to me of 10 May, as well as your previous letters of 20 April and 4 May, seeking documents relating to the Oil-for-Food Programme.

As you know, the Secretary-General has established an independent inquiry into allegations relating to the Programme, chaired by Mr. Paul Volcker. You would also be aware that Mr. Volcker has asked the Secretary-General to ensure that all relevant documents are secured solely for the Inquiry's use, and that, on 6 May, Mr. Volcker issued a statement saying that the Inquiry Committee believes non-public documents related to the Programme should not be released during the current preliminary stage of the Inquiry—though it will ''consider appropriate disclosure'' at a later stage, as the investigation proceeds.

As the internal reviews and audits of the Programme carried out by this Office, bank statements of the escrow account and letters sent to contractors, come in the category of ''non-public'' documents, these cannot be disclosed at the moment. On the other hand, the reports of the Oil Overseers and of the Customs Reports have already been provided to the United States government in its capacity as a member of the 661 Committee.

Yours sincerely,

DILEEP NAIR,
Under-Secretary General.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for no more than 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

250TH ANNIVERSARY OF THE FRENCH AND INDIAN WAR

Mr. BYRD. Mr. President, our Nation launches a 6-year commemoration of the 250th anniversary of the French and Indian war. That commemoration is this year. As part of the celebration, Members of the Senate and their staffs are invited to a special viewing of a handwritten autobiographical manuscript of George Washington, which conveys unique insights of the war and young Washington's personal reflections on his experiences. Washington's ''Remarks'' will be on display in S–127 in the Capitol on Wednesday, today, from 12 noon until 3 p.m.

George Washington is most commonly remembered as our Nation's first President and a Revolutionary War commander. Americans are far less aware of his activities during the French and Indian war. Washington never wrote a memoir, but ''Remarks'' provides a firsthand account of his early life, including his experiences in the French and Indian war.

So I hope Senators will take the opportunity to view this important manuscript and learn more about George Washington through this story penned in his own hand.

Mr. President, in closing, I thank the honorable Ned Rose of Charleston, WV, for his thoughtfulness and his efforts in regard to having this displayed in S–127 of the Capitol today, from 12 noon until 3 o'clock.

WHY WE ARE IN IRAQ

Mr. HOLLINGS. Mr. President, I submitted a column on how we got into the mess in Iraq, which appeared this morning in The State newspaper in Columbia, SC. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Peoples the world around have a history of culture and religion. In the Mideast, the religion is predominantly Muslim and the culture tribal. The Muslim religion is strong, i.e., those that don't conform are considered infidels; those of a tribal culture look for tribal leadership, not democracy. We liberated Kuwait, but it immediately rejected democracy.

2. In 1996, a task force was formed in Jerusalem including Richard Perle, Douglas Feith and David Wurmser. They submitted a plan for Israel to incoming Prime Minister Benjamin Netanyahu called Clean Break. It proposed that negotiations with the Palestinians be cut off and, instead, the Mideast be made friendly to Israel by democratizing it. First Lebanon would be bombed, then Syria invaded on the pretext of weapons of mass destruction. Afterward, Saddam Hussein was to be removed in Iraq and replaced with a Hashemite ruler favorable to Israel.

The plan was rejected by Netanyahu, so Perle started working for a similar approach to the Mideast for the United States. Taking on the support of Dick Cheney, Paul Wolfowitz, Stephen Cambone, Scooter Libby, Donald Rumsfeld, et al., he enlisted the support of the Project for the New American Century.

The plan hit paydirt with the election of George W. Bush. Perle took on the Defense Policy Board. Rumsfeld, Wolfowitz and Feith became one, two and three at the Defense Department, and Cheney as vice president took Scooter Libby and David Wurmser as his deputies. Clean Break was streamlined to go directly into Iraq.

Iraq, as a threat to the United States, was all contrived. Richard Clarke stated in his book, Against All Enemies, with John McLaughlin of the CIA confirming, that there was no evidence or intelligence of ''Iraqi support for terrorism against the United States'' from 1993 until 2003 when we invaded. The State Department on 9/11 had a list of 45 countries wherein al Qaeda was operating. While the United States was listed, it didn't list the country of Iraq.

President Bush must have known that there were no weapons of mass destruction in Iraq. We have no al Qaeda, no weapons of mass destruction and no terrorism from Iraq; we were intentionally misled by the Bush administration.

Which explains why President-elect Bush sought a briefing on Iraq from Defense Secretary William Cohen in January before taking the oath of office and why Iraq was the principal concern at his first National Security Council meeting—all before 9/11. When 9/11 occurred, we knew immediately that it was caused by Osama bin Laden in Afghanistan. Within days we were not only going into Afghanistan, but President Bush was asking for a plan to invade Iraq—even though Iraq had no involvement.

After 15 months, Iraq has yet to be secured. Its borders were left open after ''mission accomplished,'' allowing terrorists throughout the Mideast to come join with the insurgents to reek havoc. As a result, our troops are hunkered down, going out to trouble spots and escorting convoys.

In the war against terrorism, we've given the terrorists a cause and created more terrorism. Even though Saddam is gone, the majority of the Iraqi people want us gone. We have proven ourselves ''infidels.'' With more than 800 GIs killed, 5,000 maimed for life and a cost of $200 billion, come now the generals in command, both Richard Myers and John Abizaid, saying we can't win. Back home the cover of The New Republic magazine asks, ''Were We Wrong?''

Walking guard duty tonight in Baghdad, a G.I. wonders why he should lose his life when his commander says he can't win and the people back home can't make up their mind. Unfortunately, the peoples of the world haven't changed their minds. They are still against us. Heretofore, the world looked to the United States to do the right thing. No more. The United States has lost its moral authority.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that immediately following the next votes, the Senate proceed to executive session and votes on the following nominations on today's Executive Calendar: Calendar Nos. 592 and 609. I further ask consent that following the votes, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session, with no intervening action or debate.

Finally, I ask unanimous consent that there be 4 minutes of debate equally divided prior to each of the votes.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Could we have these votes, as are the votes preceding this, 10-minute votes?

Mr. FRIST. We have no objection on our side to 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The PRESIDING OFFICER. The Senate will continue the consideration of S. 2400.

AMENDMENT NO. 3303

There are now 2 minutes of debate equally divided related to the Corzine amendment.

The Senator from Nevada.

Mr. REID. We yield back our time.

Mr. FRIST. We yield back the remainder of our time.

The PRESIDING OFFICER. The question is now on agreeing to the motion to waive the Budget Act with respect to the Corzine amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''no.''

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—49

Akaka	Dayton	Kohl
Baucus	Dodd	Landrieu
Bayh	Dorgan	Lautenberg
Biden	Durbin	Leahy
Bingaman	Edwards	Levin
Boxer	Feingold	Lieberman
Breaux	Feinstein	Lincoln
Byrd	Graham (FL)	Mikulski
Cantwell	Harkin	Murray
Carper	Hollings	Nelson (FL)
Clinton	Inouye	Nelson (NE)
Collins	Jeffords	Pryor
Corzine	Johnson	Reed
Daschle	Kennedy	Reid

Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Brownback
Kerry

The PRESIDING OFFICER. On this question, the ayes are 49, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. WARNER. 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.

The PRESIDING OFFICER. The Chair sustains the point of order and the amendment falls.

AMENDMENT NO. 3472

The PRESIDING OFFICER. Under the previous order, the next vote is on the McConnell amendment numbered 3472 on which the yeas and nays have been ordered.

Under the previous order, there will be 2 minutes of debate evenly divided.

Mr. REID. Mr. President, this is a 10-minute vote, is that right?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, subsequent votes will be 10 minutes in length.

Mr. KENNEDY. Parliamentary inquiry: I understand under the previous agreement we are going to have two votes. The first vote will be on the McConnell amendment and the second vote on the Kennedy amendment?

The PRESIDING OFFICER. Under the previous order there are several pending votes. The next vote after the McConnell amendment will be on the Kennedy amendment.

Who yields time?

Mr. MCCONNELL. Mr. President, let me describe why the McConnell amendment is preferable to the Kennedy amendment. My colleagues will be given an opportunity in the next few minutes to vote on two approaches to administration reporting on Iraq. The Kennedy troop estimate requirement is entirely too burdensome. We cannot predict troop levels 5 years in advance. No one is that good. Political developments in Iraq will drive security estimates so we cannot determine now what our needs are going to be years in advance.

KENNEDY's 30-day requirement would not give the Department of Defense enough time to staff a report, much less complete one.

I recommend voting for the McConnell alternative which is a reasonable reporting requirement from the Defense Department related to Iraq.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Massachusetts is recognized for 1 minute.

Mr. KENNEDY. Mr. President, this is for 1 year. June 30th, sovereignty is transferred to the Iraqis. American families are entitled to know how long their sons and daughters are going to serve in Iraq. This is asking for an estimate of how long their sons and daughters are going to be there. They will make that judgment 30 days after this bill is passed into law, then 6 months, and then a year. American families who have sons and daughters serving in Iraq need to have some estimate about how long they are going to be there. The American people are entitled to that, too.

Finally, we have followed this similar kind of reporting with regard to Bosnia in the past. This is an appropriate request. American families and the American people are entitled to it and the Iraqi people are entitled to it, as well.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the vote occurs on agreeing to the McConnell amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''yes.''

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 27, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—71

Alexander
Allard
Allen
Bayh
Bennett
Bond
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kohl
Kyl
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—27

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Corzine
Daschle
Dayton
Dodd
Durbin
Feingold
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Landrieu
Lautenberg
Leahy
Levin
Pryor
Reed
Reid
Sarbanes

NOT VOTING—2

Brownback
Kerry

The amendment (No. 3472) was agreed to.

Mr. WARNER. Mr. 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. 3377

The PRESIDING OFFICER. Under the previous order, the vote will now occur on agreeing to Kennedy amendment No. 3377. This will be preceded by 2 minutes of debate evenly divided.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if you liked the McConnell amendment, you have to love the Kennedy amendment because the McConnell amendment took our initial amendment and eliminated estimating the numbers of American troops that are going to be necessary after Iraq reaches sovereignty. That is the principal difference.

It does seem to me that after Iraq gets sovereignty on June 30, every American family, whether it is those who have sons or daughters serving in Iraq, is entitled to the best judgment—and this is an estimate—the best judgment on the number of troops we are going to have serve in Iraq. That is clear and simple. It is an estimate. There are clear examples where we have done that in the past. We are talking about estimating the number of American troops that will serve in Iraq. We have done that time in and time out. That is what the Kennedy amendment would do, embracing the best parts of the McConnell amendment. You can have it all this afternoon in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the argument remains the same as it was a few moments ago. The question is whether we can require the Defense Department to predict that which cannot be known. No one knows what the future troop estimate is going to be. We can't predict troop levels 5 years in advance. The Senator from Massachusetts is trying to require the Defense Department to report something that no Defense Department could possibly report. Therefore, the Kennedy amendment ought to be opposed.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 3377.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''nay.''

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—48

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Bayh	Edwards	Lincoln
Biden	Feingold	McCain
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Breaux	Hagel	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Reid
Conrad	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landrieu	Stabenow
Dodd	Lautenberg	Wyden

NAYS—50

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lieberman	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McConnell	

NOT VOTING—2

Brownback	Kerry

The amendment (No. 3377) was rejected.

Mr. WARNER. 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.

AMENDMENT NO. 3353

The PRESIDING OFFICER. Under the previous order, a vote will now occur on the Reed amendment to be preceded by 2 minutes of debate equally divided.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that Senator CORZINE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for years, the plan for missile defense, which is placed in Alaska, provided for 20 interceptors. Suddenly, this year the administration asked for 10 additional interceptors. My amendment will simply fence the acquisition of these interceptors pending operational testing. These interceptors and their warheads have never been used in interceptor tests. They are virtually untested.

The underlying amendment would allow for the acquisition but would condition that on operational testing. I think we will learn a lot from operational testing. I think we should have operational testing. The question is, Why do we want to buy 10 additional interceptors until we learn what we must before we commit to this $500 million acquisition?

I hope my colleagues will support me in this effort.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks time in opposition?

The Senator from Virginia is recognized for 1 minute.

Mr. WARNER. Mr. President, I say to colleagues, in all candor, this is the third vote on the same issue. They have addressed the issues in this amendment on two occasions, and by significant margin we have decided to reject in any way taking the Missile Defense Program and changing it at this time. They voted on the Levin amendment and rejected it. They voted on my amendment, which was to an earlier Reed amendment on much the same principle, and rejected the amendment of the Senator from Rhode Island.

I say to my colleagues we have to have some consistency. Regrettably, we are asked for a third vote on the same issue. I strongly urge my colleagues to reject this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 3353. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''nay.''

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—45

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Breaux	Graham (FL)	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Pryor
Carper	Inouye	Reed
Clinton	Jeffords	Reid
Conrad	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landrieu	Stabenow
Dodd	Lautenberg	Wyden

NAYS—53

Alexander	Coleman	Graham (SC)
Allard	Collins	Grassley
Allen	Cornyn	Gregg
Bayh	Craig	Hagel
Bennett	Crapo	Hatch
Bond	DeWine	Hutchison
Bunning	Dole	Inhofe
Burns	Domenici	Kyl
Campbell	Ensign	Lieberman
Chafee	Enzi	Lott
Chambliss	Fitzgerald	Lugar
Cochran	Frist	McCain
McConnell	Sessions	Sununu
Miller	Shelby	Talent
Murkowski	Smith	Thomas
Nickles	Snowe	Voinovich
Roberts	Specter	Warner
Santorum	Stevens	

NOT VOTING—2

Brownback	Kerry

The amendment (No. 3353) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3423

The PRESIDING OFFICER. Under the previous order, the vote will now occur on the Byrd amendment to be preceded by 2 minutes of debate equally divided. The Senate will come to order.

The Senator from West Virginia is recognized to speak for 1 minute on his amendment.

Mr. BYRD. Mr. President, this amendment increases U.S. support for Plan Colombia. My amendment raises the cap on the number of U.S. military and civilian personnel who can participate in Plan Colombia. My amendment fully supports Colombia's war against drug trafficking and narcoterrorists.

The difference between this amendment and the administration proposal contained in the bill is that my amendment is intended to meet immediate requirements whereas the administration is projecting future requirements. My amendment increases the military and civilian caps from 400 to 500 each. The administration's proposal doubles the troop cap from 400 to 800 and increases the civilian cap from 400 to 600. By their own admission, that is far more than either the State or Defense Department need in Colombia next year.

The administration wants flexibility. I believe Congress should insist on accountability and oversight. U.S. military forces are already stretched to the breaking point across the globe. U.S. troops in Iraq are being forced to extend their tours as a result of stop-loss orders. Prospects remain strong that thousands upon thousands of American troops will be needed to quell the violence in Iraq for years to come.

This is not the time, Colombia is not the place, for yet another large increase in the deployment of U.S. forces overseas. My amendment is a responsible approach to support the worthy goals of Plan Colombia while maintaining congressional oversight on what is an increasingly complex and dangerous mission. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks time in opposition?

The Senator from Virginia.

Mr. WARNER. Mr. President, I urge colleagues to give the most careful consideration to this amendment. How well each of us knows the fragility of

the Central American band of countries. Colombia has shown the fortitude, the courage, the strength, the sacrifice to take on adversity and they have met with success. This is a very modest number increase in troops, essential at this time to keep that forward momentum going. I strongly urge that you vote against the Byrd amendment.

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the question occurs on agreeing to the Byrd amendment on which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''nay.''

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—40

Akaka	Durbin	Levin
Baucus	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Fitzgerald	Murray
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dorgan	Leahy	

NAYS—58

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feinstein	Nickles
Bond	Frist	Roberts
Bunning	Graham (FL)	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Clinton	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lieberman	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCain	
Dodd	McConnell	

NOT VOTING—2

Brownback	Kerry

The amendment (No. 3423) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF JUAN R. SANCHEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will now move to executive session.

The clerk will report.

The legislative clerk read the nomination of Juan R. Sanchez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate on the nomination equally divided.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the first nomination is Juan Sanchez. He was born in Puerto Rico. He immigrated to the United States. This is a great Horatio Alger's success story. He was educated at City College of New York, bachelor's degree with cum laude. He is a graduate of the University of Pennsylvania Law School. He has been in the private practice of law and has performed community service in the Legal Aid Society for the last 5 years. He has been a common pleas judge in Chester County, PA.

He brings outstanding credentials and is a product of the nominating panel organized by my distinguished colleague, Senator SANTORUM, and myself.

I yield to my colleague.

The PRESIDING OFFICER. The junior Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I am pleased to support the confirmation of Judge Juan R. Sanchez to the U.S. District Court, Eastern District of Pennsylvania. I thank the President for his nomination of this excellent candidate and to congratulate Judge Sanchez and his family.

Judge Sanchez is a cum laude graduate of the City College of the City University of New York. He received his law degree from the University of Pennsylvania Law School in 1981. Since 1998, he has served as a judge on the Court of Common Pleas, 15th Judicial District of Pennsylvania in West Chester, PA.

Judge Sanchez brings to the bench wide-ranging legal experience. He served as a staff attorney for Legal Aid of Chester County in West Chester, PA, from 1981 to 1983. He had a general legal practice and was a partner with Nester, Nester & Sanchez from 1983 to 1990. He as a sole practitioner from 1990 to 1997. Judge Sanchez also served as a senior trial attorney at MacElree, Harvey, Gallagher, Featherman & Sebastian. Judge Sanchez serves as an adjunct professor at West Chester University, Immaculata University, and Villanova University School of Law.

Judge Sanchez has served his community in numerous ways. He has served on the board of Centro Guayacan, a multicultural educational community center, Riverside Care of Chester County, Chester County Hospital, the YMCA of Central Chester County and the YMCA of Brandywine Valley, the Volunteer English Program in Chester County, and Community Volunteers in Medicine. He has also served as a commissioner for the Housing Authority of Chester County and as an advisor to the United Way of Chester County. He has received several awards for his service as a judge and his service to the community.

Again, I express my strong support for his nomination. I thank Judge Sanchez for his willingness to serve Pennsylvania on the Federal bench. I look forward to his approval by the Senate and urge my colleagues to support his confirmation.

In addition to what Senator SPECTER said, this man has made a tremendous contribution to the Hispanic community in Chester County and has done a lot in the strengthening and building of that community. He has great legal talent to go along with it. He is truly an extraordinary person, will be an extraordinary judge, and has been an extraordinary judge in Chester County.

Mr. LEAHY. Mr. President, I note by this vote that 20 of the 44 active Federal circuit court district judges from Pennsylvania will be made up of nominees of President Bush. I mention this because some think that somehow he has not been able to get a lot of nominations through. This is a 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 nine districts and one circuit court nominee of President Clinton in Pennsylvania. That was notwithstanding the very honest due diligence of the senior Senator from Pennsylvania, Mr. SPECTER, who tried to get them confirmed. Others in his party blocked a vote. I do not want to see that happen again in Pennsylvania.

Today the Senate considers the nomination of Juan Ramon Sanchez to be a United States District Judge for the Eastern District of Pennsylvania. I am glad that the Republican majority has finally decided to proceed to this well-qualified Hispanic nominee, since they departed from the order of the Executive Calendar last week and did not schedule a confirmation vote for Mr. Sanchez, despite the fact that he would have received unanimous Democrat support.

Judge Sanchez has served as a judge on the Court of Common Pleas in Chester County, PA since 1998. Prior to that, he worked for Legal Aid of Chester County, in private practice, and as a senior trial attorney with the Chester County Public Defender's Office. Judge Sanchez has devoted a substantial amount of time to pro bono work in his community and, in particular, to assisting Latino individuals and groups

in various legal matters, including housing, employment, and immigration. He has also served on the Pennsylvania Supreme Court's Committee on Racial and Gender Bias in the Justice System and the Racial Ethnic Bias Implementation Committee of the Judicial Council.

While some people have accused Democrats of being anti-Hispanic, our record of confirming Hispanic nominees is excellent. Judge Sanchez is the 18th Latino confirmed to the Federal courts in the past three years. With the exception of Mr. Estrada, who failed to answer many questions and provide the Senate with his writings and views, we have pressed forward to confirm all of the other Latinos whose nominations have been reported to the floor. Democrats have supported the swift confirmation of 18 of President Bush's 22 Latino nominees.

While President Clinton nominated 11 Latino nominees to Circuit Court positions, three of those 11 were blocked by the Republican Senate and never given a vote. President Bush has only nominated four Latino nominees to Circuit Court positions, three of whom have been confirmed with Democratic support. President Bush's 22 Latino nominees constitute less than 10 percent of his nominees, even though Latinos make up a larger percentage of the U.S. population.

It is revealing that this President has nominated more people associated with the Federalist Society than Hispanics, African Americans and Asian Americans, combined. While President Clinton cared deeply about diversity on the Federal bench, this President is more interested in narrow and slanted judicial ideology. Forty-five of President Bush's nominees to the Federal courts have been actively involved, either as members or speakers, in the Federalist Society.

The Federalist Society is sometimes mischaracterized as a mere debating society, but according to its own statement of purpose, it is a group with a point of view: ''The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order.'' One of the goals of the Federalist Society is the ''reordering of priorities within the legal system.''

The administration wants to have it both ways. They want to take credit with the Federalist Society and hard-right conservatives when they nominate ideological nominees, but they want to pretend that ideology does not matter. If ideology does not matter to the President, why has he nominated more members of the Federalist Society than he has members of minority groups? The President has shown that he is steadfastly committed to packing the courts with individuals who will shape the bench according to his ideological goals rather than creating courts that are fair, balanced, independent, and reflective of the diversity within our country.

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, 20 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 20 of the 44 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 17 of the 36 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 nine district and one 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 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.''

Like other nominees of President Bush, Judge Sanchez has been very involved in the Republican party. He has assured me that he will be fair to all those who come before him. I hope that he will follow the law and treat all who appear before him fairly regardless of their ideology or party affiliation.

I congratulate Mr. Sanchez and his family today on his confirmation.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Juan Sanchez, who has been nominated to be a United States District Judge for the Eastern District of Pennsylvania.

Judge Sanchez is exceptionally qualified for the Federal bench. He presently serves on the Court of Common Pleas in the 15th Judicial District of Pennsylvania, having been elected to that position in 1997.

Upon graduating from the University of Pennsylvania Law School in 1981, he became a staff attorney for Legal Aid of Chester County. Two years later, he joined the Chester County Public Defender's Office as a senior trial attorney—a position that he retained until 1997. During that period, Judge Sanchez also worked for two law firms and as a sole practitioner, representing Spanish-speaking individuals in a wide variety of legal areas.

Judge Sanchez has dedicated his career to serving the disadvantaged in Chester County, PA, and his impressive credentials are reflected in his unanimous ''Well Qualified'' rating by the American Bar Association.

Judge Sanchez is an extremely well-qualified nominee. I am confident that he will be a fine addition to the bench and urge my colleagues to join me in supporting his confirmation.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CORNYN). Is there a sufficient second? There is a sufficient second.

The question is, will the Senate advise and consent to the nomination of Juan R. Sanchez, 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. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 141 Ex.]

YEAS—98

Akaka	Conrad	Hagel
Alexander	Cornyn	Harkin
Allard	Corzine	Hatch
Allen	Craig	Hollings
Baucus	Crapo	Hutchison
Bayh	Daschle	Inhofe
Bennett	Dayton	Inouye
Biden	DeWine	Jeffords
Bingaman	Dodd	Johnson
Bond	Dole	Kennedy
Boxer	Domenici	Kohl
Breaux	Dorgan	Kyl
Bunning	Durbin	Landrieu
Burns	Edwards	Lautenberg
Byrd	Ensign	Leahy
Campbell	Enzi	Levin
Cantwell	Feingold	Lieberman
Carper	Feinstein	Lincoln
Chafee	Fitzgerald	Lott
Chambliss	Frist	Lugar
Clinton	Graham (FL)	McCain
Cochran	Graham (SC)	McConnell
Coleman	Grassley	Mikulski
Collins	Gregg	Miller

Murkowski	Rockefeller	Stabenow
Murray	Santorum	Stevens
Nelson (FL)	Sarbanes	Sununu
Nelson (NE)	Schumer	Talent
Nickles	Sessions	Thomas
Pryor	Shelby	Voinovich
Reed	Smith	Warner
Reid	Snowe	Wyden
Roberts	Specter	

NOT VOTING—2

Brownback	Kerry

The nomination was confirmed.

NOMINATION OF WALTER D. KELLEY, JR. TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Walter D. Kelley, of Virginia to be United States District Judge for the Eastern District of Virginia.

Mr. WARNER. Mr. President, the chairman of the Judiciary Committee is here. Senator ALLEN and I need to have a few minutes together.

There is no greater responsibility as a Senator than selecting for recommendation to a President our nominees to the Federal judiciary. I have known Mr. Kelley for many years. He graduated cum laude from my alma mater, Washington and Lee University. After working for a year as a press secretary to a member of the U.S. House of Representatives, he returned to Washington and Lee and earned his law degree magna cum laude.

Subsequent to law school, Mr. Kelley served as a law clerk to a judge on the U.S. Court of Appeals for the Second Circuit in New York City. We are fortunate that when he completed his clerkship, Mr. Kelley returned home to Norfolk, VA, where he practiced law with great distinction.

Article II, Section 2 of the Constitution provides the President with the authority to nominate, with the ''Advice and Consent of the Senate,'' individuals to serve as judges on the Federal courts. Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the power to nominate, and the Senate has the power to render ''Advice and Consent'' on the nomination.

In fulfillment of this constitutional responsibility, after Judge Morgan of the Eastern District of Virginia bench took senior status, Senator ALLEN and I had the honor of recommending Walter Kelley to President Bush to fill that vacancy. After reviewing our recommendations, President Bush nominated Mr. Kelley.

Mr. Kelley's nomination was subsequently received by the Senate, and in a timely fashion, the Senate Judiciary Committee provided its unanimous approval of this nominee. I am grateful to Chairman HATCH and Senator LEAHY for their hard work in moving this nomination forward. And, I am grateful to the leadership on both sides of the aisle for bringing Mr. Kelley's nomination before the full Senate.

When Senator ALLEN and I first learned of the vacancy on the Eastern District of Virginia bench, we began our search to find the most qualified and well-respected individual to fill that vacancy. During that process, one name repeatedly was brought up. That name was Walt Kelley.

Walt Kelley graduated with his bachelor's degree, cum laude, in 1977 from my alma mater, Washington & Lee University. Then, after working for a year as a Press Secretary to a member of the United States House of Representatives, he returned to Washington & Lee and earned his law degree, magna cum laude.

Subsequent to law school, Mr. Kelley served as a law clerk to a judge on the United States Court of Appeals for the Second Circuit, in New York City. We are fortunate in Virginia that after he completed his clerkship, Mr. Kelley returned to his home town of Norfolk, VA to practice law.

Since then, for the past 22 years, Walt Kelley has practiced law for two of Virginia's best law firms, Wilcox & Savage PC, and Troutman Sanders LLP. During these two decades plus of his legal career, his practice has focused primarily on complex business litigation before the Federal courts.

Moreover, during these 22 years, Mr. Kelley has earned a reputation for not only being one of the best lawyers in Virginia, but also being one of the best lawyers in America. Each year, since 1997, he has been listed in The Best Lawyers in America for business litigation. This is a publication that lists the ''best'' lawyers in America based on the recommendations of other lawyers all across America.

But, not only is Mr. Kelley dedicated to his family and to his legal career, he also has taken the time to give back to his community. In addition to other community activities, he is a member and the former rector of the Old Dominion University Board of Visitors in Norfolk, VA, and he is a member of the Virginia Business Higher Education Council.

Mr. President, Walt Kelley has my strong support and the strong support of Senator ALLEN. In addition, he has the support of Virginia's legal community. The Virginia State Bar; Virginia Bar Association; the Virginia Association of Defense Attorneys; and the Norfolk & Portsmouth Bar Association all support Mr. Kelley's nomination. Furthermore, the American Bar Association has unanimously rated Mr. Kelley as ''well qualified'' for this judgeship.

I know that Walt Kelley is a fine nominee. If confirmed, he will serve on the bench in Virginia with distinction.

I urge my colleagues to support his nomination.

The PRESIDING OFFICER. The junior Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I join my colleague and friend, Senator WARNER, in endorsing Walt Kelley for this judgeship for the U.S. District Court for the Eastern District of Virginia. I have known him for many decades. He is a patient man and an outstanding lawyer.

Senator WARNER and I interviewed many highly qualified candidates for that judgeship in the Eastern District of Virginia. Walt Kelley has extensive trial experience and, most importantly, has the right philosophy as a judge and will not invent the law but interpret it according to the facts.

I hope my colleagues will support his nomination.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Walter D. Kelley Jr. to serve as a judge for the United States District Court for the Eastern District of Virginia.

Mr. Kelley received both his undergraduate and his law degree, magna cum laude, from Washington and Lee University. Upon graduation from law school, he clerked for Judge Ellsworth Van Graafeiland on the Second Circuit.

In 1982, he joined the Norfolk, VA, law firm of Wilcox and Savage. Since 2001, he has been a partner at Troutman Sanders in Norfolk, where he practices in the area of business litigation with an emphasis on intellectual property and antitrust law.

Aside from his private practice, Mr. Kelley has devoted significant time to improving the legal community as a leader in bar activities. He has served as a mentor to younger attorneys, a quasi-judge of the Norfolk Circuit Court, and as a law professor. He also served on the Virginia Attorney General's Task Force on Higher Education; as rector and a member of Old Dominion University Board of Visitors; as a chairman and director of the Hampton Roads Board of the Salvation Army; and as a trustee of the Norfolk Collegiate School.

Walter Kelley is an extremely well-qualified nominee with a significant amount of litigation experience. The American Bar Association unanimously bestowed on him its highest rating of ''Well Qualified,'' in recognition of his outstanding legal skills and reputation. He will make an excellent addition to the Federal bench and I urge my colleagues to join me in supporting his confirmation.

Mr. LEAHY. Mr. President, today we are asked to consider the nomination of Walter Kelley, Jr. to the Eastern District of Virginia. Mr. Kelley is currently a partner with the Norfolk office of the Troutman Sanders law firm. He has significant civil litigation experience. The ABA unanimously found Mr. Kelley to be well-qualified to be a district court judge. He also has the support of both of his home-State Senators.

It should be noted that Mr. Kelley has been very active in Republican politics over the past several decades. Mr. Kelley recently served as the Chairman of the Republican Party of Norfolk for

four years. He is currently involved in a Republican political action committee and serves as Director of the Downtown Republican Club. A few years ago, upon being elected Rector of the Old Dominion University Board of Visitors, Mr. Kelley was asked about the political nature of the position and politics in general, when he answered, ''[i]f you really believe strongly in how it is you think Government should act with the citizenry . . . you can't sit on the sidelines and not be in the game. You're either in there trying to make happen that which you believe in, or you're ceding the whole debate to the other side.''

I trust that Mr. Kelley will not believe that he can continue this advocacy as a judge. By taking his oath of office he will be expected to assume a position of impartiality and discard his previous partisan advocacy. Certainly, we can all agree that the Federal bench is not the place to advocate any agenda other than fairness.

I congratulate Mr. Kelley and his family on his confirmation today.

Mr. President, again, he had the highest ABA rating and is strongly supported by the two Senators from Virginia. I hope everybody on this side of the aisle will vote for him.

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, Shall the Senate advise and consent to the nomination of Walter D. Kelley, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''yea.''

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 142 Ex.]

YEAS—94

Akaka	Campbell	Dayton
Alexander	Cantwell	DeWine
Allard	Carper	Dodd
Allen	Chafee	Dole
Baucus	Chambliss	Domenici
Bayh	Clinton	Dorgan
Biden	Cochran	Durbin
Bingaman	Coleman	Edwards
Bond	Collins	Ensign
Boxer	Conrad	Enzi
Breaux	Cornyn	Feingold
Bunning	Corzine	Feinstein
Burns	Craig	Fitzgerald
Byrd	Daschle	Frist
Graham (FL)	Levin	Rockefeller
Graham (SC)	Lieberman	Santorum
Grassley	Lincoln	Sarbanes
Gregg	Lott	Schumer
Hagel	Lugar	Sessions
Harkin	McCain	Shelby
Hollings	McConnell	Snowe
Hutchison	Mikulski	Specter
Inhofe	Miller	Stabenow
Inouye	Murkowski	Stevens
Jeffords	Murray	Sununu
Johnson	Nelson (FL)	Talent
Kennedy	Nelson (NE)	Thomas
Kohl	Nickles	Voinovich
Kyl	Pryor	Warner
Landrieu	Reed	Wyden
Lautenberg	Reid	
Leahy	Roberts	

NOT VOTING—6

Bennett	Crapo	Kerry
Brownback	Hatch	Smith

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COSPONSORSHIP—S. 1246

Mr. ROBERTS. I ask unanimous consent that Senator JOHN BREAUX be added as a cosponsor to a bill I introduced on June 12, 2003, S. 1246, to permit charitable and educational organizations to make collegiate housing and infrastructure grants and continue to be treated as tax-exempt organizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2062

Mr. FRIST. Mr. President, briefly I have a consent regarding the class action legislation which has been cleared on both sides. Before proceeding, I remind everyone that an earlier order provided we would proceed to the class action legislation following completion of Defense authorization, which I expect we will be able to complete today. However, we now have a Defense appropriations bill available and it is vitally important for us to proceed with that bill to ensure no disruption in funds to our troops. Having said that, this agreement will allow us to proceed to the class action legislation without any procedural hurdles following the Defense appropriations bill.

Therefore, I now ask unanimous consent that the previous order with respect to Calendar No. 430, S. 2062, the class action bill, be vitiated and further that the Senate proceed to its consideration following the disposition of the Defense appropriations bill.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Reserving the right to object, I want to make sure I understand. The majority leader is proposing that we go to class action immediately following the completion of our work on the Defense appropriations bill; is that correct?

Mr. FRIST. Mr. President, that is correct. The clarification I made was that initially we would follow the Defense authorization with class action. Now in effect what we are doing is we are going to finish the Defense authorization today, go to Defense appropriations, to be followed by class action.

Mr. DASCHLE. Mr. President, I appreciate that. I have made it clear I am not a supporter of the class action bill, but I have made a commitment to many of the colleagues in my caucus with regard to the assurances we have provided to them in the past that they would have a chance to have this legislation brought before the Senate and offer the appropriate amendments. They have been very patient. We have asked them to delay consideration of this bill now on several occasions, but with the assurances given by the majority leader, I have no objection.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Reserving the right to object, I will not object, I express my thanks to both leaders for that colloquy and this brief discussion we have had. As both leaders know, the movement of this legislation is a priority for a number of us, certainly for me, and I am gratified that once we have disposed of the Defense appropriations bill, the next bill we will turn to is class action. I express my thanks to the majority leader for making that clear, and to the Democratic leader, Senator DASCHLE, for his steadfast position, realizing this is not legislation that is at the top of his list of priorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MATTHEW ''MATTIE'' JOSEPH THADEUS STEPANEK

Ms. MIKULSKI. Mr. President, I rise to inform my colleagues and all who are watching that a wonderful American passed away yesterday. He was a 13-year-old boy who lost his life to muscular dystrophy. He was known to the world because of his many appearances on radio and TV reading his poetry. His name was Matthew Joseph Thadeus Stepanek. The world knew him as ''Mattie.''

Though this young man's death is a great tragedy, his life was a triumph. At age 13, he was a gifted author. He was even a noted peacemaker. He took a personal challenge and turned it into a life of inspiration for all of us.

Mattie Stepanek once said, ''I want my message to live beyond me,'' and it certainly will. His message of peace and hope has reached millions.

He was born in 1990 in Upper Marlboro, MD, and doctors did not expect him to live more than 24 hours. He suffered from a rare form of muscular dystrophy. He had two brothers and a sister, all who died before the age of 4. His own mom also has muscular dystrophy.

Though the disease would eventually render him unable to walk or breathe

on his own, he was more than a survivor. He began writing poetry at the age of 3; poems about hope, peace, love. His life philosophy was, ''Remember to play after every storm.'' And he did.

Mattie believed wishes could come true. Once when he was near death, he said he had three wishes. He wanted to talk to Jimmy Carter; he wanted to have his book of poems published; and he wanted to see his poetry read on Oprah.

Guess what. All three happened. President Carter did call him and talk to him several times. He wrote several volumes of poetry. I have one with me today called ''Heartsongs.'' This book reached the best seller's list because it reached the hearts of so many people. As soon as Oprah heard it, she had not only read his poetry but had Mattie on the show.

He was so sick at times the doctors were afraid he wouldn't make it, but through hope and prayer his life was saved, one miracle at a time.

After the chaos and confusion and heartbreak of September 11 and the terrible anthrax attack on the Capitol, I was pretty grief stricken. One night watching C–SPAN, like so many Americans at the end of the day, I saw this wonderful young boy reading poetry. I found his words so inspirational, so touching, that I immediately contacted him through his hospital, the wonderful Children's Hospital here in Washington.

Through the hospital, I arranged a visit to him at his home in Upper Marlboro, Maryland. I visited with Mattie and his mom, in their apartment especially arranged for people who live a life in wheelchairs but refuse to be handicapped. We had a great time, talking about life. Mattie was so lively, so witty. He was so filled with enthusiasm. He was filled with energy.

I brought the book that I wrote and he had his. I did a little reading from mine and he read his poems. It was a great afternoon with this special boy, there he was in a special motorized wheelchair with a special apparatus that enabled him to breathe.

Later on, I went to the Children's Hospital to give him the Children's Hope Medal of Honor. This medal is given to young heroes who have shown valiant effort and courage in facing life's daily challenges when they have a chronic or life-threatening illness. If anyone deserved it, Mattie deserved it.

I want the world to know who this little boy is. I want to tell you first of all what he said about himself and then what he said to us in what then proved to be a farewell. This is the poem.

I am Mattie J.T. Stepanek.
My body has light skin,
Red blood, blue eyes, and blond hair.
Since I have mitochondrial myopathy,
I even have a trach, a ventilator, and oxygen.
Very poetic, I am, and very smart, too.
I am always brainstorming ideas and stories.
I am a survivor, but some day, I will see
My two brothers and one sister in Heaven.
When I grow up, I plan to become
A daddy, a writer, a public speaker,
And most of all, a peacemaker.
Whoever I am, and whatever happens,
I will always love my body and mind,
Even if it has different abilities
Than other peoples' bodies and minds.
I will always be happy, because
I will always be me.

Isn't that great? But the last page in his book is ''The Daily Gift.''

You know what?
Tomorrow is a new day.
And today is a new day.
Actually,
Every day is a new day.
Thank you, God,
For all of these
Special and new days.

Mr. President, thank God for Mattie Stepanek and thank God for a loving, wonderful mother, Jeni Stepanek. Our hearts go out to express our condolences and our sympathy to her for all of the heartache she has had to endure. But we thank her for giving us this very special gift, Mattie Stepanek, who truly sang from his heart and was a peacemaker.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator from Maryland for what she had to say. My wife and I got to know Mattie. My wife invited him to speak at the spouses dinner, the First Lady's luncheon. She told me I had to come down and meet this young man. I remember coming in there and talking with him. I also talked with him again by phone. I sort of hung back because I was not a Senate spouse. I sort of hung back in the corner and listened when he spoke. What an inspirational little boy.

I know the tug I felt when I turned on the news this morning and heard what we all knew was going to happen had happened. He is no longer with us.

Somebody in the news said he probably had more life in that short span than most people have. The Senator from Maryland said similar things. In this case, it is true. He really had.

I thank her for her statement. I know Marcelle and I had our hearts enriched by having met him.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

Mr. LEAHY. Mr. President, I have the floor, though I see the distinguished Senator from Virginia and, of course, I will yield to him if he is seeking the floor.

Mr. WARNER. Yes, Mr. President, I am seeking the floor at this point in time.

We have reached a juncture in the bill where the majority leader and the distinguished minority leader, together with the two managers, are trying to resolve what further business may occur on this bill. At this point in time I can only suggest to colleagues we are very close, hopefully, to resolving this matter. But until such time as we get an indication on my side of the aisle of the ability with regard to the other side to reach constructive resolution of this matter, I am going to have to ask that a quorum be put in.

Mr. LEAHY. Mr. President, if the Senator——

Mr. WARNER. Reserving the right to the floor, I yield for a question from my colleague.

Mr. LEAHY. I wanted to accommodate the distinguished chairman, of course. I thought he was about to bring something up. I hope he would not put in a quorum call. I would like to speak about some of the matters that may be coming up later. I have been talking with him and Senator REID and Senator LEVIN. If it becomes ripe to make that agreement, naturally I would yield the floor immediately as I did for the chairman. But I find in the joys of allergies, my voice is fast disappearing and I would like to speak now while I know I can so speak.

Mr. WARNER. Mr. President, my good friend and I have done many things together. At this point in time, I think, in good faith, the leadership of the Senate, together with the two managers, has developed a construct. Until such time as that construct is put in place, I must say with due respect I will have to maintain the quorum call.

Mr. LEAHY. If the Senator will yield again before he did that? I note, as the Senator knows, I could be speaking now if I wanted to because I already had the floor and I could have refused to yield to him. I did not.

Mr. WARNER. I think you yielded to me.

Mr. LEAHY. I yielded to him, and had I not done that, of course I would have retained the floor and would have gone forth.

Yesterday we had hours upon hours of quorum calls. All I am suggesting is that I be allowed to continue, and at such point as the Senator reaches an agreement, I would, of course, yield to whomever wishes to make the unanimous consent request. Being unable to do that, I believe my courtesy in giving up the position I had has not been returned. But, of course, the Senator has the parliamentary right to do whatever he wants because he has the floor.

Mr. WARNER. Mr. President, I hope this is not a matter of courtesy. It is a matter of pure management of the bill. There has been a clear understanding between both sides, and I am abiding by the understanding on this side. I think this side has, in good faith, lived up to its commitments. From all I know, the manager on this side and the leadership on that side is doing everything to live up to their commitments.

Until that time, 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 dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. Mr. President, I believe good progress is being made. I think there could be a proper utilization of the time. Given the structure of the understanding at the leadership level, which the Senator from Michigan and I are trying to maintain and will maintain, I would suggest that the Senate now go into a period of morning business with Senators to speak up to 15 minutes.

Mr. LEAHY. Twenty minutes.

Mr. WARNER. Let us say 15 minutes with the exception of the Senator from Vermont, who desires 20 minutes, and hopefully Senators who might wish to address issues relating to the bill can avail themselves of that opportunity. Would that be correct?

Mr. LEVIN. Reserving the right to object, I surely will not, it is our intent I believe at the end of this first period to have our structure put back in place—that we would immediately return to the bill and resolve it.

Mr. WARNER. That is correct.

Mr. President, at this point in time, is my unanimous consent request granted?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Vermont for his usual courtesy.

Mr. LEAHY. Mr. President, I thank my friend from Virginia. For over a quarter of a century we have been accommodating each other. I refer to the distinguished senior Senator from Virginia as ''my Senator'' when I am away from home. I have had the privilege of living part time during the year in his beautiful State, and we have tried to accommodate each other. I think this is the easiest way out of it. Otherwise, we would be in a quorum call. I do thank him.

PRISONER ABUSE

Mr. LEAHY. Mr. President, I understand that at the time the Leahy amendment comes up, there is likely to be a tabling motion. It would be, in effect, a second-degree amendment offered by others on the Judiciary Committee.

The amendment would require the Attorney General to produce documents that the Judiciary Committee needs in order to conduct oversight of the Department of Justice.

The Judiciary Committee has to get to the bottom of the prisoner abuse scandal. Aspects of this scandal are within the jurisdiction of the Judiciary Committee. To get to the bottom of it, we require documents from the Attorney General.

What happens if we are blocked from that? I say to my friends that if they vote to block us from getting the documents we seek, what they are doing, whether intentionally or otherwise, is contributing to a coverup.

Let me explain why this amendment is so important. There has been much debate over the last several days and weeks about the abuse of foreign prisoners, and the guidance provided by the President's lawyers with regard to torture. This debate will continue for some time throughout our country, particularly as more courts-martial are held, with the facts emerging slowly, and as the White House releases only some of the documents that are needed to fully understand the origins of the scandal.

In the meantime, the Senate, the body that is supposed to be the conscience of the Nation, should act. There are some very basic things we can do to clarify U.S. policy regarding the treatment of foreign prisoners. We can bring greater transparency to this issue. That is what my amendment does. It is very straightforward, with three basic sections.

First, it lays out U.S. policy with regard to the treatment of prisoners. Second, it establishes basic reporting requirements to which the Congress and the American people are entitled. Finally, it sets out a training requirement for civilian contractors who come into contact with foreign prisoners.

With regard to the policy, my amendment is very forthright. It states that the United States must treat all foreign prisoners humanely and in a manner that the United States would consider legal if perpetrated by the enemy against an American prisoner. That is a restatement of many decades of U.S. policy and the Army's own regulations.

My amendment also reaffirms the obligation of the United States to abide by the legal prohibitions against torture. That is the law of the land.

The memos authored by the Justice Department apparently reveal another view: that torture can be ordered by the President despite clear laws in the United States against it. Even President Bush now says he disagrees with that view.

We should reaffirm that torture is not allowed under any circumstances.

The amendment also codifies the longstanding Army regulation governing the treatment of foreign prisoners. That regulation states that where there is doubt about the legal status of a foreign prisoner, then the prisoner is entitled to the protection of the Geneva Convention, at least until a status can be appropriately determined by a ''competent tribunal.'' The procedures for the tribunal are specified in regulation.

Unfortunately, our government has ignored this regulation during the course of the war on terrorism and the war in Afghanistan. No such screenings have been conducted in Afghanistan. The administration simply designates someone as a terrorist and that is enough to land them in prison indefinitely.

We have not had one trial by military commission yet. And certainly we determined that some of these people we called terrorists, who could be held indefinitely, were not terrorists, because we let some people go. I suspect some more people will be let go.

We are in this bind because the administration failed to follow the Army's own guidance. The military lawyers knew there would be situations when the legal status of a foreign person captured by our troops was not clear, so they devised a very careful, very basic screening process. By conducting these status hearings, we would then know what rights and what legal protections the individual is entitled to. That is the military policy. It is certainly the policy our U.S. military wants other countries to follow, and the one we said we will follow.

My amendment further states that it is in the interest of the United States to expeditiously prosecute the cases of those held at Guantanamo Bay. We have given the administration wide latitude in how it operates in Guantanamo. Congress understands we are fighting a new kind of war, one where civilians are at great risk, where intelligence is critical, and where the country has to be tough against its enemy.

Having said that, after all the months and years we held prisoners in Guantanamo, not a single case has been prosecuted. Not five, not four, not three, not two, not one. Not a single prosecution. One would think that with the thousands of lawyers in our military and our Justice Department, we could act with some greater dispatch. One would think that of all the people locked up indefinitely, we could have found one, just one, in all those prisoners that we could have prosecuted. But that is not the case.

For the bad actors, the murders, the terrorists at Guantanamo, we need to bring charges against them so that the victims of their crimes can have justice and so that those accused, if found guilty, can finally have their fate determined. These indefinite detentions, where nobody is prosecuted, where no actions are taken, are contrary to our legal system and contrary to the security interests of the United States.

In the reporting section of my amendment, I ask for four basic pieces of information: One, a quarterly report providing the number of prisoners who were denied prisoner of war status and the basis for denying that status; two, the proposed plan for holding military commissions at Guantanamo Bay; third, previous Red Cross reports provided to the military regarding the treatment of prisoners—the ICRC reports can be submitted in classified form as the ICRC has requested; and four, a report setting forth prisoner interrogation techniques that have been approved by the administration.

Much of this information has dribbled out in press reports and through leaks. Why don't we set the record straight and let the American people have access to this information?

The administration ought to have a more orderly process in place for disclosing this information. It will require some structured reporting that is long overdue.

Finally, we know that many prison abuses were carried out by civilian contractors. We do not know who these people are, where they came from, or what they were trained to do. At a minimum, we should require these contractors, just as we require of our military personnel, to be trained in the laws of war and international humanitarian law. It is imperative they understand what the law requires when it comes to the treatment of foreign prisoners.

There is nothing complicated about this amendment. It simply sets out a more coherent framework with regard to how we treat foreign prisoners.

Now, let me turn to the portion of the amendment that I suspect will be subject to a tabling motion—the second-degree amendment.

There is a popular expression used when a group of people mean to work together to protect against possible harm or danger. It is called ''circling the wagons,'' and it comes from American pioneers, who used to form their wagons into a circle to better defend against an attack.

If a move is made to table this amendment, I would say that we are seeing a circling of the wagons by Republicans on behalf of the administration so that none of the information we seek can come out. I find that regrettable, but it is not surprising. It is an election year.

Americans are becoming increasingly concerned about the administration's handling of the war in Iraq: no weapons of mass destruction, the disingenuous link to the September 11 attacks, the leak of a CIA operative's name, the months of continued violence against Coalition soldiers after the President had proclaimed victory, and then the photographs out of Abu Ghraib. The American public is sick and tired of being lied to. They are sick of the secrecy. They want answers, but the wagons continue to circle.

This amendment requires the administration to cooperate with a thorough congressional investigation, by Republicans and Democrats alike, into the abuse of prisoners in U.S. custody. It requires the release of all documents relative to the scandal. All documents—not just a few selected by the administration when the pressure is on.

I would say this: Those who want to keep these documents hidden should know that at some point the day of reckoning is going to come. We are now at a crisis point. Is the Senate of the United States content to serve as an arm of the Executive Branch? Water flows downhill, and so does Government policy. Somewhere in the upper reaches of this administration a process was set in motion that seeped forward until it produced this scandal. To put this scandal behind us, first we have to understand what happened. And we cannot get to the bottom of this until there is a clear picture of what happened at the top.

For many months, the Attorney General and other senior administration officials have refused to answer letter requests for documents relating to the interrogations of detainees abroad.

Earlier this month, the Attorney General appeared before the Judiciary Committee for the very first time since the war in Iraq began, but he refused to answer direct questions posed by Senators and refused to give us the documents we requested regarding the treatment and interrogation of prisoners. And not only that, he offered no legal challenge for his refusal, and practically challenged the Judiciary Committee to subpoena him.

When the Judiciary Committee met last week, I proposed a subpoena. Our Republican colleagues said it was too broad. We narrowed it down to 23 specific documents. When the chairman said it was premature, Senator FEINSTEIN proposed that we amend the subpoena to give the Attorney General more time to produce the documents voluntarily. Even then, it was voted down.

Yesterday, in a small gesture in response to public pressure, the White House released a tiny subset of the materials we sought. All of these should have been produced earlier. Much more remains hidden. Of the 23 we requested, we got 3, and of those 3, 2 had already been posted on the Internet. So, in effect, the administration gave us one voluntarily. Though this is a self-serving selection of documents, it is a beginning. I give the administration credit for that. But for the Judiciary Committee and the Senate to find the whole truth, we will need much more cooperation.

The documents released yesterday raised more questions than they answered. The White House released a January 2002 memo signed by President Bush calling for the humane treatment of detainees. But did the President sign any orders or directives after January 2002? Did he sign any with regard to prisoners in Iraq? Why won't the President's counsel comment on what the President said or ordered?

Why did Secretary Rumsfeld issue and later rescind tough interrogation techniques? How did these interrogation techniques come to be used in Iraq, where the administration maintains that it has followed the Geneva Conventions?

Where is the remaining 95 percent of the material requested by members of the Senate Judiciary Committee? Why is the White House withholding relevant documents that were produced after April 2003?

When are we going to stop sitting on our hands, becoming a rubberstamp for an administration cloaked in secrecy?

We have the legal right, the constitutional obligation, and the moral authority to ask questions and demand answers today. We have to keep the pressure on until we get honesty and answers. I hope we will stand up and say that we are an independent body in the Senate and that we are willing to ask questions.

More and more, the American people can see that when you ask for 23 documents, and you only get 3, 2 of which have already been released by the press, that is not cooperation. It is not openness or cooperation when there is an arbitrary cutoff of documents after April 2003. It is not cooperation when we cannot find out why there is a difference between the advice that comes from Attorney General Ashcroft's office and what the President says he is going to do. And it is certainly not cooperation when we cannot get to the root of this terrible disconnect between stated policy and the photographs of the torture at Abu Ghraib.

I must say, I am suspicious because I asked about prisoner abuse months before the pictures came out. I have asked about Afghanistan. I was told that the U.S. was complying with the Torture Convention. But we now find that some prisoners died at the hands of some of the jailers.

I have asked the same questions about Guantanamo, including questions like why do we have hundreds and hundreds and hundreds of detainees, but we cannot find a single one—not even one—we feel confident enough to bring charges against before a military commission? It should be one of the easiest places in the world, if there is any evidence, to get a conviction. Not one trial out of those hundreds and hundreds and hundreds of prisoners?

Do we wonder why the rest of the world asks whether America has lost its moral compass? As an American, I do not think we have. I believe very strongly in the morality of our country. But I worry very much about what some of our leaders are holding back. I wish we would get all these matters out. I believe we would be better off if we did. We would look better in the eyes of the rest of the world. The United States is not a country that can and should condone torture. We are a country that expects to play by the highest rules because we ask others to, even when our enemies do not. Even during the two world wars, we treated our prisoners humanely.

This is a question we should ask: Why this sudden change in our policies?

I will close by reminding my colleagues that I think it was about a year ago the Secretary of Defense said: We will know if we are winning the war on terrorism if we are capturing or killing or stopping more terrorists than the madrasas are recruiting and churning out.

After Abu Ghraib, I asked the Secretary of Defense: By that definition, are we winning or not? He said he did not know. Obviously, we are not winning. There are recruiting posters all

over the Middle East, and even into Turkey, with photographs from Abu Ghraib.

If the administration will not come forward on its own, if the administration will not tell us what is happening, we—at least the men and women in the Senate—should have the courage to demand answers.

In the weeks since a courageous soldier-whistleblower and a probing journalist revealed to the world the abuses at Abu Ghraib prison, evidence has continued to seep out almost daily of similar mistreatment of prisoners in other U.S. military detention centers in Iraq, Afghanistan, and Guantanamo. White House officials and the political appointees in the Department of Defense have tried to deflect their own responsibility by singling out a few ''bad apples'' for punishment.

But bit by bit, the press is uncovering new information, and it all points toward those higher up in the chain of command.

On May 15 of this year, President Bush said, ''The cruelty of a few has brought discredit to their uniform and embarrassment to our country.'' That statement, it now turns out, was only partly true. Since then, we have learned a great deal about what was discussed and debated at the highest levels of our government.

While the President insists that he wants to get to the bottom of this, high-level White House and Pentagon officials refuse to answer questions or to disclose the relevant documents requested by the Congress.

They deny any pattern of illegality in the interrogation and treatment of prisoners, while it becomes clearer by the day that this scandal was set in motion by the actions of senior officials.

We learned that in October 2003, General Sanchez ordered the ''harmonization'' of military policing and intelligence in Iraq, placing military intelligence in control of key cellblocks at Abu Ghraib prison.

We learned from the Washington Post that, over the past 18 months, the Army has opened investigations into at least 91 cases of possible misconduct by soldiers against detainees in Iraq and Afghanistan. And the President talks about a few bad apples. The President's comments have become harder and harder to swallow.

We learned on June 7 from the Wall Street Journal about a March 2003 Pentagon report contending that the President was not bound by laws prohibiting torture. This report went so far as to say that Government agents who tortured prisoners at the President's direction cannot be prosecuted by the Justice Department.

The very next day, the Washington Post reported that in August 2002 the Justice Department advised the White House that torturing al-Qaida terrorists in captivity abroad ''may be justified.'' The memo argued that the President has absolute authority in the ''war against terrorism'' and that international treaties against torture, which the United States ratified, ''may be unconstitutional.'' And, this report continued, Congress is completely powerless when the President acts as Commander in Chief.

That same day, the Attorney General made his first appearance before the Judiciary Committee in 15 months. He refused to give a copy of the Justice Department memo to members of the committee even though he was unable to say on what legal authority he based his refusal.

A week later, Republicans on the Judiciary Committee blocked a subpoena seeking these documents. Some called it a ''fishing expedition,'' even though we asked for a grand total of 23 documents.

The committee of jurisdiction had the opportunity and the responsibility to get us closer to the truth about why these abuses occurred, but the Republicans chose to circle the wagons instead of doing what is right for the country.

The stonewalling in the prison abuse scandal has been building to a crisis point. Yesterday, responding to public pressure, the White House has released a small subset of the documents that offers a glimpse into the genesis of this scandal. There are many items missing from this release, however, including all but three of the 23 items Judiciary Committee Democrats requested in the subpoena that was voted down by Republicans last week. Where are the 20 remaining documents? Perhaps the most ominous omission is the lack of any documents reflecting White House involvement in this issue since military action began in Iraq last year. The released documents do not include a single reference to the treatment or interrogation of detainees in Iraq, despite the heinous abuses at Abu Ghraib that we have all seen with our own eyes.

The White House released a Presidential memorandum dated February 7, 2002, directing that al-Qaida and Taliban detainees be treated humanely. But, did the President sign any directive regarding the treatment or interrogation of detainees after February 7, 2002? More specifically, did the President sign any directive after the United States invaded Iraq on March 19, 2003? These questions remain unanswered.

Last week we learned that Secretary Rumsfeld personally approved plans to hide some of the prisoners in Iraq so that they could not be visited by the International Committee of the Red Cross. They became nameless, faceless, and numberless. This is not only Kafkaesque, it was a direct violation of the Geneva Conventions. In a press conference last Thursday, Secretary Rumsfeld acknowledged his role in hiding these ''ghost prisoners,'' including one ''high value'' prisoner who was lost in custody for 7 months.

Yet in the same breath, Secretary Rumsfeld said, ''I have not seen anything that suggests that a senior civilian or military official of the United States of America . . . could be characterized as ordering or authorizing or permitting torture or acts that are inconsistent with our international treaty obligations or our laws or our values as a country.''

Secretary Rumsfeld should read the memos written by the Department of Justice and by his own legal staff at the Pentagon. The leaked and released documents reveal plenty to suggest that legal arguments were made and orders were signed in violation of our laws and treaty obligations. The few documents released by the White House yesterday serve to confirm earlier press reports and postings.

A year ago, after learning that the United States might be using techniques that pushed the limits of the Torture Convention, I wrote to the White House looking for assurances that the administration was complying with U.S. and international law. I received a letter that stated clearly and unequivocally that it was and would continue to do so.

In fact, we now know that the White House and the Pentagon were actively working to circumvent the law. Guidelines for interrogating prisoners were applied routinely in multiple locations in ways that were illegal. It is also clear that U.S. officials knew the law was being violated and for months, possibly years, did virtually nothing about it.

Instead, they detailed their lawyers to find legal loopholes and interpretations that would redefine torture and devise innocuous sounding labels for their interrogation techniques, such as ''sensory deprivation'' or ''stress and duress.''

I wrote to the White House, the Pentagon and the CIA last June, a year ago, about the reported torture of Afghan prisoners by U.S. interrogators in December 2003. Two of those prisoners, both of young age, had died during interrogation. Others described being forced to stand naked in a cold room for days without interruption, with their arms raised and chained to the ceiling and their swollen ankles shackled. They said they were denied sleep and forced to wear hoods that cut off the supply of oxygen.

My letter, and subsequent letters, were either ignored or received responses which, in retrospect, bore no resemblance to the facts. Sixteen months later, the investigations of those deaths, ruled homicides, remain incomplete.

Just last week, in a case we had not known of previously, a CIA contractor was indicted for beating an Afghan detainee with a large flashlight. The Afghan, who had surrendered himself at the gates of a U.S. military base, died in custody on June 21, 2003, just days before I received a letter from the Bush administration saying that our Government was in full compliance with the Torture Convention.

Prisoners who are suspected of having killed or attempted to kill Americans do not deserve comforts. But the use of torture undermines our global efforts against terrorism and is beneath a great Nation.

It is illegal whether U.S. personnel engage in such conduct themselves or they hand over prisoners to the government agents of another country where torture is commonly used. That happened in 2002, when U.S. agents sent a Canadian citizen to Syria, letting others do the dirty work. Yet the White House will not provide us with the documents in which they concoct theories to justify turning over detainees to foreign nations that conduct torture.

There are many victims of this policy. First are the Iraqis, Afghans, and other detainees, some of them innocent of any crime, who were tortured or subjected to cruel and degrading treatment. The International Committee of the Red Cross reported that it was told by the U.S.-run Coalition Provisional Authority in Iraq that 70 to 90 percent of those in detention were innocent civilians who had been swept up in raids.

That was information that U.S. officials gave to the ICRC. It came from our own Government. It is no wonder that after the horrific images were broadcast around the world, the Pentagon started to clean out Abu Ghraib, releasing thousands of prisoners who apparently never should have been there.

We now know that many other Iraqis and Afghans died in U.S. custody, in conditions so abhorrent they conjure up images reminiscent of a Charles Dickens novel. Many of those deaths were never investigated.

The other victims of this policy are our own soldiers, who overwhelmingly perform their duties with honor and courage, and who now have been unfairly tarnished and endangered by these images and this scandal.

Our troops have also been tarnished by profiteering companies, none more brazen than Halliburton, which have reaped huge profits while our soldiers are risking their lives and losing their lives. Yet Republicans blocked Senate action to make war profiteering a crime and hold these people accountable.

Countless people around the world, especially in the Middle East, suspected that President Bush's decision to invade Iraq had a lot more to do with Iraqi oil than with any of the other reasons he gave that have since been proven false.

I do not share that view, but what better evidence to fuel those charges than Halliburton's noncompetitive contracts and waste. It is fraud and abuse on a scale that would shock the conscience of anyone except perhaps an Enron executive. Halliburton seems to regard the U.S. Treasury as its own personal bank account. With ''cost plus'' contracts, what do they care how much they overcharge the taxpayers? They are guaranteed their profits regardless. It is the antithesis of patriotism.

And then there is America itself. Our Bill of Rights was the model for the Universal Declaration of Human Rights. Generations of Americans have tried to live up to its promise and to set an example for the world. The damage this administration has caused to our credibility and reputation as a nation of laws and of decency will take years to repair. Just as they have squandered so much of the world's respect and support for our country after September 11, so now have they squandered much of the human rights leadership that has taken so many years to painstakingly build. This is a travesty of monumental proportions.

The individuals who committed those acts are being punished, as they must be. But what of those who gave the orders or set the tone or looked the other way? What of the White House and Pentagon lawyers who tried to justify the use of torture in their legal arguments? These lawyers have twisted the law, advising the President that for an abuse to rise to the level of torture it must go on for months or even years, and be so severe as to generate the type of pain that would result from organ failure or even death.

Think about that, and you begin to realize how destructive and outrageous this is.

And what of the President? Last March, referring to the capture of U.S. soldiers by Iraqi forces, President Bush said, ''We expect them to be treated humanely, just like we'll treat any prisoner of theirs that we capture humanely. If not, the people who mistreat the prisoners will be treated as war criminals.''

At the same time, the President's own lawyer, ignoring the Torture Convention altogether, called the Geneva Conventions ''quaint'' and ''obsolete.'' Today, soldiers who have spoken out about the crimes they witnessed and the involvement of their superiors have been threatened and punished by the Defense Department they have honorably served.

One need only review history to understand why the law makes no exception for torture. The torture of criminal suspects flagrantly violates the presumption of innocence on which our criminal jurisprudence is based, and confessions extracted through torture are notoriously unreliable.

Once exceptions are made for torture it is impossible to draw the line, and more troubling is who would be in charge of drawing it. If torture is justified in Afghanistan, why is it not justified in China, or Syria, or Argentina, or Miami?

If torture is justified to obtain information from a suspected terrorist, why not from his wife or children, or from his friends or acquaintances who might know of his activities or his whereabouts? This has happened in many countries, and decades later those societies are still trying to recover.

The United States cannot become the model of justice our forefathers envisioned if we continue to tolerate the twisted logic that has been given currency with increasing regularity in U.S. military prisons and in the White House since 9/11. Some argue it is a new world since those terrible attacks on our country 3 years ago. And to some degree, they are right, which is why we have reacted with tougher laws and better tools to fight this war. But do we really want to usher in a new world that justifies inhumane, immoral and cruel treatment as any means to an end?

As a nation of laws, and as the world's oldest democracy and champion of human rights, we must categorically reject the dangerous notion that is now in our midst, seeking our assent, or our silence, that torture can be legally justified and normalized.

President Bush has said he wants the whole truth, but he and his administration have been stonewalling from the top. The President must order all relevant agencies to release the memos from which these policies were devised.

He must clearly and unequivocally order all of his subordinates and every member of our armed services to adhere to our international treaty obligations including the Geneva Conventions, the Torture Convention, and all applicable U.S. laws. And finally, there needs to be a thorough, independent investigation of the actions of those involved, from the people who committed abuses, to the officials who set these policies in motion.

Only when these actions are taken will we begin to heal the damage that has been done.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Texas.

INVESTIGATION INTO TREATMENT OF IRAQI PRISONERS

Mr. CORNYN. Madam President, I want to take a few minutes to respond to some of the comments made by the Senator from Vermont because I do think the characterization he gave to some of what has gone on is at least incomplete. I disagree with some of his conclusions, and I want to point out why because I believe the Members of this body deserve to have a complete picture and at least have the benefit of considering alternative conclusions from those drawn by the Senator from Vermont.

I have the high honor of serving on both the Senate Armed Services Committee and the Judiciary Committee. Certainly, the Senator from Vermont is the ranking member of the Judiciary Committee, but I would remind this body that the Senate Armed Services Committee, under the leadership of our chairman, has been investigating the Abu Ghraib prison situation and the interrogation practices and policies of the U.S. Government since at least May 11. We have had a series of hearings there which have been very helpful

in understanding both the nature of the problem and the nature of the investigation that is ongoing, ultimately, hopefully, leading up to a conclusion as to who did what, whether there were, indeed, as there appears to be, some violations of American policy with regard to the interrogation of detainees, and, of course, to hold the guilty accountable.

That is what we are: We are a nation of laws. We believe in the rule of law. We believe the law applies equally to everyone, no matter how high up in the chain of command you are or how low you are in the chain of command. And I believe we will be true to our ideals in that regard. But I would say that much of what the Senator from Vermont has suggested needs to be produced is sort of in a vacuum of sorts, without the benefit of a lot of what the Senate Armed Services Committee has already done, to find out what happened, what the policies were, what the circumstances were, whether this represents an aberration or whether it represents something worse.

To date I would say it is pretty clear that what we saw, as a result of a handful of actions on behalf of American soldiers, was an aberration. And thank goodness. There is no question, though, that these soldiers lacked the proper training and, indeed, the proper leadership. Those are chain of command problems and ought to be taken as high as they go as a result of the investigation.

But as the Presiding Officer knows, there are at least six different investigations into the circumstances at the Abu Ghraib prison. We need to let that process run its course to find out what the facts and circumstances are. As I recall, we are awaiting the report of General Fay and perhaps others. We ought to get to the facts and not succumb to the temptation during an election year to overly politicize what is going on.

While we have always respected the rights and the civil liberties of every American, we also need to be concerned about the rights and the health and the welfare of our young men and women who are serving our Nation so nobly in the battlefield. That requires the ability to get good, actionable intelligence.

The present occupant of the Chair was there at the Senate Armed Services Committee hearing. General Jeffrey Miller testified on May 19. I asked him at that hearing:

> In your opinion, General Miller, is the military intelligence that you've been able to gain from those who have recruited, financed, and carried out terrorist activities against the United States or our military, has that intelligence you gained saved American lives?

General Miller said:

> Senator, absolutely.

Then I asked General Abizaid, the CENTCOM commander:

> And would you confirm for us, General Abizaid, that that's also true within the Central Command?

And General Abizaid—who I think all of us, as we have come to know more about him, have come to admire him and his leadership capacity—said forthrightly:

> Senator, I agree, that's true. I would also like to add that some of these people that we are dealing with are some of the most despicable characters you could ever imagine. They spend every waking moment trying to figure out how to deliver a weapon of mass destruction into the middle of our country. And we should not kid ourselves about what they are capable of doing to us. And we have to deal with them.

It is very important to keep in proper context what is going on and the fact that we are at war, a war not of our choosing—of course, we were attacked—but a war that we must and we will finish.

I want to point out another thing that is important to the overall context of what the Leahy amendment seeks to get. That is, we have two cases currently pending at the U.S. Supreme Court in the Hamdi and the Padilla cases, where the U.S. Supreme Court will tell all of us in America what the law requires with regard to the treatment of unlawful combatants, including one who happens to be an American citizen, Jose Padilla, but who joined arms with the enemy, with the terrorists who seek to attack and to kill Americans on our own soil. And that advice, that direction is forthcoming. It could literally come down, of course, any day now, since the Supreme Court's term is about to expire.

The characterization my colleague from Vermont gave to these memoranda is not accurate. As a matter of fact, as the Senator may recall—and maybe he said this; I didn't hear it—the Senate Judiciary Committee voted against issuing a subpoena but then authorized the chairman and perhaps the ranking member to engage in discussions with both Alberto Gonzales, White House counsel, and Attorney General Ashcroft to determine what legal memoranda they might be willing to voluntarily provide the committee. So we voted against issuance of the subpoena.

But whether it is the Bybee memo that has been discussed and covered by so much of the press, that is 50 pages long, or whether it is any of the other memos the Department of Defense and Department of Justice released yesterday, they reveal not a coverup but a careful, deliberate, and scholarly approach to determining what, in fact, the law requires.

If, in fact, as the folks who are suggesting there is some sort of coverup or some sort of policy of abuse—either one of direction or in terms of creating an atmosphere where it should happen—these memos that have been released completely refute that idea of lawlessness that they are seeking to spin.

I am deeply disturbed by the increasingly politicized nature of the debate on the war on terror. We are at war against a people who will stop at nothing to kill innocent Americans. We paid the price for not aggressively pursuing those terrorists and this information in the past, at least since 1993, with the bombing of the World Trade Center. But after 9/11, our Nation found itself at war with a new kind of enemy from whom we need information, actionable intelligence, that can mean the difference between life and death for our troops and our citizens.

As I said a moment ago, there have been many baseless allegations that the Department of Defense has used torture during interrogations as a matter of policy. But what happened at Abu Ghraib was not an administration policy, not DOD policy, not CENTCOM policy, or any other official policy. It was completely beyond the pale of acceptable behavior, and those responsible will be held to account and will be punished.

As recently as yesterday, President Bush made the following comments:

> We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being.

Yet despite these unequivocal comments from the Commander in Chief, political opponents of this administration continue to allege, without foundation, that our Nation's leaders somehow support the use of torture. It is important to remind some of our colleagues that, again, the purpose of these interrogations is to gather intelligence consistent with our values, which means no torture and humane treatment of all detainees. The interrogations we have conducted in Iraq and at Guantanamo Bay have saved American lives. I believe it is critical that we continue to aggressively, within the limits of the law and humane treatment, seek actionable intelligence and continue to save American lives.

Unfortunately, it seems there is an irresistible impulse to score cheap political points by criticizing the careful, deliberative process the administration undertook to ensure that those very important interrogations were conducted within the law. The techniques of our Armed Forces, including those used in Iraq or at Guantanamo Bay, can hardly be described as torture.

I, like a number of other Members, have traveled to Guantanamo Bay to observe for myself, because I was concerned. I was interested. I wanted to learn how we are handling these people who have recruited, trained, and financed terrorist activity against the United States and, if given the opportunity to do so, would do so again.

For some reason, there are certain Members, and indeed certain elements of the press, who are trying to convince the American public that making a suspected terrorist stand for 4 hours, or giving them only 4 hours of sleep constitutes torture. They want them to believe that poking someone in the chest with a finger or changing their sleep patterns or meal selection is cruel or inhumane.

Let me read quickly some of the approved methods of interrogation which some of the critics claim is torture: Asking straightforward questions; incentive/removal of incentive; emotional love, which is playing on the love a detainee has for an individual or group; playing on the hatred an individual has for a individual or group; something called fear up harsh; fear up mild; reduced fear; pride up and ego up; pride and ego down; futility, which is invoking the feeling of futility of a detainee; the we-know-all technique, convincing the detainee that the interrogator knows the answers to the questions he is asking the detainee; establish your identity, or convincing the detainee the interrogator has mistaken the detainee for someone else; repetition approach; file and dossier, or convincing the detainee the interrogator has a damning and inaccurate file, which must be fixed; rapid fire questions; silence; change of scenery down; dietary manipulation.

For example, it says in this approved memorandum, a change from hot rations to MREs. That is hardly something that could be said to constitute torture.

Next is environmental manipulation, or adjusting the environment to create moderate discomfort; sleep adjustment; false flag; and isolation.

These are not torture under anybody's definition. These are legal and humane methods of extracting information from terrorists.

It is an affront to our men and women in uniform to accuse them of torturing terrorists when the reality is our policy calls for all detainees to be treated humanely. The time has come to ask at what point does this largely partisan and media-driven witch hunt so damage and detract from the mission of our troops in the field that it irreparably harms U.S. interests, including our ability to collect life-saving intelligence?

Because of the onslaught by some on Capitol Hill—a fact not lost upon our enemy—agencies have been forced to disclose procedures al-Qaida and other terrorists now train and use to defend against, which is creating a roadmap.

Plain and simple, interrogations save lives. The interrogations we have conducted over the past 2½ years have saved lives of soldiers in the field and innocent civilians at home. It is high time we get our priorities straight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I am happy to respond to my colleague from Texas about an issue which is in this morning's paper and on the minds of many Americans and people around the world. In today's Washington Post, there are two major front-page stories related in an unusual way. Here is the photo of the parents of the South Korean who was beheaded in Iraq—another heinous, barbaric crime committed by terrorist extremists. Next to it, we have an article entitled ''Memo on Interrogation Tactics Is Disavowed.''

In this article about the interrogation tactics we learn President Bush's White House is now disavowing an opinion from the Department of Justice issued in August of 2002 relative to interrogation tactics that could be used by the U.S. Armed Forces. It appears now that this memo has become public, the White House has found it necessary to publicly disavow this statement by the Department of Justice and Attorney General Ashcroft. Why?

Well, I think it is obvious.

For a lengthy period of time the Bush administration and the Department of Justice of Attorney General Ashcroft have been involved in a fierce, protracted debate about acceptable interrogation techniques and the definition of torture, a debate which relates to issues resolved over a hundred years ago, in many cases, by the Government of the United States of America when we made it our express policy to disavow torture. When we later entered into a Geneva convention after the Nazi war crimes, when we later had a convention on torture, brought to Congress by President Ronald Reagan, this series of treaties enacted by the United States making them the law of the land said we as a Nation stood with civilized nations around the world in condemning and prohibiting torture, cruel and inhumane and degrading treatment of prisoners. Our statements were unequivocal. We stated that for the world.

Why? Frankly, because we believed the United States of America and the values we represent on the floor of the Senate are different than some. There may be some in this country who will argue we should answer the beheading of innocent people, like this South Korean, with similar violence. Thank God, their voices are few and ignored by most. We have said from the beginning we will not stoop to this level.

If there is anybody who believes that is acceptable conduct, it is not the United States of America. That is a statement of values and principles, made first by President Abraham Lincoln during the bloody Civil War, and by Presidents of both political parties for decades thereafter. We know, however, that this administration, once engaged in the war on terror, decided to engage in a new debate on the definition of torture.

Two weeks ago, the Attorney General of the United States came to the Senate Judiciary Committee and said to us unequivocally twice that it was not his job, nor the job of this administration, to define torture. He said that on the record. It was broadcast across America and around the world. The very moment he said that, major news organizations were releasing a memo from Attorney General Ashcroft's Department of Justice, which defied his statement to the Senate Judiciary Committee, this memo of August 1, 2002, by Assistant Attorney General Bybee, a memorandum sent to Alberto Gonzales, counsel to President George W. Bush. According to Attorney General Ashcroft, this memo should not exist. He told us in open session it was not his job or the job of this administration to define torture. He said Congress has done that, and the laws do that.

Look at this memo of August 1, 2002. Turn to this infamous page 13 and read what Attorney General Ashcroft's Department of Justice said about torture:

> The victim must experience intense pain or suffering of the kind that is equivalent to the pain that would be associated with serious physical injury so severe that death, organ failure, or permanent damage resulting in a loss of significant body function will likely result.

You will not find these words in any treaty the United States has entered into, certainly not in our Constitution, nor in the laws of the land. You will find this in the memo from Attorney General Ashcroft's Justice Department. It is their definition of torture, sent to the President of the United States General Counsel, Mr. Gonzales.

For the Attorney General to tell us he is not in the business of defining torture, frankly, doesn't square with the reality of this official memo from his own Department. If that were the only thing in this memo, it would be bad enough. But there is more. Because in this memo, you will find a rationalization to suggest that the President, as Commander in Chief, is not bound by the laws of the land. That is a statement to which most people will say, I am sure they didn't say that. Let me read to you from a section about Section 2340A, the statute that makes torture a crime:

> Any effort to apply Section 2340A in a manner that interferes with the President's direction of such core war matters as the detention and interrogation of enemy combatants thus would be unconstitutional.

Sadly, it went further. I read from the same memo:

> Section 2340A must be construed as not applying to interrogations undertaken pursuant to his Commander in Chief authority.

In other words, this memo from the Ashcroft Department of Justice to Mr. Gonzales and the White House went beyond the definition of torture. It created an escape hatch for this President to say, as Commander in Chief: I am not bound by the laws of the land when it comes to torture and the interrogation of witnesses.

There are some who come to the floor and wonder why we are raising this issue.

What is the importance of this issue? The importance of this issue will be obvious to anyone who reads this memorandum now available on the Internet. This administration engaged in a fierce and protracted debate about whether they could redefine torture for the war on terrorism and whether this President, as Commander in Chief, was above the law.

For those of us in this Chamber who have sworn to uphold the Constitution of the United States, a solemn oath which each of us, including the President, must take, this is, indeed, an extremely serious situation: That this administration would think this President and those acting under his authority as Commander in Chief would not be bound by treaties, by the Constitution, or by the laws of the land.

Can any inquiry be more serious when the question, which must be asked by this Chamber of the Chief Executive of the United States, is whether he has gone too far, violating the law of the land?

So what will come before us in a short time is an effort to say to Attorney General Ashcroft: It is not enough that we have to rely on leaked memos released on the Internet. We demand of you the disclosure of relevant documents which will give us a better picture and a better understanding of this debate within the Bush administration about torture because, in the context of where we are today, this is not an academic issue. Because of Abu Ghraib and the shameless conduct of the men and women in that prison, which has been captured in photographs released around the world, the United States is being tested. We are being asked not only within our own borders, but around the world, whether in the war on terrorism, we have abandoned a commitment of over a century that says we will not engage in torture, that we are committed to the humane treatment of prisoners.

It is, unfortunately, a timely and legitimate question which we cannot duck; we cannot avoid. In order to answer that question, we understand we have to be open and transparent. We have to not only say to the world that we are the same country we were before 9/11. After Abu Ghraib, we have to show them proof, and the proof will be in the documents which the Attorney General has refused to disclose.

The Attorney General and the President have several legal options when Congress legitimately asks for documents. The President can assert his executive privilege. That was done by President Nixon during the Watergate scandal. It was contested in court all the way to the Supreme Court, but it is something a President can assert. Only the Court can ultimately resolve the dispute then between Congress and the President. President Bush has not asserted executive privilege when it comes to these memos of Attorney General Ashcroft. Or the Attorney General can say: There is a statutory privilege that allows me to withhold these documents.

The request for information that we are going to put in amendment form allows classified material to be treated separately so it would not in any way endanger the troops who are defending this country and defending themselves in Iraq and Afghanistan.

When asked point-blank by myself and others in the Senate Judiciary Committee, Attorney General Ashcroft said: I cannot give you a legal authority for the reason I am not going to release these documents. He said: I just personally believe it is not the right thing to do.

I reminded the Attorney General—and it is worth repeating now—as important as his personal beliefs may be, they are not the law. If this Department of Justice and this Attorney General and this President cannot produce a legal reason for failing to disclose these documents, then they are asking to be above the law. No President, no Attorney General, no Senator, none of us serving this country or in this Congress are above the law and certainly not on an issue of this magnitude.

Some critics have come to the floor and said this request by Members of the Senate of the Attorney General to produce these important documents is the product of ''an irresistible impulse to score cheap political points.'' I quote a colleague of mine who said those words just moments ago, ''cheap political points.''

I remind my colleagues and all others, this White House, just yesterday, decided this memorandum from Attorney General Ashcroft is so bad, so wrong that they are now disavowing the very memo which was sent to the chief counsel at the White House almost 2 years ago.

This is not about some political exercise. This is about truth and transparency and a disclosure which is needed to restore the confidence in the core values of America not only for the American people but for people around the world.

Yesterday, in a transparent effort to stop the pressure for full disclosure, the administration provided Congress with a two-inch stack of documents. But a cursory review of these documents reveals that the administration is withholding a lot of crucial information.

If anything, the documents that were released yesterday make it even more clear that we need complete disclosure from the administration. As the Chicago Tribune reported today:

> The memos left unanswered at least as many questions as they answered. White House officials acknowledged that the documents provided only a partial record of the administration's actions concerning treatment of prisoners.

What do the documents that were released show? We now know that the Justice Department memo sent to Mr. Gonzales was the basis for the Defense Department's decision to approve the use of coercive interrogation techniques at Guantanamo Bay.

The Department of Defense and the Department of Justice were asking questions which are almost impossible for me to articulate on the floor of the Senate, but I must. They asked: How far can our interrogators go before they may be charged with a war crime? How far can they go before they might face a war crime tribunal?

That is the serious nature of this internal debate within the Department of Defense and the Department of Justice. That debate went on before Abu Ghraib. That debate went on before those horrendous photographs became part of the history of our occupation of Iraq.

Is it any wonder that Members of the Senate are coming to the floor today and saying we have an obligation to require this administration to completely disclose all of the documents and be open and honest about the dialogue which went on between the White House and the agencies of our Government?

To do less, sadly, is to create a question, an unanswered question, about whether the United States has changed.

Let me tell you for a moment some of the issues at hand. One of my colleagues came to the floor and dismissed some of the criticism of interrogation tactics as he said, frankly, tying the hands of interrogators who are only trying to protect us. We have learned something about interrogation tactics. We have learned that if you use torture—physical and mental torture—the person being interrogated will say almost anything, truthful or not, to make it stop.

The PRESIDING OFFICER. The Senator's 15 minutes in morning business has expired.

Mr. DURBIN. I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. We know torture and the types of treatment, techniques, and interrogation tactics which have been prohibited by law in this country for many years are counterproductive. The Attorney General said as much before us. Torture does not work. People will lie for the pain to stop, and that is one of the reasons we do not engage in torture.

Secondly, my colleague, Senator BIDEN of Delaware, made a point and made it clearly. He said, in his words: The reason the United States does not engage in torture is to protect Senator BIDEN's son, who is a member of the military, and other members of the military from being subjected to torture.

We establish standards of humane and civilized conduct not only for ourselves but to demand them of the rest of the world. Will there be terrorists who ignore them? Of course. But who will argue with 140,000 American lives on the line in Iraq that we should somehow stoop to inhumane and barbaric conduct in this war against terrorism, subjecting all of our soldiers and many other innocent Americans to the same possibility? We have rejected that, and we should continue to reject that.

I close by saying this is a very serious issue for our Nation. The world is indeed watching us. They are asking us whether the United States will stand

behind its treaties in the age of terrorism. The Senate has an obligation to the Constitution and to the American people to answer these questions. Those who vote to table this amendment want to keep this conversation muted and these memoranda hidden from the American people. That is wrong. That is wrong for this government or any government. The American people have the right to know in what their government is involved. Transparency is critically important.

I urge my colleagues, and I hope a few of my Republican colleagues will join those of us on this side of the aisle, to stand up for the rule of law, a rule of law which has guided Presidents from Abraham Lincoln's time in the Civil War through President Reagan, through every President. There is no reason this President should be treated differently.

When it is offered, I urge my colleagues to support the Leahy amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that I be permitted to speak for up to 10 minutes, the Senator from New York be permitted to speak for 10 minutes, and then the distinguished Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. I have been listening to my dear colleague from Illinois, and I have to say what happened at Abu Ghraib was absolutely wrong. Everybody knows that. What happened there has to be decried. We all have to speak out about it. But the minute they found out about it, they started the process of prosecuting the people who did this. It appeared to be a small cadre of people, all of whom will likely receive either severe reprimands or actual prosecution. In other words, the system is working.

It should never have happened. We decry it. It was wrong. All the screaming in the world by either side on this floor is not going to make any difference. It happened, and we are all ashamed of it.

Having said that, if we listen to the arguments of the other side, transparency is absolutely critical in all the things we do. Well, then that means we ought to do away with the Intelligence Committee because there are a lot of things that are not transparent to the American people, especially when it involves national security, especially when it involves our young people's lives while overseas, especially when it involves all kinds of matters that are better left non-transparent.

I went on the Internet and I read every one of these documents that was on the Internet. Most all of them were legal opinions. Now, one might differ with legal opinions. I do not know any two lawyers who agree on everything anyway, but if one reads those opinions they do make sense. For somebody to say carte blanche that the Geneva Conventions apply and should apply to everything, that flies in the face of not only international law, it flies in the face of what is happening in this situation.

This is not a normal situation. We are not fighting autonomous countries right now. We are not fighting against organized enemies who wear uniforms and fight conventional battles. We are not fighting the normal course of battles that we have had through the years where we have had to, as gentlemen, recognize the civil way of doing things. We are fighting absolute terrorists who would destroy this country and destroy every person involved in our overseas operations if they had a chance, and they would do it by any means possible: biological, chemical, weapons of mass destruction, nuclear, if necessary, if they had the capacity to do it.

If we are so transparent that we tell them everything that is on our minds, then we are putting our young people at risk.

Yes, my colleagues can find fault with the legal opinions. People do. I might even agree or disagree on some of these legal opinions. But they were well-reasoned opinions. I know some of the people who actually rendered them. They are top notch authorities in these areas. My colleagues might disagree with them, but they cannot necessarily refute them.

I was in Guantanamo a few weeks ago. I went completely through that camp. I was shown everything I wanted to see, and that meant just about everything. I have read article after article about how terrible it is at Guantanamo, how much they violated the law, all because of conjecture. I have seen our colleagues on the other side, and I have seen the media excoriate this administration because of all of these bad things that have happened at Guantanamo.

Well, I went through Guantanamo, and it is a well-run camp with incentives. Now, some of our colleagues do not even like incentives. They will even criticize that because it is the Bush administration, after all. Of course, I know our colleagues are not making this kind of criticism because they want to find fault with the Bush administration or cast blame on the Bush administration or make the Bush administration look as if maybe it is not doing everything it should. I know that could not possibly be in their minds. Or that they are politicizing this because of the election that is going on. I know they would not do a thing like that. I just know it. I just know it deep within my soul.

My colleagues can differ with the legal opinions and they can certainly condemn what happened at Abu Ghraib. But these things are not happening at Guantanamo Bay. They did happen in Afghanistan, but in those cases there are investigations and prosecutions on their way. I do not think we have to be transparent about everything around here. Transparency hurts our young men and women, too. It subjects them to all kinds of ridiculous problems.

It is important for us to get to the bottom of these things. I think it is important for us to have an overview, but I also think it is important for us to be fair and not just try to score, yes, cheap political points. Unfortunately, there is too much of that around here. It has happened on both sides from time to time, but it has really been happening this year. Every time it happens, I suggest we ought to stop and think about our young men and women overseas, whether we are helping them or hurting them. Some of these arguments are hurting them.

When I went to Guantanamo, I watched two interrogations, one with a terrorist who was very uncooperative and another one who at first was very uncooperative but because of work by some very effective people, using very effective interrogation techniques—not torture, by the way, not even close to torture—they have been able to obtain information that has saved our boys' and girls' lives.

Interrogations have to go on and they are not patty-cake games. There is no excuse for anything that even comes close to torture. And I believe that other than isolated incidents—which are going to happen in times of war, especially when we are fighting these type of terrorists—I suggest that our people have abided by the Geneva Conventions even though it is correct to say that in this type of a situation the Geneva Conventions may not apply.

Personally, I believe we ought to apply them to everything because there is a wide variety of interrogation techniques that are permissible under the Geneva Conventions. I won't go through all of those because I don't want to be transparent. Nor do I want some techniques that are acceptable to be criticized by any colleagues from any side to score cheap political points.

Frankly, I am getting a little tired of this desire to undermine everything that is going on over in Iraq and Afghanistan. I think it is time for us to get together and work in unison to try to help our young men and women. Transparency sometimes happens to be the worst thing we can do.

That doesn't mean we should not get to the bottom of these awful things that have happened at Abu Ghraib. That doesn't mean we should tolerate that type of irresponsible and criminal conduct. Of course we should not. There is nobody in this body who disagrees on that, to my knowledge; nobody. But to try to imply that the President of the United States is responsible for these aberrational activities by a few is, I think, irresponsible in and of itself and I think it is just too much of this political world that we are in right now.

Madam President, I went through the camp itself down at Guantanamo. It

was well run. There were people there who never were fed so well in their lives. There were arrows, so they could pray in the correct direction. There were Korans in every cell as far as I could see.

I saw many chessboards and checkerboards. I saw outdoor areas where they could exercise. I saw a lot of things that were being done right. I saw interrogations that were not staged for me, and I have to tell you it was run right. Anybody who thinks these are pattycake games, that we must really hold and pet their hands, just isn't living in the real world.

I agree and I concede and I hope our colleagues—everybody on both sides agree there are certain things you can do within the parameters of the Geneva Conventions and there are certain things you can't do. But I guarantee if you went through everything that can be done in the Geneva Conventions there would be some people who would be very upset that those types of interrogation techniques could be used. I am not going to go through them all because I know the more stressful ones were not being used with the authority of our people. I think to imply that they were is wrong.

Before I close, let me just take a moment to comment briefly on statements made by my Democratic colleagues, attacking the President and the administration for not being forthcoming in releasing documents, notwithstanding the fact that they just declassified and released approximately 260 pages of legal memoranda.

They attack the Attorney General for refusing to hand over three documents when he testified before the Committee, but since then, we have received those documents from the White House.

Now, even though they lost on this issue before the Judiciary Committee, they are now trying to bring it up as an amendment on the floor.

In fact, they want us to vote on a subpoena before the time set to comply with the document request has passed. It is simply premature to issue any subpoena at this time.

I urge my colleagues to vote against this amendment if the Senator from Nevada decides to reintroduce it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 10 minutes.

Mr. SCHUMER. Madam President, I thank my colleagues for this debate. The bottom line here to me is simple. That is, I must disagree with my good friend from Utah. I think transparency is to be preferred. Maybe it should not be in all instances but that ought to be the presumption and there ought to be strong argument before any transparency is not done.

Why is transparency important? I will tell you why: Because it makes better law. It makes better rules. The whole foundation of our Government has been based on openness—open debate, open discussion. When that happens, we end up with better laws. Time and time again throughout the over 200-year history of this Republic, when things are done in secret, it leads to trouble.

This is a very delicate issue. There is no question about it. Obviously, we are in a new world, in a new situation. I don't think absolutes always govern in these kinds of situations. That is for sure. I am not sure exactly where the line is to be drawn. I don't think anyone is. But I am certain of one thing and that is you will draw the line a lot better when there is open debate and open discussion. After all, we are talking about the place where liberty and security clash.

The beauty of our system of government is that it is able to handle clashing values such as this in an extremely successful way, and has been almost certainly or almost universally for all the years of the Republic. Particularly the Founding Fathers, who debated these issues over and over again, wanted transparency when they were debating. That is why there is separation of powers. That is one of the reasons the whole system was set up with a legislative body and an executive branch. If, indeed, the Founding Fathers thought this all should be done in the executive branch behind closed doors, we would have had a totally different system.

Yet what we have found in this Justice Department all too often, in this administration all too often, when the vital issues of liberty versus security should be decided, there is an aversion to debate. There is a preference for doing this in secret, in the dark, behind closed doors. On issue after issue after issue, when that has been done, a bad result occurred.

My colleague from Utah seems quite certain what happened at Abu Ghraib and other places. He may be the only one in this Chamber who is. I don't know how far the chain of command went. I don't know which memos exist and don't exist and what they say and which were dispositive. I have real doubts that it was the noncommissioned officers at the bottom of the chain who were the only ones who had anything to do with this, but who knows? Who knows? We are not going to know anything until we get these memos.

If they have things that should be classified, let those be redacted. If there are certain things that would damage the security of our soldiers, of our country, let those be redacted.

But I doubt even my colleague from Utah, who stated that no one in this Chamber feels we should not have transparency and debate—I think we mistake two things. There are the difficulties and practicalities of living in this real world, this post-9/11 world, and I have spoken about that at the hearing and everywhere else. There is the leap in logic, the incorrect logic, that says because those issues are difficult they should be decided in the dark, in secret. The two don't follow. In fact, I would argue the opposite follows. The more difficult the issue, the more dangerous it is to either liberty or security or to both, as in this case it may be, the more we need openness, the more we need discussion.

Again, if this were the first time that this Justice Department had decided to deal with terribly sensitive and difficult issues in secret I don't think there would be such a brouhaha in this Chamber or in the country. But it is a pattern that happens over and over and over again. Our Attorney General has come to testify before our Judiciary Committee twice since his ascension to that high office. When we ask questions, we routinely get no answer, or answers that do not deal with the questions. There is almost a mistrust of open debate, a mistrust of the legislative body, a mistrust that the American people ultimately in their wisdom will come to the right conclusion.

It is almost a sort of ''We know best we can't trust you to know anything'' type attitude. I am surprised to see so many of my colleagues defending that attitude.

Again, let's not mistake where we come down on the substance of this issue, where there will be variation—my colleague from Illinois and my colleague from Utah had different views—with the need for openness, the need for transparency, the need for debate, and the faith that certainly George Washington and Thomas Jefferson and James Madison and Alexander Hamilton had, that we should have as well, and that is that open debate will lead to the right conclusion. That is democracy. It is faith in the people and ultimately their ability to make the right decisions after open, fair debate, after both sides are presented.

That faith has been sadly lacking by the Attorney General and, I regret to say, in good part by this administration. So we come tonight, trying to force the issue. We believe we are living up to our constitutional responsibilities. We believe that if the Founding Fathers were looking down on this Chamber they would say: You are doing the right thing to get these documents and make them public, to have an open debate.

I hope and pray some of my colleagues on the other side of the aisle will see this.

When Attorney General Ashcroft came before our committee and didn't claim executive privilege and didn't claim what he was talking about was classified, but said he would refuse to answer the committee anyway, that is not what this Chamber is all about, or these hearings are all about, or this Government is all about. That is why when that has happened in the past, there have been discussions of contempt of Congress. We wish to avoid those kinds of confrontations. We want to come to an honest discussion.

Everyone will admit there were problems. My colleague from Utah said

that. Well, do you think those problems were sui generis? I would argue those problems could well have resulted because of a tendency for secrecy, or because of the aversion to open debate. For all we know, there were contradictory memos floating around the Department of Justice and floating around the Department of Defense. For all we know, majors, captains, and colonels who had to interpret these things on the ground were totally confused. We should find out all of this.

Again, to my colleagues, I hope we will agree to the Leahy amendment; I hope we will agree to the Reid amendment to the Leahy amendment; we will get to the bottom of this and come up with a policy in this difficult world and difficult position that is satisfactory, or at least the best solution where there may be no solution that satisfies everybody.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, the Senator from Alabama is recognized for 10 minutes.

Mr. SESSIONS. Thank you, Mr. President.

I would like to comment on some of the things that have been said.

First of all, I believe there are things our country has every right to maintain secrecy on. I think the administration has been open about producing memorandum to us in a way that I don't know they are required to do. I was a Federal attorney in the Department of Justice and a U.S. attorney for 12 years. I have some appreciation for the way the Government works. The President has a right to receive legal advice on all the options he may have from his Attorney General or staff attorneys. In fact, a lot of reference has been made here, and as far as I can tell, Attorney General Ashcroft's memoranda are memoranda written only by lower level attorneys, detailing the legal options available in a time of war.

Certainly we want to encourage attorneys to consider these ideas and these issues on what is appropriate in terms of interrogating prisoners who are bent upon the destruction of the United States of America and as many of its citizens in this country as they can possibly kill. That is fact, and we know it. The rules of law and of war are a joke to the terrorists that we have captured and others still bent on attacking Americans. They care nothing about it. They make television movies of beheading people. That is what they think of the rules of law.

So what we need to do is decide what is appropriate and what laws we are bound by, and we ought to set a good policy there.

I would say this: The Senator from New York is a good lawyer. He has said in his own view that torture sometimes may be necessary. That is what Senator SCHUMER said.

I think any Attorney General should properly advise any President of the United States in time of war on absolutely what the limits of his powers are. Those are things that maybe ought not be bandied around the world. It is hypothetical. You don't know what the precise circumstances are.

But the question that started all of this is abuses in prison in Iraq. The memos at the center of this debate have absolutely no connection—there is no connection—between what went on in Iraq and these memos, because our soldiers were operating under established policies of the military and internal discussions between the President and various lawyers, or memoranda they may have received from various lawyers.

I want to say this about Attorney General Ashcroft. I was at the Judiciary Committee hearing when he testified. I saw him subjected to unfair abuse by former colleagues on that committee which was embarrassing to the committee. I don't think I have ever seen in my experience in this Congress the kind of disingenuous and unfair treatment of a former Member of this body. It was not right. The ranking member was using the whole time to make a litany of distortions and charges against the Attorney General where he had no opportunity to answer them. He knew there was no way he could. It was not right. It was wrong. I said that then, and I say it now. He had no opportunity to respond to the ranking Member. Senator LEAHY knew it, and said these things one right after another: You did this, you did that. They continued in that vein.

The question here was, Oh, he wouldn't define torture, yet he had a memorandum defining torture.

That is not what Attorney General Ashcroft said. Go back and read the transcript. I saw what he said. Attorney General Ashcroft is a smart man, an honest man, and he answered the question directly. He said, Senator, the Congress defined torture. It is not for me to define torture. You define torture. The Attorney General doesn't define torture. I am not defining torture. The Congress has already defined it.

There is a statute. I have a copy of it here in which we defined it under certain circumstances. We set out an anti-torture statute. That is what the Attorney General was referring to.

Then somebody with great demand said, We want these memos; you are going to give them right now. Are you giving them or not? The Attorney General sat there in a nice, direct, soft way, and said, No, Senator, I am not giving you these right now. Are you claiming executive privilege? He said, No, I am not claiming executive privilege.

These are memorandum submitted to the President of the United States. It is the memorandum of his client. It is the President's memorandum. It is not his to give. He can't go around giving out the confidential information he sent to the President of the United States about what he can do during the conduct of a war. That is not right. He didn't do it. And he didn't back down on it. One of the Senators said, Well, this is important because I have a son in uniform. The Attorney General said, My son has been in Iraq. He just got home, and he is going back to Iraq. He is in uniform, too. I care about this issue.

I don't think what has been said is fair.

With regard to the amendment that is pending, I reject it. We need to vote it down. It is political. It is designed to embarrass this administration politically, and it hurts us around the world. We are asked to cast a vote suggesting that this administration has not conducted itself in a proper way. The evidence does not show that.

I am on the Armed Services Committee as well as the Judiciary Committee. We have had, I think, four hearings in Armed Services. We brought back the top general. We had the Secretary of Defense, Secretary Rumsfeld. We had Secretary Wolfowitz, the Deputy Secretary. We had General Abizaid and General Sanchez. We had General Taguba who went over there and conducted the investigation and issued the report on it.

I heard all of that evidence. None of them said, Well, we got a memorandum from the Attorney General that the President of the United States signed off and said we are supposed to torture prisoners, we are supposed to carry them around, move them around and put hoods over their heads, and otherwise abuse them.

There is no evidence that was so. In fact, the military had a pretty good series of policies about how to treat prisoners. Some said, some of them went too far. If some of them went too far, let's hear exactly what they say went too far and what was wrong. If we need to change that policy, I am willing to discuss that. In fact, we are discussing that at this very moment.

A number of the things that were so objectionable, none of the things that happened in that prison, were in any way remotely connected to the memorandums and directives and regulations issued by General Sanchez and the commanders in Iraq. In fact, all the memorandum said they should follow Geneva Conventions in how they handle prisoners.

Some say we did not train them about the Geneva Conventions. Every American soldier is trained about the Geneva Conventions. I was in the Army Reserve for 10 years. I was a lawyer and U.S. attorney for some of that time, and for a short period of time I was a JAG officer. I taught a course on the Geneva Conventions. You had to sign a document saying you briefed your soldiers every year on the Geneva Conventions.

Everyone knows you cannot torture prisoners, you cannot display them in sexual ways. Everyone knows that. Every private is taught that. Everyone up to the generals is taught that. It is

not the way we are supposed to treat people. Certainly it was not justified and not the policy of the military. It never was the policy of the military. I don't appreciate the suggestion that this was the policy of the military and that somehow the internal memorandums up in the Department of Justice in Washington about hypotheticals and what powers the President might have somehow were carried out in the prisons. They had established policies.

I saw in the Washington Times today, quoting one of these memos, a memo entitled ''Humane Treatment.'' That ought to make some people around here happy. It actually says ''Humane Treatment of Al-qaida and Taliban Detainees.'' That is a pretty good title for a memorandum. They are complaining about some military memorandum they did not like the title of, saying the title suggested something bad and within the memorandum there were commands to preserve and protect the prisoners.

This title is a good title. President Bush says he accepts ''the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva as between the United States and Afghanistan, but I decline to exercise that authority.'' Of course, our values as a Nation call for us to treat detainees humanely, including those who are not legally entitled to such treatment.

Now, what is all this about? Senator HATCH mentioned, as I believe Senator CORNYN did, and several years ago in the Judiciary Committee we had a number of hearings right after September 11 on what the authority of the United States is with regard to treatment of prisoners and the application of the Geneva Conventions. The Geneva Conventions do not apply to unlawful combatants. It is that simple.

What is an unlawful combatant? It is a person who does not wear a uniform, who enters a country surreptitiously, who attacks civilians, and does not comply with the rules of war. Our enemies are supposed to comply with the rules of war also. Unlawful combatants do not comply with the rules of war. Al-Qaida does not. Most of the people in Afghanistan were not complying with the rules of war and the people who are bombing and killing in Iraq right now are not complying with the rules of war. All of them are unlawful combatants.

One of the reasons for the Geneva Conventions is to give protections to prisoners of war who were lawful combatants, to encourage people to be lawful combatants and not to be unlawful combatants, not to be terrorists who sneak around and bomb people.

Has this ever been dealt with in America? Are we making this up? Is this some idea the Senator from Alabama thinks is an idea that has never been dealt with before? No. In the Judiciary Committee we had a hearing on it and discussed these issues in some detail not long after September 11. We had testimony and read and debated the Ex parte Quirin case. In Ex parte Quirin, the Nazis sent saboteurs into the United States to bomb and kill and dismantle our civilian structure. That was their plan. They were Nazi saboteurs. They were not wearing German uniforms. They were not acting in a way consistent with the regular Army. Their plan of attack was terrorist in nature. They were apprehended.

The President of the United States, certainly a greatly respected President for our Democratic colleagues who are pushing this legislation, President Franklin Roosevelt, was highly offended. He said we are not going to give them a trial in Federal court. We are not going to try them with a jury in the United States of America. These people are setting about to destroy our country, to kill our people, and to sabotage our civil infrastructure. They are going to be tried, as I have the power to do so, by a military commission. He so ordered it.

They were tried in the U.S. Department of Justice right down the street by a military commission. They did not have public trials. After completely trying the case and building a record and making findings of guilt, most of them were executed within weeks of their arrest. The validity of these trials were challenged and the case went to the Supreme Court of the United States. The Supreme Court affirmed the views of the President. Some of these enemy combatants were given probation and some of them who were tried that way were American citizens.

Crimes were committed in the United States by American citizens, but they were participating as unlawful combatants. They were tried by a military tribunal. They were convicted. Most of them were executed. Some of them got lesser times and one or two who cooperated got out of jail before too long. But all served a considerable amount of time and the Supreme Court said that was appropriate. That was right.

The history of the military commission is strong. That is justice. Military commissions do justice. Military officers are people. They do not want to convict innocent people, send innocent people to jail, or do things that are wrong. They are empowered in combat to use deadly weapons on a whole host of people that could kill them.

President Truman, who followed President Roosevelt, dropped an atom bomb on two cities in Japan. The President of the United States does have powers in wartime that are different from that kind of situation when somebody robs a bank down the street.

Fundamentally, what we are dealing with is how to deal with prisoners under these circumstances. Some people say, a lot of people in this country say, they don't respect us, they don't respect law, they bomb innocent civilians, women, men, children. They cut off people's heads and make a video of it and brag about it. But they are not entitled to any rights. They are not entitled to any rights. We just ought to go at them and kill them, the sooner the better.

We have some in this body who say these terrorists are entitled to more rights than the laws themselves give. In fact, they have insisted on it. This resolution actually calls on the Government to give these terrorists and unlawful combatants more rights than they are entitled to under the law.

President Bush has said: I am going to comply with the Geneva Conventions. We are going to treat these people humanely. That is the right position, I believe, and that is what he has done. We have given them fair treatment.

I visited Guantanamo and saw how it was done down there early on. I believe they were treated very well. The reports that come out of there continue to show that.

We know we had a terrible problem in Abu Ghraib prison where, on a midnight shift, a group of soldiers were out of control. Now we have a desperate attempt by Members of this Senate to go around and say the abuses that occurred on that night were somehow the responsibility of the Secretary of Defense, General Sanchez, General Abizaid, President Bush, and John Ashcroft.

That is not true. It is wrong. It undermines our ability to lead in the world. It does, I believe, place greater risk on our soldiers who, at this moment, are on the battlefield in Iraq because we sent them there. We should not do that.

If you have legitimate complaints, let's have them, let's hear them in the Senate. But I do not believe we need to be suggesting there is a policy of this Government to mistreat people as was done in Abu Ghraib prison in Iraq.

We had a distinguished senior Senator who said we had traded Saddam Hussein's prisons for American prisons. What he meant by that was we were treating prisoners just as Saddam Hussein did. That is wrong. It is a slander on the soldiers of the United States. It should not have been said. When that was said, it got headlines in the terrorist camps all over the world. It should not have been said. It is false.

Not long ago I had the opportunity to meet seven Iraqi individuals who had had their hands chopped off in Saddam Hussein's prisons, with Saddam Hussein justice. We know of the thousands he had killed there—without trial, without any benefit of being able to put on a defense, and how he used, as a policy of his government, terror.

These kinds of dictators use random violence to terrorize a population to keep power. He did it systematically. This was one of the most brutal dictators in the history of the world. He killed hundreds of thousands of people. There are maybe 300,000 graves in that country of people who were killed.

So it is wrong to say that. Why we keep pushing this, I do not know. I will

just say this: The Armed Services Committee—we have this bill on the floor right now, and it has taken us too long, and it has caused us to not be able to have the hearings we probably would have had—but we are going to have more hearings on what happened in Abu Ghraib prison. Already people are being tried and convicted and sentenced for misbehavior there. We are going to keep on, and the higher up it goes, they are going to be followed.

I was a former prosecutor for some time, and I will ask anybody in this body to tell me: If a soldier is charged with committing an abuse on a prisoner, and he was ordered to do so, or there was some written document he was relying on to do this abuse, do you think he is not going to produce it? Do you think he is not going to say that in his defense? Certainly, he will. So if there are any higher-ups involved in this, it is going to come out.

But, frankly, I do not see the evidence that any higher-ups in the higher echelons of the Government ever issued any orders in any way that would have justified this. It did not happen at any time except on a midnight shift by a few people, who videoed themselves, videoed themselves in circumstances that would be very embarrassing to their mamas and daddies if they had seen it, I can tell you that, on their own behavior, much less what they were doing to the prisoners.

So I do not think it was a pattern. I do not think it was a policy. In fact, all the evidence we have seen so far shows it was not. Within 2 days of this information coming forward to the commanders in that region, General Sanchez ordered an investigation. He suspended people. The military announced publicly, in a public briefing in Iraq, that they were conducting an investigation of abuses at Abu Ghraib prison.

They have continued those investigations. A number of people have been charged criminally by the military. A number of them have had their cases end with punishments being imposed, and others will have them as time goes by. I would say, what more can you ask them to do? They are cracking down. I do not appreciate resolutions such as this that suggest it was a policy of the United States that this occurred, that suggest that our American soldiers are the same as Saddam Hussein's soldiers and prison guards—the way they treated their prisoners. It is not right. It is wrong. It should not be said, and it undermines the confidence that we ask the world and the Iraqis to have in our soldiers.

We believe they are going to do good work. We believe they are doing good work. We know, when you have 100,000, 200,000 soldiers over there, some of them will make mistakes. Just like any city in America that has 200,000 citizens, 130,000 citizens, some of them are going to commit crimes and make errors and do things wrong. They ought to be disciplined. They ought to be held accountable. But we do not need to fire the mayor because somebody commits a crime on the streets of the city.

Mr. President, I see the Senator from Arizona is in the Chamber, and I know he may well have comments to make on this or other issues.

I will conclude by saying this is not a good resolution. It has no business here. It is contrary to what we ought to be doing.

We ought to be spending our time on how to help our military get a handle on this problem in Abu Ghraib, and we ought to be spending our time mostly on trying to help them be effective in dealing with, capturing, and killing the terrorists who reject all rules of law, who reject all Geneva Conventions, who believe they have a legitimate right to advance their personal power agenda by killing innocent people whenever and wherever they can.

I am most grateful that we have American soldiers this very moment following the vote of this Congress and executing the policy we ask them to execute in Iraq to further freedom and liberty around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

EXEMPTIONS TO BILATERAL TRADE AGREEMENTS

Mr. KYL. Mr. President, I am going to talk about an amendment which I would have offered to the Defense authorization bill, but in the interest of time and to ensure that we can move the bill forward and complete work on that bill this evening, I am not going to do so.

But I would like to discuss the general subject of the amendment, and begin by complimenting the chairman of the Armed Services Committee, the Senator from Virginia, on recognizing the very important necessity of changing our law to help work very closely with two of our greatest allies, the United Kingdom and Australia.

We transfer a lot of technology back and forth between these two important allies. It is important that we have the capability of doing that. One of the amendments I believe will be adopted as part of this Defense authorization bill is a proposal of the distinguished chairman that would provide an exemption from U.S. law which requires that a bilateral agreement covering a specified set of issues be negotiated in order for a country to obtain an export control waiver. The bilateral agreements between the United States and the United Kingdom and Australia don't quite meet the standard set by U.S. law, so Congress needs to grant an exemption for this. The chairman's amendment is very important in creating this possibility. I strongly associate myself with that amendment.

Just a note or two about this relationship between the United Kingdom and Australia and the United States which illustrates why it is so important for us to have this kind of cooperation. I think everybody knows the United Kingdom is our strongest ally in the war on terror. In addition to the over 8,000 personnel they have provided for the military operation, they support food aid. They have contributed a tremendous amount of money for reconstruction. Everyone is aware of their contribution. Perhaps less well known is the contribution that the Australian defense force has made. They contributed about 2,000 of their personnel, including a squadron of FA–18s and special forces elements, two navy frigates. They have a full variety of operations that I won't get into here. They have also been cooperative with us in a lot of other areas such as missile defense programs, and so on.

It is for this reason that the chairman offered his proposal, which I am sure will become part of the Defense bill, that will make it easier for us to transfer equipment that is important to defense between the United States and Great Britain and Australia.

The amendment I was going to offer simply added or would have added another element to that. We won't do it in this bill. Perhaps in conference with the House or at some other point, we could do that.

It is an amendment that would make sure that in the transfer of important munitions between the United States and a country such as Great Britain, they would never get into the wrong hands. That is to say, they wouldn't be exported to a country that might potentially use them against the United States. The reason it is a problem is that some countries in Europe, for example, are talking about lifting the arms embargo that currently exists between those countries, the United States, and China.

We do not send China our most sophisticated military equipment. There is a good reason for that. China has announced plans that it is developing military equipment that could directly compete with the United States in military conflict. So, obviously, we don't want to have a law on the books that would make it easy for a country such as China to acquire military equipment that we share freely with our allies, such as Australia and the United Kingdom, but which we would not want to go to a country such as China.

That is the reason for my concern about this retransfer issue. The news reports have indicated, for example, that the United Kingdom might agree to support the lifting of the European Union's arms embargo against China. That would be an important event. What my amendment would have done is simply said if the European Union were to lift its arms embargo against China, then no U.S. military equipment could be transferred to entities in the European Union unless the President certified to Congress that there are binding assurances from those entities that our military equipment would

not be transferred to China. That is a pretty reasonable proposition.

The State Department strongly opposes the European Union's lifting of the arms embargo. Secretary of State Colin Powell said the following on March 1:

> Regarding arms sales to China, I expressed concern that the European Union might lift its arms embargo. We and the European Union imposed prohibitions for the same reasons, most especially China's serious human rights abuses, and we believe that those reasons remain valid today.

It is this government's policy that the arms embargo remain in effect. We are talking about military arms now, not trade. We have a huge amount of trade with China. We are not talking about that. We are talking about limiting certain kinds of militarily useful equipment.

At a February hearing of the U.S.-China Economic Security Review Commission, the Deputy Assistant Secretary in the State Department for East Asian and Pacific Affairs, Randy Shriver, also expressed U.S. opposition to the European Union's lifting of the embargo for three key reasons: the human rights reason, China's lax export control policies, and China's military buildup against Taiwan. Similar concerns have been put forth by Department of Defense officials.

While we don't like to talk about it, there has been a change in the direction of the buildup of the Chinese military. They have changed their doctrine to a doctrine which explicitly is designed to be able to defeat U.S. military assets. They are proliferating dangerous weapons and technologies to some of our potential adversaries—North Korea, as one example.

The intelligence community produces a semiannual report on proliferation. The most recent report stated the following with respect to China:

> We cannot rule out . . . some continued contacts [related to assistance to unsafeguarded nuclear facilities] subsequent to the pledge between Chinese entities and entities associated with Pakistan's nuclear weapons program.
>
> . . . Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the first half of 2003 . . . Chinese-entity ballistic missile assistance helped Iran move toward its goal of becoming self-sufficient in the production of ballistic missiles. In addition, firms in China provided dual-use missile-related items, raw materials, and/or assistance to several other countries of proliferation concern—such as Iran, Libya, and North Korea.
>
> During the first half of 2003, China remained a primary supplier of advanced and conventional weapons to both Pakistan and Iran. Islamabad also continued to negotiate with Beijing for China to build up to four frigates for Pakistan's navy and develop FC–1 fighter aircraft.

China also continues to threaten democratic Taiwan and to prepare militarily for a conflict against not only Taiwan, but also against the United States, were U.S. military forces to come to the assistance of Taiwan directly.

According to one recent Washington Post article, the Chinese Government warned Taiwan's President Chen Shuibian to pull back what he called ''a dangerous lurch toward independence or face destruction.''

The Defense Department's annual report to Congress on the military power of the People's Republic of China warned

> . . . the focus of China's short and medium term conventional modernization efforts has been to prepare for military contingencies in the Taiwan Strait, to include scenarios involving U.S. intervention.

According to a previous report, the U.S.-China Security Review Commission, now the U.S.-China Economic and Security Review Commission, China's military was directed to have viable options to retake Taiwan by 2005 to 2007. Let me repeat: China's military was told to be prepared for conflict with Taiwan by next year.

The DOD report further comments on the impact of the EU lifting its arms embargo stating:

> Efforts under way to lift the European Union embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers.

That is precisely the problem I think we have to come to grips with at some point. I am extraordinarily supportive of efforts to show political support for and, in fact, enhanced military cooperation with our allies, as the Warner amendment certainly does. But I also think we have to look at the export control policies which might, were the European Union to lift the arms embargo, allow material weapons implications to reach a country such as China. We obviously cooperate with China on matters of trade, for example. And it plays an important role in the international community. But it is a country with 20 nuclear-tipped missiles capable of reaching the United States, and the Pentagon projects that number will reach 30 by next year.

It is a country that has an announced policy that would be very dangerous if implemented with respect to Taiwan. So if the EU lifts its arms embargo, European countries will have the capacity to willingly pass military technology, and U.S. military technology, if we don't have the proper transfer or retransfer protections in place to a country that presents a potential military threat to the United States.

My amendment would have prevented that from happening by simply saying that no U.S. military equipment could be provided to countries in the European Union unless there is a Presidential certification that there are binding assurances from such country that those goods won't be transferred to China.

I don't think that is too much to ask. I think at some point we are going to have to include that within our law. The chairman of the committee has been very gracious in talking to me about working toward that end. As I said, I think in view of the great importance of moving this bill forward, completing action on it so we can provide the authority for the Defense Department and the other forces necessary for the next year, I am not going to offer my amendment. I certainly hope at an appropriate time we will be able to include the concept of what I am talking about in this Defense authorization bill.

I compliment the chairman for the work he has done, and I express my hope we can conclude this bill soon. We have been on it now for almost a month, or half a month with respect to legislative days. I think it is time to come to an agreement on how to end debate and get it done. After all, we are in a war. We have to protect the American people and provide for the men and women we have put into harm's way for that purpose.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Arizona. He has been part of the team that has worked almost every day for agreements on the floor, and in consultation on how to deal with the various challenges we have had. He has been one of many who has made it possible. I think we are making steady progress here. I thank the Senator for the reference to the ITAR amendment, which I put in. I consulted with him, Senator BIDEN, and a great many Senators who worked with me in making this amendment possible, which is currently a part of the managers' package and, I anticipate, will become part of the final bill. It is long overdue, as the Senator points out. But this amendment is sort of a keystone. I thank the Senator for adding that very important piece of legislative history to what I hope will be a statutory provision that reflects the goals we both had in mind.

At this time, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I don't know the situation regarding this bill.

The PRESIDING OFFICER. The Senate is in morning business.

Mr. WARNER. The bill is still actively being considered. There is a possibility we can achieve completion of the bill tonight. I remain of that view.

Mr. STEVENS. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are in morning business.

DEFENSE APPROPRIATIONS

Mr. STEVENS. Mr. President, I have come to the floor because I am worried about the Defense appropriations bill. This bill that has been prepared by primarily Sid Ashworth and Charlie Houy of our Defense Subcommittee, under the direction of my cochairman Dan Inouye and myself, was considered by the Subcommittee on Defense Appropriations and reported to the full committee in 17 minutes. We took it to the full committee and we had a debate on that bill. It was reported to the floor in 25 minutes.

The reason for that is, as we all know, there is in this bill an amount of

$25 billion requested by the President for a reserve for Iraq and Afghanistan and the war on terror. We know if there is a development in Iraq, in particular, which will give rise to a need for money, this bill must become law before we leave for the conventions in August, or really late July, before the August recess.

Some of us in this body have served overseas, particularly in wartime. It was my privilege to do that in World War II. I was thinking just now about what is going on here on the floor, and how I used to feel as a young man when we were told our supplies had not come over the hump into China, that we were going to have to reduce our rations, maybe live a little more on local food than on the food we brought into China from a long distance from our country. I thought about the time Colin Powell, as a young assistant to the then-head of the National Security Council, came before a Senate subcommittee on appropriations, and he told us at the time, when he was a young captain in Cambodia, he had the duty to take out a whole Vietnamese battalion, and the U.S. troops along with him had to go into Cambodia on a drop mission. They parachuted in. They were given a 2-week supply of food. He told us when you get up on that 14th day and open up the last bit of your rations, that is when you start thinking about the people who are in Washington that you trust. That is when you start thinking about whether the people who run the Government know what they are doing when they send you into foreign countries, like Cambodia, in wartime.

As I speak now, there are men and women in the armed services in our U.S. uniform in 120 countries. Managing the Department of Defense is an overwhelming job right now. The money we are spending is enormous, but the cause we are on is just. Whether you feel it is just or not, the problem is, we now know that when we leave for the conventions, there is a great possibility the Department of Defense and Commander in Chief will have to have more money available than is currently available in fiscal year 2004. Our committee, the Defense Appropriations Subcommittee, and the Appropriations Committee, has worked long hours to bring this bill before the Senate so we can pass it before we leave on this recess for the Fourth of July, and be able to come back and be ready to conference it, because staff conferences during the recess, and bring it back to the floor so both the House and the Senate can pass the bill and get it to the President and have it become law before we leave before the end of July.

I hear a lot of comments from people about the problem of the debt ceiling. I have checked and, in all probability, we will reach the debt ceiling in August. There is a debate on how to handle that. The House has decided to put it in the Appropriations bill, and I have been asked, as manager of the bill, to commit that I will not bring this bill back from conference with a debt ceiling in it. I can make no such commitment. Neither the Senator from Hawaii nor I can make that commitment. We are committed to doing our job as Senators, carrying out our oath to support and defend the Constitution and the people who support the Constitution.

I, for one, am getting a little impatient about getting this bill done. The current bill, I was told, would be done last night, and we would be on our bill now. We are not on the Defense bill now. We should be on the Defense appropriations bill now.

I hope and pray every Senator in this body will search his soul about delaying this bill, because I mean what I say: there is no possibility of getting this bill to the President, in my judgment, in a matter of 10 days after we get back unless we pass it now, and the President has time to go through the bill to determine if he is going to sign it.

I implore the Senate to finish this bill. Either the Senator from Hawaii or I have been chairman of the Defense Subcommittee since 1981. We have never found a situation where we would even consider cloture on the Defense appropriations bill.

I cannot imagine a Member of this Senate voting against cloture on an appropriations bill for defense when there is a war going on.

I say to the Senate, it is time to come to our senses and get this authorization bill done tonight so we can get on the appropriations bill tonight and finish it tomorrow or, at the latest, Friday morning. If we can get this bill through the subcommittee in 17 minutes and 25 minutes in the full committee, this Senate can get through this bill in 36 hours.

I guarantee, if there is any thought of delay, we will stay in session 36 hours because I am going to see to it this bill is passed and goes to the President this week. Some people say it is not going to happen, but if I have to embarrass every Member of the Senate to get it done, I am going to do it. This bill must be passed. We are at war. We are at war.

I yield the floor.

Mr. SESSIONS. Mr. President, 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. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum all be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 580, S. 2507.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2507) to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I am pleased to present to the Senate S. 2507, legislation to reauthorize the child nutrition programs administered by the U.S. Department of Agriculture for the next 5 years. Over the past year and a half, the Committee on Agriculture, Nutrition, and Forestry has held hearings and received suggestions from a wide range of interests for improvements in the programs that are authorized in this bill. The committee worked diligently to draft a consensus bill that will ensure the continuation of proven Federal Government support for meeting the nutritional needs of school children and others who will benefit from these programs. I would like to thank especially the distinguished ranking member of the committee, the Senator from Iowa, Mr. HARKIN, for his assistance and for continuing the longstanding tradition of a bipartisan approach to the development of child nutrition bills in our committee.

The committee met on May 19, 2004, and reported the bill unanimously. This bill reflects the commitment of the committee to ensure that our Nation's children have access to the nutrition they need to lead a healthy life. All of the worthwhile and important initiatives contained in this bill will play a significant part in ensuring that our children have access to good nutrition.

The programs authorized in this bill touch the lives of one out of every five people in this country, including over 37 million children and nearly 2 million lower income pregnant and postpartum women. According to the Congressional Research Service, total fiscal year 2004 spending for these programs will be an estimated $16.4 billion, and the administration's fiscal year 2005 budget anticipates spending $16.85 billion. The Budget Committees of both the Senate and House have seen fit to include new mandatory money that will enable us to continue otherwise expiring provisions contained in current law. Even though we had no money for new initiatives, we believe the committee has put together an overall package that improves these programs while protecting the interests of the participants.

Important components of the bill are: Protection of the integrity of school meal program benefits, participation of for-profit child care centers in the Child and Adult Care Food Program,

protection of school meal benefits for military families, expansion of the Summer Food Service Program Lugar Pilots, expansion of the Fruit and Vegetable Pilot Program, and improvements to the WIC Program.

I would also like to clarify section 203(e)(10) of the bill, which is designed to contain costs in the WIC program in order to ensure that all eligible participants can receive benefits through the program. Given the new provisions in the law, it is important that States publish their allowable reimbursement levels for WIC program vouchers. Also, because of changes contained in the bill, it would be important for USDA to review and modify risk profiles used when examining retail food stores for compliance with program rules. There is a related provision in our bill that prohibits certain vendors from providing incentive items to entice program participants to come to their stores unless the free merchandise is food or of nominal value. The Secretary is given the authority to define merchandise of nominal value. A reasonable interpretation of this provision would permit the Secretary to prohibit stores from giving away lottery tickets. Given the extremely small chance of winning a large amount of money as advertised by the lottery, the actual ticket is probably of very little value. However, some observers' perceived value of a ticket is greater than the actual value. A reasonable interpretation of this provision would give the Secretary the authority to prohibit lottery tickets under this provision.

We have worked hard to craft a bipartisan, consensus-based bill, as evidenced by the letters of support we have received from organizations including the American Dietetic Association, the American School Food Service Association, America's Second Harvest, the Food Research and Action Center, National Council of La Raza, Bread for the World, the National Milk Producers Federation, the International Dairy Foods Association, and the National Food Processors Association. I urge my colleagues to support the bill.

ADDITION OF NEW STATES TO THE FRUIT AND VEGETABLE PROGRAM

Mr. HARKIN. Mr. President, I hope to clarify our intent on one provision of the Child Nutrition and WIC Reauthorization Act of 2004—the provision pertaining to the Fruit and Vegetable Program.

When the Fruit and Vegetable Program was first enacted as part of the 2002 farm bill, the legislative language did not specify which States were to be participants in the program, but the States were specified in the conference report. The Department of Agriculture followed the conference recommendations.

Because we are passing this bill with a somewhat unusual process that will not involve a conference report, I would like to clarify which States are intended to be added to the program. Committee staff discussions have intended that the additional States to participate in the Fruit and Vegetable Program are Mississippi, North Dakota, and South Dakota, and this was our understanding as we finalized this bill. I am in agreement with these discussions, and it is on this basis that we are completing this bill.

Mr. COCHRAN. I do not disagree with the Senator from Iowa.

INCENTIVE CRITERIA FOR REDUCTION OF NONRESPONSE RATES AND SUBSTITUTION

Mr. HARKIN, Mr. President, I hope to clarify the operation of certain provisions in the bill. As the chairman knows, the section of the bill titled, ''Household Applications,'' provides school districts with an incentive to reduce the nonresponse rate during the income verification process. I would like to offer an example of the operation of 10-percent improvement criteria in nonresponse rates, so that the committee's intent is not misinterpreted. A district with a non-response rate of 40 percent, for example, would have to reduce its nonresponse rate to 36 percent, in order to meet the 10-percent improvement criteria and be entitled to maintain existing verification procedures under current law.

Mr. COCHRAN. The Senator is, indeed, correct in his calculations. The provision calling for a 10-percent improvement in S. 2507 would operate in precisely the manner that the Senator from Iowa described.

Mr. HARKIN. I thank the chairman. I would also like to discuss the new substitution provision in the bill. In some school districts in my State and across the country, there are children whose household income is extremely difficult to verify, no matter how vigorous the effort put forth by school officials. The applications I am referring to are for children whose parents regularly do not respond to other school communications or are from a community that is suspicious of questions from governmental entities, including school districts. The families of these children may no longer be residing at the address of record, are not reachable by phone, or may exhibit other such barriers to verification. Am I correct that these are the type of applications envisioned in the bill's subparagraph titled ''Individual Review''?

Mr. COCHRAN. The Senator is once again correct. This bill recognizes that there are certain situations when it may be nearly impossible for a school district to get in touch with the families of children who are eligible for this program. In situations such as those the Senator described, and other similar ones, the school district may decline to verify up to 5 percent of the approved applications selected for verification and replace those applications with other approved applications.

Mr. HARKIN. I thank the chairman.

IMPORTANCE OF BREAKFAST

Mr. CHAMBLISS. Mr. President, I appreciate the chairman giving me this opportunity to emphasize the importance of breakfast and the positive effects breakfast has on student performance and behavior. Research shows that children who eat breakfast perform better on standardized achievement tests and have fewer behavior problems in school. Breakfast improves a child's physical endurance and motor performance. It has been found that children have more energy to get through the school day.

The Department of Agriculture's Center for Nutrition Policy and Promotion has shown that children who eat breakfast have more healthy overall diets. Given the Nation's attention to childhood obesity, breakfast can also play a positive role in ensuring that our children are healthy. Not only is eating breakfast important for student performance, breakfast is also an effective tool to manage and control weight. Breakfast consumption can play a key role in maintaining healthy eating habits and weight loss while Congress looks at ways to combat childhood obesity.

In a major study, regular breakfast consumption was associated with the ability to maintain a significant weight loss. One study showed that out of 2,900 individuals that had maintained a 30-percent weight loss for at least a year, 78 percent reported eating breakfast everyday. Breakfast skipping has been reported to be more prevalent in obese children and is particularly high in obese girls. More than a dozen studies from around the world have reported that eating a ready-to-eat, RTE, breakfast cereal provides many nutritional benefits, including consumption of less total fat, less saturated fat, less cholesterol, more dietary fiber, and more vitamins and minerals. This result is independent of age and geography as studies have been conducted in children, adults and the elderly in over six different countries.

This compromise bill contains provisions which will, hopefully, result in more children eating more breakfast. The Child Nutrition and WIC Reauthorization Act of 2004 includes three provisions that the committee hopes will result in more children eating breakfast. First, it provides increased assistance to schools with a high proportion of poor children. Second, it expands the eligibility for schools that need additional assistance—severe need assistance—for breakfast programs. In relation to these provisions a Review of Best Practices in the Breakfast Program, also contained in this bill, will allow for a study of State and local barriers that keep more schools from offering breakfast. The Secretary will make recommendations and describe model breakfast programs that will help schools to overcome these obstacles and disseminate the results of this study to school districts, to the Senate Committee on Agriculture, and to the House Committee on Education and the Workforce. As a result, schools will be encouraged to develop innovative strategies to make time for student

breakfasts, such as breakfast on the bus or breakfast in the classroom, a practice that has been shown to be very effective in schools across the country. Breakfast on the bus or in the classroom does not require the use of a cafeteria or additional time in the school day and are easy and efficient ways to provide a nutritious meal to children.

Mr. President, I ask the chairman if he agrees with my statements?

Mr. COCHRAN. Mr. President, I agree with the distinguished Senator from Georgia on the importance of breakfast to our children's education.

Mr. CHAMBLISS. Mr. President, I thank the chairman for his comments.

WOMEN, INFANTS, AND CHILDREN PROGRAM

Ms. MURKOWSKI. Mr. President, I wish to address a provision that Senator COCHRAN has added to the Child Nutrition and WIC reauthorization bill on my behalf.

Mr. COCHRAN. Mr. President, this provision is being added as a part of the floor consideration of this legislation. Therefore, there is no accompanying report language which explains its effect. We appreciate the contribution the Senator from Alaska has made to the Senate's consideration of this legislation. Will the Senator please share her views on this provision?

Ms. MURKOWSKI. Mr. President, the provision in question requires the Secretary of Agriculture to conduct a periodic scientific review of the supplemental foods available in the Women, Infants, and Children Program, which is also known as the WIC Program. The Secretary shall undertake such a review as frequently as necessary to reflect the most recent scientific knowledge. Following such a review, the Secretary shall amend the list of supplemental foods in order to reflect nutrition, science, public health concerns, and cultural eating patterns.

Mr. COCHRAN. Mr. President, I would like Senator MURKOWSKI to explain her rationale for offering this provision.

Ms. MURKOWSKI. In October 2000, the American Heart Association, AHA, published updated guidelines for reducing the risk of heart disease. These guidelines noted that fatty fish, such as salmon, are high in omega-3 fatty acids. Such acids help in the prevention of heart disease in a variety of ways. The acids diminish the likelihood of sudden death, as well as abnormal heart rhythms that play a role in sudden death. The oils of fatty fish also decrease blood triglycerides, as well as blood clotting.

The Food and Drug Administration has also previously suggested that there are health benefits to regularly consuming up to 3 grams of omega-3 fatty acids per day. To illustrate a practical example, a piece of salmon that is a little over 3 ounces in weight includes about 1 gram of such fatty acids. Therefore, it would be very easy to comply with this suggestion. I understand that later this year, the Food and Drug Administration is likely to make an official determination that the consumption of omega-3 fatty acids will reduce the risk of coronary heart disease. The provision in the WIC reauthorization bill will require the Secretary to conduct a periodic review of the list of supplemental foods and take into account the most recent scientific knowledge, such as the expected FDA determination regarding omega-3 fatty acids, when recommending any additions to the list of supplemental foods. Should salmon be included in the list of supplemental foods, it would then allow all States to include salmon as an acceptable food for their respective WIC recipients.

Mr. COCHRAN. Mr. President, I appreciate the Senator's explanation.

Ms. MURKOWSKI. Mr. President, I thank Senator COCHRAN for including this provision in this important bill.

MEDICAID DIRECT VERIFICATION AUTHORITIES

Mr. HARKIN. Mr. President, The Child Nutrition and WIC Reauthorization Act of 2004 includes several provisions intended to improve program integrity and to provide local educational agencies with new tools with which to improve the administration of the school lunch and school breakfast programs. One of the steps that we have taken in this bill is to allow various Federal programs to share information that they may have about a child's income or participation status with local educational agencies so as to enable the local educational agency, using that information, to verify a child's eligibility status for free or reduced-price school lunches or school breakfasts.

In most cases, this bill has not amended any laws outside of the jurisdiction of the Senate Committee on Agriculture, Nutrition, and Forestry in order to accomplish this goal—with one exception. The bill does amend section 1902(a)(7) of the Social Security Act, a section pertaining to the Medicaid program. This change to Medicaid law allows, at the option of a State, the sharing of Medicaid information with local educational agencies for the purpose of verifying the certification of children for free or reduced price lunches or breakfasts under Federal child nutrition programs.

The Senate Finance Committee, which has jurisdiction over the Social Security Act and Medicaid law, has very graciously allowed us to make this change for the purposes of this bill. I thank the Finance Committee for working with our committee to strengthen Federal child nutrition programs.

It is my understanding that Medicaid eligibility can be based on a number of factors, some of which may be related to disability or other matters that have nothing to do with verifying income in the School Lunch Program. I want to clarify that the intent of the amendment to Medicaid law contained within the Child Nutrition and WIC Reauthorization Act of 2004 is solely for the purpose of verifying income and participation information for School Lunch and Breakfast Programs. It is not the intent of this legislation to allow any other information to be shared.

I do not believe that the amendment can be interpreted to allow the sharing of Medicaid information that goes beyond the scope of verifying eligibility for school lunch or school breakfast benefits, but in the interest of being completely crystal clear, I would like to state that, under the amendment to section 1902(a)(7) of the Social Security Act contained in the Child Nutrition and WIC Reauthorization Act of 2004, no Medicaid information, except that which is necessary to verify income and eligibility for school lunch or school breakfast participation, may be shared by a State with a local educational agency.

Mr. COCHRAN. The explanation that Senator HARKIN has offered with regard to this provision of the Child Nutrition and WIC Reauthorization Act of 2004 is absolutely correct and is consistent with the committee's intent. In including the amendment to Medicaid law, it was certainly not our goal or intent to allow all Medicaid information to be shared with local educational agencies. We intended to allow States to share only such limited Medicaid information that was necessary to verify eligibility in the School Lunch or School Breakfast Programs. Any interpretation to the contrary is inconsistent with the intent of the Senate Committee on Agriculture, Nutrition, and Forestry.

Mr. BAUCUS. As a member of the Senate Committee on Agriculture, Nutrition, and Forestry, but also as the ranking Democrat on the Senate Finance Committee, I would like to thank Agriculture Committee Chairman COCHRAN and Ranking Member HARKIN for their clarification on this point.

The Senate Finance Committee has long grappled with the challenges of allowing sensitive program information to be shared. While there are many cases where it is in the public good to share limited amounts of information, such as in this case, it is important that we take such steps carefully and that we not inadvertently or unintentionally allow more information to be shared than is absolutely necessary to accomplish our goals.

The amendment to the Social Security Act that is under consideration ensures that only certain Medicaid information can be shared with local educational authorities for the purpose of verifying eligibility and income with respect to the School Lunch and School Breakfast Programs. Information about a child's health or disability status or medical expenses would not be relevant to verifying eligibility for school breakfast and lunch programs, which is based only on the child's family income. Accordingly, information

about a child's health or disability status or medical expenses could not be shared with local educational agencies under the authority of this Medicaid amendment. I thank the chairman and the ranking member for clarifying the narrow goals of the amendment and look forward to its implementation in a manner that is consistent with the committee intent.

Mr. GRASSLEY. I appreciate that my colleagues on the Senate Agriculture Committee have worked collaboratively on the Medicaid provision, which is under the jurisdiction of the Senate Finance Committee. I am pleased that we were able to work out a provision which may help more children who are eligible receive free or reduced price breakfasts and lunches. I commend my colleagues for their good work on this important legislation.

I agree with my colleagues, Senators COCHRAN, HARKIN, and BAUCUS, that this Medicaid amendment will not authorize States to share Medicaid information other than that which is necessary to verify a child's participation in Medicaid or his or her family income.

USDA INTERPRETATION OF SECTION 32 FUNDING IN THE 2002 FARM BILL

Ms. STABENOW. Mr. President I rise to clarify an important issue with the distinguished chairman of the Agriculture Committee.

First, I thank the chairman for his leadership in getting this child nutrition bill to the floor. He has worked hard and has produced a good, bipartisan bill which I supported in the Committee.

For over 2 years, a bipartisan group of Senators and I have been concerned about USDA disregarding language included in the 2002 farm bill. The 2002 farm bill, section 10603, states that at least $200 million must be spent annually on the purchase of specialty crops. However additional language included in the 2002 farm bill conference report states:

> [t]he Managers intend that the funds made available under this section are to be used for additional purchases of fruits and vegetables, over and above the purchases made under current law or that might otherwise be made without this authority. The Managers expect the $200 million to be a minimum amount for fruit and vegetable purchases under section 32 funds; it is not intended to interfere with or decrease from Agricultural Marketing Service's historical purchases of fruit and vegetables [e.g. $243 million in 2001; $232 million in 2000] or to decrease or displace other commodity purchases.

Does the chairman agree that this language is clear and that the intent of Congress is $200 million in new purchases on top of existing commodity purchases?

Mr. COCHRAN. I agree that the Senator from Michigan has correctly cited the conference report of the 2002 farm bill, and I appreciate all of her hard work on this issue.

Ms. STABENOW. This was a great victory for our children because they need more and more fruits and vegetables in their school lunches. We all know about the problem we have with kids eating too much junk food for lunch and this program would have put more nutritious foods on our children's lunch trays. Instead of eating candy, they could be eating nutritious foods like apples, pears and carrots.

Unfortunately, the USDA is not complying with this provision. Instead of adding the $200 million on top of baseline spending, USDA has eliminated the baseline spending, so there is no guarantee that there will be any new spending on fruits and vegetables for our children. In fact in 2002, USDA did not even meet the minimum purchase requirement. In 2002, only $181 million in fresh fruits and vegetables were purchased under section 32.

Does the chairman agree that the USDA is misinterpreting the farm bill with regards to section 32, fresh fruit and vegetable purchases?

Mr. COCHRAN. I agree that the USDA has not followed the language from the 2002 farm bill conference report. I suggest that the Senator from Michigan and I work with USDA to try to facilitate greater purchases of fruits and vegetables in the nutrition programs.

Mr. HARKIN. I am proud of our bipartisan work on the Child Nutrition and WIC Reauthorization Act of 2004 and want to thank the chairman for his efforts and leadership. This is a bill that deserves to pass overwhelmingly with tremendous bipartisan support, as it did in the Senate Committee on Agriculture, Nutrition, and Forestry. That it can gain the unanimous support of the entire Senate, as I believe that it will, is to me, a hopeful sign of broad support for initiatives in the interest of our Nation's children.

In addition to Chairman COCHRAN, I thank the staff who have worked on this bill. They may never receive the full credit that they truly deserve, but without them this bill would not have come to fruition. On Senator COCHRAN's staff, I would like to thank Hunt Shipman, Eric Steiner, Graham Harper, and especially Dave Johnson, who has been with the Senate Committee on Agriculture, Nutrition, and Forestry for fifteen years. During that time, he has played a key role in strengthening our country's child nutrition and food assistance programs. On my own staff, I would like to single out for thanks the great work of Derek Miller and Susan Keith as well as the Democratic Staff Director, Mark Halverson, who has served me ably for many years.

Given the budget constraints that our committee faced in crafting the legislation, I believe that this bill is a very positive step forward in allocating resources wisely.

In the United States, we face an unfortunate paradox. On the one hand, the specter of malnutrition and hunger continues to haunt millions of Americans, especially children. At the same time, we are confronted with a grave public health threat in the form of obesity and overweight which are quickly becoming a major threat not just to individuals but to our Nation as a whole. The reauthorization of child nutrition programs affords us an opportunity to tackle both of these issues. This bill does so, although not always to the full extent that I would have preferred.

This bill makes many positive changes to fight childhood hunger and deliver federal child nutrition benefits to more children.

First, this bill ensures that children who are receiving food stamps will automatically receive school lunches and breakfasts as well. Though States and schools already have the authority and discretion to do this now, not all of them take advantage of this option. The bill before us today clearly makes those children eligible for free school meals—a step that, according to USDA, will help 200,000 additional children have healthy school meals by 2009 and which will also reduce paperwork in local schools and improve program integrity.

Parents of preschool-age children face a big challenge of finding safe, affordable day care. This is especially so for low-income families. This bill extends and makes permanent meal assistance to day care centers in which at least 25 percent of enrolled children are low-income. USDA estimates that on an average day approximately 90,000 children will benefit from this meal assistance.

The bill also includes a number of important changes in the process to certify students as eligible for free or reduced-price school meals and to verify the accuracy of a small percentage of the applications for free and reduced-price school meals. These changes are designed to make sure that more certifications are completed correctly at the start of the school year. Improving program integrity has always been a duty that this committee has carried out on a bipartisan basis. Maintaining and improving program integrity is critical both to ensuring sound stewardship of taxpayer dollars and to guaranteeing that children who most need child nutrition benefits actually receive them.

One of the bill's program integrity measures allows schools to strengthen and simplify the verification process under which the income level of a sample of households must be documented. For example, for the first time, school districts will be able to use Medicaid data to verify household income so school districts won't have to duplicate verification efforts already undertaken in the Medicaid program, and families won't have to document income multiple times. I urge the Secretary, State agencies, and local educational agencies to take full advantage of this new option.

In addition, once a student is certified for free or reduced-price meals, that certification will be effective for a

full year. Those families that are selected for verification will be able to provide documentation for any point in time between the month prior to application and the time the income documentation is provided. Though the bill itself does not specify an exact time, the Secretary should not narrow the period and should issue guidance instructing local educational authorities to accept as income verification documentation any information pertaining to any point in time within the interval between the month prior to when the school meals application was completed and when the income documentation is provided.

The supplemental nutrition program for Women, Infants and Children, WIC, provides vouchers to eligible low-income families for specified food items. Recipients redeem these vouchers at local vendors. In recent years, a specialized type of vendor, known as WIC-only stores or supplemental foods vendors, has developed that accepts only WIC vouchers. These vendors do not compete for business on the basis of price, but rather on the service they provide their WIC clientele. This bill includes several important measures designed to contain WIC food costs. The committee report on this bill contains a good deal of information on WIC-only stores and on the provisions intended to address them. However, the bill language on WIC-only cost containment has changed somewhat, and additional clarification may be helpful here.

Although the legislative language offers States latitude to design vendor peer groups, competitive price criteria, and maximum reimbursement levels, each State must meet two important cost-containment goals unless exempted by the Secretary. First, each State must ensure that its aggregate WIC food costs are no higher if WIC participants choose to shop at WIC-only stores than if they shop at regular competitive stores. Second, each State must ensure that average prices, referred to as ''average payments per voucher'', in WIC-only stores are no higher than average prices in comparable competitive stores.

The bill allows the Secretary to exempt a State from carrying out requirements regarding the peer groups, competitive price criteria, and maximum reimbursement levels if the State does not authorize WIC-only stores or if the WIC-only stores in the State account for less than 5 percent of the State's total WIC food sales. If a State is exempt because the WIC-only stores in the State account for less than 5 percent of the State's total WIC food sales, the State is nonetheless required to ensure that its aggregate food costs are no higher if WIC participants choose to shop at WIC-only stores rather than at regular competitive stores.

Because WIC-only stores do not market items outside of the WIC program, the stores' earnings necessarily flow from the WIC program. To ensure that WIC dollars are not spent on non-WIC items, the bill prohibits giveaways of incentive items or other free merchandise by WIC-only stores unless the store can demonstrate that the items or merchandise were obtained at no cost. Although an exemption for food or merchandise of nominal value has been added since the committee approved this bill, the intent of the bill remains to ban giveaways of the kind of items that are currently given away, such as diapers, strollers, bicycles, small kitchen appliances, other household products, and two-for-one offers on WIC food items. Food or merchandise of nominal value is meant to include items of lesser value than these items. In issuing guidance or regulations on this matter, the Secretary must ensure that even offering items of nominal value does not unnecessarily drive up costs in the WIC program.

This bill also includes important provisions on infant formula cost containment competitive bidding which will, I believe, ensure that the WIC program continues to benefit from the strength of the competitive marketplace and the infant formula rebates that enable so many children to participate in the WIC program.

I am pleased that this bill takes positive steps to enhance child nutrition and to address the epidemic of overweight and obesity in this country as well. Let there be no mistake, poor nutrition early in life lays the foundation for chronic disease and premature death later in life. According to the CDC, poor diet and physical inactivity will soon overtake smoking as the Nation's leading cause of death. In 2000, 400,000 deaths were associated with poor diet and physical inactivity.

This fiscal year the Federal Government will invest over $8.3 billion in the school lunch and school breakfast programs, and this bill is a 5-year extension of this investment. The food served in these Federal school food programs meets Federal guidelines and provides balanced nutrition for the children who eat school meals. But in a majority of high schools and middle schools and an alarming number of elementary schools these school food programs and our taxpayer investment in them are undermined by an array of less nutritious food choices.

These foods that are sold in competition with the school meals are often high in fat, sugar and sodium. When kids choose these foods, they choose not to eat taxpayer supported, nutritionally balanced meals provided through the School Lunch and School Breakfast Programs. Not surprisingly, studies show that when kids get their lunches through vending machines at school their diets aren't nearly as healthy as when they obtain their meals through the school meal programs. In fact, among school-aged children only 2 percent meet the dietary recommendations for all food groups.

Research shows that a la carte items and vending machines displace student consumption of more nutritious foods. In one study, students from schools that did not offer a la carte foods consumed half a serving more of fruit and a whole serving more of vegetables per day than did children in schools that did have a la carte programs. In another study, when kids gained access to foods other than through the School Lunch Program, they consumed 33 percent less fruit, 42 percent less vegetables, and 35 percent less milk.

Not surprisingly, poor diets contribute to childhood obesity and overweight children, with significant negative effects. Compared to regular-weight children, overweight children are more likely to have high levels of cholesterol, high blood pressure, high levels of insulin, and exhibit generally higher numbers of risk factors for cardiovascular disease. Between 50 and 80 percent of diabetes cases are associated with diet and sedentary lifestyles.

And it is not just about obesity. The lack of fruits, vegetables, and milk in our children's diets has tremendous ramifications for the health of kids and adults. Poor eating habits early in life lay the foundation for chronic disease and premature death at a later age. Cancer, heart disease, and osteoporosis are just a few of the many diseases associated with poor diet.

Because schools receive substantial revenue from the sale of junk food at school, some folks are concerned that schools will suffer financially if they replace junk food with healthier choices. I understand this concern, but I disagree with the premise. Many schools have stocked their vending machines and snack bars with healthy food, with no negative impact on revenue. Wide-open sales of unhealthy foods in schools hasn't always been the norm. Back in the 1970s, Congress gave the Secretary of Agriculture the authority to set nutrition guidelines to make sure our child nutrition programs work. Congress intended for that authority to extend to all food sales throughout the school and for the entire school day. And this is what the regulations put forth by USDA did.

However, the courts subsequently struck that authority down—wrongly, in my opinion. As a result, USDA regulations only apply to foods sold in the school cafeteria and during mealtime rather than to the entire school and school day. This has left us with this crazy situation in which, rather than getting a decent meal in the school cafeteria at lunch, kids can instead just go to the vending machines in the hall for a soft drink and junk food.

I believe that Congress should reinstate the Secretary of Agriculture's authority to set nutritional standards for foods available anywhere on school grounds at any time of the day. The Secretary would then determine, after public comment, how to use that authority.

This bill takes a different approach, but one that I believe holds great promise for improving the dietary

quality of foods sold in our Nation's schools.

First, it extends and expands the Fresh Fruit and Vegetable Program. Two years ago in the farm bill, we created a pilot program to provide free fresh and dried fruits and vegetables to children. The pilot covered 25 schools in each of 4 states and 7 schools on an Indian reservation. This program has been remarkably popular with the schools, but more importantly, with the students.

In a world in which grocery clerks may not know a radish from a rutabaga, it is encouraging to see elementary, middle school and high school students eating fruits and vegetables that they have never seen before and loving them.

This bill continues the fruit and vegetable program in the current states and expands it to 4 additional states and additional schools on Indian reservations. I would like to do more, but this is strong progress toward getting more fruits and vegetables in all schools across the Nation.

This bill also requires schools that participate in the National School Lunch or School Breakfast Programs to craft, with broad input from parents and others, plans that include goals for nutrition education, physical activity, and other activities to promote student wellness. The plans must also include nutrition guidelines for all foods sold in school.

This is not an attack on any particular type of food. Rather, school wellness policies, as required by this bill, pertain to healthy lifestyles more broadly and look at all foods in school, not just those in vending machines and snack bars. It does not mandate what foods can be offered or stipulate their content, but it does ask local schools to set standards that they believe are appropriate.

The bill also provides USDA with mandatory funds to help schools to establish their own local wellness policies. I wish that it provided more or this technical assistance, but it is a positive first step.

In my mind, these local wellness policies are a potentially revolutionary step towards improving our children's health. They provide real empowerment at the local school level. I look forward to seeing how schools endeavor to craft these policies and the effect that they have on school nutrition environments and children's health.

I also hope that, as schools work to craft their own wellness policies, they provide fertile ground for innovation and creative thinking. It is past time that all sectors of our society focus less on treating sickness, and focus more on promoting health and preventing obesity and chronic disease. This bill, in several ways, moves toward that goal and harnesses a potent force, our schools, in the efforts to be healthier as a country.

I thank my colleagues for their assistance and input on this important bill as well as for their support.

Mr. CRAPO. Mr. President, I ask unanimous consent that the Cochran amendment which is at the desk be agreed to, that the bill, as amended, be read a third time and passed, that the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3474) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 2507) was read the third time and passed, as follows:

S. 2507

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Child Nutrition and WIC Reauthorization Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; Table of contents.

TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Sec. 101. Nutrition promotion.
Sec. 102. Nutrition requirements.
Sec. 103. Provision of information.
Sec. 104. Direct certification.
Sec. 105. Household applications.
Sec. 106. Duration of eligibility for free or reduced price meals.
Sec. 107. Runaway, homeless, and migrant youth.
Sec. 108. Certification by local educational agencies.
Sec. 109. Exclusion of military housing allowances.
Sec. 110. Waiver of requirement for weighted averages for nutrient analysis.
Sec. 111. Food safety.
Sec. 112. Purchases of locally produced foods.
Sec. 113. Special assistance.
Sec. 114. Food and nutrition projects integrated with elementary school curricula.
Sec. 115. Procurement training.
Sec. 116. Summer food service program for children.
Sec. 117. Commodity distribution program.
Sec. 118. Notice of irradiated food products.
Sec. 119. Child and adult care food program.
Sec. 120. Fresh fruit and vegetable program.
Sec. 121. Summer food service residential camp eligibility.
Sec. 122. Access to local foods and school gardens.
Sec. 123. Year-round services for eligible entities.
Sec. 124. Free lunch and breakfast eligibility.
Sec. 125. Training, technical assistance, and food service management institute.
Sec. 126. Administrative error reduction.
Sec. 127. Compliance and accountability.
Sec. 128. Information clearinghouse.
Sec. 129. Program evaluation.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

Sec. 201. Severe need assistance.
Sec. 202. State administrative expenses.
Sec. 203. Special supplemental nutrition program for women, infants, and children.
Sec. 204. Local wellness policy.
Sec. 205. Team nutrition network.
Sec. 206. Review of best practices in the breakfast program.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

Sec. 301. Commodity distribution programs.

TITLE IV—MISCELLANEOUS

Sec. 401. Sense of Congress regarding efforts to prevent and reduce childhood obesity.

TITLE V—IMPLEMENTATION

Sec. 501. Guidance and regulations.
Sec. 502. Effective dates.

TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

SEC. 101. NUTRITION PROMOTION.

The Richard B. Russell National School Lunch Act is amended by inserting after section 4 (42 U.S.C. 1753) the following:

''SEC. 5. NUTRITION PROMOTION.

''(a) IN GENERAL.—Subject to the availability of funds made available under subsection (g), the Secretary shall make payments to State agencies for each fiscal year, in accordance with this section, to promote nutrition in food service programs under this Act and the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(b) TOTAL AMOUNT FOR EACH FISCAL YEAR.—The total amount of funds available for a fiscal year for payments under this section shall equal not more than the product obtained by multiplying—

''(1) ½ cent; by

''(2) the number of lunches reimbursed through food service programs under this Act during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs.

''(c) PAYMENTS TO STATES.—

''(1) ALLOCATION.—Subject to paragraph (2), from the amount of funds available under subsection (g) for a fiscal year, the Secretary shall allocate to each State agency an amount equal to the greater of—

''(A) a uniform base amount established by the Secretary; or

''(B) an amount determined by the Secretary, based on the ratio that—

''(i) the number of lunches reimbursed through food service programs under this Act in schools, institutions, and service institutions in the State that participate in the food service programs; bears to

''(ii) the number of lunches reimbursed through the food service programs in schools, institutions, and service institutions in all States that participate in the food service programs.

''(2) REDUCTIONS.—The Secretary shall reduce allocations to State agencies qualifying for an allocation under paragraph (1)(B), in a manner determined by the Secretary, to the extent necessary to ensure that the total amount of funds allocated under paragraph (1) is not greater than the amount appropriated under subsection (g).

''(d) USE OF PAYMENTS.—

''(1) USE BY STATE AGENCIES.—A State agency may reserve, to support dissemination and use of nutrition messages and material developed by the Secretary, up to—

''(A) 5 percent of the payment received by the State for a fiscal year under subsection (c); or

''(B) in the case of a small State (as determined by the Secretary), a higher percentage (as determined by the Secretary) of the payment.

''(2) DISBURSEMENT TO SCHOOLS AND INSTITUTIONS.—Subject to paragraph (3), the State agency shall disburse any remaining amount of the payment to school food authorities and institutions participating in food service programs described in subsection (a) to disseminate and use nutrition messages and material developed by the Secretary.

''(3) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—In addition to any amounts reserved under paragraph (1), in the case of the summer food service program for children established under section 13, the State agency may—

''(A) retain a portion of the funds made available under subsection (c) (as determined by the Secretary); and

''(B) use the funds, in connection with the program, to disseminate and use nutrition messages and material developed by the Secretary.

''(e) DOCUMENTATION.—A State agency, school food authority, and institution receiving funds under this section shall maintain documentation of nutrition promotion activities conducted under this section.

''(f) REALLOCATION.—The Secretary may reallocate, to carry out this section, any amounts made available to carry out this section that are not obligated or expended, as determined by the Secretary.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''.

SEC. 102. NUTRITION REQUIREMENTS.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by striking paragraph (2) and inserting the following:

''(2) FLUID MILK.—

''(A) IN GENERAL.—Lunches served by schools participating in the school lunch program under this Act—

''(i) shall offer students fluid milk in a variety of fat contents;

''(ii) may offer students flavored and unflavored fluid milk and lactose-free fluid milk; and

''(iii) shall provide a substitute for fluid milk for students whose disability restricts their diet, on receipt of a written statement from a licensed physician that identifies the disability that restricts the student's diet and that specifies the substitute for fluid milk.

''(B) SUBSTITUTES.—

''(i) STANDARDS FOR SUBSTITUTION.—A school may substitute for the fluid milk provided under subparagraph (A), a nondairy beverage that is nutritionally equivalent to fluid milk and meets nutritional standards established by the Secretary (which shall, among other requirements to be determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow's milk) for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

''(ii) NOTICE.—The substitutions may be made if the school notifies the State agency that the school is implementing a variation allowed under this subparagraph, and if the substitution is requested by written statement of a medical authority or by a student's parent or legal guardian that identifies the medical or other special dietary need that restricts the student's diet, except that the school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

''(iii) EXCESS EXPENSES BORNE BY SCHOOL FOOD AUTHORITY.—Expenses incurred in providing substitutions under this subparagraph that are in excess of expenses covered by reimbursements under this Act shall be paid by the school food authority.

''(C) RESTRICTIONS ON SALE OF MILK PROHIBITED.—A school that participates in the school lunch program under this Act shall not directly or indirectly restrict the sale or marketing of fluid milk products by the school (or by a person approved by the school) at any time or any place—

''(i) on the school premises; or

''(ii) at any school-sponsored event.''.

SEC. 103. PROVISION OF INFORMATION.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following:

''(4) PROVISION OF INFORMATION.—

''(A) GUIDANCE.—Prior to the beginning of the school year beginning July 2004, the Secretary shall issue guidance to States and school food authorities to increase the consumption of foods and food ingredients that are recommended for increased serving consumption in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(B) RULES.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall promulgate rules, based on the most recent Dietary Guidelines for Americans, that reflect specific recommendations, expressed in serving recommendations, for increased consumption of foods and food ingredients offered in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).''.

SEC. 104. DIRECT CERTIFICATION.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (9) through (13), respectively; and

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by striking ''(B) Applications'' and inserting the following:

''(B) APPLICATIONS AND DESCRIPTIVE MATERIAL.—

''(i) IN GENERAL.—Applications'';

(ii) in the second sentence, by striking ''Such forms and descriptive material'' and inserting the following:

''(ii) INCOME ELIGIBILITY GUIDELINES.—Forms and descriptive material distributed in accordance with clause (i)''; and

(iii) by adding at the end the following:

''(iii) CONTENTS OF DESCRIPTIVE MATERIAL.—

''(I) IN GENERAL.—Descriptive material distributed in accordance with clause (i) shall contain a notification that—

''(aa) participants in the programs listed in subclause (II) may be eligible for free or reduced price meals; and

''(bb) documentation may be requested for verification of eligibility for free or reduced price meals.

''(II) PROGRAMS.—The programs referred to in subclause (I)(aa) are—

''(aa) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

''(bb) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

''(cc) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and

''(dd) a State program funded under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

(B) by striking ''(C)(i)'' and inserting ''(3)''; and

(C) by striking clause (ii) of subparagraph (C) (as it existed before the amendment made by subparagraph (B)) and all that follows through the end of subparagraph (D) and inserting the following:

''(4) DIRECT CERTIFICATION FOR CHILDREN IN FOOD STAMP HOUSEHOLDS.—

''(A) IN GENERAL.—Subject to subparagraph (D), each State agency shall enter into an agreement with the State agency conducting eligibility determinations for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(B) PROCEDURES.—Subject to paragraph (6), the agreement shall establish procedures under which a child who is a member of a household receiving assistance under the food stamp program shall be certified as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

''(C) CERTIFICATION.—Subject to paragraph (6), under the agreement, the local educational agency conducting eligibility determinations for a school lunch program under this Act and a school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall certify a child who is a member of a household receiving assistance under the food stamp program as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

''(D) APPLICABILITY.—This paragraph applies to—

''(i) in the case of the school year beginning July 2006, a school district that had an enrollment of 25,000 students or more in the preceding school year;

''(ii) in the case of the school year beginning July 2007, a school district that had an enrollment of 10,000 students or more in the preceding school year; and

''(iii) in the case of the school year beginning July 2008 and each subsequent school year, each local educational agency.''.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by subsection (a)) is amended by inserting after paragraph (4) the following:

''(5) DISCRETIONARY CERTIFICATION.—

''(A) IN GENERAL.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as—

''(i) a member of a family that is receiving assistance under the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995;

''(ii) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));

''(iii) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

''(iv) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).''.

''(B) CHILDREN OF HOUSEHOLDS RECEIVING FOOD STAMPS.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as a member of a household that is receiving food stamps under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(6) USE OR DISCLOSURE OF INFORMATION.—

''(A) IN GENERAL.—The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in paragraph (3)(F), (4), or (5), shall be limited to—

''(i) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (including a regulation promulgated under either Act);

''(ii) a person directly connected with the administration or enforcement of—

''(I) a Federal education program;

''(II) a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)); or

''(III) a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the school lunch program under this Act;

''(iii)(I) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and

''(II) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by this paragraph or paragraph (3)(F), (4), or (5);

''(iv) a person directly connected with the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purposes of—

''(I) identifying children eligible for benefits under, and enrolling children in, those programs, except that this subclause shall apply only to the extent that the State and the local educational agency or school food authority so elect; and

''(II) verifying the eligibility of children for programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(v) a third party contractor described in paragraph (3)(G)(iv).

''(B) LIMITATION ON INFORMATION PROVIDED.—Information provided under clause (ii) or (v) of subparagraph (A) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits is made or for whom eligibility information is provided under paragraph (3)(F), (4), or (5), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

''(C) CRIMINAL PENALTY.—A person described in subparagraph (A) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

''(D) REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—A State that elects to exercise the option described in subparagraph (A)(iv)(I) shall ensure that any local educational agency or school food authority acting in accordance with that option—

''(i) has a written agreement with 1 or more State or local agencies administering health programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.) that requires the health agencies to use the information obtained under subparagraph (A) to seek to enroll children in those health programs; and

''(ii)(I) notifies each household, the information of which shall be disclosed under subparagraph (A), that the information disclosed will be used only to enroll children in health programs referred to in subparagraph (A)(iv); and

''(II) provides each parent or guardian of a child in the household with an opportunity to elect not to have the information disclosed.

''(E) USE OF DISCLOSED INFORMATION.—A person to which information is disclosed under subparagraph (A)(iv)(I) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in subparagraph (A)(iv).

''(7) FREE AND REDUCED PRICE POLICY STATEMENT.—

''(A) IN GENERAL.—After the initial submission, a local educational agency shall not be required to submit a free and reduced price policy statement to a State educational agency under this Act unless there is a substantive change in the free and reduced price policy of the local educational agency.

''(B) ROUTINE CHANGE.—A routine change in the policy of a local educational agency (such as an annual adjustment of the income eligibility guidelines for free and reduced price meals) shall not be sufficient cause for requiring the local educational agency to submit a policy statement.

''(8) COMMUNICATIONS.—

''(A) IN GENERAL.—Any communication with a household under this subsection or subsection (d) shall be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

''(B) ELECTRONIC AVAILABILITY.—In addition to the distribution of applications and descriptive material in paper form as provided for in this paragraph, the applications and material may be made available electronically via the Internet.''.

(2) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

''(u) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION.—

''(1) IN GENERAL.—Each State agency shall enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(2) CONTENTS.—The agreement shall establish procedures that ensure that—

''(A) any child receiving benefits under this Act shall be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application; and

''(B) each State agency shall cooperate in carrying out paragraphs (3)(F) and (4) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).''.

(c) FUNDING.—

(1) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to assist States in carrying out the amendments contained in this section and the provisions of section 9(b)(3) of the Richard B. Russell National School Lunch Act (as amended by section 105(a)) $9,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to assist States in carrying out the amendments made by this section and the provisions of section 9(b)(3) of the Richard B. Russell National School Lunch Act (as amended by section 105(a)) the funds transferred under paragraph (1), without further appropriation.

(d) CONFORMING AMENDMENTS.—

(1) Effective July 1, 2008, paragraph (5) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as added by subsection (b)(1)) is amended—

(A) by striking subparagraph (B);

(B) by striking ''CERTIFICATION.—'' and all that follows through ''IN GENERAL.—'' and inserting ''CERTIFICATION.—''; and

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting appropriately.

(2) Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) (as amended by subsection (a)(1)) is amended—

(A) in subsection (b)(12)(B), by striking ''paragraph (2)(C)'' and inserting ''this subsection''; and

(B) in the second sentence of subsection (d)(1), by striking ''subsection (b)(2)(C)'' and inserting ''subsection (b)(3)(G)''.

(3) Section 11(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(e)) is amended in the first sentence by striking ''section 9(b)(3)'' and inserting ''section 9(b)(9)''.

SEC. 105. HOUSEHOLD APPLICATIONS.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by section 104(a)(2)(B)) is amended by striking paragraph (3) and inserting the following:

''(3) HOUSEHOLD APPLICATIONS.—

''(A) DEFINITION OF HOUSEHOLD APPLICATION.—In this paragraph, the term 'household application' means an application for a child of a household to receive free or reduced price school lunches under this Act, or free or reduced price school breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), for which an eligibility determination is made other than under paragraph (4) or (5).

''(B) ELIGIBILITY DETERMINATION.—

''(i) IN GENERAL.—An eligibility determination shall be made on the basis of a complete household application executed by an adult member of the household or in accordance with guidance issued by the Secretary.

''(ii) ELECTRONIC SIGNATURES AND APPLICATIONS.—A household application may be executed using an electronic signature if—

''(I) the application is submitted electronically; and

''(II) the electronic application filing system meets confidentiality standards established by the Secretary.

''(C) CHILDREN IN HOUSEHOLD.—

''(i) IN GENERAL.—The household application shall identify the names of each child in the household for whom meal benefits are requested.

''(ii) SEPARATE APPLICATIONS.—A State educational agency or local educational agency may not request a separate application for each child in the household that attends schools under the same local educational agency.

''(D) VERIFICATION OF SAMPLE.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ERROR PRONE APPLICATION.—The term 'error prone application' means an approved household application that—

''(aa) indicates monthly income that is within $100, or an annual income that is within $1,200, of the income eligibility limitation for free or reduced price meals; or

''(bb) in lieu of the criteria established under item (aa), meets criteria established by the Secretary.

''(II) NON-RESPONSE RATE.—The term 'non-response rate' means (in accordance with guidelines established by the Secretary) the percentage of approved household applications for which verification information has not been obtained by a local educational agency after attempted verification under subparagraphs (F) and (G).

''(ii) VERIFICATION OF SAMPLE.—Each school year, a local educational agency shall verify eligibility of the children in a sample of household applications approved for the school year by the local educational agency, as determined by the Secretary in accordance with this subsection.

''(iii) SAMPLE SIZE.—Except as otherwise provided in this paragraph, the sample for a local educational agency for a school year shall equal the lesser of—

''(I) 3 percent of all applications approved by the local educational agency for the school year, as of October 1 of the school year, selected from error prone applications; or

''(II) 3,000 error prone applications approved by the local educational agency for the school year, as of October 1 of the school year.

''(iv) ALTERNATIVE SAMPLE SIZE.—

''(I) IN GENERAL.—If the conditions described in subclause (IV) are met, the verification sample size for a local educational agency shall be the sample size described in subclause (II) or (III), as determined by the local educational agency.

''(II) 3,000/3 PERCENT OPTION.—The sample size described in this subclause shall be the lesser of 3,000, or 3 percent of, applications selected at random from applications approved by the local educational agency for the school year, as of October 1 of the school year.

''(III) 1,000/1 PERCENT PLUS OPTION.—

''(aa) IN GENERAL.—The sample size described in this subclause shall be the sum of—

''(AA) the lesser of 1,000, or 1 percent of, all applications approved by the local educational agency for the school year, as of October 1 of the school year, selected from error prone applications; and

''(BB) the lesser of 500, or ½ of 1 percent of, applications approved by the local educational agency for the school year, as of October 1 of the school year, that provide a case number (in lieu of income information) showing participation in a program described in item (bb) selected from those approved applications that provide a case number (in lieu of income information) verifying the participation.

''(bb) PROGRAMS.—The programs described in this item are—

''(AA) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

''(BB) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and

''(CC) a State program funded under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995.

''(IV) CONDITIONS.—The conditions referred to in subclause (I) shall be met for a local educational agency for a school year if—

''(aa) the nonresponse rate for the local educational agency for the preceding school year is less than 20 percent; or

''(bb) the local educational agency has more than 20,000 children approved by application by the local educational agency as eligible for free or reduced price meals for the school year, as of October 1 of the school year, and—

''(AA) the nonresponse rate for the preceding school year is at least 10 percent below the nonresponse rate for the second preceding school year; or

''(BB) in the case of the school year beginning July 2005, the local educational agency attempts to verify all approved household applications selected for verification through use of public agency records from at least 2 of the programs or sources of information described in subparagraph (F)(i).

''(v) ADDITIONAL SELECTED APPLICATIONS.—A sample for a local educational agency for a school year under clauses (iii) and (iv)(III)(AA) shall include the number of additional randomly selected approved household applications that are required to comply with the sample size requirements in those clauses.

''(E) PRELIMINARY REVIEW.—

''(i) REVIEW FOR ACCURACY.—

''(I) IN GENERAL.—Prior to conducting any other verification activity for approved household applications selected for verification, the local educational agency shall ensure that the initial eligibility determination for each approved household application is reviewed for accuracy by an individual other than the individual making the initial eligibility determination, unless otherwise determined by the Secretary.

''(II) WAIVER.—The requirements of subclause (I) shall be waived for a local educational agency if the local educational agency is using a technology-based solution that demonstrates a high level of accuracy, to the satisfaction of the Secretary, in processing an initial eligibility determination in accordance with the income eligibility guidelines of the school lunch program.

''(ii) CORRECT ELIGIBILITY DETERMINATION.—If the review indicates that the initial eligibility determination is correct, the local educational agency shall verify the approved household application.

''(iii) INCORRECT ELIGIBILITY DETERMINATION.—If the review indicates that the initial eligibility determination is incorrect, the local educational agency shall (as determined by the Secretary)—

''(I) correct the eligibility status of the household;

''(II) notify the household of the change;

''(III) in any case in which the review indicates that the household is not eligible for free or reduced-price meals, notify the household of the reason for the ineligibility and that the household may reapply with income documentation for free or reduced-price meals; and

''(IV) in any case in which the review indicates that the household is eligible for free or reduced-price meals, verify the approved household application.

''(F) DIRECT VERIFICATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), to verify eligibility for free or reduced price meals for approved household applications selected for verification, the local educational agency may (in accordance with criteria established by the Secretary) first obtain and use income and program participation information from a public agency administering—

''(I) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

''(II) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b));

''(III) the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(IV) the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

''(V) a similar income-tested program or other source of information, as determined by the Secretary.

''(ii) FREE MEALS.—Public agency records that may be obtained and used under clause (i) to verify eligibility for free meals for approved household applications selected for verification shall include the most recent available information (other than information reflecting program participation or income before the 180-day period ending on the date of application for free meals) that is relied on to administer—

''(I) a program or source of information described in clause (i) (other than clause (i)(IV)); or

''(II) the State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in—

''(aa) a State in which the income eligibility limit applied under section 1902(l)(2)(C) of that Act (42 U.S.C. 1396a(l)(2)(C)) is not more than 133 percent of the official poverty line described in section 1902(l)(2)(A) of that Act (42 U.S.C. 1396a(l)(2)(A)); or

''(bb) a State that otherwise identifies households that have income that is not more than 133 percent of the official poverty line described in section 1902(l)(2)(A) of that Act (42 U.S.C. 1396a(l)(2)(A)).

''(iii) REDUCED PRICE MEALS.—Public agency records that may be obtained and used under clause (i) to verify eligibility for reduced price meals for approved household applications selected for verification shall include the most recent available information (other than information reflecting program participation or income before the 180-day period ending on the date of application for reduced price meals) that is relied on to administer—

''(I) a program or source of information described in clause (i) (other than clause (i)(IV)); or

''(II) the State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in—

''(aa) a State in which the income eligibility limit applied under section 1902(l)(2)(C) of that Act (42 U.S.C. 1396a(l)(2)(C)) is not more than 185 percent of the official poverty line described in section 1902(l)(2)(A) of that Act (42 U.S.C. 1396a(l)(2)(A)); or

''(bb) a State that otherwise identifies households that have income that is not more than 185 percent of the official poverty line described in section 1902(l)(2)(A) of that Act (42 U.S.C. 1396a(l)(2)(A)).

''(iv) EVALUATION.—Not later than 3 years after the date of enactment of this subparagraph, the Secretary shall complete an evaluation of—

''(I) the effectiveness of direct verification carried out under this subparagraph in decreasing the portion of the verification sample that must be verified under subparagraph (G) while ensuring that adequate verification information is obtained; and

''(II) the feasibility of direct verification by State agencies and local educational agencies.

''(v) EXPANDED USE OF DIRECT VERIFICATION.—If the Secretary determines that direct verification significantly decreases the portion of the verification sample that must be verified under subparagraph (G), while ensuring that adequate verification information is obtained, and can be conducted by most State agencies and local educational agencies, the Secretary may require a State agency or local educational agency to implement direct verification through 1 or more of the programs described in clause (i), as determined by the Secretary, unless the State agency or local educational agency demonstrates (under criteria established by the Secretary) that the State agency or local educational agency lacks the capacity to conduct, or is unable to implement, direct verification.

''(G) HOUSEHOLD VERIFICATION.—

''(i) IN GENERAL.—If an approved household application is not verified through the use of public agency records, a local educational agency shall provide to the household written notice that—

''(I) the approved household application has been selected for verification; and

''(II) the household is required to submit verification information to confirm eligibility for free or reduced price meals.

''(ii) PHONE NUMBER.—The written notice in clause (i) shall include a toll-free phone number that parents and legal guardians in households selected for verification can call for assistance with the verification process.

''(iii) FOLLOWUP ACTIVITIES.—If a household does not respond to a verification request, a local educational agency shall make at least 1 attempt to obtain the necessary verification from the household in accordance with guidelines and regulations promulgated by the Secretary.

''(iv) CONTRACT AUTHORITY FOR SCHOOL FOOD AUTHORITIES.—A local educational agency may contract (under standards established by the Secretary) with a third party to assist the local educational agency in carrying out clause (iii).

''(H) VERIFICATION DEADLINE.—

''(i) GENERAL DEADLINE.—

''(I) IN GENERAL.—Subject to subclause (II), not later than November 15 of each school year, a local educational agency shall complete the verification activities required for the school year (including followup activities).

''(II) EXTENSION.—Under criteria established by the Secretary, a State may extend the deadline established under subclause (I) for a school year for a local educational agency to December 15 of the school year.

''(ii) ELIGIBILITY CHANGES.—Based on the verification activities, the local educational agency shall make appropriate modifications to the eligibility determinations made for household applications in accordance with criteria established by the Secretary.

''(I) LOCAL CONDITIONS.—In the case of a natural disaster, civil disorder, strike, or other local condition (as determined by the Secretary), the Secretary may substitute alternatives for—

''(i) the sample size and sample selection criteria established under subparagraph (D); and

''(ii) the verification deadline established under subparagraph (H).

''(J) INDIVIDUAL REVIEW.—In accordance with criteria established by the Secretary, the local educational agency may, on individual review—

''(i) decline to verify no more than 5 percent of approved household applications selected under subparagraph (D); and

''(ii) replace the approved household applications with other approved household applications to be verified.

''(K) FEASIBILITY STUDY.—

''(i) IN GENERAL.—The Secretary shall conduct a study of the feasibility of using computer technology (including data mining) to reduce—

''(I) overcertification errors in the school lunch program under this Act;

''(II) waste, fraud, and abuse in connection with this paragraph; and

''(III) errors, waste, fraud, and abuse in other nutrition programs, as determined to be appropriate by the Secretary.

''(ii) REPORT.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

''(I) the results of the feasibility study conducted under this subsection;

''(II) how a computer system using technology described in clause (i) could be implemented;

''(III) a plan for implementation; and

''(IV) proposed legislation, if necessary, to implement the system.''.

(b) CONFORMING AMENDMENTS.—Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended—

(1) by striking ''connected with the'' and inserting ''connected with—

''(A) the'';

(2) by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(B) at State option, the exchange of information necessary to verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition Act of 1966 and free or reduced price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency;''.

(c) EVALUATION FUNDING.—

(1) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to conduct the evaluation required by section 9(b)(3)(F)(iv) of the Richard B. Russell National School Lunch Act (as amended by subsection (a)) $2,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Agriculture shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 106. DURATION OF ELIGIBILITY FOR FREE OR REDUCED PRICE MEALS.

Paragraph (9) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C.1758(b)) (as redesignated by section 104(a)(1)) is amended—

(1) by striking ''(9) Any'' and inserting the following:

''(9) ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES.—

''(A) FREE LUNCHES.—Any'';

(2) by striking ''Any'' in the second sentence and inserting the following:

''(B) REDUCED PRICE LUNCHES.—

''(i) IN GENERAL.—Any'';

(3) by striking ''The'' in the last sentence and inserting the following:

''(ii) MAXIMUM PRICE.—The''; and

(4) by adding at the end the following:

''(C) DURATION.—Except as otherwise specified in paragraph (3)(E), (3)(H)(ii), and section 11(a), eligibility for free or reduced price meals for any school year shall remain in effect—

''(i) beginning on the date of eligibility approval for the current school year; and

''(ii) ending on a date during the subsequent school year determined by the Secretary.''.

SEC. 107. RUNAWAY, HOMELESS, AND MIGRANT YOUTH.

(a) CATEGORICAL ELIGIBILITY FOR FREE LUNCHES AND BREAKFASTS.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (as redesignated by section 104(a)(1) of this Act) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));

''(v) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

''(vi) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).''.

(b) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) is amended—

(1) in subparagraph (B), by striking ''or'';

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by inserting after subparagraph (C) the following:

''(D) documentation has been provided to the appropriate local educational agency showing that the child meets the criteria specified in clauses (iv) or (v) of subsection (b)(12)(A); or

''(E) documentation has been provided to the appropriate local educational agency showing the status of the child as a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).''.

SEC. 108. CERTIFICATION BY LOCAL EDUCATIONAL AGENCIES.

(a) CERTIFICATION BY LOCAL EDUCATIONAL AGENCY.—Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended—

(1) in the second sentence of subsection (b)(11) (as redesignated by section 104(a)(1)), by striking ''Local school authorities'' and inserting ''Local educational agencies''; and

(2) in subsection (d)(2)—

(A) by striking ''local school food authority'' each place it appears and inserting ''local educational agency''; and

(B) in subparagraph (A), by striking ''such authority'' and inserting ''the local educational agency''.

(b) DEFINITION OF LOCAL EDUCATIONAL AGENCY.—Section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)) is amended—

(1) by redesignating paragraph (8) as paragraph (3) and moving the paragraph to appear after paragraph (2);

(2) by redesignating paragraphs (3) through (7) (as those paragraphs existed before the amendment made by paragraph (1)) as paragraphs (5) through (9), respectively; and

(3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

''(4) LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(B) INCLUSION.—The term 'local educational agency' includes, in the case of a private nonprofit school, an appropriate entity determined by the Secretary.''.

(c) SCHOOL BREAKFAST PROGRAM.—Section 4(b)(1)(E)) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(E)) is amended by striking ''school food authority'' each place it appears and inserting ''local educational agency''.

SEC. 109. EXCLUSION OF MILITARY HOUSING ALLOWANCES.

Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by section 104(a)(1)) is amended in paragraph (13) by striking ''For each of fiscal years 2002 and 2003 and through June 30, 2004, the'' and inserting ''The''.

SEC. 110. WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.

Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2009''.

SEC. 111. FOOD SAFETY.

Section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)) is amended—

(1) in the subsection heading, by striking ''INSPECTIONS'';

(2) in paragraph (1)—

(A) by striking ''Except as provided in paragraph (2), a'' and inserting ''A'';

(B) by striking ''shall, at least once'' and inserting: ''shall—

''(A) at least twice'';

(C) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(B) post in a publicly visible location a report on the most recent inspection conducted under subparagraph (A); and

''(C) on request, provide a copy of the report to a member of the public.''; and

(3) by striking paragraph (2) and inserting the following:

''(2) STATE AND LOCAL GOVERNMENT INSPECTIONS.—Nothing in paragraph (1) prevents any State or local government from adopting or enforcing any requirement for more frequent food safety inspections of schools.

''(3) AUDITS AND REPORTS BY STATES.—For each of fiscal years 2006 through 2009, each State shall annually—

''(A) audit food safety inspections of schools conducted under paragraphs (1) and (2); and

''(B) submit to the Secretary a report of the results of the audit.

''(4) AUDIT BY THE SECRETARY.—For each of fiscal years 2006 through 2009, the Secretary shall annually audit State reports of food safety inspections of schools submitted under paragraph (3).

''(5) SCHOOL FOOD SAFETY PROGRAM.—Each school food authority shall implement a school food safety program, in the preparation and service of each meal served to children, that complies with any hazard analysis and critical control point system established by the Secretary.''.

SEC. 112. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)(2)(A)) is amended by striking ''2007'' and inserting ''2009''.

SEC. 113. SPECIAL ASSISTANCE.

Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by inserting ''or school district'' after ''school'' each place it appears in subparagraphs (C) through (E) (other than as part of ''school year'', ''school years'', ''school lunch'', ''school breakfast'', and ''4-school-year period'').

SEC. 114. FOOD AND NUTRITION PROJECTS INTEGRATED WITH ELEMENTARY SCHOOL CURRICULA.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (m).

SEC. 115. PROCUREMENT TRAINING.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 114) is amended by inserting after subsection (l) the following:

''(m) PROCUREMENT TRAINING.—

''(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (4), the Secretary shall provide technical assistance and training to States, State agencies, schools, and school food authorities in the procurement of goods and services for programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)).

''(2) BUY AMERICAN TRAINING.—Activities carried out under paragraph (1) shall include technical assistance and training to ensure compliance with subsection (n).

''(3) PROCURING SAFE FOODS.—Activities carried out under paragraph (1) shall include technical assistance and training on procuring safe foods, including the use of model specifications for procuring safe foods.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2005 through 2009, to remain available until expended.''.

SEC. 116. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) SEAMLESS SUMMER OPTION.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

''(8) SEAMLESS SUMMER OPTION.—Except as otherwise determined by the Secretary, a service institution that is a public or private nonprofit school food authority may provide summer or school vacation food service in accordance with applicable provisions of law governing the school lunch program established under this Act or the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).''.

(b) SEAMLESS SUMMER REIMBURSEMENTS.—Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended by adding at the end the following:

''(D) SEAMLESS SUMMER REIMBURSEMENTS.—A service institution described in subsection (a)(8) shall be reimbursed for meals and meal supplements in accordance with the applicable provisions under this Act (other than subparagraphs (A), (B), and (C) of this paragraph and paragraph (4)) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), as determined by the Secretary.''.

(c) SUMMER FOOD SERVICE ELIGIBILITY CRITERIA.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by subsection (a)) is amended by adding at the end the following—

''(9) EXEMPTION.—

''(A) IN GENERAL.—For each of calendar years 2005 and 2006 in rural areas of the State of Pennsylvania (as determined by the Secretary), the threshold for determining 'areas in which poor economic conditions exist' under paragraph (1)(C) shall be 40 percent.

''(B) EVALUATION.—

''(i) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall evaluate the impact of the eligibility criteria described in subparagraph (A) as compared to the eligibility criteria described in paragraph (1)(C).

''(ii) IMPACT.—The evaluation shall assess the impact of the threshold in subparagraph (A) on—

''(I) the number of sponsors offering meals through the summer food service program;

''(II) the number of sites offering meals through the summer food service program;

''(III) the geographic location of the sites;

''(IV) services provided to eligible children; and

''(V) other factors determined by the Secretary.

''(iii) REPORT.—Not later than January 1, 2008, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this subparagraph.

''(iv) FUNDING.—

''(I) IN GENERAL.—On January 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subparagraph $400,000, to remain available until expended.

''(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subparagraph the funds transferred under subclause (I), without further appropriation.''.

(d) SUMMER FOOD SERVICE RURAL TRANSPORTATION.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by subsection (c)) is amended by adding at the end the following:

''(10) SUMMER FOOD SERVICE RURAL TRANSPORTATION.—

''(A) IN GENERAL.—The Secretary shall provide grants, through not more than 5 eligible State agencies selected by the Secretary, to not more than 60 eligible service institutions selected by the Secretary to increase participation at congregate feeding sites in the summer food service program for children authorized by this section through innovative approaches to limited transportation in rural areas.

''(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph—

''(i) a State agency shall submit an application to the Secretary, in such manner as the Secretary shall establish, and meet criteria established by the Secretary; and

''(ii) a service institution shall agree to the terms and conditions of the grant, as established by the Secretary.

''(C) DURATION.—A service institution that receives a grant under this paragraph may use the grant funds during the 3-fiscal year period beginning in fiscal year 2005.

''(D) REPORTS.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

''(i) not later than January 1, 2007, an interim report that describes—

''(I) the use of funds made available under this paragraph; and

''(II) any progress made by using funds from each grant provided under this paragraph; and

''(ii) not later than January 1, 2008, a final report that describes—

''(I) the use of funds made available under this paragraph;

''(II) any progress made by using funds from each grant provided under this paragraph;

''(III) the impact of this paragraph on participation in the summer food service program for children authorized by this section; and

''(IV) any recommendations by the Secretary concerning the activities of the service institutions receiving grants under this paragraph.

''(E) FUNDING.—

''(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this paragraph—

''(I) on October 1, 2005, $2,000,000; and

''(II) on October 1, 2006, and October 1, 2007, $1,000,000.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

''(iii) AVAILABILITY OF FUNDS.—Funds transferred under clause (i) shall remain available until expended.

''(iv) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.''.

(e) REAUTHORIZATION.—Section 13(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking

''June 30, 2004'' and inserting ''September 30, 2009''.

(f) SIMPLIFIED SUMMER FOOD PROGRAMS.—

(1) DEFINITION OF ELIGIBLE STATE.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (1) and inserting the following:

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means—

''(A) a State participating in the program under this subsection as of May 1, 2004; and

''(B) a State in which (based on data available in April 2004)—

''(i) the percentage obtained by dividing—

''(I) the sum of—

''(aa) the average daily number of children attending the summer food service program in the State in July 2003; and

''(bb) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in July 2003; by

''(II) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in March 2003; is less than

''(ii) 66.67 percent of the percentage obtained by dividing—

''(I) the sum of—

''(aa) the average daily number of children attending the summer food service program in all States in July 2003; and

''(bb) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in July 2003; by

''(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 2003.''.

(2) DURATION.—Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking ''During the period beginning October 1, 2000, and ending June 30, 2004, the'' and inserting ''The''.

(3) PRIVATE NONPROFIT ORGANIZATIONS.—Section 18(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(3)) is amended in subparagraphs (A) and (B) by striking ''(other than a service institution described in section 13(a)(7))'' both places it appears.

(4) REPORT.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (6) and inserting the following:

''(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

''(A) the evaluations completed by the Secretary under paragraph (5); and

''(B) any recommendations of the Secretary concerning the programs.''.

(5) CONFORMING AMENDMENTS.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended—

(A) by striking the subsection heading and inserting the following:

''(f) SIMPLIFIED SUMMER FOOD PROGRAMS.—'';-

(B) in paragraph (2)—

(i) by striking the paragraph heading and inserting the following:

''(2) PROGRAMS.—''; and

(ii) by striking ''pilot project'' and inserting ''program'';

(C) in subparagraph (A) and (B) of paragraph (3), by striking ''pilot project'' both places it appears and inserting ''program''; and

(D) in paragraph (5)—

(i) in the paragraph heading by striking ''PILOT PROJECTS'' and inserting ''PROGRAMS''; and

(ii) by striking ''pilot project'' each place it appears and inserting ''program''.

SEC. 117. COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking '', during the period beginning July 1, 1974, and ending June 30, 2004,''.

SEC. 118. NOTICE OF IRRADIATED FOOD PRODUCTS.

Section 14 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end the following:

''(h) NOTICE OF IRRADIATED FOOD PRODUCTS.—

''(1) IN GENERAL.—The Secretary shall develop a policy and establish procedures for the purchase and distribution of irradiated food products in school meals programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) MINIMUM REQUIREMENTS.—The policy and procedures shall ensure, at a minimum, that—

''(A) irradiated food products are made available only at the request of States and school food authorities;

''(B) reimbursements to schools for irradiated food products are equal to reimbursements to schools for food products that are not irradiated;

''(C) States and school food authorities are provided factual information on the science and evidence regarding irradiation technology, including—

''(i) notice that irradiation is not a substitute for safe food handling techniques; and

''(ii) any other similar information determined by the Secretary to be necessary to promote food safety in school meals programs;

''(D) States and school food authorities are provided model procedures for providing to school food authorities, parents, and students—

''(i) factual information on the science and evidence regarding irradiation technology; and

''(ii) any other similar information determined by the Secretary to be necessary to promote food safety in school meals;

''(E) irradiated food products distributed to the Federal school meals program under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are labeled with a symbol or other printed notice that—

''(i) indicates that the product was irradiated; and

''(ii) is prominently displayed in a clear and understandable format on the container;

''(F) irradiated food products are not commingled in containers with food products that are not irradiated; and

''(G) schools that offer irradiated food products are encouraged to offer alternatives to irradiated food products as part of the meal plan used by the schools.''.

SEC. 119. CHILD AND ADULT CARE FOOD PROGRAM.

(a) DEFINITION OF INSTITUTION.—

(1) IN GENERAL.—Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)(i)) is amended by striking ''during'' and all that follows through ''2004,''.

(2) CONFORMING AMENDMENT.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

(b) DURATION OF DETERMINATION AS TIER I FAMILY OR GROUP DAY CARE HOME.—Section 17(f)(3)(E)(iii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(E)(iii)) is amended by striking ''3 years'' and inserting ''5 years''.

(c) AUDITS.—Section 17(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking ''(i) The'' and inserting the following:

''(i) AUDITS.—

''(1) DISREGARDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in conducting management evaluations, reviews, or audits under this section, the Secretary or a State agency may disregard any overpayment to an institution for a fiscal year if the total overpayment to the institution for the fiscal year does not exceed an amount that is consistent with the disregards allowed in other programs under this Act and recognizes the cost of collecting small claims, as determined by the Secretary.

''(B) CRIMINAL OR FRAUD VIOLATIONS.—In carrying out this paragraph, the Secretary and a State agency shall not disregard any overpayment for which there is evidence of a violation of a criminal law or civil fraud law.

''(2) FUNDING.—The''.

(d) DURATION OF AGREEMENTS.—Section 17(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)) is amended—

(1) by striking ''(j) The'' and inserting the following:

''(j) AGREEMENTS.—

''(1) IN GENERAL.—The''; and

(2) by adding at the end the following:

''(2) DURATION.—An agreement under paragraph (1) shall remain in effect until terminated by either party to the agreement.''.

(e) RURAL AREA ELIGIBILITY DETERMINATION FOR DAY CARE HOMES.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) (as amended by subsection (a)(2)) is amended by inserting after subsection (o) the following:

''(p) RURAL AREA ELIGIBILITY DETERMINATION FOR DAY CARE HOMES.—

''(1) DEFINITION OF SELECTED TIER I FAMILY OR GROUP DAY CARE HOME.—In this subsection, the term 'selected tier I family or group day care home' means a family or group day home that meets the definition of tier I family or group day care home under subclause (I) of subsection (f)(3)(A)(ii) except that items (aa) and (bb) of that subclause shall be applied by substituting '40 percent' for '50 percent'.

''(2) ELIGIBILITY.—For each of fiscal years 2006 and 2007, in rural areas of the State of Nebraska (as determined by the Secretary), the Secretary shall provide reimbursement to selected tier I family or group day care homes (as defined in paragraph (1)) under subsection (f)(3) in the same manner as tier I family or group day care homes (as defined in subsection (f)(3)(A)(ii)(I)).

''(3) EVALUATION.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall evaluate the impact of the eligibility criteria described in paragraph (2) as compared to the eligibility criteria described in subsection (f)(3)(A)(ii)(I).

''(B) IMPACT.—The evaluation shall assess the impact of the change in eligibility requirements on—

''(i) the number of family or group day care homes offering meals under this section;

''(ii) the number of family or group day care homes offering meals under this section that are defined as tier I family or group day care homes as a result of paragraph (1) that otherwise would be defined as tier II family or group day care homes under subsection (f)(3)(A)(iii);

''(iii) the geographic location of the family or group day care homes;

''(iv) services provided to eligible children; and

''(v) other factors determined by the Secretary.

''(C) REPORT.—Not later than March 31, 2008, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this subsection.

''(D) FUNDING.—

''(i) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this paragraph $400,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.''.

(f) MANAGEMENT SUPPORT.—Section 17(q)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)(3)) is amended by striking ''1999 through 2003'' and inserting ''2005 and 2006''.

(g) AGE LIMITS.—Section 17(t)(5)(A)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(t)(5)(A)(i) is amended—

(1) in subclause (I)—

(A) by striking ''12'' and inserting ''18''; and

(B) by inserting ''or'' after the semicolon;

(2) by striking subclause (II); and

(3) by redesignating subclause (III) as subclause (II).

(h) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (a)(6)(B), by inserting ''and adult'' after ''child''; and

(2) in subsection (t)(3), by striking ''subsection (a)(1)'' and inserting ''subsection (a)(5)''.

(i) PAPERWORK REDUCTION.—The Secretary of Agriculture, in conjunction with States and participating institutions, shall examine the feasibility of reducing paperwork resulting from regulations and recordkeeping requirements for State agencies, family child care homes, child care centers, and sponsoring organizations participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(j) EARLY CHILD NUTRITION EDUCATION.—

(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (6), for a period of 4 successive years, the Secretary of Agriculture shall award to 1 or more entities with expertise in designing and implementing health education programs for limited-English-proficient individuals 1 or more grants to enhance obesity prevention activities for child care centers and sponsoring organizations providing services to limited-English-proficient individuals through the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) in each of 4 States selected by the Secretary in accordance with paragraph (2).

(2) STATES.—The Secretary shall provide grants under this subsection in States that have experienced a growth in the limited-English-proficient population of the States of at least 100 percent between the years 1990 and 2000, as measured by the census.

(3) REQUIRED ACTIVITIES.—Activities carried out under paragraph (1) shall include—

(A) developing an interactive and comprehensive tool kit for use by lay health educators and training activities;

(B) conducting training and providing ongoing technical assistance for lay health educators; and

(C) establishing collaborations with child care centers and sponsoring organizations participating in the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) to—

(i) identify limited-English-proficient children and families; and

(ii) enhance the capacity of the child care centers and sponsoring organizations to use appropriate obesity prevention strategies.

(4) EVALUATION.—Each grant recipient shall identify an institution of higher education to conduct an independent evaluation of the effectiveness of the grant.

(5) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions, of the Senate a report that includes—

(A) the evaluation completed by the institution of higher education under paragraph (4);

(B) the effectiveness of lay health educators in reducing childhood obesity; and

(C) any recommendations of the Secretary concerning the grants.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $250,000 for each of fiscal years 2005 through 2009.

SEC. 120. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (g) and inserting the following:

''(g) FRESH FRUIT AND VEGETABLE PROGRAM.—

''(1) IN GENERAL.—For the school year beginning July 2004 and each subsequent school year, the Secretary shall carry out a program to make free fresh fruits and vegetables available, to the maximum extent practicable, to—

''(A) 25 elementary or secondary schools in each of the 4 States authorized to participate in the program under this subsection on May 1, 2004;

''(B) 25 elementary or secondary schools (as selected by the Secretary in accordance with paragraph (3)) in each of 4 States (including a State for which funds were allocated under the program described in paragraph (3)(B)(ii)) that are not participating in the program under this subsection on May 1, 2004; and

''(C) 25 elementary or secondary schools operated on 3 Indian reservations (including the reservation authorized to participate in the program under this subsection on May 1, 2004), as selected by the Secretary.

''(2) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day in 1 or more areas designated by the school.

''(3) SELECTION OF SCHOOLS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in selecting additional schools to participate in the program under paragraph (1)(B), the Secretary shall—

''(i) to the maximum extent practicable, ensure that the majority of schools selected are those in which not less than 50 percent of students are eligible for free or reduced price meals under this Act;

''(ii) solicit applications from interested schools that include—

''(I) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

''(II) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

''(III) such other information as may be requested by the Secretary;

''(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act; and

''(iv) give priority to schools that submit a plan for implementation of the program that includes a partnership with 1 or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for—

''(I) the acquisition, handling, promotion, or distribution of fresh and dried fruits and fresh vegetables; or

''(II) other support that contributes to the purposes of the program.

''(B) NONAPPLICABILITY TO EXISTING PARTICIPANTS.—Subparagraph (A) shall not apply to a school, State, or Indian reservation authorized—

''(i) to participate in the program on May 1, 2004; or

''(ii) to receive funding for free fruits and vegetables under funds provided for public health improvement under the heading 'DISEASE CONTROL, RESEARCH, AND TRAINING' under the heading 'CENTERS FOR DISEASE CONTROL AND PREVENTION' in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004 (Division E of Public Law 108–199; 118 Stat. 238).

''(4) NOTICE OF AVAILABILITY.—To be eligible to participate in the program under this subsection, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

''(5) REPORTS.—

''(A) INTERIM REPORTS.—Not later than September 30 of each of fiscal years 2005 through 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the activities carried out under this subsection during the fiscal year covered by the report.

''(B) FINAL REPORT.—Not later than December 31, 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report that describes the results of the program under this subsection.

''(6) FUNDING.—

''(A) EXISTING FUNDS.—The Secretary shall use to carry out this subsection any funds that remain under this subsection on the day before the date of enactment of this subparagraph.

''(B) MANDATORY FUNDS.—

''(i) IN GENERAL.—On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $9,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds made available under this subparagraph, without further appropriation.

''(C) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts made available under subparagraphs (A) and (B), there are authorized to be appropriated such sums as

are necessary to expand the program carried out under this subsection.

''(D) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.''.

SEC. 121. SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

''(h) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—

''(1) IN GENERAL.—During the month after the date of enactment of this subsection through September, 2004, and the months of May through September, 2005, the Secretary shall modify eligibility criteria, at not more than 1 private nonprofit residential camp in each of not more than 2 States, as determined by the Secretary, for the purpose of identifying and evaluating alternative methods of determining the eligibility of residential private nonprofit camps to participate in the summer food service program for children established under section 13.

''(2) ELIGIBILITY.—To be eligible for the criteria modified under paragraph (1), a residential camp—

''(A) shall be a service institution (as defined in section 13(a)(1));

''(B) may not charge a fee to any child in residence at the camp; and

''(C) shall serve children who reside in an area in which poor economic conditions exist (as defined in section 13(a)(1)).

''(3) PAYMENTS.—

''(A) IN GENERAL.—Under this subsection, the Secretary shall provide reimbursement for meals served to all children at a residential camp at the payment rates specified in section 13(b)(1).

''(B) REIMBURSABLE MEALS.—A residential camp selected by the Secretary may receive reimbursement for not more than 3 meals, or 2 meals and 1 supplement, during each day of operation.

''(4) EVALUATION.—

''(A) INFORMATION FROM RESIDENTIAL CAMPS.—Not later than December 31, 2005, a residential camp selected under paragraph (1) shall report to the Secretary such information as is required by the Secretary concerning the requirements of this subsection.

''(B) REPORT TO CONGRESS.—Not later than March 31, 2006, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the effect of this subsection on program participation and other factors, as determined by the Secretary.''.

SEC. 122. ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 121) is amended by adding at the end the following:

''(i) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.—

''(1) IN GENERAL.—The Secretary may provide assistance, through competitive matching grants and technical assistance, to schools and nonprofit entities for projects that—

''(A) improve access to local foods in schools and institutions participating in programs under this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) through farm-to-cafeteria activities, including school gardens, that may include the acquisition of food and appropriate equipment and the provision of training and education;

''(B) are, at a minimum, designed to—

''(i) procure local foods from small- and medium-sized farms for school meals; and

''(ii) support school garden programs;

''(C) support nutrition education activities or curriculum planning that incorporates the participation of school children in farm-based agricultural education activities, that may include school gardens;

''(D) develop a sustained commitment to farm-to-cafeteria projects in the community by linking schools, State departments of agriculture, agricultural producers, parents, and other community stakeholders;

''(E) require $100,000 or less in Federal contributions;

''(F) require a Federal share of costs not to exceed 75 percent;

''(G) provide matching support in the form of cash or in-kind contributions (including facilities, equipment, or services provided by State and local governments and private sources); and

''(H) cooperate in an evaluation carried out by the Secretary.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2004 through 2009.''.

SEC. 123. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 122) is amended by adding at the end the following:

''(j) YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—A service institution that is described in section 13(a)(6) (excluding a public school), or a private nonprofit organization described in section 13(a)(7), and that is located in the State of California may be reimbursed—

''(A) for up to 2 meals during each day of operation served—

''(i) during the months of May through September;

''(ii) in the case of a service institution that operates a food service program for children on school vacation, at anytime under a continuous school calendar; and

''(iii) in the case of a service institution that provides meal service at a nonschool site to children who are not in school for a period during the school year due to a natural disaster, building repair, court order, or similar case, at anytime during such a period; and

''(B) for a snack served during each day of operation after school hours, weekends, and school holidays during the regular school calendar.

''(2) PAYMENTS.—The service institution shall be reimbursed consistent with section 13(b)(1).

''(3) ADMINISTRATION.—To receive reimbursement under this subsection, a service institution shall comply with section 13, other than subsections (b)(2) and (c)(1) of that section.

''(4) EVALUATION.—Not later than September 30, 2007, the State agency shall submit to the Secretary a report on the effect of this subsection on participation in the summer food service program for children established under section 13.

''(5) FUNDING.—The Secretary shall provide to the State of California such sums as are necessary to carry out this subsection for each of fiscal years 2005 through 2009.''.

SEC. 124. FREE LUNCH AND BREAKFAST ELIGIBILITY.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 123) is amended by adding at the end the following:

''(k) FREE LUNCH AND BREAKFAST ELIGIBILITY.—

''(1) IN GENERAL.—Subject to the availability of funds under paragraph (4), the Secretary shall expand the service of free lunches and breakfasts provided at schools participating in the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) in all or part of 5 States selected by the Secretary (of which at least 1 shall be a largely rural State with a significant Native American population).

''(2) INCOME ELIGIBILITY.—The income guidelines for determining eligibility for free lunches or breakfasts under this subsection shall be 185 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

''(3) EVALUATION.—

''(A) IN GENERAL.—Not later than 3 years after the implementation of this subsection, the Secretary shall conduct an evaluation to assess the impact of the changed income eligibility guidelines by comparing the school food authorities operating under this subsection to school food authorities not operating under this subsection.

''(B) IMPACT ASSESSMENT.—

''(i) CHILDREN.—The evaluation shall assess the impact of this subsection separately on—

''(I) children in households with incomes less than 130 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B); and

''(II) children in households with incomes greater than 130 percent and not greater than 185 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

''(ii) FACTORS.—The evaluation shall assess the impact of this subsection on—

''(I) certification and participation rates in the school lunch and breakfast programs;

''(II) rates of lunch- and breakfast-skipping;

''(III) academic achievement;

''(IV) the allocation of funds authorized in title I of the Elementary and Secondary Education Act (20 U.S.C. 6301) to local educational agencies and public schools; and

''(V) other factors determined by the Secretary.

''(C) COST ASSESSMENT.—The evaluation shall assess the increased costs associated with providing additional free, reduced price, or paid meals in the school food authorities operating under this subsection.

''(D) REPORT.—On completion of the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this paragraph.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.''.

SEC. 125. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

(a) IN GENERAL.—Section 21(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(a)(1)) is amended by striking ''activities and'' and all that follows and inserting ''activities and provide—

''(A) training and technical assistance to improve the skills of individuals employed in—

''(i) food service programs carried out with assistance under this Act and, to the maximum extent practicable, using individuals who administer exemplary local food service programs in the State;

''(ii) school breakfast programs carried out with assistance under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

''(iii) as appropriate, other federally assisted feeding programs; and

''(B) assistance, on a competitive basis, to State agencies for the purpose of aiding schools and school food authorities with at least 50 percent of enrolled children certified to receive free or reduced price meals (and, if there are any remaining funds, other schools and school food authorities) in meeting the cost of acquiring or upgrading technology and information management systems for use in food service programs carried out under this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), if the school or school food authority submits to the State agency an infrastructure development plan that—

''(i) addresses the cost savings and improvements in program integrity and operations that would result from the use of new or upgraded technology;

''(ii) ensures that there is not any overt identification of any child by special tokens or tickets, announced or published list of names, or by any other means;

''(iii) provides for processing and verifying applications for free and reduced price school meals;

''(iv) integrates menu planning, production, and serving data to monitor compliance with section 9(f)(1); and

''(v) establishes compatibility with statewide reporting systems;

''(C) assistance, on a competitive basis, to State agencies with low proportions of schools or students that—

''(i) participate in the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

''(ii) demonstrate the greatest need, for the purpose of aiding schools in meeting costs associated with initiating or expanding a school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), including outreach and informational activities; and''.

(b) DUTIES OF FOOD SERVICE MANAGEMENT INSTITUTE.—Section 21(c)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(c)(2)(B)) is amended—

(1) by striking clauses (vi) and (vii) and inserting the following:

''(vi) safety, including food handling, hazard analysis and critical control point plan implementation, emergency readiness, responding to a food recall, and food biosecurity training;''; and

(2) by redesignating clauses (viii) through (x) as clauses (vii) through (ix), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) TRAINING ACTIVITIES AND TECHNICAL ASSISTANCE.—Section 21(e)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(e)(1)) is amended by striking ''2003'' and inserting ''2009''.

(2) FOOD SERVICE MANAGEMENT INSTITUTE.—Section 21(e)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(e)(2)(A) is amended in the first sentence—

(A) by striking ''provide to the Secretary'' and all that follows through ''1998, and'' and inserting ''provide to the Secretary''; and

(B) by striking ''1999 and'' and inserting ''2004 and $4,000,000 for fiscal year 2005''.

SEC. 126. ADMINISTRATIVE ERROR REDUCTION.

(a) FEDERAL SUPPORT FOR TRAINING AND TECHNICAL ASSISTANCE.—Section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1) is amended by adding at the end the following:

''(f) ADMINISTRATIVE TRAINING AND TECHNICAL ASSISTANCE MATERIAL.—In collaboration with State educational agencies, local educational agencies, and school food authorities of varying sizes, the Secretary shall develop and distribute training and technical assistance material relating to the administration of school meals programs that are representative of the best management and administrative practices.

''(g) FEDERAL ADMINISTRATIVE SUPPORT.—

''(1) FUNDING.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection—

''(i) on October 1, 2004, and October 1, 2005, $3,000,000; and

''(ii) on October 1, 2006, October 1, 2007, and October 1, 2008, $2,000,000.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(C) AVAILABILITY OF FUNDS.—Funds transferred under subparagraph (A) shall remain available until expended.

''(2) USE OF FUNDS.—The Secretary may use funds provided under this subsection—

''(A) to provide training and technical assistance and material related to improving program integrity and administrative accuracy in school meals programs; and

''(B) to assist State educational agencies in reviewing the administrative practices of local educational agencies, to the extent determined by the Secretary.''.

(b) SELECTED ADMINISTRATIVE REVIEWS.—

(1) IN GENERAL.—Section 22(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(b)) is amended by adding at the end the following:

''(3) ADDITIONAL REVIEW REQUIREMENT FOR SELECTED LOCAL EDUCATIONAL AGENCIES.—

''(A) DEFINITION OF SELECTED LOCAL EDUCATIONAL AGENCIES.—In this paragraph, the term 'selected local educational agency' means a local educational agency that has a demonstrated high level of, or a high risk for, administrative error, as determined by the Secretary.

''(B) ADDITIONAL ADMINISTRATIVE REVIEW.—In addition to any review required by subsection (a) or paragraph (1), each State educational agency shall conduct an administrative review of each selected local educational agency during the review cycle established under subsection (a).

''(C) SCOPE OF REVIEW.—In carrying out a review under subparagraph (B), a State educational agency shall only review the administrative processes of a selected local educational agency, including application, certification, verification, meal counting, and meal claiming procedures.

''(D) RESULTS OF REVIEW.—If the State educational agency determines (on the basis of a review conducted under subparagraph (B)) that a selected local educational agency fails to meet performance criteria established by the Secretary, the State educational agency shall—

''(i) require the selected local educational agency to develop and carry out an approved plan of corrective action;

''(ii) except to the extent technical assistance is provided directly by the Secretary, provide technical assistance to assist the selected local educational agency in carrying out the corrective action plan; and

''(iii) conduct a followup review of the selected local educational agency under standards established by the Secretary.

''(4) RETAINING FUNDS AFTER ADMINISTRATIVE REVIEWS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), if the local educational agency fails to meet administrative performance criteria established by the Secretary in both an initial review and a followup review under paragraph (1) or (3) or subsection (a), the Secretary may require the State educational agency to retain funds that would otherwise be paid to the local educational agency for school meals programs under procedures prescribed by the Secretary.

''(B) AMOUNT.—The amount of funds retained under subparagraph (A) shall equal the value of any overpayment made to the local educational agency or school food authority as a result of an erroneous claim during the time period described in subparagraph (C).

''(C) TIME PERIOD.—The period for determining the value of any overpayment under subparagraph (B) shall be the period—

''(i) beginning on the date the erroneous claim was made; and

''(ii) ending on the earlier of the date the erroneous claim is corrected or—

''(I) in the case of the first followup review conducted by the State educational agency of the local educational agency under this section after July 1, 2005, the date that is 60 days after the beginning of the period under clause (i); or

''(II) in the case of any subsequent followup review conducted by the State educational agency of the local educational agency under this section, the date that is 90 days after the beginning of the period under clause (i).

''(5) USE OF RETAINED FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), funds retained under paragraph (4) shall—

''(i) be returned to the Secretary, and may be used—

''(I) to provide training and technical assistance related to administrative practices designed to improve program integrity and administrative accuracy in school meals programs to State educational agencies and, to the extent determined by the Secretary, to local educational agencies and school food authorities;

''(II) to assist State educational agencies in reviewing the administrative practices of local educational agencies in carrying out school meals programs; and

''(III) to carry out section 21(f); or

''(ii) be credited to the child nutrition programs appropriation account.

''(B) STATE SHARE.—A State educational agency may retain not more than 25 percent of an amount recovered under paragraph (4), to carry out school meals program integrity initiatives to assist local educational agencies and school food authorities that have repeatedly failed, as determined by the Secretary, to meet administrative performance criteria.

''(C) REQUIREMENT.—To be eligible to retain funds under subparagraph (B), a State educational agency shall—

''(i) submit to the Secretary a plan describing how the State educational agency will use the funds to improve school meals program integrity, including measures to give priority to local educational agencies from which funds were retained under paragraph (4);

''(ii) consider using individuals who administer exemplary local food service programs in the provision of training and technical assistance; and

''(iii) obtain the approval of the Secretary for the plan.''.

(2) INTERPRETATION.—Nothing in the amendment made by paragraph (1) affects the requirements for fiscal actions as described in the regulations issued pursuant to

section 22(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(a)).

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) in subsection (e)—

(A) by striking ''(e) Each'' and inserting the following:

''(e) PLANS FOR USE OF ADMINISTRATIVE EXPENSE FUNDS.—

''(1) IN GENERAL.—Each''; and

(B) by striking ''After submitting'' and all that follows through ''change in the plan.'' and inserting the following:

''(2) UPDATES AND INFORMATION MANAGEMENT SYSTEMS.—

''(A) IN GENERAL.—After submitting the initial plan, a State shall be required to submit to the Secretary for approval only a substantive change in the plan.

''(B) PLAN CONTENTS.—Each State plan shall, at a minimum, include a description of how technology and information management systems will be used to improve program integrity by—

''(i) monitoring the nutrient content of meals served;

''(ii) training local educational agencies, school food authorities, and schools in how to use technology and information management systems (including verifying eligibility for free or reduced price meals using program participation or income data gathered by State or local agencies); and

''(iii) using electronic data to establish benchmarks to compare and monitor program integrity, program participation, and financial data.

''(3) TRAINING AND TECHNICAL ASSISTANCE.—Each State shall submit to the Secretary for approval a plan describing the manner in which the State intends to implement subsection (g) and section 22(b)(3) of the Richard B. Russell National School Lunch Act.'';

(2) by redesignating subsection (g) as subsection (j); and

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

''(g) STATE TRAINING.—

''(1) IN GENERAL.—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to local educational agency and school food authority administrative personnel and other appropriate personnel, with emphasis on the requirements established by the Child Nutrition and WIC Reauthorization Act of 2004 and the amendments made by that Act.

''(2) FEDERAL ROLE.—The Secretary shall—

''(A) provide training and technical assistance to a State; or

''(B) at the option of the Secretary, directly provide training and technical assistance described in paragraph (1).

''(3) REQUIRED PARTICIPATION.—In accordance with procedures established by the Secretary, each local educational agency or school food authority shall ensure that an individual conducting or overseeing administrative procedures described in paragraph (1) receives training at least annually, unless determined otherwise by the Secretary.

''(h) FUNDING FOR TRAINING AND ADMINISTRATIVE REVIEWS.—

''(1) FUNDING.—

''(A) IN GENERAL.—On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $4,000,000, to remain available until expended.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall use funds provided under this subsection to assist States in carrying out subsection (g) and administrative reviews of selected local educational agencies carried out under section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c).

''(B) EXCEPTION.—The Secretary may retain a portion of the amount provided to cover costs of activities carried out by the Secretary in lieu of the State.

''(3) ALLOCATION.—The Secretary shall allocate funds provided under this subsection to States based on the number of local educational agencies that have demonstrated a high level of, or a high risk for, administrative error, as determined by the Secretary, taking into account the requirements established by the Child Nutrition and WIC Reauthorization Act of 2004 and the amendments made by that Act.

''(4) REALLOCATION.—The Secretary may reallocate, to carry out this section, any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.''.

SEC. 127. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking ''$3,000,000 for each of the fiscal years 1994 through 2003'' and inserting ''$6,000,000 for each of fiscal years 2004 through 2009''.

SEC. 128. INFORMATION CLEARINGHOUSE.

Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence—

(1) by striking ''1998, and'' and inserting ''1998,''; and

(2) by striking ''through 2003'' and inserting ''through 2004, and $250,000 for each of fiscal years 2005 through 2009''.

SEC. 129. PROGRAM EVALUATION.

The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following:

''SEC. 28. PROGRAM EVALUATION.

''(a) PERFORMANCE ASSESSMENTS.—

''(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (3), the Secretary, acting through the Administrator of the Food and Nutrition Service, may conduct annual national performance assessments of the meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) COMPONENTS.—In conducting an assessment, the Secretary may assess—

''(A) the cost of producing meals and meal supplements under the programs described in paragraph (1); and

''(B) the nutrient profile of meals, and status of menu planning practices, under the programs.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2004 and each subsequent fiscal year.

''(b) CERTIFICATION IMPROVEMENTS.—

''(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (5), the Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct a study of the feasibility of improving the certification process used for the school lunch program established under this Act.

''(2) PILOT PROJECTS.—In carrying out this subsection, the Secretary may conduct pilot projects to improve the certification process used for the school lunch program.

''(3) COMPONENTS.—In carrying out this subsection, the Secretary shall examine the use of—

''(A) other income reporting systems;

''(B) an integrated benefit eligibility determination process managed by a single agency;

''(C) income or program participation data gathered by State or local agencies; and

''(D) other options determined by the Secretary.

''(4) WAIVERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may waive such provisions of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as are necessary to carry out this subsection.

''(B) PROVISIONS.—The protections of section 9(b)(6) shall apply to any study or pilot project carried out under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection such sums as are necessary.''.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

SEC. 201. SEVERE NEED ASSISTANCE.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by striking subsection (d) and inserting the following:

''(d) SEVERE NEED ASSISTANCE.—

''(1) IN GENERAL.—Each State educational agency shall provide additional assistance to schools in severe need, which shall include only those schools (having a breakfast program or desiring to initiate a breakfast program) in which—

''(A) during the most recent second preceding school year for which lunches were served, 40 percent or more of the lunches served to students at the school were served free or at a reduced price; or

''(B) in the case of a school in which lunches were not served during the most recent second preceding school year, the Secretary otherwise determines that the requirements of subparagraph (A) would have been met.

''(2) ADDITIONAL ASSISTANCE.—A school, on the submission of appropriate documentation about the need circumstances in that school and the eligibility of the school for additional assistance, shall be entitled to receive the meal reimbursement rate specified in subsection (b)(2).''.

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) MINIMUM STATE ADMINISTRATIVE EXPENSE GRANTS.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) by striking the section heading and all that follows through ''(a)(1) Each'' and inserting the following:

''SEC. 7. STATE ADMINISTRATIVE EXPENSES.

''(a) AMOUNT AND ALLOCATION OF FUNDS.—

''(1) AMOUNT AVAILABLE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after the first sentence the following:

''(B) MINIMUM AMOUNT.—In the case of each of fiscal years 2005 through 2007, the Secretary shall make available to each State for administrative costs not less than the initial allocation made to the State under this subsection for fiscal year 2004.'';

(ii) by striking ''The Secretary'' and inserting the following:

''(C) ALLOCATION.—The Secretary''; and

(iii) by striking the last sentence; and

(B) in paragraph (2)—

(i) by striking ''(2) The'' and inserting the following:

''(2) EXPENSE GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the'';

(ii) in the second sentence—

(I) by striking ''In no case'' and inserting the following:

''(B) MINIMUM AMOUNT.—

''(i) IN GENERAL.—In no case'';

(II) by striking ''this subsection'' and inserting ''this paragraph''; and

(III) by striking ''$100,000'' and inserting ''$200,000 (as adjusted under clause (ii)''; and

(iii) by adding at the end the following:

''(ii) ADJUSTMENT.—On October 1, 2008, and each October 1 thereafter, the minimum dollar amount for a fiscal year specified in clause (i) shall be adjusted to reflect the percentage change between—

''(I) the value of the index for State and local government purchases, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and

''(II) the value of that index for the 12-month period ending June 30 of the preceding fiscal year.''.

(b) TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by inserting after subsection (h) (as added by section 126(c)(3)) the following:

''(i) TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.—

''(1) IN GENERAL.—Each State shall submit to the Secretary, for approval by the Secretary, an amendment to the plan required by subsection (e) that describes the manner in which funds provided under this section will be used for technology and information management systems.

''(2) REQUIREMENTS.—The amendment shall, at a minimum, describe the manner in which the State will improve program integrity by—

''(A) monitoring the nutrient content of meals served;

''(B) providing training to local educational agencies, school food authorities, and schools on the use of technology and information management systems for activities including—

''(i) menu planning;

''(ii) collection of point-of-sale data; and

''(iii) the processing of applications for free and reduced price meals; and

''(C) using electronic data to establish benchmarks to compare and monitor program integrity, program participation, and financial data across schools and school food authorities.

''(3) TECHNOLOGY INFRASTRUCTURE GRANTS.—

''(A) IN GENERAL.—Subject to the availability of funds made available under paragraph (4) to carry out this paragraph, the Secretary shall, on a competitive basis, provide funds to States to be used to provide grants to local educational agencies, school food authorities, and schools to defray the cost of purchasing or upgrading technology and information management systems for use in programs authorized by this Act (other than section 17) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(B) INFRASTRUCTURE DEVELOPMENT PLAN.—To be eligible to receive a grant under this paragraph, a school or school food authority shall submit to the State a plan to purchase or upgrade technology and information management systems that addresses potential cost savings and methods to improve program integrity, including—

''(i) processing and verification of applications for free and reduced price meals;

''(ii) integration of menu planning, production, and serving data to monitor compliance with section 9(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1)); and

''(iii) compatibility with statewide reporting systems.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2005 through 2009, to remain available until expended.''.

(c) REAUTHORIZATION.—Subsection (j) of section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as redesignated by section 126(c)(2)) is amended by striking ''2003'' and inserting ''2009''.

SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) DEFINITIONS.—

(1) NUTRITION EDUCATION.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by striking paragraph (7) and inserting the following:

''(7) NUTRITION EDUCATION.—The term 'nutrition education' means individual and group sessions and the provision of material that are designed to improve health status and achieve positive change in dietary and physical activity habits, and that emphasize the relationship between nutrition, physical activity, and health, all in keeping with the personal and cultural preferences of the individual.''.

(2) SUPPLEMENTAL FOODS.—Section 17(b)(14) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(14)) is amended in the first sentence by inserting after ''children'' the following: ''and foods that promote the health of the population served by the program authorized by this section, as indicated by relevant nutrition science, public health concerns, and cultural eating patterns''.

(3) OTHER TERMS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by adding at the end the following:

''(22) PRIMARY CONTRACT INFANT FORMULA.—The term 'primary contract infant formula' means the specific infant formula for which manufacturers submit a bid to a State agency in response to a rebate solicitation under this section and for which a contract is awarded by the State agency as a result of that bid.

''(23) STATE ALLIANCE.—The term 'State alliance' means 2 or more State agencies that join together for the purpose of procuring infant formula under the program by soliciting competitive bids for infant formula.''.

(b) ELIGIBILITY.—

(1) CERTIFICATION PERIOD.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended—

(A) by striking ''(3)(A) Persons'' and inserting the following:

''(3) CERTIFICATION.—

''(A) PROCEDURES.—

''(i) IN GENERAL.—Subject to clause (ii), a person''; and

(B) by adding at the end of subparagraph (A) the following:

''(ii) BREASTFEEDING WOMEN.—A State may elect to certify a breastfeeding woman for a period of 1 year postpartum or until a woman discontinues breastfeeding, whichever is earlier.''.

(2) PHYSICAL PRESENCE.—Section 17(d)(3)(C)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(C)(ii)) is amended—

(A) in subclause (I)(bb), by striking ''from a provider other than the local agency; or'' and inserting a semicolon;

(B) in subclause (II), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(III) an infant under 8 weeks of age—

''(aa) who cannot be present at certification for a reason determined appropriate by the local agency; and

''(bb) for whom all necessary certification information is provided.''.

(c) ADMINISTRATION.—

(1) PROCESSING VENDOR APPLICATIONS; PARTICIPANT ACCESS.—Section 17(f)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)) is amended—

(A) in clause (i) by inserting ''at any of the authorized retail stores under the program'' after ''the program'';

(B) by redesignating clauses (ii) through (x) as clauses (iii) through (xi), respectively; and

(C) by inserting after clause (i) the following:

''(ii) procedures for accepting and processing vendor applications outside of the established timeframes if the State agency determines there will be inadequate access to the program, including in a case in which a previously authorized vendor sells a store under circumstances that do not permit timely notification to the State agency of the change in ownership;''.

(2) ALLOWABLE USE OF FUNDS.—

(A) IN GENERAL.—Section 17(f)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11) is amended—

(i) by striking ''(11) The Secretary'' and inserting the following:

''(11) SUPPLEMENTAL FOODS.—

''(A) IN GENERAL.—The Secretary'';

(ii) in the second sentence, by striking ''To the degree'' and inserting the following:

''(B) APPROPRIATE CONTENT.—To the degree''; and

(iii) by adding at the end the following:

''(C) ALLOWABLE USE OF FUNDS.—Subject to the availability of funds, the Secretary shall award grants to not more than 10 local sites determined by the Secretary to be geographically and culturally representative of State, local, and Indian agencies, to evaluate the feasibility of including fresh, frozen, or canned fruits and vegetables (to be made available through private funds) as an addition to the supplemental foods prescribed under this section.

''(D) REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.—As frequently as determined by the Secretary to be necessary to reflect the most recent scientific knowledge, the Secretary shall—

''(i) conduct a scientific review of the supplemental foods available under the program; and

''(ii) amend the supplemental foods available, as necessary, to reflect nutrition science, public health concerns, and cultural eating patterns.''.

(B) RULEMAKING.—Not later than 18 months after the date of receiving the review initiated by the National Academy of Sciences, Institute of Medicine in September 2003 of the supplemental foods available for the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Secretary shall promulgate a final rule updating the prescribed supplemental foods available through the program.

(3) USE OF CLAIMS FROM LOCAL AGENCIES.—Section 17(f)(21) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(21)) is amended—

(A) in the paragraph heading, by striking ''VENDORS'' and inserting ''LOCAL AGENCIES, VENDORS,''; and

(B) by striking ''vendors'' and inserting ''local agencies, vendors,''.

(4) INFANT FORMULA BENEFITS.—

(A) IN GENERAL.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end the following:

''(25) INFANT FORMULA BENEFITS.—A State agency may round up to the next whole can of infant formula to allow all participants under the program to receive the full-authorized nutritional benefit specified by regulation.''.

(B) APPLICABILITY.—The amendment made by subparagraph (A) applies to infant formula provided under a contract resulting from a bid solicitation issued on or after October 1, 2004.

(5) NOTIFICATION OF VIOLATIONS.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) (as amended by paragraph (4)) is amended by adding at the end the following:

''(26) NOTIFICATION OF VIOLATIONS.—If a State agency finds that a vendor has committed a violation that requires a pattern of occurrences in order to impose a penalty or sanction, the State agency shall notify the vendor of the initial violation in writing prior to documentation of another violation, unless the State agency determines that notifying the vendor would compromise an investigation.''.

(d) REAUTHORIZATION OF WIC PROGRAM.—Section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) is amended by striking ''(g)(1)'' and all that follows through ''As authorized'' in paragraph (1) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2009.

''(B) ADVANCE APPROPRIATIONS; AVAILABILITY.—As authorized''.

(e) NUTRITION SERVICES AND ADMINISTRATION FUNDS; COMPETITIVE BIDDING; RETAILERS.—

(1) IN GENERAL.—Section 17(h)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)) is amended by striking ''For each of the fiscal years 1995 through 2003, the'' and inserting ''The''.

(2) HEALTHY PEOPLE 2010 INITIATIVE.—Section 17(h)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(4)) is amended—

(A) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(F) partner with communities, State and local agencies, employers, health care professionals, and other entities in the private sector to build a supportive breastfeeding environment for women participating in the program under this section to support the breastfeeding goals of the Healthy People 2010 initiative.''.

(3) SIZE OF STATE ALLIANCES.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

''(iv) SIZE OF STATE ALLIANCES.—

''(I) IN GENERAL.—Except as provided in subclauses (II) through (IV), no State alliance may exist among States if the total number of infants served by States participating in the alliance as of October 1, 2003, or such subsequent date determined by the Secretary for which data is available, would exceed 100,000.

''(II) ADDITION OF INFANT PARTICIPANTS.—In the case of a State alliance that exists on the date of enactment of this clause, the alliance may continue and may expand to serve more than 100,000 infants but, except as provided in subclause (III), may not expand to include any additional State agency.

''(III) ADDITION OF SMALL STATE AGENCIES AND INDIAN STATE AGENCIES.—Any State alliance may expand to include any State agency that served less than 5,000 infant participants as of October 1, 2003, or such subsequent date determined by the Secretary for which data is available, or any Indian State agency, if the State agency or Indian State agency requests to join the State alliance.

''(IV) SECRETARIAL WAIVER.—The Secretary may waive the requirements of this clause not earlier than 30 days after submitting to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a written report that describes the cost-containment and competitive benefits of the proposed waiver.''.

(4) PRIMARY CONTRACT INFANT FORMULA.—

(A) IN GENERAL.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(8)(A)) (as amended by paragraph (3)) is amended—

(i) in clause (ii)(I), by striking ''contract brand of'' and inserting ''primary contract'';

(ii) in clause (iii), by inserting ''for a specific infant formula for which manufacturers submit a bid'' after ''lowest net price''; and

(iii) by adding at the end the following:

''(v) FIRST CHOICE OF ISSUANCE.—The State agency shall use the primary contract infant formula as the first choice of issuance (by formula type), with all other infant formulas issued as an alternative to the primary contract infant formula.''.

(B) APPLICABILITY.—The amendments made by subparagraph (A) apply to a contract resulting from a bid solicitation issued on or after October 1, 2004.

(5) REBATE INVOICES.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (4)(A)(iii)) is amended by adding at the end the following:

''(vi) REBATE INVOICES.—Each State agency shall have a system to ensure that infant formula rebate invoices, under competitive bidding, provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section.''.

(6) UNCOUPLING MILK AND SOY BIDS.—

(A) IN GENERAL.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (5)) is amended by adding at the end the following:

''(vii) SEPARATE SOLICITATIONS.—In soliciting bids for infant formula under a competitive bidding system, any State agency, or State alliance, that served under the program a monthly average of more than 100,000 infants during the preceding 12-month period shall solicit bids from infant formula manufacturers under procedures that require that bids for rebates or discounts are solicited for milk-based and soy-based infant formula separately.''.

(B) APPLICABILITY.—The amendment made by this paragraph applies to a bid solicitation issued on or after October 1, 2004.

(7) CENT-FOR-CENT ADJUSTMENTS.—

(A) IN GENERAL.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (6)(A)) is amended by adding at the end the following:

''(viii) CENT-FOR-CENT ADJUSTMENTS.—A bid solicitation for infant formula under the program shall require the manufacturer to adjust for price changes subsequent to the opening of the bidding process in a manner that requires—

''(I) a cent-for-cent increase in the rebate amounts if there is an increase in the lowest national wholesale price for a full truckload of the particular infant formula; and

''(II) a cent-for-cent decrease in the rebate amounts if there is a decrease in the lowest national wholesale price for a full truckload of the particular infant formula.''.

(B) CONFORMING AMENDMENT.—Section 17(h)(8)(A)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)(ii)) is amended by striking ''rise'' and inserting ''change''.

(C) APPLICABILITY.—The amendments made by this paragraph apply to a bid solicitation issued on or after October 1, 2004.

(8) LIST OF INFANT FORMULA WHOLESALERS, DISTRIBUTORS, RETAILERS, AND MANUFACTURERS.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (7)(A)) is amended by adding at the end the following:

''(ix) LIST OF INFANT FORMULA WHOLESALERS, DISTRIBUTORS, RETAILERS, AND MANUFACTURERS.—The State agency shall maintain a list of—

''(I) infant formula wholesalers, distributors, and retailers licensed in the State in accordance with State law (including regulations); and

''(II) infant formula manufacturers registered with the Food and Drug Administration that provide infant formula.

''(x) PURCHASE REQUIREMENT.—A vendor authorized to participate in the program under this section shall only purchase infant formula from the list described in clause (ix).''.

(9) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (10) and inserting the following:

''(10) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—

''(A) IN GENERAL.—For each of fiscal years 2006 through 2009, the Secretary shall use for the purposes specified in subparagraph (B), $64,000,000 or the amount of nutrition services and administration funds and supplemental food funds for the prior fiscal year that have not been obligated, whichever is less.

''(B) PURPOSES.—Of the amount made available under subparagraph (A) for a fiscal year, not more than—

''(i) $14,000,000 shall be used for—

''(I) infrastructure for the program under this section;

''(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

''(III) special State projects of regional or national significance to improve the services of the program;

''(ii) $30,000,000 shall be used to establish, improve, or administer management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program; and

''(iii) $20,000,000 shall be used for special nutrition education such as breast feeding peer counselors and other related activities.

''(C) PROPORTIONAL DISTRIBUTION.—In a case in which less than $64,000,000 is available to carry out this paragraph, the Secretary shall make a proportional distribution of funds allocated under subparagraph (B).''.

(10) VENDOR COST CONTAINMENT.—

(A) Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (11) and inserting the following:

''(11) VENDOR COST CONTAINMENT.—

''(A) PEER GROUPS.—

''(i) IN GENERAL.—The State agency shall—

''(I) establish a vendor peer group system;

''(II) in accordance with subparagraphs (B) and (C), establish competitive price criteria and allowable reimbursement levels for each vendor peer group; and

''(III) if the State agency elects to authorize any types of vendors described in subparagraph (D)(ii)(I)—

''(aa) distinguish between vendors described in subparagraph (D)(ii)(I) and other vendors by establishing—

''(AA) separate peer groups for vendors described in subparagraph (D)(ii)(I);or

''(BB) distinct competitive price criteria and allowable reimbursement levels for vendors described in subparagraph (D)(ii)(I) within a peer group that contains both vendors described in subparagraph (D)(ii)(I) and other vendors; and

''(bb) establish competitive price criteria and allowable reimbursement levels that comply with subparagraphs (B) and (C), respectively, and that do not result in higher food costs if program participants redeem supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

Nothing in this paragraph shall be construed to compel a State agency to achieve lower food costs if program participants redeem supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

''(ii) EXEMPTIONS.—The Secretary may exempt from the requirements of clause (i)—

''(I) a State agency that elects not to authorize any types of vendors described in subparagraph (D)(ii)(I) and that demonstrates to the Secretary that—

''(aa) compliance with clause (i) would be inconsistent with efficient and effective operation of the program administered by the State under this section; or

''(bb) an alternative cost-containment system would be as effective as a vendor peer group system; or

''(II) a State agency—

''(aa) in which the sale of supplemental foods that are obtained with food instruments from vendors described in subparagraph (D)(ii)(I) constituted less than 5 percent of total sales of supplemental foods that were obtained with food instruments in the State in the year preceding a year in which the exemption is effective; and

''(bb) that demonstrates to the Secretary that an alternative cost-containment system would be as effective as the vendor peer group system and would not result in higher food costs if program participants redeem supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

''(B) COMPETITIVE PRICING.—

''(i) IN GENERAL.—The State agency shall establish competitive price criteria for each peer group for the selection of vendors for participation in the program that—

''(I) ensure that the retail prices charged by vendor applicants for the program are competitive with the prices charged by other vendors; and

''(II) consider—

''(aa) the shelf prices of the vendor for all buyers; or

''(bb) the prices that the vendor bid for supplemental foods, which shall not exceed the shelf prices of the vendor for all buyers.

''(ii) PARTICIPANT ACCESS.—In establishing competitive price criteria, the State agency shall consider participant access by geographic area.

''(iii) SUBSEQUENT PRICE INCREASES.—The State agency shall establish procedures to ensure that a retail store selected for participation in the program does not, subsequent to selection, increase prices to levels that would make the store ineligible for selection to participate in the program.

''(C) ALLOWABLE REIMBURSEMENT LEVELS.—

''(i) IN GENERAL.—The State agency shall establish allowable reimbursement levels for supplemental foods for each vendor peer group that ensure—

''(I) that payments to vendors in the vendor peer group reflect competitive retail prices; and

''(II) that the State agency does not reimburse a vendor for supplemental foods at a level that would make the vendor ineligible for authorization under the criteria established under subparagraph (B).

''(ii) PRICE FLUCTUATIONS.—The allowable reimbursement levels may include a factor to reflect fluctuations in wholesale prices.

''(iii) PARTICIPANT ACCESS.—In establishing allowable reimbursement levels, the State agency shall consider participant access in a geographic area.

''(D) EXEMPTIONS.—The State agency may exempt from competitive price criteria and allowable reimbursement levels established under this paragraph—

''(i) pharmacy vendors that supply only exempt infant formula or medical foods that are eligible under the program; and

''(ii) vendors—

''(I)(aa) for which more than 50 percent of the annual revenue of the vendor from the sale of food items consists of revenue from the sale of supplemental foods that are obtained with food instruments; or

''(bb) who are new applicants likely to meet the criteria of item (aa) under criteria approved by the Secretary; and

''(II) that are nonprofit.

''(E) COST CONTAINMENT.—If a State agency elects to authorize any types of vendors described in subparagraph (D)(ii)(I), the State agency shall demonstrate to the Secretary, and the Secretary shall certify, that the competitive price criteria and allowable reimbursement levels established under this paragraph for vendors described in subparagraph (D)(ii)(I) do not result in average payments per voucher to vendors described in subparagraph (D)(ii)(I) that are higher than average payments per voucher to comparable vendors other than vendors described in subparagraph (D)(ii)(I).

''(F) LIMITATION ON PRIVATE RIGHTS OF ACTION.—Nothing in this paragraph may be construed as creating a private right of action.

''(G) IMPLEMENTATION.—A State agency shall comply with this paragraph not later than 18 months after the date of enactment of this paragraph.''.

(B) CONFORMING AMENDMENT.—Section 17(f)(1)(C)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)(i)) is amended by inserting before the semicolon the following: '', including a description of the State agency's vendor peer group system, competitive price criteria, and allowable reimbursement levels that demonstrate that the State is in compliance with the cost-containment provisions in subsection (h)(11).''.

(11) IMPOSITION OF COSTS ON RETAIL STORES.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

''(12) IMPOSITION OF COSTS ON RETAIL STORES.—The Secretary may not impose, or allow a State agency to impose, the costs of any equipment, system, or processing required for electronic benefit transfers on any retail store authorized to transact food instruments, as a condition for authorization or participation in the program.''.

(12) UNIVERSAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) (as amended by paragraph (11)) is amended by adding at the end the following:

''(13) UNIVERSAL PRODUCT CODES DATABASE.—The Secretary shall—

''(A) establish a national universal product code database for use by all State agencies in carrying out the program; and

''(B) make available from appropriated funds such sums as are required for hosting, hardware and software configuration, and support of the database.''.

(13) INCENTIVE ITEMS.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) (as amended by paragraph (12)) is amended by adding at the end the following:

''(14) INCENTIVE ITEMS.—A State agency shall not authorize or make payments to a vendor described in paragraph (11)(D)(ii)(I) that provides incentive items or other free merchandise, except food or merchandise of nominal value (as determined by the Secretary), to program participants unless the vendor provides to the State agency proof that the vendor obtained the incentive items or merchandise at no cost.''.

(f) SPEND FORWARD AUTHORITY.—Section 17(i)(3)(A)(ii)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)(3)(A)(ii)(I)) is amended by striking ''1 percent'' and inserting ''3 percent''.

(g) MIGRANT AND COMMUNITY HEALTH CENTERS INITIATIVE.—Section 17(j) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(j)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(h) FARMERS' MARKET NUTRITION PROGRAM.—

(1) ROADSIDE STANDS.—Section 17(m)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(1)) is amended by inserting ''and (at the option of a State) roadside stands'' after ''farmers' markets''.

(2) MATCHING FUNDS.—Section 17(m)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(3)) is amended by striking ''total'' both places it appears and inserting ''administrative''.

(3) BENEFIT VALUE.—Section 17(m)(5)(C)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(5)(C)(ii)) is amended by striking ''$20'' and inserting ''$30''.

(4) REAUTHORIZATION.—Section 17(m)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)(A)) is amended by striking clause (i) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2009.''.

(i) DEMONSTRATION PROJECT RELATING TO USE OF WIC PROGRAM FOR IDENTIFICATION AND ENROLLMENT OF CHILDREN IN CERTAIN HEALTH PROGRAMS.—

(1) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (r).

(2) CONFORMING AMENDMENT.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (p).

SEC. 204. LOCAL WELLNESS POLICY.

(a) IN GENERAL.—Not later than the first day of the school year beginning after June 30, 2006, each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that, at a minimum—

(1) includes goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;

(2) includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;

(3) provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools;

(4) establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and

(5) involves parents, students, representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

(b) TECHNICAL ASSISTANCE AND BEST PRACTICES.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education and in consultation with the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall make available to local educational agencies, school food authorities, and State educational agencies, on request, information and technical assistance for use in—

(A) establishing healthy school nutrition environments;

(B) reducing childhood obesity; and

(C) preventing diet-related chronic diseases.

(2) CONTENT.—Technical assistance provided by the Secretary under this subsection shall—

(A) include relevant and applicable examples of schools and local educational agencies that have taken steps to offer healthy options for foods sold or served in schools;

(B) include such other technical assistance as is required to carry out the goals of promoting sound nutrition and establishing healthy school nutrition environments that are consistent with this section;

(C) be provided in such a manner as to be consistent with the specific needs and requirements of local educational agencies; and

(D) be for guidance purposes only and not be construed as binding or as a mandate to schools, local educational agencies, school food authorities, or State educational agencies.

(3) FUNDING.—

(A) IN GENERAL.—On July 1, 2006, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $4,000,000, to remain available until September 30, 2009.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

SEC. 205. TEAM NUTRITION NETWORK.

(a) TEAM NUTRITION NETWORK.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended to read as follows:

"SEC. 19. TEAM NUTRITION NETWORK.

''(a) PURPOSES.—The purposes of the team nutrition network are—

''(1) to establish State systems to promote the nutritional health of school children of the United States through nutrition education and the use of team nutrition messages and material developed by the Secretary, and to encourage regular physical activity and other activities that support healthy lifestyles for children, including those based on the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

''(2) to provide assistance to States for the development of comprehensive and integrated nutrition education and active living programs in schools and facilities that participate in child nutrition programs;

''(3) to provide training and technical assistance and disseminate team nutrition messages to States, school and community nutrition programs, and child nutrition food service professionals;

''(4) to coordinate and collaborate with other nutrition education and active living programs that share similar goals and purposes; and

''(5) to identify and share innovative programs with demonstrated effectiveness in helping children to maintain a healthy weight by enhancing student understanding of healthful eating patterns and the importance of regular physical activity.

''(b) DEFINITION OF TEAM NUTRITION NETWORK.—In this section, the term 'team nutrition network' means a statewide multidisciplinary program for children to promote healthy eating and physical activity based on scientifically valid information and sound educational, social, and marketing principles.

''(c) GRANTS.—

''(1) IN GENERAL.—Subject to the availability of funds for use in carrying out this section, in addition to any other funds made available to the Secretary for team nutrition purposes, the Secretary, in consultation with the Secretary of Education, may make grants to State agencies for each fiscal year, in accordance with this section, to establish team nutrition networks to promote nutrition education through—

''(A) the use of team nutrition network messages and other scientifically based information; and

''(B) the promotion of active lifestyles.

''(2) FORM.—A portion of the grants provided under this subsection may be in the form of competitive grants.

''(3) FUNDS FROM NONGOVERNMENTAL SOURCES.—In carrying out this subsection, the Secretary may accept cash contributions from nongovernmental organizations made expressly to further the purposes of this section, to be managed by the Food and Nutrition Service, for use by the Secretary and the States in carrying out this section.

''(d) ALLOCATION.—Subject to the availability of funds for use in carrying out this section, the total amount of funds made available for a fiscal year for grants under this section shall equal not more than the sum of—

''(1) the product obtained by multiplying ½ cent by the number of lunches reimbursed through food service programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs; and

''(2) the total value of funds received by the Secretary in support of this section from nongovernmental sources.

''(e) REQUIREMENTS FOR STATE PARTICIPATION.—To be eligible to receive a grant under this section, a State agency shall submit to the Secretary a plan that—

''(1) is subject to approval by the Secretary; and

''(2) is submitted at such time and in such manner, and that contains such information, as the Secretary may require, including—

''(A) a description of the goals and proposed State plan for addressing the health and other consequences of children who are at risk of becoming overweight or obese;

''(B) an analysis of the means by which the State agency will use and disseminate the team nutrition messages and material developed by the Secretary;

''(C) an explanation of the ways in which the State agency will use the funds from the grant to work toward the goals required under subparagraph (A), and to promote healthy eating and physical activity and fitness in schools throughout the State;

''(D) a description of the ways in which the State team nutrition network messages and activities will be coordinated at the State level with other health promotion and education activities;

''(E) a description of the consultative process that the State agency employed in the development of the model nutrition and physical activity programs, including consultations with individuals and organizations with expertise in promoting public health, nutrition, or physical activity;

''(F) a description of how the State agency will evaluate the effectiveness of each program developed by the State agency;

''(G) an annual summary of the team nutrition network activities;

''(H) a description of the ways in which the total school environment will support healthy eating and physical activity; and

''(I) a description of how all communications to parents and legal guardians of students who are members of a household receiving or applying for assistance under the program shall be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

''(f) STATE COORDINATOR.—Each State that receives a grant under this section shall appoint a team nutrition network coordinator who shall—

''(1) administer and coordinate the team nutrition network within and across schools, school food authorities, and other child nutrition program providers in the State; and

''(2) coordinate activities of the Secretary, acting through the Food and Nutrition Service, and State agencies responsible for other children's health, education, and wellness programs to implement a comprehensive, coordinated team nutrition network program.

''(g) AUTHORIZED ACTIVITIES.—A State agency that receives a grant under this section may use funds from the grant—

''(1)(A) to collect, analyze, and disseminate data regarding the extent to which children and youths in the State are overweight, physically inactive, or otherwise suffering from nutrition-related deficiencies or disease conditions; and

''(B) to identify the programs and services available to meet those needs;

''(2) to implement model elementary and secondary education curricula using team nutrition network messages and material developed by the Secretary to create a comprehensive, coordinated nutrition and physical fitness awareness and obesity prevention program;

''(3) to implement pilot projects in schools to promote physical activity and to enhance the nutritional status of students;

''(4) to improve access to local foods through farm-to-cafeteria activities that may include the acquisition of food and the provision of training and education;

''(5) to implement State guidelines in health (including nutrition education and physical education guidelines) and to emphasize regular physical activity during school hours;

''(6) to establish healthy eating and lifestyle policies in schools;

''(7) to provide training and technical assistance to teachers and school food service

professionals consistent with the purposes of this section;

''(8) to collaborate with public and private organizations, including community-based organizations, State medical associations, and public health groups, to develop and implement nutrition and physical education programs targeting lower income children, ethnic minorities, and youth at a greater risk for obesity.

''(h) LOCAL NUTRITION AND PHYSICAL ACTIVITY GRANTS.—

''(1) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the Secretary, in consultation with the Secretary of Education, shall provide assistance to selected local educational agencies to create healthy school nutrition environments, promote healthy eating habits, and increase physical activity, consistent with the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), among elementary and secondary education students.

''(2) SELECTION OF SCHOOLS.—In selecting local educational agencies for grants under this subsection, the Secretary shall—

''(A) provide for the equitable distribution of grants among—

''(i) urban, suburban, and rural schools; and

''(ii) schools with varying family income levels;

''(B) consider factors that affect need, including local educational agencies with significant minority or low-income student populations; and

''(C) establish a process that allows the Secretary to conduct an evaluation of how funds were used.

''(3) REQUIREMENT FOR PARTICIPATION.—To be eligible to receive assistance under this subsection, a local educational agency shall, in consultation with individuals who possess education or experience appropriate for representing the general field of public health, including nutrition and fitness professionals, submit to the Secretary an application that shall include—

''(A) a description of the need of the local educational agency for a nutrition and physical activity program, including an assessment of the nutritional environment of the school;

''(B) a description of how the proposed project will improve health and nutrition through education and increased access to physical activity;

''(C) a description of how the proposed project will be aligned with the local wellness policy required under section 204 of the Child Nutrition and WIC Reauthorization Act of 2004;

''(D) a description of how funds under this subsection will be coordinated with other programs under this Act, the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or other Acts, as appropriate, to improve student health and nutrition;

''(E) a statement of the measurable goals of the local educational agency for nutrition and physical education programs and promotion;

''(F) a description of the procedures the agency will use to assess and publicly report progress toward meeting those goals; and

''(G) a description of how communications to parents and guardians of participating students regarding the activities under this subsection shall be in an understandable and uniform format, and, to the extent maximum practicable, in a language that parents can understand.

''(4) DURATION.—Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving assistance under this subsection shall conduct the project during a period of 3 successive school years beginning with the initial fiscal year for which the local educational agency receives funds.

''(5) AUTHORIZED ACTIVITIES.—An eligible applicant that receives assistance under this subsection—

''(A) shall use funds provided to—

''(i) promote healthy eating through the development and implementation of nutrition education programs and curricula based on the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

''(ii) increase opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

''(B) may use funds provided to—

''(i) educate parents and students about the relationship of a poor diet and inactivity to obesity and other health problems;

''(ii) develop and implement physical education programs that promote fitness and lifelong activity;

''(iii) provide training and technical assistance to food service professionals to develop more appealing, nutritious menus and recipes;

''(iv) incorporate nutrition education into physical education, health education, and after school programs, including athletics;

''(v) involve parents, nutrition professionals, food service staff, educators, community leaders, and other interested parties in assessing the food options in the school environment and developing and implementing an action plan to promote a balanced and healthy diet;

''(vi) provide nutrient content or nutrition information on meals served through the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act and items sold a la carte during meal times;

''(vii) encourage the increased consumption of a variety of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products, through new initiatives to creatively market healthful foods, such as salad bars and fruit bars;

''(viii) offer healthy food choices outside program meals, including by making low-fat and nutrient dense options available in vending machines, school stores, and other venues; and

''(ix) provide nutrition education, including sports nutrition education, for teachers, coaches, food service staff, athletic trainers, and school nurses.

''(6) REPORT.—Not later than 18 months after completion of the projects and evaluations under this subsection, the Secretary shall—

''(A) submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition and Forestry of the Senate a report describing the results of the evaluation under this subsection; and

''(B) make the report available to the public, including through the Internet.

''(i) NUTRITION EDUCATION SUPPORT.—In carrying out the purpose of this section to support nutrition education, the Secretary may provide for technical assistance and grants to improve the quality of school meals and access to local foods in schools and institutions.

''(j) LIMITATION.—Material prepared under this section regarding agricultural commodities, food, or beverages, must be factual and without bias.

''(k) TEAM NUTRITION NETWORK INDEPENDENT EVALUATION.—

''(1) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the Secretary shall offer to enter into an agreement with an independent, nonpartisan, science-based research organization—

''(A) to conduct a comprehensive independent evaluation of the effectiveness of the team nutrition initiative and the team nutrition network under this section; and

''(B) to identify best practices by schools in—

''(i) improving student understanding of healthful eating patterns;

''(ii) engaging students in regular physical activity and improving physical fitness;

''(iii) reducing diabetes and obesity rates in school children;

''(iv) improving student nutrition behaviors on the school campus, including by increasing healthier meal choices by students, as evidenced by greater inclusion of fruits, vegetables, whole grains, and lean dairy and protein in meal and snack selections;

''(v) providing training and technical assistance for food service professionals resulting in the availability of healthy meals that appeal to ethnic and cultural taste preferences;

''(vi) linking meals programs to nutrition education activities;

''(vii) successfully involving parents, school administrators, the private sector, public health agencies, nonprofit organizations, and other community partners;

''(viii) ensuring the adequacy of time to eat during school meal periods; and

''(ix) successfully generating revenue through the sale of food items, while providing healthy options to students through vending, student stores, and other venues.

''(2) REPORT.—Not later than 3 years after funds are made available to carry out this subsection, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the independent evaluation.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 21(c)(2)(E) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(c)(2)(E)) is amended by striking '', including'' and all that follows through ''1966''.

SEC. 206. REVIEW OF BEST PRACTICES IN THE BREAKFAST PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary of Agriculture shall enter into an agreement with a research organization to collect and disseminate a review of best practices to assist school food authorities in addressing existing impediments at the State and local level that hinder the growth of the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(2) RECOMMENDATIONS.—The review shall describe model breakfast programs and offer recommendations for schools to overcome obstacles, including—

(A) the length of the school day;

(B) bus schedules; and

(C) potential increases in costs at the State and local level.

(b) DISSEMINATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) make the review required under subsection (a) available to school food authorities via the Internet, including recommendations to improve participation in the school breakfast program; and

(2) transmit to Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the review.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

SEC. 301. COMMODITY DISTRIBUTION PROGRAMS.

Section 15 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking subsection (e).

TITLE IV—MISCELLANEOUS

SEC. 401. SENSE OF CONGRESS REGARDING EFFORTS TO PREVENT AND REDUCE CHILDHOOD OBESITY.

(a) FINDINGS.—Congress finds that—

(1) childhood obesity in the United States has reached critical proportions;

(2) childhood obesity is associated with numerous health risks and the incidence of chronic disease later in life;

(3) the prevention of obesity among children yields significant benefits in terms of preventing disease and the health care costs associated with such diseases;

(4) further scientific and medical data on the prevalence of childhood obesity is necessary in order to inform efforts to fight childhood obesity; and

(5) the State of Arkansas—

(A) is the first State in the United States to have a comprehensive statewide initiative to combat and prevent childhood obesity by—

(i) annually measuring the body mass index of public school children in the State from kindergarten through 12th grade; and

(ii) providing that information to the parents of each child with associated information about the health implications of the body mass index of the child;

(B) maintains, analyzes, and reports on annual and longitudinal body mass index data for the public school children in the State; and

(C) develops and implements appropriate interventions at the community and school level to address obesity, the risk of obesity, and the condition of being overweight, including efforts to encourage healthy eating habits and increased physical activity.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the State of Arkansas, in partnership with the University of Arkansas for Medical Sciences and the Arkansas Center for Health Improvement, should be commended for its leadership in combating childhood obesity; and

(2) the efforts of the State of Arkansas to implement a statewide initiative to combat and prevent childhood obesity are exemplary and could serve as a model for States across the United States.

TITLE V—IMPLEMENTATION

SEC. 501. GUIDANCE AND REGULATIONS.

(a) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall issue guidance to implement the amendments made by sections 102, 103, 104, 105, 106, 107, 111, 116, 119(c), 119(g), 120, 126(b), 126(c), 201, 203(a)(3), 203(b), 203(c)(5), 203(e)(3), 203(e)(4), 203(e)(5), 203(e)(6), 203(e)(7), 203(e)(10), and 203(h)(1).

(b) INTERIM FINAL REGULATIONS.—The Secretary may promulgate interim final regulations to implement the amendments described in subsection (a).

(c) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate final regulations to implement the amendments described in subsection (a).

SEC. 502. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) SPECIAL EFFECTIVE DATES.—

(1) JULY 1, 2004.—The amendments made by sections 106, 107, 126(c), and 201 take effect on July 1, 2004.

(2) OCTOBER 1, 2004.—The amendments made by sections 119(c), 119(g), 202(a), 203(a), 203(b), 203(c)(1), 203(c)(5), 203(e)(5), 203(e)(8), 203(e)(10), 203(e)(13), 203(f), 203(h)(1), and 203(h)(2) take effect on October 1, 2004.

(3) JANUARY 1, 2005.—The amendments made by sections 116(f)(1) and 116(f)(3) take effect on January 1, 2005.

(4) JULY 1, 2005.—The amendments made by sections 102, 104, 105, 111, and 126(b) take effect on July 1, 2005.

(5) OCTOBER 1, 2005.—The amendments made by sections 116(d) and 203(e)(9) take effect on October 1, 2005.

Mr. CRAPO. Mr. President, 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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

Mr. WARNER. In consultation with the majority leader, the distinguished Democratic leader, and the Democratic whip, Senator LEVIN and I have worked out a series of steps we are going to begin to take in seriatim at this time. The first step is that I yield the floor such that the Chair can recognize the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 3400

Mr. FEINGOLD. I ask for regular order with regard to amendment No. 3400.

The PRESIDING OFFICER. The amendment is now pending.

Mr. FEINGOLD. Mr. President, I understand there will be a second-degree amendment offered to my amendment which is to bring a small measure of relief to military families by allowing the FMLA-eligible family members of deployed personnel to be able to use the FMLA benefits for issues directly related to or resulting from their loved one's deployment. This has been accepted by the body previously and put into other legislation. It was certainly my hope that we would be able to move forward with this. It is something our military families desperately need. However, it is my understanding that this second-degree amendment would require protracted debate. It is in our interest to move this important Department of Defense authorization bill forward.

Mr. WARNER. If the Senator would withhold.

Mr. FEINGOLD. I yield to the Senator.

AMENDMENT NO. 3475 TO AMENDMENT NO. 3400

(Purpose: To enable military family members to take time off to attend to deployment-related business, tasks, and other family issues.)

Mr. WARNER. There is at the desk a second-degree amendment which I submit on behalf of Senator GREGG and myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GREGG, for himself and Mr. WARNER, proposes an amendment 3475 to amendment 3400.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GREGG. Mr. President, Senator FEINGOLD has offered an amendment intended to help military families who have a family member activated in support of a contingency operation. First of all, I make it clear that all of us want to assist families placed in the difficult position of operating with one family member called to duty.

That is why the underlying bill contains provisions such as permanently increasing the Family Separation Allowance, FSA, payable to deployed servicemen and women with dependents up to $250 a month.

But the proposal made by Senator FEINGOLD to expand the Family Medical Leave Act is not the right approach. I rise to offer an alternative proposal as a second-degree amendment. The amendment I am offering today presents military families a much better method for obtaining the flexibility they may need to prepare for activation and to keep the family running while a family member is called to duty.

The Feingold amendment would offer some employees unpaid leave. My amendment will offer paid leave. While the Feingold amendment applies only to those military family members that work for employers with 50 or more employees, and offers no assistance at all to individuals who work for smaller employers, my amendment will apply to all military family employees subject to the Fair Labor Standards Act.

The Feingold amendment will also create uncertainty and animosity in the workplace by giving employees the vaguely defined right to take intermittent leave with minimal notice for any ''issue relating to ''the family member's service''—a phrase which can be interpreted to cover just about any activity.

My amendment, on the other hand offers a clear method for earning and using paid leave time.

The Feingold amendment is a mandate in search of a problem—no need has been demonstrated for it and in

fact, in a recent survey of activated Armed Service members' spouses, 80 percent stated that their employers were supportive of their need to complete pre-activation tasks.

In light of this existing support by employers, my amendment creates a voluntary system of adding flextime to the work schedule. Therefore, employers who already have programs in place to accommodate military families will have the option of maintaining those programs or adopting a flextime initiative, they will not be forced to add another complicated layer onto the already confusing Family and Medical Leave law.

I also point out that the Feingold amendment has never been the subject of a single House or Senate hearing. I am sure that many of my colleagues, like me, have heard from businesses concerned about the difficulties they will face in interpreting and implementing the Feingold amendment.

Flextime proposals, however, have been vetted in no fewer than 8 hearings in the Senate and the U.S. House of Representatives. There is also concerns that the Feingold amendment may threaten the operation of military bases. According to the Department of Defense. ''If a major military unit were deployed from a single base, this policy could effectively shut down the installation depending upon the number of family member employees covered.''

My amendment would not present such a threat to military installations because it does not apply to public employees.

Finally, Mr. President, I recognize that all of us want to do what we can to ease the burden on families who have a family member—be it a spouse, parent or child—serving to protect our nation. The sacrifice they are willing to make is nothing short of remarkable. I believe the approach I am offering here today is the best way to help these families. I urge my colleagues to support my amendment.

Mr. KENNEDY. Mr. President, the Feingold amendment builds on a time tested law, the Family Medical Leave Act, to allow family members flexibility to prepare to send their loved ones to Iraq, Afghanistan, and elsewhere abroad to fight on behalf of their Nation. The Family Medical Leave Act has helped more than 35 million Americans over the last 10 years. It will help even more under the Feingold amendment. The amendment will allow family members to take the time off they need to meet child care needs, care for elderly parents, and otherwise balance their family responsibilities as their loved ones prepare for active duty.

The reason this laudable Feingold amendment is being withdrawn is because our colleagues on the other side of the aisle want to give our military families a pay cut.

Corporate profits are growing, while worker wages are not. Yet Republicans keep trying to implement more policies that are bad for workers. First, Republicans took away overtime protections from millions of Americans. Now, they want to give employers additional power to decide how workers are to be compensated for their overtime work.

The Fair Labor Standards Act, FLSA, currently requires employers to pay workers time-and-a-half for hours worked in excess of 40 per week. When workers put in overtime hours now, they have a right to time and half pay, and they have total control over how or when to use that pay.

The Gregg amendment would allow employers to pay workers nothing for overtime work at the time the work is performed, in exchange for a promise of a new schedule. Under current law, employers are free to offer more flexible schedules. The only difference is that they have to pay workers for their overtime hours.

For those who work overtime, overtime pay constitutes 25 percent of their pay. Middle class families, already squeezed in today's economy, rely on these added earnings for their children's college tuition, their own retirement, or even to meet their monthly bills. In fact, millions of workers depend on cash overtime to make ends meet and pay their housing, food and healthcare bills.

The Gregg proposal has insufficient enforcement provisions to ensure that employees will not be forced to change their schedules instead of getting overtime pay. This will mean a pay cut for millions of Americans. Workers deserve a pay raise, not a pay cut.

Mr. LEAHY. Mr. President, I rise today to express my strong support for the amendment offered by Senator FEINGOLD.

Senator FEINGOLD's amendment, which I am proud to cosponsor, would allow the work of the Inspector General of the Coalition Provisional Authority, CPA–IG, to continue its work uninterrupted after the June 30 handover.

This is critical. Congress provided more than $18 billion to rebuild Iraq, roughly the same amount that we spend on the rest of the world combined. Congress jammed through the Iraq supplemental appropriations bill in an extremely short time, without a sufficient number of hearings, into a very chaotic environment without the usual financial controls.

Recognizing this reality, Congress created a strong, independent inspector general to help police these funds.

In the months that followed passage of the Iraq supplemental, we heard numerous reports of waste, fraud, and abuse. If anything, this should have sent a clear signal to the administration and Congress that we need more—not less—oversight of these funds.

It defies logic then that the State Department is now proposing to weaken the one entity that Congress specifically tasked with keeping track of these tax dollars.

The State Department's plan could undermine the independence of this inspector general and disrupt this important work, reducing Congress's ability to account for these funds. It is unlocking the vault to those who want to cheat us.

The State Department also has told the Appropriations Committee that it will have to create 25 new positions to handle the work in Iraq.

Let me get this straight. We want to close down an IG that has about 60 people in place, which are actively conducting audits and rooting out waste, fraud, and abuse.

After the administration is finished closing down that office, they will turn around and hire 25 new people to do the same work—only through at a lower level office at the State Department.

Why on Earth would we want to do this? At a time when we are hearing weekly reports of abuse by Halliburton and others, why would we want to reinvent the wheel? Why would we downgrade the status of the CPA–IG and undermine its independence? It just does not make any sense.

This is why the amendment offered by the Senator from Wisconsin is so important.

This is why I support his amendment.

Last year Senator FEINGOLD and I offered an amendment to the supplemental bill for Iraq and Afghanistan that established an inspector general for the Coalition Provisional Authority so that there would be one auditing body completely focused on ensuring taxpayer dollars are spent wisely and efficiently, and that this effort is free of waste, fraud, and abuse.

Today the CPA, as we all know, is phasing out, but the reconstruction effort has only just begun. According to the Congressional Research Service, as of May 18, only $4.2 billion of the $18.4 billion Congress appropriated for reconstruction in November had even been obligated. This amendment would ensure that the inspector general's office can continue its important work even after June 30 rather than being compelled to start wrapping up and shutting down while so much important work remains to be done.

It renames the Office of the CPA IG, changing it to Special Inspector General for Iraq Reconstruction. The amendment establishes that this inspector general shall continue operating until the lion's share of the money Congress has appropriated to date for the Iraq relief and reconstruction fund has been obligated.

American taxpayers have been asked to shoulder a tremendous burden when it comes to the reconstruction of Iraq. Over 20 billion taxpayer dollars have been appropriated for the Iraq relief and reconstruction fund. That is more than the entire fiscal year 2004 Foreign Operations annual appropriation. It is more than the entire fiscal year 2004 Foreign Operations annual appropriation. This is a tremendous sum to devote to one country.

We all agreed last year that it required an entity on the ground, exclusively focused on this effort, to ensure

adequate funding and oversight. We agreed that we need a qualified, independent watchdog with all the powers and the authorities that accrue to inspectors general under the Inspector General Act of 1978. We agreed that business as usual whereby individual agency IG's attempt to oversee this mammoth effort in addition to everything else the agency does it simply not appropriate in this case.

There is nothing ordinary about the nature of the U.S. taxpayer investment in Iraq. Ordinary measures will not suffice.

This amendment modifies the legislation creating this IG to ensure that it does not disappear along with the CPA, but instead continues to operate until the amount of reconstruction spending in Iraq more closely resembles other large bilateral foreign assistance programs, which are overseen by existing agency inspectors general. Specifically, to phases out the special IG after 80 percent of the Iraq Relief and Reconstruction Fund appropriated to date is obligated. If that fund grows substantially in the next calendar, then Congress can consider the wisdom of adjusting this mandate accordingly.

Let there be no confusion, this inspector general is only tasked with overseeing how U.S. taxpayer dollars are spent. It does not have a mandate to oversee Iraqi resources. That is not what this is about. So there is nothing at all in continuing this operation that is inconsistent with the transfer of sovereignty on June 30.

Because the Department of Defense has responsibility for what is happening to some reconstruction dollars and the Department of State will have responsibility going forward, it makes good sense to have a focused IG on the ground who is able to see the entire picture at once—not being completely required to just focus on the State Department position or just focus on the Department of Defense portion. This amendment is in no way hostile to the reconstruction effort. This amendment is about trying to get it right.

Suggesting that a special inspector general's office continues to be in order in Iraq is hardly revolutionary. As I have mentioned, the reconstruction budget for Iraq is bigger than the entire fiscal year 2004 Foreign Operations Appropriations bill. Yet five different inspectors general—at USAID, at the State Department, at the Defense Department, at the Treasury, and at the Export-Import Bank—are charged with overseeing portions of that account. In fact, currently some 41 Federal establishments and designated Federal entities with annual budgets less than $21 billion have their own, independent, statutorily mandated inspector general, from the Railroad Retirement Board to the Smithsonian Institution. We ask for focused accountability when taxpayer dollars are a stake in these situations. We must demand the same in Iraq.

Obviously, when you are talking about $20 billion just for this Iraq situation, we have to do the same thing. We must demand the same in Iraq.

To date, the Inspector General for the Coalition Provisional Authority has made important progress, and has some 30 active investigations and 19 audits underway. A whistleblower hotline established by the inspector general has received hundreds of calls. This is clearly not the time to pull the plug on his important effort.

I urge my colleagues to support this amendment. This is the critical point: To oppose this amendment is to vote for less oversight of the reconstruction effort in Iraq than we have today. It is a step backward if we don't. We cannot abdicate our oversight responsibility. The stakes are far too high for that.

AMENDMENT NO. 3400 WITHDRAWN

Mr. FEINGOLD. In light of the offering of the second-degree amendment, I am about to ask unanimous consent to withdraw my amendment, but I first indicate how important it is we provide this FMLA benefit to these families. Obviously, this issue will return, but in the spirit of trying to resolve this issue and move the bill forward, I now ask unanimous consent to withdraw my amendment No. 3400.

Mr. WARNER. No objection.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 3475 WITHDRAWN

Mr. WARNER. And the second-degree amendment likewise is withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Before the Senator from Wisconsin leaves the Senate, I want the record to indicate he has worked hard on issues relating to veterans. This is no exception.

I know the Senator, when he travels home to Wisconsin, will meet with American Legion, Veterans of Foreign Wars, and other such assembled groups. By looking at this record, they should understand what the Senator from Wisconsin has tried to do for the veterans of this country. I applaud and commend the Senator from Wisconsin for his tenacity. And he will be back, knowing the Senator from Wisconsin, to fight another day.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 3288

Mr. FEINGOLD. Mr. President, I now ask for the regular order with regard to amendment No. 3288.

The PRESIDING OFFICER. The amendment is pending.

Mr. FEINGOLD. Mr. President, for this amendment, which I offered earlier and had the yeas and nays ordered on, I now ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I thank the chairman of the committee for his cooperation and for his support on this important amendment, which I understand will be accepted. This amendment allows the important work of the Inspector General of the CPA in Iraq to continue after the June 30 transition.

We are talking here about $20 billion of American taxpayers' dollars. Only about $4.5 billion has already been contracted for. So the remainder is still going to be expended. There are a great deal of audits and other efforts being made on the ground. That should continue. This has to do with protecting the American taxpayers.

I am delighted both the chairman and ranking member have expressed support for this amendment. I am confident, with their assurances, that this amendment will make it all the way through the process and become the law of the land so this fine work of this inspector general can continue.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the matter has been discussed between myself, Senator LEVIN, Senator HARRY REID, and the distinguished Senator from Wisconsin. The concept of the inspector general is a proven concept. It is a valuable concept in the administration of our expenditures to have accountability.

We shall work on it to see that from that conference evolves, hopefully, an amendment that is a part of the statute to be incorporated eventually from the conference report that reflects the goals the Senator has set out. That is correct.

Mr. FEINGOLD. Mr. President, as to the amendment as we have crafted it, which was carefully and specifically crafted, I take the chairman's comment to indicate the approach we have taken in the Senate is the approach he will be advocating in conference.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank and congratulate the Senator from Wisconsin for this amendment. He has been an absolute bulldog when it comes to protecting taxpayers' dollars, just as he has been a fighter for veterans, as in his previous discussion.

I want to tell him I know we will be fighting with all of our energy in conference to retain this provision. It is vitally important there be this kind of an inspector general review and an inspector general who has the kind of independent power the Senator from Wisconsin has always fought for. We intend to do exactly that, to carry out, to wage his battle in conference to retain this provision.

Mr. WARNER. Mr. President, I join in thanking the Senator for his cooperation.

I draw the attention of the ranking member to suggest at this point in time we clear a package of managers' amendments.

Mr. LEVIN. We need to pass this amendment first.

Mr. WARNER. Yes, please.

The PRESIDING OFFICER. The Feingold amendment is still the pending question.

Mr. FEINGOLD. Mr. President, I urge that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3288) 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. LEAHY. Mr. President, I rise today to speak about a very simple amendment that everyone should support. This amendment requires the Inspector General of the Department of Defense (DOD–IG), in consultation with the Inspectors General of the State Department and the CIA, to conduct a comprehensive investigation into the programs and activities of the Iraqi National Congress.

Over the last 10 years, we have seen funds from the U.S. Government spent in highly questionable, if not fraudulent ways, including money spent on oil paintings and health club memberships.

But this is only the tip of the iceberg. A number of serious questions remain unanswered concerning the INC. Here are a couple of examples:

First, the INC spent millions in setting up offices around the world, including London, Prague, Damacus, and Tehran. The State Department's internal documents indicated that they really had no idea of what was happening in some of these offices—especially Tehran. In light of the recent press reports about INC intelligence sharing with Iran, I think the DOD–IG should take a look at this issue and see what was happening in the Tehran office. We need to get to the bottom of this.

Second, the INC spent millions to set up radio and television broadcasting inside Iraq. The radio program seemed redundant as the U.S. Government was, at the time, funding Radio Free Iraq. A New York Times article questioned the effectiveness of the TV broadcasting program. Kurdish officials indicated that, despite repeated attempts, they could never pickup the INC's TV broadcast inside Iraq. This, again, raises questions about how this money is being spent. The IG should examine this issue. We need to get to the bottom of this.

Third the INC's Informaiton Collection Program—funded initially by the State Department and later by the Defense Department—continues to be a source of controversy and mystery. I have a memo here, written by the INC to Appropriations Committee staff, detailing the INC's Information Collection Program. In this memo, the INC claims to have written numerous reports to senior Administration officials, who are listed in this memo, on topics including WMD proliferation. The Administration disputes this claim. Again, we need to get to the botton of this.

I could go on and on. However, in the interests of time, I will simply say that there are many, serious unanswered questions about the INC's activities.

What was the INC doing with U.S. taxpayer dollars? What was going on in the Tehran office? Did the Information Collection Program contribute to intelligence failures in Iraq? Were the broadcasting programs at all effective in gathering support for U.S. efforts in Iraq?

To be sure, there have been a few investigations into INC. However, these have been incomplete, offering only a glimpse of what occurred.

A few years ago, the State Department Inspector General issued two reports on the INC. But these reports only covered $4.3 million and examined only the Washington and London Offices. The State Department IG informed my office yesterday that these are the only two audits they conducted and have no plans to conduct audits on this issue.

A GAO report, published earlier this year, summarized the different grant agreements that the State Department entered into with the INC, but this report did not attempt to answer the myriad questions that remain about the INC.

Another GAO report is underway, but this looks only at the narrow question of whether the INC violated U.S. laws concerning the use of taxpayer funds to pay for public propaganda.

Finally, according to press reports, the Intelligence Committee is looking to a few issues related to the INC.

My amendment is consistent with these investigations. The DOD–IG does not have to reinvent the wheel. It can build off this existing body of work to answer questions that will remain long after these investigation have been completed.

Mr. President, my amendment is about transparency. My amendment is about accountability. My amendment is about getting to the bottom of one of the most mismanaged programs in recent history.

Most importantly, my amendment is about learning from our mistakes so we do not repeat them in the future. I urge my colleague to support my amendment.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3315, AS MODIFIED

Mr. REID. Mr. President, there is an amendment pending by Senator LANDRIEU; is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. The number of that amendment?

The PRESIDING OFFICER. Amendment No. 3315.

Mr. REID. Mr. President, I ask unanimous consent that there be a modification to the amendment offered by Senators LANDRIEU, SNOWE, ENSIGN, and MIKULSKI.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WARNER. Mr. President, there is no objection. The matter has been carefully worked through the course of the evening, and it is ready for action by the Chair.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 3315), as modified, is as follows:

On page 130, after line 9, insert the following:

SEC. 642. FULL SBP SURVIVOR BENEFITS FOR SURVIVING SPOUSES OVER AGE 62.

(a) PHASED INCREASE IN BASIC ANNUITY.—

(1) INCREASE TO 55 PERCENT.—Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning before October 2005, 40 percent for months beginning after September 2005 and before October 2008, 45 percent for months beginning after September 2008, and 55 percent for months beginning after September 2014.''.

(2) RESERVE-COMPONENT ANNUITY.—Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under paragraph (1)(B)(i) as being applicable for the month''.

(3) SPECIAL-ELIGIBILITY ANNUITY.—Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking ''35 percent'' and inserting ''the applicable percent''; and

(B) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.''.

(4) CONFORMING AMENDMENT.—The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—

(1) DECREASING PERCENTAGES.—Section 1457(b) of title 10, United States Code, is amended—

(A) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(B) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning before October 2005, 15 percent for months beginning after September 2005 and before October 2008, and 10 percent for months beginning after September 2008.''.

(2) REPEAL OF PROGRAM IN 2014.—Effective on October 1, 2014, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—

(1) REQUIREMENT FOR RECOMPUTATION.—Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) TIMES FOR RECOMPUTATION.—The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) October 2005.

(B) October 2008.

(C) October 2014.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

SEC. 643. OPEN ENROLLMENT PERIOD FOR SURVIVOR BENEFIT PLAN COMMENCING OCTOBER 1, 2005.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, during the open enrollment period specified in subsection (f).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan at the maximum level may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code, but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) ELECTION TO INCREASE COVERAGE UNDER SBP.—A person who on the day before the first day of the open enrollment period is a participant in the Survivor Benefit Plan but is not participating at the maximum base amount or is providing coverage under the Plan for a dependent child and not for the person's spouse or former spouse may, during the open enrollment period, elect to—

(1) participate in the Plan at a higher base amount (not in excess of the participant's retired pay); or

(2) provide annuity coverage under the Plan for the person's spouse or former spouse at a base amount not less than the base amount provided for the dependent child.

(c) ELECTION FOR CURRENT SBP PARTICIPANTS TO PARTICIPATE IN SUPPLEMENTAL SBP.—

(1) ELECTION.—A person who is eligible to make an election under this paragraph may elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(2) PERSONS ELIGIBLE.—Except as provided in paragraph (3), a person is eligible to make an election under paragraph (1) if on the day before the first day of the open enrollment period the person is a participant in the Survivor Benefit Plan at the maximum level, or during the open enrollment period the person increases the level of such participation to the maximum level under subsection (b) of this section, and under that Plan is providing annuity coverage for the person's spouse or a former spouse.

(3) LIMITATION ON ELIGIBILITY FOR CERTAIN SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER ANNUITY COMPUTATION.—A person is not eligible to make an election under paragraph (1) if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan is to be computed under section 1451(e) of title 10, United States Code. However, such a person may during the open enrollment period waive the right to have that annuity computed under such section 1451(e). Any such election is irrevocable. A person making such a waiver may make an election under paragraph (1) as in the case of any other participant in the Survivor Benefit Plan.

(d) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(e) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(f) OPEN ENROLLMENT PERIOD.—The open enrollment period under this section shall be the one-year period beginning on October 1, 2005.

(g) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(h) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(i) ADDITIONAL PREMIUM.—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(i) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(ii) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(iii) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(B) Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(C) In this paragraph, the term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

AMENDMENT NO. 3467

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment, No. 3467, offered by the Senator from Nevada.

Mr. WARNER. Mr. President, I urge adoption of the second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3467) was agreed to.

AMENDMENT NO. 3315, AS MODIFIED

The PRESIDING OFFICER. The question now is on agreeing to the first-degree amendment.

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, the first-degree amendment, as modified, is agreed to.

The amendment (No. 3315) was agreed to.

Mr. REID. 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.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have worked with the Senator from Louisiana for many hours today on this amendment. There was an article written, and I joke with the Senator from Louisiana. She was the feature of a veterans publication. They had a picture of her with her sleeves rolled up, muscles showing: ''Military Mary.''

MARY LANDRIEU is someone who looks out for the military. And I call her, joke with her, and ask her: How is ''Military Mary'' doing? She is very proud of this name she has picked up. Tonight is an indication of why she deserves that name. She has been outstanding in her advocacy for American

veterans. This agreement we have here tonight indicates she is not only a good advocate for the military but a very fine Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, just one word, now that we have adopted the Landrieu amendment. Chairman WARNER and I used to have the privilege of having Senator LANDRIEU on the Armed Services Committee. We saw firsthand what a tigress she is and was relative to military matters. She is no longer on our committee, and we do miss her, indeed. But she brings and displays that fervor here on the floor frequently. We thank her for her tenacity. Talk about tenacity, she has a full supply of it. We commend and congratulate her.

Mr. WARNER. Mr. President, reference was made to the hard work Senator LANDRIEU performed on this amendment. Indeed, I was witness to that. But it did bring back a fond memory to me. In the period during the war in Vietnam, there was a very colorful and strong chairman in the House Armed Services Committee named Eddie Hebert from New Orleans, LA, and a gentleman who worked very closely with him, named Moon Landrieu. They were quite a team. They did a great deal working together for the men and women of the U.S. military.

When reference was made to Senator LANDRIEU's accomplishments, I am sure she would agree with me that the teachings of her distinguished father and the former chairman of the House Armed Services Committee have vested in her a lot of wisdom about military matters.

I also recognize the work done by Senators ENSIGN and SNOWE. I have been working with both of them over a period of time. Senator ENSIGN and Senator SNOWE each have put in previous pieces of legislation which basically covered this same subject. In the course of the past 48 hours, those two Senators have been working in collaboration with Senator LANDRIEU in an effort to get the Senate to take the action that we just took on that amendment. So I thank the Senator from Maine and the Senator from Nevada for their work.

As veterans look to the action taken by the Senate, they can decide for themselves on the work done by these Senators, and all Senators, because there was a unanimous vote on this amendment. I think we fulfilled our obligation to that very important class of individuals, the veterans; and particularly in this case, this provides benefits for the widows primarily—there are a few remaining spouses—but basically the widows who are at a critical time in their life and there is need for special consideration as it relates to personal finances. So I thank the Presiding Officer and I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the Landrieu-Snowe amendment because it corrects an injustice being visited upon the survivors of our servicemembers killed in action and military retirees under the current military Survivor Benefit Plan, or SBP.

As the program currently operates, the widows or widowers of those who have ''borne the battle'' receive an annuity equal to 55 percent of the servicemember's retirement pay. That is, until they turn 62. At that time, under current law, a surviving spouse's SBP benefits must be reduced either by a Social Security offset, or a reduction in payments to 35 percent of retired pay—a drop of almost 40 percent—simply because they have reached the age of 62.

For example, let's take the widow of a Navy chief petty officer or E–7 who had served 20 years before retiring. Before she reaches 62, this widow will receive $786 per month, but on her 62nd birthday, that benefit drops to only $500 per month—a loss of $2,432 per year.

For a retired O–5, say a Marine Corps lieutenant colonel, the widow's benefit would drop by $6,960 a year as soon as she turns 62. That is quite a birthday gift.

But the inequities don't stop there. For example, the military Survivor Benefit Plan does not measure up to the federal Survivor Benefit Plan in terms of benefits paid to survivors. Survivors of federal civilian retirees under the original Civil Service Retirement System receive 55 percent of their spouse's retired pay for life—with no drop in benefits at age 62. Under the newer Federal Employee Retirement System, survivors still receive 50 percent of retired pay for life, again with no drop at age 62.

Mr. President, yet another reason that we should adopt this legislation is that members of the military pay more than their share of Survivor Benefit Plan program costs, as compared to their federal civilian counterparts.

Originally, the Congress intended the government to subsidize 40 percent of the cost of military Survivor Benefit Plan premiums—similar to the government's contribution to the federal civilian plan. Over the last several decades, however, there has been a significant decline in the government's cost share, and Department of Defense actuaries advise that the government subsidy is now down to less than 20 percent. This means that military retirees are now paying more than 80 percent of program costs from their retired pay versus the intended 60 percent.

Contrast this to the federal civilian SBP, which has a 52 percent cost share for those under the Civil Service Retirement System and a 67 percent cost share for those employees, including many of our own staff, under the Federal Employees Retirement System. While it is true that there are differences between the civilian and military premium costs, with federal civilians paying more, it is also true that military retirees generally retire earlier than their federal civilian counterparts, and as a result, pay premiums for many more years.

This amendment will raise, over a 3½-year period, the percentage of the retirement annuity received by the survivor from 35 percent to 55 percent after age 62. During the first year, fiscal year 2005, an open enrollment period will be held to allow new enrollees to sign up for the program in order to reduce retired pay outlays by increasing deductions of SBP premiums from retired pay, thus offsetting part of the cost of the survivor benefit increase.

Beginning on Oct. 1, 2005, the age-62 SBP annuity would increase to 40 percent of retired pay, followed by additional increases to 45 percent on April 1, 2006, 50 percent on April 1, 2007 and 55 percent on April 1, 2008 after which all survivors would receive the 55 percent of the annuity.

Once again, I ask my colleagues to support our Nation's military widows and widowers. In the National Defense Authorization Act of 2001, we included a Sense of the Congress on increasing the military SBP annuity. This year, we have a chance to carry out this intent by enacting this important measure, and I ask my colleagues to join with me in support of this legislation.

Mr. WARNER. Mr. President, I think we are ready to do a package of amendments, if I could get the attention of the ranking member.

AMENDMENTS NOS. 3414, AS MODIFIED; 3280, AS MODIFIED; 3355, AS MODIFIED; 3220; 3373, AS MODIFIED; 3459, AS MODIFIED; 3311, AS MODIFIED; 3476; 3477; 3478; 3479; 3480; 3481; 3342, AS MODIFIED; 3482; 3483; AND 3484

Mr. President, I send a series of amendments to the desk which have been cleared by myself and the ranking member. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask unanimous consent that any statements relating to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3414, AS MODIFIED

At the end of title XI, insert the following:

SEC. 1107. REPORT ON HOW TO RECRUIT AND RETAIN INDIVIDUALS WITH FOREIGN LANGUAGE SKILLS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Federal Government has a requirement to ensure that the employees of its departments and agencies with national security responsibilities are prepared to meet the challenges of this evolving international environment.

(2) According to a 2002 General Accounting Office report, Federal agencies have shortages in translators and interpreters and an overall shortfall in the language proficiency levels needed to carry out their missions

which has adversely affected agency operations and hindered United States military, law enforcement, intelligence, counterterrorism, and diplomatic efforts.

(3) Foreign language skills and area expertise are integral to, or directly support, every foreign intelligence discipline and are essential factors in national security readiness, information superiority, and coalition peacekeeping or warfighting missions.

(4) Communicating in languages other than English and understanding and accepting cultural and societal differences are vital to the success of peacetime and wartime military and intelligence activities.

(5) Proficiency levels required for foreign language support to national security functions have been raised, and what was once considered proficiency is no longer the case. The ability to comprehend and articulate technical and complex information in foreign languages has become critical.

(6) According to the Joint Intelligence Committee Inquiry into the 9/11 Terrorist Attacks, the Intelligence Community had insufficient linguists prior to September 11, 2001, to handle the challenge it faced in translating the volumes of foreign language counterterrorism intelligence it collected. Agencies within the Intelligence Community experienced backlogs in material awaiting translation, a shortage of language specialists and language-qualified field officers, and a readiness level of only 30 percent in the most critical terrorism-related languages that are used by terrorists.

(7) Because of this shortage, the Federal Government has had to enter into private contracts to procure linguist and translator services, including in some positions that would be more appropriately filled by permanent Federal employees or members of the United States Armed Forces.

(b) REPORT.—In its fiscal year 2006 budget request, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, a plan for expanding and improving the national security foreign language workforce of the Department of Defense as appropriate to improve recruitment and retention to meet the requirements of the Department for its foreign language workforce on a short-term basis and on a long-term basis.

AMENDMENT NO. 3280

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—Section 801(c) of the NationalEnergy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking ''2003'' and inserting ''2005''.

(b) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by inserting '', water, or wastewater treatment'' after ''payment of energy''.

(c) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

''(2) The term 'energy savings' means a reduction in the cost of energy, water, or wastewater treatment, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

''(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

''(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

''(C) the increased efficient use of existing water sources in either interior or exterior applications.''.

(d) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

''(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract that provides for the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance, and repair, of an identified energy or water conservation measure or series of measures at 1 or more locations. Such contracts shall, with respect to an agency facility that is a public building (as such term is defined in section 3301 of title 40, United States Code), be in compliance with the prospectus requirements and procedures of section 3307 of title 40, United States Code.''.

(e) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

''(4) The term 'energy or water conservation measure' means—

''(A) an energy conservation measure, as defined in section 551; or

''(B) a water conservation measure that improves the efficiency of water use, is lifecycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.''.

(f) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, including the identification of additional qualified contractors, and energy efficiency services covered. The Secretary shall report these findings to Congress and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

(g) EXTENSION OF AUTHORITY.—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be deemed to have been entered into pursuant to such section 801 as amended by subsection (a) of this section.

AMENDMENT NO. 3355, AS MODIFIED

On page 280, after line 22, insert the following:

SEC. 1068. CLARIFICATION OF FISCAL YEAR 2004 FUNDING LEVEL FOR A NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACCOUNT.

For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108–199) to matters in title II of such Act under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' (118 Stat.69), in the account under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'', the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of $218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and shall submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

AMENDMENT NO. 3220

(Purpose: To repeal the authority of the Secretary of Defense to recommend that installations be placed in inactive status as part of the recommendations of the Secretary during the 2005 round of defense base closure and realignment)

At the end of subtitle B of title XXVIII, add the following:

SEC. 2814. REPEAL OF AUTHORITY OF SECRETARY OF DEFENSE TO RECOMMEND THAT INSTALLATIONS BE PLACED IN INACTIVE STATUS DURING 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking subsection (c).

AMENDMENT NO. 3373, AS MODIFIED

At the end of subtitle C of title III, add the following:

SEC. 326. REPORT REGARDING ENCROACHMENT ISSUES AFFECTING UTAH TEST AND TRAINING RANGE, UTAH.

(a) REPORT REQUIRED.—(1) The Secretary of the Air Force shall prepare a report that outlines current and anticipated encroachments on the use and utility of the special use airspace of the Utah Test and Training Range in the State of Utah, including encroachments brought about through actions of other Federal agencies. The Secretary shall include such recommendations as the Secretary considers appropriate regarding any legislative initiatives necessary to address encroachment problems identified by the Secretary in the report.

(2) It is the sense of the Senate that such recommendations should be carefully considered for future legislative action.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit the report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.

(c) PROHIBITION ON GROUND MILITARY OPERATIONS.—Nothing in this section shall be construed to permit a military operation to be conducted on the ground in a covered wilderness study area in the Utah Test and Training Range.

(e) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this section shall be construed to prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or the infrastructure supporting such systems) necessary for effective testing and training to meet military requirements in the Utah Test and Training Range.

AMENDMENT NO. 3459, AS MODIFIED

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of persons held by the Department of

Defense for more than 45 days and on the facilities in which such persons are held.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department on the date of such report, including the following:

(A) The best estimate of the Department of the total number of detainees in the custody of the Department as of the date of such report.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The best estimate of the Department of the total number of detainees released from the custody of the Department during the one-year period ending on the date of such report.

(2) For each foreign national detained and registered with the National Detainee Reporting Center by the Department on the date of such report the following:

(A) The Internment Serial Number or other appropriate identification number.

(B) The nationality, if available.

(C) The place at which taken into custody, if available.

(D) The circumstances of being taken into custody, if available

(E) The place of detention.

(F) The current length of detention.

(G) A categorization as a civilian detainee, enemy prisoner of war/prisoner of war, or enemy combatant.

(H) Information as to transfer to the jurisdiction of another country, including the identity of such country.

(3) Information on the detention facilities and practices of the Department for the one-year period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility as of the end of such period.

(G) The number of contractor personnel assigned to such facility as of the end of such period.

(c) FORM OF REPORT.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 3311, AS MODIFIED

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. REPORT ON OFFSET REQUIREMENTS UNDER CERTAIN CONTRACTS.

Section 8138(b) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat. 1106; 10 U.S.C. 2532 note) is amended by adding at the end the following new paragraph:

''(4) The extent to which any foreign country imposes, whether by law or practice, offsets in excess of 100 percent on United States suppliers of goods or services, and the impact of such offsets with respect to employment in the United States, sales revenue relative to the value of such offsets, technology transfer of goods that are critical to the national security of the United States, and global market share of United States companies.''.

AMENDMENT NO. 3476

(Purpose: To provide for appropriate coordination in the preparation of the management plan for contractor security personnel)

On page 188, beginning on line 17, strike ''Congress'' and all that follows through line 20, and insert ''the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a plan for the management and oversight of contractor security personnel by Federal Government personnel in areas where the Armed Forces are engaged in military operations. In the preparation of such plan, the Secretary shall coordinate, as appropriate, with the heads of other departments and agencies of the Federal Government that would be affected by the implementation of the plan.''.

AMENDMENT NO. 3477

(Purpose: To provide for appropriate coordination in the preparation of the report on contractor performance of security, intelligence, law enforcement, and criminal justice functions, and to add other congressional committee recipients for the report)

On page 192, after line 22, insert the following:

(c) COORDINATION.—In the preparation of the report under this section, the Secretary of Defense shall coordinate, as appropriate, with the heads of any departments and agencies of the Federal Government that are involved in the procurement of services for the performance of functions described in subsection (a).

(d) ADDITIONAL CONGRESSIONAL RECIPIENTS.—In addition to submitting the report under this section to the congressional defense committees, the Secretary of Defense shall also submit the report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 3478

(Purpose: To provide for appropriate coordination in the preparation of the report on contractor security in Iraq, and to add other congressional committee recipients for the report)

On page 246, between lines 7 and 8, insert the following:

(d) COORDINATION.—In the preparation of the report under this section, the Secretary of Defense shall coordinate with the heads of any other departments and agencies of the Federal Government that are affected by the performance of Federal Government contracts by contractor personnel in Iraq.

(e) ADDITIONAL CONGRESSIONAL RECIPIENTS.—In addition to submitting the report on contractor security under this section to the congressional defense committees, the Secretary of Defense shall also submit the report to any other committees of Congress that the Secretary determines appropriate to receive such report taking into consideration the requirements of the Federal Government that contractor personnel in Iraq are engaged in satisfying.

AMENDMENT NO. 3479

(Purpose: To provide for the space posture review to be a joint undertaking of the Secretary of Defense and the Director of Central Intelligence)

On page 249, line 16, strike ''(d)'' and insert the following:

(4) The reports under this subsection shall also be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) JOINT UNDERTAKING WITH THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Secretary of Defense shall conduct the review under this section, and submit the reports under subsection (c), jointly with the Director of Central Intelligence.

(e) * * *

AMENDMENT NO. 3480

(Purpose: To add the Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives as recipients of the report of the panel on the future of military space launch)

On page 252, beginning on line 10, strike ''and the congressional defense committees'' and insert '', the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives''.

AMENDMENT NO. 3481

(Purpose: To add the Director of Central Intelligence as an approving official for Department of Defense assistance to Iraq and Afghanistan military and security forces in certain cases)

On page 269, line 16, before the period at the end insert ''and, in any case in which section 104(e) of the National Security Act of 1947 (50 U.S.C. 403–4(e)) applies, the Director of Central Intelligence''.

AMENDMENT NO. 3342, AS MODIFIED

(Purpose: To require a plan on the implementation and utilization of flexible personnel management authorities in Department of Defense laboratories)

At the end of title XI add the following:

SEC. 1107. PLAN ON IMPLEMENTATION AND UTILIZATION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES IN DEPARTMENT OF DEFENSE LABORATORIES.

(a) PLAN REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Personnel and Readiness shall jointly develop a plan for the effective utilization of the personnel management authorities referred to in subsection (b) in order to increase the mission responsiveness, efficiency, and effectiveness of Department of Defense laboratories.

(b) COVERED AUTHORITIES.—The personnel management authorities referred to in this subsection are the personnel management authorities granted to the Secretary of Defense by the provisions of law as follows:

(1) Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(3) Such other provisions of law as the Under Secretaries jointly consider appropriate for purposes of this section.

(c) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) include such elements as the Under Secretaries jointly consider appropriate to provide for the effective utilization of the personnel management authorities referred to in subsection (b) as described in subsection (a), including the recommendations of the

Under Secretaries for such additional authorities, including authorities for demonstration programs or projects, as are necessary to achieve the effective utilization of such personnel management authorities; and

(2) include procedures, including a schedule for review and decisions, on proposals to modify current demonstration programs or projects, or to initiate new demonstration programs or projects, on flexible personnel management at Department laboratories

(d) SUBMITTAL TO CONGRESS.—The Under Secretaries shall jointly submit to Congress the plan under subsection (a) not later than February 1, 2006.

AMENDMENT NO. 3482

(Purpose: To express the sense of the Senate regarding the return of members of the Armed Forces to active service upon rehabilitation from service-related injuries)

On page 112, between the matter following line 5 and line 6, insert the following:

SEC. 574. SENSE OF THE SENATE REGARDING RETURN OF MEMBERS TO ACTIVE DUTY SERVICE UPON REHABILITATION FROM SERVICE-RELATED INJURIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The generation of young men and women currently serving on active duty in the Armed Forces, which history will record as being among the greatest, has shown in remarkable numbers an individual resolve to recover from injuries incurred in such service and to return to active service in the Armed Forces.

(2) Since September 11, 2001, numerous brave soldiers, sailors, airmen, and Marines have incurred serious combat injuries, including (as of June 2004) approximately 100 members of the Armed Forces who have been fitted with artificial limbs as a result of devastating injuries sustained in combat overseas.

(3) In cases involving combat-related injuries and other service-related injuries it is possible, as a result of advances in technology and extensive rehabilitative services, to restore to members of the Armed Forces sustaining such injuries the capability to resume the performance of active military service, including, in a few cases, the capability to participate directly in the performance of combat missions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) members of the Armed Forces who on their own initiative are highly motivated to return to active duty service following rehabilitation from injuries incurred in their service in the Armed Forces, after appropriate medical review should be given the opportunity to present their cases for continuing to serve on active duty in varied military capacities;

(2) other than appropriate medical review, there should be no barrier in policy or law to such a member having the option to return to military service on active duty; and

(3) the Secretary of Defense should develop specific protocols that expand options for such members to return to active duty service and to be retrained to perform military missions for which they are fully capable.

AMENDMENT NO. 3483

(Purpose: To authorize, and authorize the appropriation of, $18,140,000 for military construction at Navy Weapons Station, Charleston, South Carolina, for the construction of a consolidated electronic integration and support facility to house the command and control systems engineering and design work of the Space and Naval Warfare Systems Center, Charleston, and to provide offsets, including the elimination of the authorization of appropriations of $10,358,000 for military construction at Charleston, South Carolina, for the construction of a readiness center for the Army National Guard)

On page 305, in the table preceding line 1, insert after the item relating to Naval Station Newport, Rhode Island, the following new item:

South Carolina.	Naval Weapons Station, Charleston.	$18,140,000

On page 305, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$833,718,000''.

On page 307, line 8, strike ''$1,825,576,000'' and insert ''$1,843,716,000''.

On page 307, line 11, strike ''$676,198,000'' and insert ''$694,338,000''.

On page 314, line 7, strike ''$2,493,324,000'', as previously amended, and insert ''$2,485,542,000''.

On page 315, line 3, strike ''$863,896,000'' and insert ''$856,114,000''.

On page 322, line 15, strike ''$371,430,000'' and insert ''$361,072,000''.

AMENDMENT NO. 3484

(Purpose: To add an amount for a bed-down initiative to enable the C–130 aircraft of the Idaho Air National Guard to be the permanent carrier of the SENIOR SCOUT mission shelters of the 169th Intelligence Squadron of the Utah Air National Guard)

On page 24, between lines 9 and 10, insert the following:

SEC. 133. SENIOR SCOUT MISSION BED-DOWN INITIATIVE.

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 103(1) is hereby increased by $2,000,000, with the amount of the increase to be available for a bed-down initiative to enable the C–130 aircraft of the Idaho Air National Guard to be the permanent carrier of the SENIOR SCOUT mission shelters of the 169th Intelligence Squadron of the Utah Air National Guard.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $2,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

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.

AMENDMENT NO. 3280

Mr. BINGAMAN. Mr. President, I am pleased to support this amendment, which I have cosponsored with the Senator from Oklahoma, to extend the Energy Savings Performance Contract program through the end of fiscal year 2005.

Our amendment is urgently needed to stem the damage being done to a very successful program that brings private sector expertise, and private sector financing, to efficiency projects that reduce the Federal Government's energy use, and energy costs.

Since the 1970's Federal Government agencies have been setting an example for the Nation on how to reduce energy waste and save money by improving their energy efficiency—spending $2.3 billion less for energy in FY2000 than in FY1985. One of the reasons for this success is the availability of Energy Savings Performance contracts, ESPCs. These contracts offer a way to make energy savings improvements at Federal facilities at no cost to the Government, by leveraging private capital. The Department of Defense has been a leader in the use of Energy Savings Performance contracts.

Under the ESPC authority enacted in 1992, private sector companies enter into contracts with Federal agencies to install energy savings equipment and make operational and maintenance changes to improve building efficiency. The company pays all of the up-front costs for making the energy efficiency improvements and guarantees the agency savings through the term of contract. The energy service company then recovers its investment, over time, by receiving a portion of the agency's energy cost savings.

Since 1992, this program has brought nearly $1.1 billion in private sector investments to Federal agencies, resulting in hundreds of millions of dollars in permanent savings to the taxpayers. The ESPC program has the support of a broad and diverse coalition of businesses, environmental groups and labor—including the U.S. Chamber of Commerce, U.S. PIRG, and the Teamsters.

Unfortunately, the statutory authority for the ESPC program expired at the end of FY2003. As a result of the program lapse, over $300 million in energy efficiency projects have been halted nationwide. Pending contacts are in limbo along with over 3,000 new jobs associated with these projects. Although I and others have made several efforts to extend the program, these efforts have been unsuccessful, primarily because the Congressional Budget Office assigns a cost to the program, unlike the Office of Management and Budget which considers the program to be budget neutral.

While the debate over proper scoring of the program goes on, the loss of new business and experienced personnel has put this program into crisis. With each passing week, the benefits and potential of ESPCs are bleeding away. At a time of high energy costs, high deficits, and high unemployment, Congress should act as soon as possible to extend ESPC authority.

I thank the managers of the bill for accepting this short-term extension amendment. I also pledge to continue working with Senator INHOFE and other supporters of the ESPC program to enact a permanent extension of this valuable efficiency program.

I ask unanimous consent that a letter from Secretary Abraham expressing administration support for the ESPC Program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, April 8, 2004.

Hon. PETE DOMENICI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Administration strongly supports enactment, as soon as possible, of legislation to extend the authority for Federal agencies to enter into Energy Savings Performance Contracts (ESPCs).

Congress established the ESPC program in 1992 as an innovative way to improve the Government's energy efficiency by harnessing private-sector resources to fund necessary energy-efficient improvements. However, authority to enter into new ESPC contracts expired on October 1, 2003. A short-term, one-year reauthorization would allow Federal agencies to continue making investments in energy efficiency that save energy and money and help agencies meet Federal energy conservation goals.

The Administration continues to support long-term reauthorization of the ESPC program as part of the comprehensive energy legislation currently under consideration in Congress. The legislation itself extending ESPC authority is considered budget neutral and does not require additional resources, as the Office of Management and Budget classifies all budget authority and outlays for ESPCs as absorbing discretionary resources. However, ESPCs actually save the government money, because the upfront costs of ESPC efficiency improvements are recovered through the energy savings that result. Moreover, payments to the contractors are contingent upon realizing a guaranteed stream of future cost savings.

Improved energy efficiency and conservation of Federal facilities is an important component of this Administration's commitment to the cost-effective use of public dollars and protection of the environment. The Administration urges Congress to act quickly to extend the authorization of this important program.

Sincerely,

SPENCER ABRAHAM.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am prepared to enter into a unanimous consent agreement with the distinguished Senator from Nevada.

Mr. President, I ask unanimous consent that all pending amendments be withdrawn, with the exception of the following: Daschle, No. 3409, as amended; Leahy, No. 3387, which will have a second degree by Senator LEAHY or designee; and a series of amendments which have been cleared by both managers; I further ask consent that at 9:30 tonight the Senate proceed to a vote in relation to the Daschle amendment No. 3409, with no second degrees in order to the amendment prior to the vote; provided further that following the disposition of the Daschle amendment, the Senate vote in relation to the Leahy amendment No. 3387. I further ask consent that following the disposition of the Leahy amendment, and the disposition of the cleared amendments, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

Before the Chair rules, I ask unanimous consent that the votes occur in reverse order than listed above.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that, first of all, it will be the Daschle amendment No. 3409, as amended.

Mr. WARNER. That is correct. If I failed to read it, it is as amended.

Mr. REID. And that the Leahy amendment No. 3387—we all know Senator LEAHY is going to offer a second-degree amendment to the underlying amendment.

Mr. WARNER. That is correct. It is in the script.

Mr. REID. And also, I say to the Senator, I want to make sure we would have the Daschle vote second and the Leahy vote first.

Mr. WARNER. If that is the preference, so granted.

Mr. REID. That would be for the convenience of the Democratic leader. I would also think it would be appropriate to have 2 minutes evenly divided prior to each vote. I would ask unanimous consent that the distinguished chairman of the committee allow the modification of his unanimous consent request as I have outlined it.

Mr. WARNER. I concur in the modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

Mr. LEAHY. Mr. President, will the Senator yield, not to speak on my amendment but to call it up and offer the second degree now?

The PRESIDING OFFICER. Without objection, the Daschle second degree No. 3468 is agreed to.

The amendment (No. 3468) was agreed to.

AMENDMENT NO. 3485 TO AMENDMENT NO. 3387

Mr. LEAHY. Mr. President, I ask that amendment No. 3387 be called up, and I send to the desk a second-degree amendment on behalf of myself and Mr. CORZINE.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. CORZINE, proposes an amendment numbered 3485 to amendment No. 3387.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Attorney General to submit to the Committee on the Judiciary of the Senate all documents in the possession of the Department of Justice relating to the treatment and interrogation of individuals held in the custody of the United States)

At the appropriate place, insert the following:

SEC. ___. REQUEST FOR DOCUMENTS AND RECORDS.

The Attorney General shall submit to the Committee on the Judiciary of the Senate all documents and records produced from January 20, 2001, to the present, and in the possession of the Department of Justice, describing, referring or relating to the treatment or interrogation of prisoners of war, enemy combatants, and individuals held in the custody or under the physical control of the United States Government or an agent of the United States Government in connection with investigations or interrogations by the military, the Central Intelligence Agency, intelligence, antiterrorist or counterterrorist offices in other agencies, or cooperating governments, and the agents or contractors of such agencies or governments.

Mr. LEAHY. I thank the distinguished manager and yield the floor.

Mr. REID. 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. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, as the debate on the Defense authorization bill began, I announced my intention to offer an amendment to that bill with respect to the nuclear penetrator, or, as it is known around here, the RNEP. I have been dissuaded from offering that amendment by the arguments of some of my friends who insist it is unnecessary because it would be simply a statement of existing law. I wanted to be sure that was the case, and therefore I sought assurances from both the Department of Energy and the Department of Defense. I have handed the letters from those two Departments to my friend from Michigan. I ask if I could reclaim those letters so I might quote from them.

Mr. LEVIN. That is a fair request.

Mr. BENNETT. Linton F. Brooks, who is the Administrator of the National Nuclear Security Administration, wrote me on June 15, and he says the following things:

. . . let me state unequivocally this Administration has no current plans or requirements to conduct an underground nuclear test.

That is important to understand, that the administration has no plans to conduct an underground nuclear test of any kind.

With respect to RNEP, he says:

. . . I know you are concerned that the ongoing RNEP study could lead to the resumption of underground nuclear testing. The RNEP study will not require an underground nuclear test.

That is a very firm, unequivocal statement.

He goes on to talk about possibilities, and he says:

Should the President support, and the Congress approve, full-scale engineering development of RNEP, the Administration does not intend to conduct a nuclear test. From the beginning, we have operated under the assumption that resuming testing to certify RNEP is not an option. . . .

Those are firm assurances from the Department of Energy. But I wanted to be sure this was not just Ambassador Linton Brooks' attitude, so I had a conversation with Paul Wolfowitz at the Department of Defense. Dated June 23, he sent me a letter reaffirming what Administrator Brooks had said and makes it clear that the Department of Defense agrees there will be no nuclear test with respect to RNEP under the current administration.

So I am heartened by these assurances I have received from the Department of Defense and the Department of Energy that there is no plan or requirement to conduct an underground nuclear explosive test of any kind, and I accept these assurances. But here in the Congress I have those to whom I look for guidance on these matters. I want to be sure that should some future administration decide to change the policy that has been outlined by the Bush administration, that the present law would hinder future administrations from conducting these same tests without there being a vote of Congress; particularly with respect to RNEP, that there would be no underground nuclear test without a congressional vote.

I have asked the Senator from Arizona, who is an expert on these matters, if he would agree. I also discussed it with the Senator from Michigan, who is the ranking member on the Armed Services Committee.

If I may, Mr. President, I ask the Senator from Arizona, Mr. KYL, if he agrees that under current law, a vote from Congress would have to occur before a test could be conducted on RNEP?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I answer the Senator from Utah, yes, I agree Congress would have to vote before a test could be conducted.

Mr. BENNETT. I thank the Senator from Arizona, Mr. President.

I would now like to address the same question to the Senator from Michigan, with his great background in the area of law concerning this.

Does the Senator from Michigan agree that under current law, a vote from Congress would have to occur before a test could be conducted for RNEP?

Mr. LEVIN. Yes. I, too, agree that Congress would have to vote before a test could be conducted.

Mr. BENNETT. I thank the Senator from Michigan. I thank the Senator from Arizona.

On the basis of their assurances, along with the written assurances I have received from this administration—two Departments speaking—I will not offer my amendment.

Mr. President, I now ask unanimous consent those two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY, NATIONAL NUCLEAR SECURITY ADMINISTRATION,
Washington, DC, June 15, 2004.

Hon. ROBERT BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: Thank you for taking the time to meet with me on June 3, 2004, to discuss your concerns regarding the Robust Nuclear Earth Penetrator (RNEP) study and underground nuclear testing at the Nevada Test Site (NTS). I appreciate your concerns and I hope to address them in this letter.

First, let me state unequivocally this Administration has no current plans or requirements to conduct an underground nuclear test. The Stockpile Stewardship Program is working today to ensure that America's nuclear deterrent is safe, secure and reliable. Currently there are no issues of sufficient concern to warrant a nuclear test. I certainly understand the concerns you and your constituents in Utah have with nuclear testing at the Nevada Test Site. However, I believe it is critical to maintain a readiness capability at the NTS to conduct such a test in the future if called for by the President of the United States, in order to ensure the safety and/or reliability of a weapon system. Therefore, I believe it is important for us to work together to ensure that the NNSA test readiness program continues to make safety a top priority.

Furthermore, I know you are concerned that the ongoing RNEP study could lead to the resumption of underground nuclear testing. The RNEP study will not require an underground nuclear test. Should the President support, and Congress approve, full-scale engineering development of RNEP, the Administration does not intend to conduct a nuclear test. From the beginning, we have operated under the assumption that resuming testing to certify RNEP is not an option and for that reason, more than any other, the RNEP study is only looking at two existing weapon systems, the B–61 and the B–83. Both are well-proven systems with an extensive test pedigree from the 1970s and 80s. I would be happy to work with you and the Senate Armed Services Committee to address your concerns on this sensitive matter.

If you have any further questions or concerns, please do not hesitate to contact me or C. Anson Franklin, Director, Office of Congressional, Intergovernmental and Public Affairs at (202) 586–8343.

Sincerely,

LINTON F. BROOKS,
Administrator.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, June 23, 2004.

Hon. ROBERT BENNETT,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR BENNETT: I understand that you have concerns about the Department's plans to study options for a Robust Nuclear Earth Penetrator (RNEP) that would give the United States the capability to threaten hardened, deeply buried targets in hostile nations. Specifically, you have raised concerns that the development of such a system could require the resumption of underground nuclear testing.

I want to assure you that the Administration has no plans to conduct an underground nuclear test associated with the development of RNEP. As National Nuclear Security Administration Administrator Linton Brooks recently wrote to you, ''the RNEP study is only looking at two existing weapon systems, the B–61 and B–83. Both are well-proven systems with an extensive test pedigree from the 1970s and 80s.''

If RNEP were to move from its current study phase to development, such plans would be part of the Administration's annual budget request to Congress. The Administration's intentions concerning underground nuclear testing during RNEP development, if different from our current intentions, would be explicit in that request. Congress would have the opportunity at that time to debate and pass judgment on those plans.

Thank you for the opportunity to address your concerns about the Department's development of RNEP. If I can be of further assistance, I hope you will let me know.

Sincerely,

PAUL WOLFOWITZ.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR THURSDAY, JUNE 24, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, June 24. I further ask consent 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 proceed to executive session for the consideration en bloc of Calendar Nos. 715 and 731, the nomination of John Danforth to be Representative to the United Nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will begin the day with the consideration of the nomination of our former colleague to be Representative to the United Nations. The nomination will require a little debate but then will not need a vote. We will also consider judicial nominations tomorrow. Therefore, rollcall votes will occur throughout the day.

Also, Chairman STEVENS will be here to begin consideration of the Defense Appropriations bill. We hope to begin that bill and finish that legislation prior to the recess. Therefore, Senators can expect a busy day with rollcall votes.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. 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 11:45 p.m., adjourned until Thursday, June 24, 2004, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23, 2004:

THE JUDICIARY

JUAN R. SANCHEZ, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

WALTER D. KELLEY, JR., OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

EXTENSIONS OF REMARKS

SPEECH BY HUNGARIAN PRIME MINISTER PETER MEDGYESSY MARKING THE 60TH ANNIVERSARY OF THE HUNGARIAN HOLOCAUST OPENING THE HUNGARIAN HOLOCAUST MEMORIAL AND DOCUMENTATION CENTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. LANTOS. Mr. Speaker, I had the distinct honor to be in Hungary just a few weeks ago for the opening of the Holocaust Memorial and Documentation Center in Budapest, Hungary. As you know, this year marks the 60th Anniversary of the Nazi German occupation of Hungary and the Hungarian Holocaust. During these dark days sixty years ago, over half a million Hungarian Jews were sent to Nazi extermination camps.

By establishing an official Holocaust Memorial, the government of Hungary has finally acknowledged the responsibility of the Hungarian people for atrocities committed during the Hungarian Holocaust. It is my hope that this Memorial will teach the present and future generations of Hungarians that intolerance and hatred have no place in a free and open and democratic society.

Mr. Speaker, at the dedication of the Hungarian Holocaust Memorial and Documentation Center, many dignitaries and elected Hungarian officials gave moving and eloquent remarks, but none more so than the outstanding address of Hungary's current Prime Minister, Peter Medgyessy. The Prime Minister has been a critical voice in fostering democracy and respect for democratic principles in Hungary. His powerful and poignant remarks made at the opening of the memorial further confirmed his deep commitment to the values of political democracy.

Mr. Speaker, I ask that Prime Minister Medgyessy's speech at the dedication of the Holocaust Memorial in Budapest be placed in the RECORD, and I urge all of my colleagues to read and think about this excellent statement. I am certain they will find it as moving as I do.

ADDRESS BY PETER MEDGYESSY ON THE 60TH ANNIVERSARY OF THE HUNGARIAN HOLOCAUST

Ladies and Gentlemen, Dear Friends, remembering one of the gravest tragedies of the twentieth century, I would like to share a harrowing story with you. A historian friend of mine showed me a postcard, a few days ago that was written by two Hungarian sisters to their family. The postcard was thrown out of a train at Tatabanya in December 1944. Gyongyi and Erzsi, writers of the postcard try to reassure their loved ones. They write that they are well. The things of their relatives, Lajos and Imre are safe, while the luggage of another relative, Judit did not arrive to the ghetto because the gates were closed. They close the letter by sending many kisses to the children and promising that they would bring presents back from Germany.

Gyongyi was transported to Ravensbruck; and she survived. Her sister, Erzsebet—transported away with her—perished.

Ladies and Gentleman, this national tragedy—the murder of six hundred thousand Hungarians of Jewish origin was a terrible, evil, inhumane crime. It happened here, it happened to us. It happened to people who used to have names, families and lives. We can only live with our joint past if we never forget them. Not just the event but also the people: Gyongyi and Erzsebet, Lajos, Imre and Judit.

We will not forget them because we miss them. We miss them all badly. We have lost them and we have also lost their children and grandchildren. We have lost their dreams, memories, their talents, success and failures. We can see their absence. And we know that we are less in number and less in power without them. This is why this place is so important. We can never give back those many everyday people killed in the Holocaust to their families. However, talking about the past frankly and credibly in their stead is our responsibility. The Holocaust Documentation Center stands here not just for ourselves but rather for them: for Gyongyi and Erzsi.

As the Prime Minister of this Republic I declare that this heinous crime was committed by Hungarians against Hungarians. There is no excuse or explanation. But there are the memories, the common bereavement and—hopefully—reconciliation after sixty years. Reconciliation but no forgetting.

Because bereavement, my friends, the mourning of the nation is always our common pain. This suffering is common in concentration camps, in Recsk and on the 23rd of October 1956. It is the major obligation of every generation after the Holocaust to remember and to make others remember: our children, grandchildren, and all of us. Forgetting is the ally of tyranny. Forgiveness and remembrance are the allies of freedom. We have a task; to search and tell the truth, to correct those who are wrong, and to call to accounts those who lie. And first of all we must bow our heads to those who suffered.

Never before have we Hungarians had so much confidence in our future. Within a matter of days we will become part of an even larger community. New perspectives open up to Hungary. The shaping of a new European, modern Hungarian republic starts now.

This is the time to confirm that we believe in the power of learning and teaching. We are not too lazy to learn from our own history and the example of other nations. We remember the past for the future. We must say also here and now and again for our joint future: never again!

This should be the place of eternal remembrance. Understanding our past is a joint responsibility and a difficult one. Let's bow our heads to all victims of the Holocaust.

TRIBUTE TO LIEUTENANT COLONEL GEFFREY L. COOPER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Lieutenant Colonel Geffrey L. Cooper, the Commanding Officer of the 2nd Battalion, 23rd Marines, for his extraordinary leadership and bravery in action against enemy forces. He has shown strength and courage throughout his many years of heroic service with the United States Marine Corps.

A native of Aurora, Illinois, Lt. Col. Geffrey L. Cooper is married to June Madsen, and is the father of three daughters, Jennifer, Jessica, and Jacalyn. He graduated from the Marine Corps Recruit Depot in San Diego in November, 1973, and has since had a long and successful military career. In 1980, Lt. Col. Cooper was commissioned as Second Lieutenant upon his graduation from St. Cloud State University in Minnesota. In 1980, he was also assigned to 2nd Battalion, 7th Marine Regiment and served as an infantry platoon commander. He was appointed to Infantry Training School at Camp Pendleton, and served as Assistant Officer in Charge from 1983–1986. In 1986, he was assigned as Commanding Officer of Company B, 3rd Light Armored Vehicle Battalion.

Lt. Col. Cooper proved to be a strong leader as the Operations Officer for Headquarters Battalion, 3rd Marine Division, and as Commanding Officer, Headquarters Company, 4th Marine Regiment, Okinawa, Japan. After leaving active duty in 1992, he joined the Individual Mobilization Detachment, Tactical Training Evaluation Control Group (IMADET). He served as the head IMADET representative for more than 75 combined arms exercises. In 2003, he was again activated and assumed command of 2nd Battalion, 23rd Marine Regiment in support of Operation Noble Eagle at Camp Pendleton.

Lt. Col. Cooper, along with the entire 2nd Battalion, 23rd Marines, was activated on February 23, 2002, and was deployed in February 2003. Nine hundred members of this Marine Forces Reserve Unit, combined with the I Marine Expeditionary Force (MEF), conducted the longest series of synchronized combined arms and overland attacks in the history of the Marine Corps. The 800 kilometer advance, which began at the border between Kuwait and Iraq, experienced heavy combat with continued hostilities to the North of Baghdad. The combined combat force successfully destroyed nine Iraqi Divisions.

The battlefield swiftness of the I MEF during its campaign was unmatched by any force to date. The success of the operation was due to valiant efforts of men and women such as Lt. Col. Cooper. Lt. Col. Cooper's many accomplishments are indicated by his many decorations, which include: Navy Marine Corps Medal, Meritorious Service Medal, Navy Achievement Medal with gold star in lieu of second award, Combat Action Ribbon, and the Good Conduct Medal.

Mr. Speaker and distinguished colleagues, please join me in saluting Lt. Col. Cooper's exceptional leadership in the 2nd Battalion, 23rd Marine Regiment. Also, I ask you to join me in wishing future success to Lt. Col. Geffrey L. Cooper at his new Command, the 1st Marine Division, Camp Pendelton.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2004

The House in Committee of the Whole House on the State of the Union 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.

Mr. MOORE. Mr. Chairman, as the House considers our fiscal year 2005 appropriations measure for the Department of the Interior, I rise to draw the House's attention to Haskell Indian Nations University, which is located in Lawrence, Kansas, within my congressional district.

Funded through the Interior Department's Bureau of Indian Affairs, Haskell was authorized by Congress, in partial fulfillment of treaty and trust obligations, to provide higher education to federally recognized tribal members. Haskell seeks to achieve this goal through the provision of tuition-free education, culturally sensitive curricula, innovative services and a commitment to academic excellence. Haskell has a program participation agreement with the U.S. Department of Education for eligible students to receive Pell Grants and other federal aid, such as direct student loans. This land grant institution is an intertribal university serving approximately 1,000 students representing 160 tribes from 30 states.

Unfortunately, however, federal support for Haskell has not kept pace with its obligations. Since 1993, Haskell's overall funding allocation has risen by only 27 percent, while the institution has made the transition from a junior college to a 4-year university, with its first baccalaureate degrees granted in 1997.

This table depicts Haskell's funding history over the past 10 years:

EXPENDITURES (TOTAL OBLIGATIONS) AT END OF FISCAL YEAR

Fiscal year	Allocation	Total	Personnel	Program
1993	$7,167,553	$7,180,049.45	$5,943,985.00	$1,236,064.45
1994	7,306,000	6,955,104.47	6,011,310.13	943,794.34
1995	7,511,380	7,537,328.30	5,866,751.23	1,670,577.07
1996	7,506,000	7,509,996.36	6,125,067.59	1,384,928.77
1997	7,924,500	7,889,782.31	6,276,850.36	1,612,931.95
1998	8,107,000	8,183,821.97	6,305,264.51	1,878,557.46
1999	8,267,000	8,195,109.40	6,877,615.69	1,317,493.71
2000	8,611,000	8,718,986.20	7,472,113.79	1,246,872.41
2001	8,776,649	8,756,727.25	7,748,714.10	1,008,013.15
2002	9,050,100	8,797,514.95	7,679,254.41	1,118,260.54
2003	9,141,100	9,017,657.02	7,887,447.54	1,130,209.48

Mr. Chairman, while Congress traditionally has not provided line item allocations of funds for institutions administered by the Bureau of Indian Affairs, I hope that a review of these statistics will bring to the attention of the Department of the Interior and the Office of Management and Budget the need to significantly enhance Haskells funding levels in the upcoming fiscal year.

Haskell has a unique and compelling history. Twenty-two American Indian children entered the doors of a new school in Lawrence, Kansas, in 1884 to begin an educational program that focused on agricultural education in grades one through five. Today, Haskell continues to serve the educational needs of American Indian and Alaska Native people from across the United States. For more than 117 years, American Indians and Alaska Natives have been sending their children to Haskell, and Haskell has responded by offering innovative curricula oriented toward American Indian/Alaska Native cultures.

The doors to Haskell officially opened under the name of the United States Indian Industrial Training School. Enrollment quickly increased from its original 22 to over 400 students within one semester's time. The early trades for boys included tailoring, wagon making, blacksmithing, harness making, painting, shoe making, and farming. Girls studied cooking, sewing and homemaking. Most of the students' food was produced on the Haskell farm, and students were expected to participate in various industrial duties.

Ten years passed before the school expanded its academic training beyond the elementary grades. A ''normal school'' was added because teachers were needed in the students' home communities. The commercial department, the predecessor of the business department, opened in 1895 with five typewriters. It is believed that the first touch-typing class in Kansas was taught at Haskell.

By 1927, high school classes were accredited by the state of Kansas, and Haskell began offering post high school courses in a variety of areas. Part of Haskell's attraction was not only its post high school curriculum but also its success in athletics. Haskell football teams in the early 1900's to the 1930's are legendary. And even after the 1930s, when the emphasis on football began to decrease, athletics remained a high priority to Haskell students and alumni. Today, Haskell continues to pay tribute to great athletes by serving as the home of the American Indian Athletic Hall of Fame.

Industrial training became an important part of the curriculum in the early 1930s, and by 1935 Haskell began to evolve into a post high school, vocational-technical institution. Gradually, the secondary program was phased out, and the last high school class graduated in 1965.

In 1970, Haskell began offering a junior college curriculum and became Haskell Indian Junior College. In 1992 the National Haskell Board of Regents recommended a new name to reflect its vision for Haskell as a national center for Indian education, research, and cultural preservation. In 1993, the Assistant Secretary for Indian Affairs of the U.S. Department of the Interior approved the change, and Haskell became ''Haskell Indian Nations University.''

Mr. Chairman, today, Haskell has an average enrollment of over 1,000 students each semester. Students represent federally recognized tribes from across the United States and are as culturally diverse as imaginable. Students select programs that will prepare them to enter baccalaureate programs in elementary teacher education, American Indian studies, business administration, and environmental science; to transfer to another baccalaureate degree-granting institution; or to enter directly into employment. Haskell continues to integrate American Indian/Alaska Native culture into all its curricula. This focus of the curriculum, besides its intertribal constituency and federal support through the Bureau of Indian Affairs, makes Haskell unique and provides exciting challenges which the Federal Government must assist them further in meeting in the years ahead.

CORRECTING PREVIOUS STATEMENT ON GOLDEN TEMPLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. TOWNS. Mr. Speaker, earlier this month I made a statement congratulating the Council of Khalistan on its commemoration of the twentieth anniversary of the massacre of Sikhs at the Golden Temple in June 1984. At that time, I intended to insert the Council of Khalistan's flyer into the RECORD. I even said that I was including it in the RECORD. Somehow, it did not get included. Therefore, I would like to place it in the RECORD at this time.

20TH ANNIVERSARY OF THE GOLDEN TEMPLE MASSACRE, JUNE 3–6, 1984

SIKHS MUST HAVE FREEDOM IN SOVEREIGN HOMELAND

''If the Indian government attacks the Golden Temple, it will lay the foundation stone of Khalistan.''—Sant Jarnail Singh Bhindranwale.

From June 3 throughout 6, 1984, the Indian government brutally invaded the Golden Temple and 150 other Gurdwaras around Punjab. Over 20,000 people were killed in these attacks, including such Sikh leaders as Sant Jarnail Singh Bhindranwale, who was the strongest spokesman for Sikh rights and Sikh freedom. More than 100 young boys, ages 8 to 13, were taken outside into the courtyard and asked whether they supported Khalistan, the independent Sikh homeland. When they answered with the Sikh religious incantation ''Bole So Nihal,'' they were summarily shot to death. The Guru Granth Sahib, the Sikh scripture, handwritten in the time of the ten Sikh Gurus, was shot full of bullet holes by the Indian military. Sant Bhindranwale warned that if the Indian government invaded the Golden Temple, it would ''lay the foundation stone for Khalistan'' and it did.

HOW CAN THIS HAPPEN IN A DEMOCRACY?

''The Indian government, all the time they boast that they are democratic, that they are secular. They have nothing to do with a

democracy, nothing to do with a secularism. They just kill Sikhs to please the majority.''—Narinder Singh, spokesman for the Golden Temple, on NPR August 1997.

U.S. Representative Dana Rohrabacher (R–Cal.) has said that for the minorities such as Sikhs and Kashmiris ''India might as well be Nazi Germany.''

A PATTERN OF REPRESSION AGAINST THE SIKH NATION

Over 250,000 Sikhs murdered since 1984.

52,268 Sikh political prisoners, according to the Movement Against State Repression

More than 50,000 Sikhs disappeared in Indian government's secret cremations. Their remains have never been given to their families.

Indian government paid over 41,000 cash bounties to police to kill Sikhs

Gurnihal Singh Pirzada, a senior officer in the IAS, arrested after allegedly being seen at a meeting of gathering of Punjab ''dissidents.'' Pirzada denies attending such a meeting, but points out that it would not be illegal if he did.

Jaswant Singh Khalra kidnapped by police and murdered in police custody after exposing Indian policy of arresting Sikhs, torturing them, murdering them, cremating the bodies, as ''unidentified.''

Gurdev Singh Kaunke, former Jathedar of the Akal Takht, highest Sikh religious leader, murdered by police official Swaran Singh Ghotna, who has never been punished.

The Indian newspaper Hitavada reported that the Indian government paid the late Governor of Punjab, Surendra Nath, the equivalent of $1.5 billion to foment and support covert state terrorist activity in Punjab and Kashmir.

This is the state of freedom in Punhap, Khalistan under Indian rule.

''The mere fact that they have the right to choose their oppressors does not mean they live in a democracy.''—Rep. Edolphus Towns (D–NY).

THE REPRESSION CONTINUES WHILE INDIA PROCLAIMS ITS SECULARISM AND DEMOCRACY

Half a million Indian forces have been sent to Punjab, Khalistan to subdue the freedom movement there. Another 700,000 are deployed in Kashmir. They join with the police in carrying out the kinds of atrocities described above. India calls this ''protecting its territorial integrity. ''

In March 2000 in the village of Chithisinghpora, 35 Sikhs were massacred. Two studies of this massacre, one by the International Human Rights Organization, based in Ludhiana, and the other conducted jointly by the Punjab Human Rights Organization and the Movement Against State Repression, concluded that the massacre was the work of Indian forces, a conclusion supported by reporter Barry Bearak in the December 31, 2000 issue of the New York Times Magazine. In another village in Kashmir, Indian troops were caught red-handed trying to set fire to several Sikh houses and the local Gurdwara. Sikh and Muslim villagers joined together to stop this atrocity before it could be carried out

Sikhs ruled Punjab as an independent, secular country from 1765 to 1849. Sikhs have never accepted the Indian constitution. At the time of the transfer of power, Sikhs were equal partners who were to receive sovereignty along with Muslims and Hindus. When the Indian constitution was adopted in 1950, no Sikh representative signed it and no Sikh representative has signed it to this day.

On October 7, 1987, the Sikh Nation formally declared its independence from India, naming their new country Khalistan. Since then, Khalistan has been under illegal occupation by the Indian government and its forces.

''If a Sikh is not for Khalistan, he is not a Sikh.''—Professor Darshan Singh, former Jathedar of the Akal Takht

Unfortunately, Sikhs are not the only victim of India's brutal tyranny.

India has murdered over 300,000 Christians in Nagaland since 1947, more than 85,000 Kashmiri Muslims since 1988, and tens of thousands of other minorities

Australian missionary Graham Staines and his two young sons were brutally murdered by being burned to death while they slept in their jeep by a mob of Hindu militants affiliated with the militant, pro-Fascist Rashtriya Swayamsewak Sangh (RSS) who chanted ''Victory to Hannuman,'' a Hindu god.

An American missionary from Pennsylvania, Joseph Cooper, was expelled from the country after being so severely beaten by RSS goons that he had to spend a week in the hospital.

In January 2003, an American missionary and seven other individuals were attacked.

Christian schools and prayer halls have been attacked and destroyed.

A Christian religious festival was broken up by police gunfire.

In March 2002, between 2,000 and 5,000 Muslims were brutally murdered in Gujarat. India's National Human Rights Commission (NHRC), an official body, found evidence in the killings of premeditation by members of Hindu extremist groups and complicity by Gujarat state officials. A police officer confirmed to an Indian newspaper that the massacre was pre-planned by the government.

The most revered mosque in India, the Ayodhya mosque, was destroyed by Hindu mobs affiliated with the BJP and a Hindu temple was built on the site.

The states of Gujarat, Tamil Nadu, and Orissa have all passed bills barring religious conversions.

DEMOCRACIES DON'T COMMIT GENOCIDE; SUPPORT SELF-DETERMINATION IN SOUTH ASIA

The right to self-determination is the essence of democracy. Please urge your representatives to support self-determination for Khalistan, Kashmir, Nagaland, and all the stations seeking their freedom. Demand a free and fair plebiscite on the question of independence and an end to foreign aid to India until human rights are respected.

INTRODUCTION OF THE ''IMPORTATION OF SAFE FOOD ACT OF 2004''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CONYERS. Mr. Speaker, I rise to announce the introduction of the "Importation of Safe Food Act of 2004." The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Act) imposes new requirements intended to protect U.S. consumers from adulterated food products. Unfortunately, the U.S. Food and Drug Administration, in attempting to comply with the Act, has overstepped its authority in a manner that could lead to the unintended consequences of raising consumer prices, increasing job losses, and threatening legitimate U.S. businesses. This legislation would prevent the loss of these important jobs.

A proposed FDA regulation is scheduled for full enforcement on August 13, 2004, and would require that confidential manufacturing facility registration numbers appear on all prior notices submitted to the FDA as a condition of food import. This requirement would be impossible to meet for lawful third-party importers who do not deal directly with the manufacturers and thus have no means of obtaining the confidential numbers. The adversely-affected importers include food wholesalers distributing in the secondary marketplace or reimporting American-manufactured products, and manufacturers bringing competitors' articles into this country for sampling or testing.

The requirement also would create domestic job losses and raise consumer prices. For example, it is estimated that thousands of jobs within the secondary market industry alone could be at stake. In addition, numerous freight forwarders, truckers, and warehousemen who work in conjunction with the industry likely would face similarly substantial economic hardship. Moreover, the secondary market results in cost savings to consumers ranging between 10 and 15 percent. That is a major benefit to the American economy that cannot be discounted.

That is why we are introducing the Importation of Safe Food Act of 2004. This bill would clarify that (1) the notice must contain the name and address of the manufacturer and that the importer must identify those parties required to be shown by whatever means available to it; and (2) food articles may not be automatically rejected solely on the basis of an incomplete notice unless the Secretary is presented with additional evidence that the article poses a threat to the health of an animal or human. It also would give the government more authority in regulating food facilities so that tainted foods cannot enter the Nation's food supply.

PERSONAL EXPLANATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. BERMAN. Mr. Speaker I was unavoidably detained and unable to cast a number of rollcall votes. Had I been present, I would have voted "no" on rollcall No. 279, "no" on rollcall No. 280, "yes" on rollcall No. 281, "yes" on rollcall No. 282, "yes" on rollcall No. 283, "yes" on rollcall No. 284 and "yes" on rollcall No. 285.

TRIBUTE TO LIEUTENANT NED NEUSTROM OF JOHNSON COUNTY MED-ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to Lieutenant Edward "Ned" Neustrom of Johnson County Med-Act, who died unexpectedly of cardiac arrest while on duty on Friday, June 18th.

Lieutenant Neustrom was found by firefighters at the emergency response station located at 13801 Switzer in Overland Park, KS, where he was assigned. Neustrom was a respected paramedic and departmental mentor with more than 25 years experience with

Johnson County's Med-Act Department. He began his career as an emergency medical technician in February 1978. In August 1980, he advanced to the paramedic level and was again promoted in 1984 to team leader and to the rank of lieutenant. Neustrom was involved in many aspects of the Med-Act Department, including the Disaster Response Team, the Special Operations Group, the Emergency Operations Team, and he also served as a field training officer. Most recently, he was an integral member of the team that created and launched a partnership between the city's fire department and the Johnson County Med-Act Department. Neustrom had been assigned as a paramedic to the Overland Park station since the partnership was formed in 2002.

Neustrom and his wife of 23 years, Linda, are the parents of three daughters. A family man with many friends, who enjoyed fly-fishing and playing guitar in his free time, he was 49 years old. I join with the grieving members of Johnson County Med-Act and the Overland Park Fire Department in paying tribute to this dedicated public servant, whose services were conducted with full public safety honors. Mr. Speaker, I commend to all members of this House the life and legacy of Lieutenant Ned Neustrom, and ask that you join me in this tribute.

UNITED STATES SHOULD NOT LET TYTLER ENTER COUNTRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. TOWNS. Mr. Speaker, I was disturbed to read that Jagdish Tytler, India's Minister of State for Non-Resident Indian Affairs, was coming to the United States to speak to the American Association of Physicians of Indian Origin. While there are many fine people of Indian origin, Jagdish Tytler is a person who is unfit to visit this country. He is the person most responsible for the genocide against Sikhs in Delhi in November 1984. To bring Jagdish Tytler to America is to give our implicit blessing to that massacre.

After the assassination of Indira Gandhi, Tytler and others organized bands of Hindus who grabbed Sikhs and burned them to death. He was one of the people responsible for getting the Sikh police locked in their barracks so that they could not intervene. Meanwhile, the state-run radio and TV screamed for more Sikh blood. In all, over 20,000 Sikhs were murdered.

Mr. Speaker, why is such a person being granted entry to the United States? And why is he in India's Cabinet? Unfortunately, rewarding people who carry out such activities is too common in India. We do not have to grant it our implicit approval.

As you know, over a quarter of a million Sikhs have been murdered at the hands of the Indian government since 1984. The Indian government has also killed more than 300,000 Christians in Nagaland, over 87,000 Muslims in Kashmir since 1988, and thousands upon thousands of other minorities as well. They continue to hold tens of thousands of political prisoners, according to Amnesty International. This includes over 52,000 Sikhs, some of whom have been held in illegal custody without charge or trial for 20 years. A democratic country should be embarrassed to have carried out acts like these, and I call on Prime Minister Singh to begin to rectify India's record by releasing the political prisoners and by removing Mr. Tytler and others involved in atrocities from his government. This will be a good first step towards restoring democracy for all the people.

America is the beacon of freedom. It is a country dedicated to the principles of freedom and equal rights. While we have not always been perfect in our efforts to follow these principles, they form the foundation of America. We embarrass ourselves and our principles by allowing the likes of Jagdish Tytler to come and make speeches in our country.

As long as people like Mr. Tytler are in the government, it is confirmation that there is no place for Sikhs and other minorities in India. Until it repudiates this and allows all people to exercise their full rights, we should provide no aid to India. And we should put ourselves on record in support of a free and fair vote on independence for the Sikh homeland, Khalistan, and for all the other nations seeking their freedom. And we should keep the leaders who practice brutality and commit atrocities out of our country.

INTRODUCTION OF RESOLUTION OF INQUIRY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. CONYERS. Mr. Speaker, I am pleased to introduce a resolution of inquiry to request documents about the abuse of detainees and prisoners in Iraq, Afghanistan and Guantanamo Bay. Two weeks ago, Democrats publicly requested that the White House release all documents concerning the growing Iraq prison abuse scandal. We were ignored, so today I am offering a resolution of inquiry which formally requests that the White House to release the documents.

We are in the midst of one of the most serious incidents of human rights abuses in our Nation's history. In Iraq, Afghanistan and Guantanamo, it is increasingly clear that our Nation's military and civilian contractors—at the behest of the very highest officials in the administration—engaged in physical, psychological, and sexual abuse on a widespread basis. Scores of detainees were murdered. Numerous warnings were ignored. The Justice Department provided the legal cover necessary to justify torture.

The resolution I am offering today will ensure that the administration no longer picks and chooses what information it will share with us. While the administration released a number of documents yesterday pertaining to the treatment of detainees and prisoners, we've all learned that it only shares what information reflects on it best. There is no reason to believe that the memos made public yesterday represent all of what the President and his Cabinet approved.

The documents also touch on only one of many issues that need investigation. While understanding how the administration came to deny Geneva Convention protections to detainees is important, it is also critical to determine what the administration did once it realized its military was committing abuse, what role contractors had in this mess, whether warnings were ignored, and more. Therefore, I ask my colleagues to support this resolution so that we may get the rest of the documents in the administration's possession so that we may conduct a thorough investigation.

The prison scandal is a stain on our Nation and an impediment to the prosecution of the war against terror. If this Congress can't find the will to investigate an abuse of this magnitude, it calls into question our entire constitutional system of checks and balances.

We've given the President and the Republican majority every opportunity to participate in what any decent society demands—accountability for inhuman and degrading acts committed in our name. If they won't help us get to the bottom of why these atrocities happened, we'll do it without them.

H. RES.—

Resolved, That the President is requested, and the Secretary of State, the Secretary of Defense, and the Attorney General are each directed, to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in their possession, except those documents in the Attorney General's possession that have been found by a court to be protected by Federal Rule of Criminal Procedure 6(e) in a proceeding at which the Attorney General or the Department of Justice is a party, relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay and any requisite instructions for handling such documents, including—

(1) every report, memorandum, or complaint from the International Committee of the Red Cross relating to the treatment of detainees or prisoners and any documents that reference such memorandum, report, or complaint by the President, by any Federal official covered by this resolution, or by any agency under any such Federal official;

(2) every report, memorandum, or complaint from Human Rights Watch, Amnesty International, Iraqi Human Rights Association, Afghan Human Rights Commission, Physicians for Human Rights, or Human Rights First relating to the treatment of detainees or prisoners and any documents that reference such memorandum, report, or complaint by the President, by any Federal official covered by this resolution, or by any agency under any such Federal official;

(3) every document relating to interrogation techniques;

(4) every internal report of a law enforcement, military, or intelligence agency or organization concerning interrogation or detention operations;

(5) every internal report of a law enforcement, military, or intelligence agency in response to allegations that the treatment of prisoners or detainees violated or continues to violate international or American law;

(6) every document and memorandum regarding the applicability of the Geneva Conventions, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Political and Civil Rights, sections 2340–2340A of title 18, United States Code, the War Crimes Act of 1996, and the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States to the treatment of prisoners or detainees;

(7) every document and memorandum relating to command relationships between military police units and military intelligence units;

(8) every document and memorandum directing personnel to abstain from using specific interrogation techniques or to withdraw themselves from interrogations being conducted by other departments;

(9) any Presidential directive or other writing authorizing the use of interrogation tactics or claiming the constitutional authority to do so;

(10) any documentation of training received by the 800th Military Police Brigade and the 205th Military Intelligence Brigade regarding the treatment of prisoners or detainees;

(11) any documentation of special access programs as they were applied to prisoners or detainees;

(12) all records of meetings regarding the treatment of prisoners or detainees at which one or more officials of the Department of State, Department of Defense, Department of Justice, or Central Intelligence Agency were present and the presence of those officials is apparent from the face of the record;

(13) every document and memorandum concerning the practice of keeping prisoners or detainees off the official roster;

(14) a list of every ongoing and completed investigation into the treatment of prisoners or detainees, and any written reports produced by any such investigation;

(15) every document relating to civilian contract employees and their role in prisons;

(16) all written statements of prisoners or detainees, military personnel, civilian employees of the Federal Government, or civilian contractors regarding the treatment of prisoners or detainees;

(17) all reports of interrogation of each prisoner or detainee that reflect a claim of abuse by military or civilian personnel or by civilian contractors;

(18) any documents for work under contracts (including subcontracts and task orders) and all reports on such documents, for interrogation or translation work by CACI International, Titan Corporation, and any other entity that may have performed such work;

(19) any documents or testimony presented to or prepared by the Detainee Assessment Branch at Abu Ghraib prison at any time after September 1, 2003 regarding the treatment of Iraqi prisoners or detainees by members of the Armed Forces or by civilian contractors working in Iraq employed on behalf of the Department of Defense;

(20) any complaint forms filled out and submitted at any time after March 1, 2003 by a member of the Armed Services or by a civilian contractor employed on behalf of the Department of Defense or Central Intelligence Agency regarding the treatment of detainees or prisoners; and

(21) any reports or documents reflecting the death or injury of prisoners or detainees.

TRIBUTE TO WYNNE BRIGHT, 2004 CALIFORNIA MOTHER OF THE YEAR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Wynne Bright, a remarkable woman from my Congressional District who was chosen as the 2004 California Mother of the Year. She earned this recognition for her lifelong dedication and unconditional love and support to her family, and for her many outstanding contributions to our community.

Wynne was born on August 25, 1923 in Los Angeles, CA. She graduated from Los Angeles High School in 1940, and despite being offered numerous scholarships to attend college, she stayed home to help take care of her ill father. Later, Wynne received an Associate Degree from Los Angeles City College.

In 1943, Wynne married Herbert C. Bright. Herbert graduated from the University of California, Los Angeles and served as a lieutenant in the Air Force during World War II. During the war, Wynne worked for the American Red Cross, helped start a nursery and preschool at Langley Field, and visited with parents who had lost children in the war.

Wynne gave birth to her first child, James, in 1949. James graduated from the University of Southern California with a degree in geology. Afterwards, he graduated from Loyola Law School. Wynne's second child, Cheryl Lee, was born in 1955. Cheryl Lee graduated from California State University Northridge and served as an executive at ARCO for many years. Richard, her youngest child, was born in 1962 and graduated from the University of Southern California. He is the Vice President of Ellis Reality. Wynne has five grandchildren: MacKenzie, Jennifer Ann, Ryan, Taylor, and Christopher.

Wynne's children are very proud of their mother and attribute their sense of self-worth, desire to achieve, and moral values to her good influence. She taught them that real success comes hand-in-hand with moral values, and that happiness comes from within. Their love of learning is a direct result of their mother's belief in the importance of education.

In addition to being a lifelong teacher to her children, Wynne has made extraordinary contributions to her community. For example, she is involved in the Studio City Residents' Association, is a volunteer at her PTA, is actively involved in the North Hollywood Junior Women's Club, and plays organ at her church.

Women like Wynne Bright give strength and joy to our communities, and I ask my colleagues to join me in saluting and honoring her for all of her outstanding accomplishments, and her exemplary commitment to family and community.

TRIBUTE TO COLONEL EDWARD OWSLEY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to a great American and a great Missourian, Colonel Edward Owsley, who passed away Monday at the age of 91. Colonel Owsley represented the best attributes of our Nation, through his service and sacrifice to our Nation in World War II, and of our state, by returning to Missouri to improve our community in every way he could.

In his 26 years of active military service, Colonel Owsley attained the rank of colonel. He served with honor in the Far East Campaigns during World War II. Colonel Owsley retired in 1966, after his final duty as chief of staff at Fort Leonard Wood in Missouri.

But Colonel Ed (as we called him) did not stop serving our Nation when he retired from his post. As state president of the Association of the United States Army, Colonel Owsley combined his love of country with his love of the Army. As a member of the board that guided the military academy selection process with the Eighth District Congressional office, first for Bill and then for me, I knew Colonel Ed as an honest and fair man.

As active as he was on military matters, Colonel Ed was even more involved in our communities. For 20 years, he acted as executive vice president of the Rolla Area Chamber of Commerce. He served his community as a member of the Rolla City Council. Many of the building and development initiatives in and around Rolla over the last 40 years reflect his involvement.

Colonel Owsley was a man you identified with the city of Rolla. His work on behalf of the community was not for personal gain—it was the result of his patriotism and civic pride. It is too bad he was one-of-a-kind, because we need more good Americans like him. But he has provided a tremendous example of selflessness and volunteerism to guide the leaders of tomorrow. That spirit is his best legacy.

Colonel Ed was a true friend of Missouri. A vocal man, to be sure, but a man who always followed up his words with deeds. His death is a great loss to the American people. We will miss him dearly.

HONORING DAVID GRANT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize David Grant posthumously for his heroism and years of service to his community. Dave recently passed away on Monday, May 29, 2004.

David was known for his extraordinary work as a law enforcement officer with a knack for defusing tense, often dangerous, situations. He was a 15-year veteran of the Tuolumne County Sheriff's Department and had worked in law enforcement for a total of 26 years.

A Sonora resident and Tuolumne County native, Dave grew up in Tuolumne County and graduated from Sonora High School. In 1978, he embarked on a career in law enforcement with the Sonora Police Department where he served as a traffic officer and driving instructor. Three years later, Dave joined the Oceanside Police Department where he served for 8 years. He worked as a patrol officer and then served as a motor officer where he helped new officers hone their motorcycle driving skills. In 1989, Dave returned to Tuolumne County and joined the Sheriff's Department. He worked various assignments including patrol, investigations, narcotics, coroner, hostage negotiation, and was coordinator for the department's search-and-rescue team.

He is survived by his wife Richie Grant and his four children.

Mr. Speaker, I rise today to recognize David Grant for his remarkable service to his community. I invite my colleagues to join me in honoring him posthumously for his commitment to bettering this world through valiant service, touching lives both in the Central Valley of California and the law enforcement community statewide.

A PROCLAMATION IN MEMORY OF NINA DISCIPIO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Nina DiScipio; and

Whereas, Nina DiScipio was a loving wife, mother, grandmother, and great grandmother to the members of her family; and

Whereas, Nina DiScipio took pride in her role as a mother and homemaker and was named the Ohio Valley Chamber of Commerce Mother of the Year in 1990, receiving recognition from the Ohio House of Representatives for this honor; and

Whereas, Nina, who gave continuous support to her community, earned an appointment, by Governor James A. Rhodes, to the Jefferson Technical Board of Trustees in 1980. In 2002, the Nina Gentile Scholarship was established in her honor; and

Whereas, in 2003, The Franciscan University Steubenville honored Nina and her husband Tony by naming the University's art gallery, The Gentile Gallery, and presenting them with the Founder's Award; and

Whereas, the kindness and compassion she showed towards others will stand as a reminder of a truly remarkable person. Her life and love gave joy to all who knew her; and

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends Nina DiScipio.

HONORING PRESIDENT HAMID KARZAI—PRESIDENT OF AFGHANISTAN

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. SIMMONS. Mr. Speaker, I rise today to reflect on the recent visit of Hamid Karzai, President of Afghanistan, to Washington, DC. In his address before Congress on Tuesday, June 15th, President Karzai spoke movingly about the troubled past, the current progress, and the promising future of Afghanistan. He called upon Congress to continue aiding Afghanistan in rebuilding a society that has been caught in an ideological crossfire for the past 25 years.

The United States was duly congratulated for completed work toward rebuilding Afghanistan and admonished for ignoring the Taliban's oppression until the regime's extremism was manifested so tragically in the attacks on the World Trade Center and the Pentagon. In his speech, President Karzai affirmed the importance of our presence in Afghanistan. We are in Afghanistan today not to dictate what Afghanistan will become, but to ensure an environment of stability and freedom that fosters democracy and true self-determination.

I commend President Karzai for the progress that already has been made—most recently the opening of the International Press Centre, which marked an important step toward the development of a free press. Today, five million Afghan girls and boys are attending school. The economy is estimated to have grown by 20 percent this year, and 3.8 million people have registered to vote, of which 35.4 percent are female. Health centers have been developed to provide basic services, especially to women and children.

The national army and the national police are being rebuilt. Three million refugees have returned to the country. Girls are returning to schools where their presence was once forbidden. Women, invisible under Taliban rule, are returning to the public sphere, where they can once again be productive members of society, contributing to cultural and economic growth. In the parliament, 25 percent of the seats have been reserved for women. Slowly but surely, Afghanistan is being rebuilt.

Despite this progress, our job is not yet complete. Our presence is needed until fair elections under a democratic system can be guaranteed to the people of Afghanistan. Private militias must be disarmed and disbanded. The production of narcotics must cease. Clean water and electricity must reach the Afghan people and health care must improve.

"Afghanistan is open for business and American companies are most welcome," Karzai stated. "Together, we will make Afghanistan a great success and an enduring example of a prosperous democratic society. Our shared success in Afghanistan is vital to achieving victory over the greatest menace the world faces today—terrorism and extremism." Afghanistan deserves to make its goals a reality. We must ensure that Afghanistan has the dignity that is afforded by democracy and that is the right of every human being.

As someone who served in a war zone, I was most struck by President Karzai's gratitude to the American people: "I thank you and the people of this great country for your generosity and the commitment to our people. You have supported us with your resources, with your leadership in the world community, and most importantly with the precious lives of your soldiers." He recognized the sacrifice and valor of the American soldiers who volunteered their lives so that an oppressed people in a distant land could be free.

Upon hearing President Karzai's words, I was reminded of Pat Tillman, the National Football League recruit who gave up a multimillion dollar contract to serve as an Army Ranger and lost his life in Afghanistan. Tillman refused interviews on the grounds that he was no better than any soldier who had volunteered to serve in the Armed Forces. His humility, his willingness to give up a comfortable life for a difficult one, his commitment to protecting American values and fighting tyranny proved him to be a true American hero.

I congratulate President Karzai on the progress he has made toward rebuilding Afghanistan. Our troops will continue to serve in that land so that a long-suffering people can prosper freely. I offer my whole-hearted support to him and the people of Afghanistan in building a nation where power lies once again in the hands of its people.

AMERICAN JOBS CREATION ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 2004

Ms. MCCOLLUM. Mr. Speaker, today the House is considering legislation touted as a bill to create jobs and help our struggling manufacturing industry when in fact it does nothing of the sort. Instead, H.R. 4520 would give U.S. multinational corporations more incentive to ship jobs overseas, adds $34 billion to the deficit and includes billions in tax breaks for special interests, while failing to help small businesses. Small business firms create 75 percent of all new U.S. jobs every year and should be receiving tax relief in today's legislation.

In addition to a $10 billion tobacco buyout, this legislation includes tax breaks for special interests such as bow and arrow makers, tackle box companies, and sonar fish finders. Unfortunately the House Republican leadership chose to use the FSC/ETI repeal to provide a broad and complex tax break for large corporations, rather than more focused relief that would also benefit smaller manufacturers and farm cooperatives that create jobs and have production solely in the U.S.

Even the Bush Administration has expressed concern over several of the provisions of the bill. This legislation, by offering tax relief to manufacturing firms, but not giving a clear definition of what a manufacturing firm is, creates incentive for firms to characterize themselves as in manufacturing opening the tax code up to new abuses. For example, efforts have already been underway to include food processing and the mixing of water and concentrate to make a soft drink in the definition of manufacturing. Congress should not be creating incentives for businesses to manipulate their services.

There is a bipartisan proposal in Congress to stop the sanctions and create American jobs, but the Republican leadership blocked Democrats from offering this legislation as a substitute. This substitute would strike the provisions that promote shipping jobs overseas, add provisions to create more jobs in the U.S. by giving tax relief to American manufacturing including small business and farmers, and strikes the narrow special interest provisions. Furthermore the substitute is paid for by cracking down on tax shelters and corporations and individuals that move abroad to avoid paying taxes.

I strongly support providing tax relief to our manufacturing firms, businesses and family farmers, but it is irresponsible to only provide tax relief to large multinational corporations. I urge my colleagues to oppose this legislation and instead pass a bill that would provide benefits to all U.S. manufacturing firms, big and small, without the costly special interest buyoffs found in this legislation.

HONORING EASTGATE BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to acknowledge the 50th anniversary of Eastgate Baptist Church of Burton, MI, where the Rev. Levi Parish is pastor. On Sunday, July 4, 2004, the Church along with the community will commemorate this joyous occasion with a full day of festivities that will conclude with a flag raising ceremony.

A great event happened in the community of Burton, MI in 1954, when 32 individuals came together and formed one of the most spirit filled ministries in Genesee County. The church was named Providence Baptist until 1965 when the name changed to Eastgate Baptist. Also during that same year they relocated to their present place of worship at 4226 East Atherton Road. During the past 50 years Eastgate Baptist Church has made a significant impact on the community. The members of Eastgate have consistently heeded the call of Christ to assist all those who are in need of spiritual healing. The inspiration for living by Christian ideals is repeated again and again in the lives of the ministers and congregation of this church. I pray that during this glorious milestone the members and community of this magnificent church will come together and do as the Bible tells us in Psalms 33:1–4 ''Rejoice in the Lord, O you righteous! For praise from upright is beautiful. Praise the Lord with the harp; make melody to Him with an instrument of ten strings. Sing to him a new song; play skillfully with a shout of joy. For the word of the Lord is right and all his work is done in truth.''

Mr. Speaker, as the Member of Congress representing Burton, MI, I ask my colleagues in the 108th Congress to please join me in paying tribute to the Eastgate Baptist Church community for 50 years of spreading God's ministry to the people of Burton, MI, and in wishing them the best in years to come.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF MENDOCINO COAST CLINICS, INC

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Mendocino Coast Clinics, Inc. as it celebrates its 10th anniversary of service to the community.

On July 1, 1994, direct medical services were transferred to Mendocino Coast Clinics, Inc. from the Mendocino County Public Health Department, so they could shift their focus from patient care to public health issues.

Over the past 10 years, Mendocino Coast Clinics, Inc. has grown substantially in response to community needs. In 1994, 9 employees provided 6,507 medical services to 2,546 patients. In 2004, 60 employees will provide a projected 27,300 medical consultations to 4,600 patients. A total of 169,612 patient encounters have been provided over the last 10 years and now include dental care, behavioral health, telemedicine and specialty medical services.

In 2003 Mendocino Coast Clinics, Inc. built a new facility to accommodate its expansion of services, including its bilingual and culturally appropriate care to residents. The need for comprehensive health services in this rural coastal area was acknowledged when the Mendocino Coast Clinics, Inc. received a New Start Community Health Center Program Grant from the Department of Health and Human Services in 2003.

Mr. Speaker, Mendocino Coast Clinics, Inc. has diligently provided health care services to this community with respect and dignity, regardless of a patient's ability to pay. It is therefore appropriate to honor Mendocino Coast Clinics, Inc. on its 10th anniversary and commend it for its success.

UNITED NATIONS INTERNATIONAL TORTURE SURVIVORS DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2004

Mr. KUCINICH. Mr. Speaker, I would like to thank the Congressional Human Rights Caucus co-Chairs, Congressman LANTOS and Congressman WOLF, for inviting me to speak at this important event.

June 26 marks the United Nations' international day in support of torture victims. This declared day honors the essential human right of freedom from torture for all, as guaranteed by international law and defined under the United Nations Convention against Torture. Despite this international law, however, over 117 countries still practice torture, according to Amnesty International.

It is a practice that occurs both in undemocratic societies as well as in countries that are U.S. allies and that receive significant U.S. foreign aid. Torture is used against politicians, union leaders, journalists, health professionals, human rights defenders, people in detention or prison, members of ethnic or religious minorities, student leaders, and ordinary citizens, children as well as adults.

The physical and psychological ramifications of torture are incomprehensible and can last a lifetime. There is an estimated 100 million torture survivors worldwide, with 500,000 foreign torture survivors residing in the United States. Rehabilitation centers have been set up around the world to treat victims of torture, yet more must still be done. Today we will hear testimonies from expert witnesses regarding the treatment of torture from the perspectives of human rights workers, physicians, and torture survivors.

At this time I would like to thank the Human Rights Caucus and the Torture Abolition and Survivors Support Committee for hosting this important and timely briefing.

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 24, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 25

9:30 a.m.
Armed Services
To hold hearings to examine the transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces.
SD–106

JULY 7

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business.
SR–485

2 p.m.
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

JULY 13

10 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings to examine the abuse of anabolic steroids and their precursors by adolescent amateur athletes.
SD–215

JULY 14

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by an oversight hearing on the implementation of the American Indian Religious Freedom Act of 1978.
Room to be announced

JULY 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.
SR–485

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

Daily Digest

HIGHLIGHTS

Senate passed the Ronald W. Reagan National Defense Authorization Act.

The House passed H.R. 4548, Intelligence Authorization Act for Fiscal Year 2005.

House Committees ordered reported 10 sundry measures, including the following appropriations for fiscal year 2005: Commerce, Justice, State, Judiciary and Related Agencies; Agriculture, Rural Development, Food and Drug Administration and Related Agencies; and Legislative.

Senate

Chamber Action

Routine Proceedings, pages S7203–S7276

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 2561–2571, and S. Res. 389–390. **(See next issue.)**

Measures Passed:

Child Nutrition and WIC Reauthorization Act: Senate passed S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, after agreeing to the following amendment proposed thereto: **Pages S7244–65**

Crapo (for Cochran/Harkin) Amendment No. 3474, in the nature of a substitute. **Pages S7249–65**

Ronald W. Reagan National Defense Authorization Act: By a unanimous vote of 97 yeas (Vote No. 146), Senate passed 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, after taking action on the following amendments proposed thereto: **(See next issue.)**

Adopted:

Bond Further Modified Amendment No. 3384, to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose. **Pages S7204, S7218–21**

By 71 yeas to 27 nays (Vote No. 137), Warner (for McConnell) Amendment No. 3472, to require a report on the stabilization of Iraq. **Pages S7207–10, S7224**

Feingold Modified Amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority. **Pages S7204, S7267–68**

Landrieu/Snowe Modified Amendment No. 3315, to substitute the substantive text of S. 1916, but without the restriction on the maximum premium chargeable for SBP participation initiated by enrollment during the special period of open enrollment. **Pages S7204, S7268–70**

Reid (for Akaka) Modified Amendment No. 3414, to provide for a report on the recruitment and retention of individuals with foreign language skills. **Pages S7204, S7270–71**

Warner (for Inhofe) Modified Amendment No. 3280, to reauthorize energy saving performance contracts. **Pages S7204, S7211, S7273–74**

Levin (for Reed/Kohl) Modified Amendment No. 3355, to clarify the fiscal year 2004 funding level for a National Institute of Standards and Technology account. **Pages S7205, S7271**

Warner (for Lott) Amendment No. 3220, to repeal the authority of the Secretary of Defense to recommend that installations be placed in inactive status as part of the recommendations of the Secretary

during the 2005 round of defense base closure and realignment. **Pages S7204, S7271**

Warner (for Bennett/Hatch) Modified Amendment No. 3373, to require a report on encroachment issues affecting Utah Test and Training Range, Utah. **Page S7204**

Bingaman Modified Amendment No. 3459, to require reports on the detainment of foreign nationals by the Department of Defense and on Department of Defense investigations of allegations of violations of the Geneva Convention. **Pages S7271–72**

Levin (for Dodd) Modified Amendment No. 3311, to provide for a report on offset requirements under certain contracts. **Pages S7204, S7272**

Warner Amendment No. 3476, to provide for appropriate coordination in the preparation of the management plan for contractor security personnel. **Page S7272**

Warner Amendment No. 3477, to provide for appropriate coordination in the preparation of the report on contractor performance of security, intelligence, law enforcement, and criminal justice functions, and to add other congressional committee recipients for the report. **Page S7272**

Warner Amendment No. 3478, to provide for appropriate coordination in the preparation of the report on contractor security in Iraq, and to add other congressional committee recipients for the report. **Page S7272**

Warner Amendment No. 3479, to provide for the space posture review to be a joint undertaking of the Secretary of Defense and the Director of Central Intelligence. **Page S7272**

Warner Amendment No. 3480, to add the Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives as recipients of the report of the panel on the future of military space launch. **Page S7272**

Warner Amendment No. 3481, to add the Director of Central Intelligence as an approving official for Department of Defense assistance to Iraq and Afghanistan military and security forces in certain cases. **Page S7272**

Levin (for Reid/Lieberman) Modified Amendment No. 3342, to require a plan on the implementation and utilization of flexible personnel management authorities in Department of Defense laboratories. **Pages S7272–73**

Warner/Levin Amendment No. 3482, to express the sense of the Senate regarding the return of members of the Armed Forces to active service upon rehabilitation from service-related injuries. **Page S7273**

Levin (for Hollings) Amendment No. 3483, to authorize, and authorize the appropriation of, $18,140,000 for military construction at Navy Weapons Station, Charleston, South Carolina, for the construction of a consolidated electronic integration and support facility to house the command and control systems engineering and design work of the Space and Naval Warfare Systems Center, Charleston, and to provide offsets, including the elimination of the authorization of appropriations of $10,358,000 for military construction at Charleston, South Carolina, for the construction of a readiness center for the Army National Guard. **Page S7273**

Warner Amendment No. 3484, to add an amount for a bed-down initiative to enable the C–130 aircraft of the Idaho Air National Guard to be the permanent carrier of the SENIOR SCOUT mission shelters of the 169th Intelligence Squadron of the Utah Air National Guard. **Pages S7218–21, S7273**

Daschle Amendment No. 3468 (to Amendment No. 3409), to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation. **Pages S7204, S7274**

Reid (for Leahy) Amendment No. 3387, relative to the treatment of foreign prisoners. (By 45 yeas to 50 nays (Vote No. 143), Senate earlier failed to table the amendment.) **Pages S7204, continued next issue**

Rejected:

By 48 yeas to 50 nays (Vote No. 138), Levin (for Kennedy) Amendment No. 3377, to require reports on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region. **Pages S7204, S7225**

By 45 yeas to 53 nays (Vote No. 139), Reed Amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-based Midcourse Defense program pending the submission of a report on operational test and evaluation. **Pages S7204, S7210–13, S7225**

By 40 yeas to 58 nays (Vote No. 140), Levin (for Byrd) Amendment No. 3423, to modify the number of military personnel and civilians who may be assigned or retained in connection with Plan Colombia. **Pages S7204, S7213–18, S7225–26**

By 46 yeas to 50 nays (Vote No. 144), Leahy/Corzine Amendment No. 3485 (to Amendment No. 3387), to direct the Attorney General to submit to the Committee on the Judiciary of the Senate all documents in the possession of the Department of Justice relating to the treatment and interrogation of individuals held in the custody of the United States. **Pages S7274–75, continued next issue**

Withdrawn:

Levin (for Feingold) Amendment No. 3400, to enable military family members to take leave to attend to deployment-related business and tasks. **Pages S7204, S7265–67**

Warner Amendment No. 3460 (to Amendment No. 3459), in the nature of a substitute. **Page S7204**

Warner (for Bennett) Amendment No. 3403, to prohibit a full-scale underground nuclear test of the Robust Nuclear Earth Penetrator weapon without a specific authorization of Congress. **Page S7204**

Warner (for McCain) Amendment No. 3442, to impose requirements for the leasing of aerial refueling aircraft for the Air Force. **Page S7204**

Warner (for McCain) Amendment No. 3443, to impose requirements for the aerial refueling aircraft program of the Air Force. **Page S7204**

Warner (for McCain) Amendment No. 3444, to restrict leasing of aerial refueling aircraft by the Air Force. **Page S7204**

Warner (for McCain) Amendment No. 3445, to prohibit the leasing of Boeing 767 aircraft by the Air Force. **Page S7204**

Levin (for Biden/Lugar) Amendment No. 3378, to provide certain authorities, requirements, and limitations on foreign assistance and arms exports. **Page S7204**

Levin (for Byrd) Amendment No. 3286, to restrict acceptance of compensation for contractor employment of certain executive branch policymakers after termination of service in the positions to which appointed. **Page S7204**

Levin (for Daschle) Amendment No. 3328, to require the Secretary of the Air Force to maintain 3 additional B–1 bomber aircraft, in addition to the current fleet of 67 B–1 bomber aircraft, as an attrition reserve for the B–1 bomber aircraft fleet. **Page S7204**

Levin (for Daschle) Amendment No. 3330, to authorize the provision to Indian tribes of excess nonlethal supplies of the Department of Defense. **Page S7204**

Levin (for Dayton) Amendment No. 3203, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom, Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism. **Page S7204**

Levin (for Dodd) Amendment No. 3310, to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to the Federal law enforcement officers in certain high-cost areas. **Page S7204**

Levin (for Graham) (FL)) Amendment No. 3300, to amend the Haitian Refugee Immigration Fairness Act of 1998. **Page S7204**

Levin (for Leahy) Amendment No. 3388, to obtain a full accounting of the programs and activities of the Iraqi National Congress. **Page S7204**

Levin Amendment No. 3336, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process. **Page S7204**

Levin (for Kennedy) Amendment No. 3201, to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions. **Page S7204**

Ensign Amendment No. 3467 (to Amendment No. 3315), to provide a fiscally responsible open enrollment authority. (Senate vitiated earlier adoption of the amendment). **Pages S7204, S7269**

During consideration of this measure today, Senate also took action the following action:

By 49 yeas to 49 nays (Vote No. 136), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to Levin (for Corzine) Amendment No. 3303, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55. Subsequently, the point of order that the amendment would increase mandatory spending, was sustained, and the amendment thus fell. **Pages S7223–24**

A unanimous-consent agreement was reached providing that Senator Smith be authorized to change his vote from nay to yea with respect to Vote No. 129 (changing the vote tally to 94 yeas to 3 nays), on 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, agreed to on June 17, 2004. **(See next issue.)**

Warner (for Gregg) Amendment No. 3475 (to Amendment No. 3400), to enable military family members to take time off to attend to deployment-related business, tasks, and other family issues, fell when Levin (for Feingold) Amendment No. 3400 (listed above) was withdrawn. **Pages S7265–67**

By 49 yeas to 48 nays (Vote No. 145), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Reid (for Daschle) Amendment No. 3409, to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation. Subsequently, the point of order that the amendment would increase mandatory spending, was sustained, and the amendment thus fell.

Page S7204, continued next issue

Department of Defense Authorization: Senate passed S. 2401, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 2400, National Defense Authorization, as amended. **(See next issue.)**

Military Construction Authorization: Senate passed S. 2402, to authorize appropriations for fiscal year 2005 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 2400, National Defense Authorization, as amended. **(See next issue.)**

Department of Energy Defense Activities Authorization: Senate passed S. 2403, to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 2400, National Defense Authorization, as amended. **(See next issue.)**

National Defense Authorization: Senate passed H.R. 4200 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 Forces, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2400, Senate companion measure, as amended and passed by the Senate. **Pages S7204–21, S7223–26, S7230**

National Fetal Alcohol Spectrum Disorders Day: Senate agreed to S. Res. 390, designating September 9, 2004, as ''National Fetal Alcohol Spectrum Disorders Day''. **(See next issue.)**

Surface Transportation Extension Act: Senate passed H.R. 4635, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, clearing the measure for the President. **(See next issue.)**

Class Action Fairness Act—Agreement: A unanimous-consent agreement was reached providing that the previous order with respect to S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, be vitiated, and the Senate then proceed to its consideration upon the disposition of the Defense Appropriations Bill. **(See next issue.)**

Nomination Agreement: A unanimous-consent agreement was reached providing that at 10 a.m., on Thursday, June 24, Senate begin consideration of the nomination of John C. Danforth, of Missouri, to be a U.S. Representative to the United Nations, with the rank and status of Ambassador, and the 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. **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 98 yeas (Vote No. Ex. 141), Juan R. Sanchez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S7226–28, S7276**

By unanimous vote of 94 yeas (Vote No. Ex. 142), Walter D. Kelley, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia. **Pages S7228–29, S7276**

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Placed on Calendar: **(See next issue.)**

Enrolled Bills Presented: **(See next issue.)**

Executive Communications: **(See next issue.)**

Petitions and Memorials: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Authority for Committees to Meet: **(See next issue.)**

Privilege of the Floor: **(See next issue.)**

Record Votes: Eleven record votes were taken today. (Total—146)

Pages S4821–24, continued next issue

Adjournment: Senate convened at 9:31 a.m., and adjourned at 11:45 p.m., until 10 a.m., on Thursday, June 24, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S7275–76.)

Committee Meetings

(Committees not listed did not meet)

PESTICIDE AND PRICE COMPETITIVENESS

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness concluded a hearing to examine S. 1406, to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide, after receiving testimony from Senator Dorgan; Adam Sharp, Associate Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, Environmental Protection Agency; Jim Gray, North Dakota Department of Agriculture, Bismarck, on behalf of the National Association of State

Departments of Agriculture; Mark Gage, Page, North Dakota, on behalf of the National Association of Wheat Growers; and Jay Vroom, CropLife America, Washington, D.C.

PEER-TO-PEER TECHNOLOGY

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce, and Infrastructure concluded a hearing to examine the potential benefits and detriments to both consumers and content providers from the anticipated uses of internet peer-to-peer file distribution technology in the future, focusing on ''filesharing'' of film and music, after receiving testimony from Howard Beales III, Director, Bureau of Consumer Protection, Federal Trade Commission; John Rose, EMI Group and EMI Music, New York, New York; Michael Weiss, StreamCast Networks, Inc., Woodland Hills, California; Les Ottolenghi, INTENT MediaWorks, LLC, Atlanta, Georgia; and Curt Pederson, Oregon State University Corvallis.

GRAZING REGULATIONS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing 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, after receiving testimony from Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior; Tom L. Thompson, Deputy Chief, National Forest System, Department of Agriculture; Peter Andrew Groseta, Cottonwood, Arizona, on behalf of the Public Lands Council and the National Cattlemen's Beef Association; Mike G. Casabonne, New Mexico Public Lands Council, Hope; and Bob M. Skinner, Oregon Cattlemen's Association, Jordon Valley.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following bills:

S. 2550, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, with amendments;

S. 2495, to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects;

H.R. 2408, to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges;

S. 2547, to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act;

S. 2554, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, with an amendment in the nature of a substitute;

S. 1134, to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965, with amendments;

H.R. 1572, to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse'';

S. 2385, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''; and

S. 2398, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of June Carter Perry, of the District of Columbia, to be Ambassador to the Kingdom of Lesotho, Joyce A. Barr, of Washington, to be Ambassador to the Republic of Namibia, R. Barrie Walkley, of California, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, James D. McGee, of Florida, to be Ambassador to the Republic of Madagascar, Cynthia G. Efird, of the District of Columbia, to be Ambassador to the Republic of Angola, Jackson McDonald, of Florida, to be Ambassador to the Republic of Guinea, and Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Zimbabwe, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Governmental Affairs: Committee concluded a hearing to examine the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security, after the nominee testified and answered questions in his own behalf.

WMD SMUGGLING NETWORKS

Committee on Governmental Affairs: Subcommittee on Financial Management, the Budget, and International Security concluded a hearing to examine U.S. efforts to address the threat posed by the international smuggling weapons of mass destruction

technologies, and U.S. programs and initiatives, including the Proliferation Security Initiative, to counter these proliferation threats, after receiving testimony from Peter Lichtenbaum, Assistant Secretary of Commerce for Export Administration; Mark T. Fitzpatrick, Acting Deputy Assistant Secretary of State for Nonproliferation Controls; David Albright, Institute for Science and International Security, Michael Moodie, Chemical and Biological Arms Control Institute, and Baker Spring, Heritage Foundation, all of Washington, D.C.; and Leonard S. Spector, Monterey Institute of International Studies Center for Nonproliferation Studies, Monterey, California.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S.J. Res. 37, 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, with an amendment in the nature of a substitute; and

S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program, with an amendment in the nature of a substitute

INDIAN TRIBAL DETENTION FACILITIES

Committee on Indian Affairs: Committee concluded an oversight hearing to examine issues and problems related to Bureau of Indian Affairs' tribal detention facilities, focusing on prison deaths and suicides, prisoner escapes, and police officer safety, after receiving testimony from Earl E. Devaney, Inspector General, David W. Anderson, Assistant Secretary for Indian Affairs, both of the Department of the Interior; Tracy Henke, Principal Deputy Assistant Attorney General, Department of Justice; Howard D. Richards, Sr., Southern Ute Indian Tribe, Ignacio, Colorado; Vivian Juan-Saunders, Hope MacDonald-Lonetree, Navajo Nation, Window Rock, Arizona; Tohono O'odham Nation, Sells, Arizona; Darrel Martin, Fort Belknap Indian Community Council, Harlem, Montana; and Fred Guardipee, Blackfeet Tribal Business Council, Browning, Montana.

BIOLOGIC MEDICINE

Committee on the Judiciary: Committee concluded a hearing to examine the law of biologic medicine, focusing on scientific and legal limitations of the use of biologics which are drugs derived from living material, after receiving testimony from Lester M. Crawford, Acting Commissioner of Food and Drugs, and Daniel Troy, Associate General Counsel, both of the Food and Drug Administration, Department of Health and Human Services; David Beier, Amgen Inc., and William B. Schultz, Zuckerman Spaeder LLP, on behalf of the Generic Pharmaceutical Association, both of Washington, D.C.; Carole Ben-Maimon, Barr Research, Inc., Bala Cynwyd, Pennsylvania; and William Hancock, Northeastern University, Boston, Massachusetts.

House of Representatives

Chamber Action

Measures Introduced: Measures intoduced 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. 1156, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project (H. Rept. 108–562);

H.R. 646, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, amended (H. Rept. 108–563);

H.R. 142, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, amended (H. Rept. 108–564); and

H.R. 4056, to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation, amended (H. Rept. 108–565, Pt. 1). **Page H4857**

Speaker: Read a letter from the Speaker wherein he appointed Representative Shaw to act as Speaker Pro Tempore for today. **Page H4767**

Chaplain: The Prayer was offered today by Rev. Jack Davidson, Pastor, Redeemer Lutheran Church in Lancaster, Ohio. **Page H4767**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Surface Transportation Extension Act of 2004, Part III: H.R. 4635, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, by a 2/3 yea-and-nay vote of 418 yeas with none voting ''nay'', Roll No. 288;

Pages H4778–85, H4822–23

United States International Leadership Act of 2004: H.R. 4053, to improve the workings of international organizations and multilateral institutions, by a 2/3 yea-and-nay vote of 365 yeas to 56 nays, Roll No. 289; **Pages H4785–89, H4823–24**

Regarding the Security of Israel and the Principles of the Middle East Peace: H. Con. Res. 460, regarding the security of Israel and the principles of peace in the Middle East, by a 2/3 yea-and-nay vote of 407 yeas to 9 nays, and 3 voting ''present'', Roll No. 290; **Pages H4789–H4802, H4823–24**

Identity Theft Penalty Enhancement Act: H.R. 1731, amended, to amend title 18, United States Code, to establish penalties for aggravated identity theft; **Pages H4808–12**

Law Enforcement Officers Safety Act of 2003: H.R. 218, amended, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; **Pages H4811–18**

Amending United States Code regarding the Department of Veteran's Affairs home loan guaranty program: H.R. 4345, 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. **Pages H4818–21**

Suspension—Proceedings Postponed: The House completed debate on the following measure. Further proceedings were postponed.

Recognizing the 40th Anniversary of Congressional passage of the Civil Rights Act of 1964: H. Res. 676, recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964. **Pages H4802–08**

Intelligence Authorization Act for FY 2005: The House passed H.R. 4548, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a recorded vote of 360 ayes to 61 nays, Roll No. 300. **Page H4770–78**

Agreed that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill be considered as an original bill for the purpose of amendment. **(See next issue.)**

Rejected the Dicks motion to strike the enacting clause by voice vote.

On the demand for a separate vote on the Sam Johnson of Texas amendment agreed to in the Committee on the Whole, the House agreed to the amendment by a recorded vote of 304 ayes to 116 noes, Roll No. 298. **(See next issue.)**

Rejected the Peterson of Minnesota motion to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the bill back to the House forthwith with an amendment by a yea-and-nay vote of 197 yeas to 224 nays, Roll No. 299. **(See next issue.)**

Agreed to:

Goss amendment (No. 1 printed in H. Rept. 108–561) that restores the authorization for funds for the National Drug Intelligence Center to the level requested by the President in the fiscal year 2005 budget request; **Pages H4839–40**

Gallegly amendment (No. 2 printed in H. Rept. 108–561) that amends current law regarding designations of Foreign Terrorist Organizations;

Pages H4840–42

Ackerman amendment (No. 6 printed in H. Rept. 108–561) that requires the Director of Central Intelligence to report to the appropriate committees of Congress on weapons of mass destruction in Pakistan and Pakistani efforts to fight terrorism and strengthen democratic institutions;

Pages H4852–53, continued next issue

Boehlert amendment (No. 3 printed in H. Rept. 108–561), as modified, that expresses the sense of Congress regarding the dismantling and removal of weapons of mass destruction in Libya and other countries (by a recorded vote of 335 ayes to 83 noes, Roll No. 291); **Pages H4842–46, continued next issue**

Sam Johnson of Texas amendment (No. 4 printed in H. Rept. 108–561) that expresses the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror (by a recorded vote of 366 ayes to 51 noes, Roll No. 292);

Pages H4846–48, continued next issue

Rogers of Michigan amendment (No. 5 printed in H. Rept. 108–561) that expresses the sense of Congress in support of the efforts of the Intelligence Community (by a recorded vote of 222 ayes to 195 noes, Roll No. 293);

Pages H4848–52, continued next issue

Shays amendment (No. 7 printed in H. Rept. 108–561) that expresses the sense of Congress that the head of each element of the Intelligence Community should make available to committees of Congress with jurisdiction, information relating to the Office of Iraq Oil-for-Food Program of the United Nations (by a recorded vote of 419 ayes with none voting ''no,'' Roll No. 294);

Pages H4853–55, continued next issue

Kucinich amendment (No. 8 printed in H. Rept. 108–561) that directs the Inspector General of the CIA to audit the evidence of relationship, existing prior to 9/11/2001, between the regime of Saddam Hussein and al-Qaeda (by a recorded vote of 343 ayes to 76 noes, Roll No. 295); and

Pages H4855, continued next issue

Simmons amendment (No. 9 printed in H. Rept. 108–561) that directs the Director of Central Intelligence to report to Congress on the progress the Intelligence Community is making in utilizing Open Source Intelligence (by a recorded vote of 417 ayes to 1 no, Roll No. 296). **(See next issue.)**

Rejected:

Reyes amendment (No. 10 printed in H. Rept. 108–561) that sought to withhold funding for certain intelligence programs until the appropriate congressional committees receive all documents related to the handling and treatment of detainees in Iraq, Afghanistan, Guantanamo Bay and elsewhere (by a recorded vote of 149 ayes to 270 noes, Roll No. 297). **(See next issue.)**

Agreed that the Clerk be authorized to make technical and conforming changes to the bill as necessary to reflect the actions of the House.

(See next issue.)

H. Res. 686, the rule providing for consideration of the bill was agreed to by a recorded vote of 220 ayes to 200 noes, Roll No. 287, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 200 nays, Roll No. 286. **Pages H4821–22**

Resolution Congratulating the Interim Government of Iraq—Order of Business: Agreed that it be in order at any time to consider H. Res. 691, congratulating the interim government of Iraq on its assumption of full responsibility and authority as a sovereign government; that the resolution shall be considered as read for amendment; that the resolution be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question. **(See next issue.)**

Senate Message: Message received from the Senate today appears on page H4767.

Senate Referral: S.J. Res. 33 and S. 2507 were ordered held at the desk. **(See next issue.)**

Amendments: Amendments ordered printed pursuant to the rule will appear in the next issue of the Record.

Quorum Calls—Votes: Five yea-and-nay votes and ten recorded votes developed during the proceedings of today and appear on pages H4821–22, H4822, H4822–23, H4823, H4823–24 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 12 midnight stands in recess subject to the call of the Chair.

Committee Meetings

AGRICULTURAL BIOTECHNOLOGY REVIEW

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development, and Research held a hearing to review Agricultural Biotechnology. Testimony was heard from public witnesses.

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES; AGRICULTURE RURAL DEVELOPMENT, FDA AND RELATED AGENCIES; AND LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2005: Commerce, Justice, State, Judiciary and Related Agencies; Agriculture, Rural Development, Food and Drug Administration and Related Agencies; and Legislative.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Programs approved for full Committee action the Foreign Operations, Export Financing and Related Programs appropriations for fiscal year 2005.

U.S. GLOBAL DEFENSE FOOTPRINT

Committee on Armed Services: Held a hearing on the U.S. global defense footprint. Testimony was heard from the following officials of the Department of Defense: Douglas J. Feith, Under Secretary, Policy; and LTG James E. Cartwright, USMC, Director, Force Structure, Resources and Assessment (J8),

Joint Chiefs of Staff, and Ray DuBois, Deputy Under Secretary, Installations and Environment; and Lincoln P. Bloomfield, Jr., Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

NO CHILD LEFT BEHIND

Committee on Education and the Workforce: Held a hearing entitled ''No Child Left Behind: Raising Student Achievement in America's Big City Schools.'' Testimony was heard from public witnesses.

TRAVEL, TOURISM, AND HOMELAND SECURITY

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled ''Travel, Tourism, and Homeland Security: Improving Both without Sacrificing Either.'' Testimony was heard from C. Stewart Verdery, Jr., Assistant Secretary, Border and Transportation Security Directorate, Department of Homeland Security; and public witnesses.

PROTECTING HOMELAND SECURITY

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''Protecting Homeland Security: A Status Report on Interoperability Between Public Safety Communications Systems.'' Testimony was heard from David Boyd, Deputy Director, Office of Systems Engineering and Development, Department of Homeland Security; John B. Muleta, Bureau Chief, Wireless Telecommunications, FCC; Robert Legrande, Deputy Chief Technology Officer, District of Columbia; and a public witness.

PROMOTING HOMEOWNERSHIP

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Housing and Community Opportunity held a joint hearing entitled ''Promoting Homeownership by Ensuring Liquidity in the Subprime Mortgage Market.'' Testimony was heard from Pamela Kogut, Assistant Attorney General, State of Massachusetts; and public witnesses.

CONSULTING CONTRACT; D.C. DIRECT REPRESENTATION PROPOSALS

Committee on Government Reform: Approved a Consulting Contract.

The Committee also held a hearing entitled ''Common Sense Justice for the Nation's Capital: An Examination of Proposals to Give D.C. Residents Direct Representation.'' Testimony was heard from Representatives Regula and Rohrabacher; the following officials of the District of Columbia: Anthony A. Williams, Mayor; and Linda W. Cropp, Chairman, Council; and public witnesses.

GEOSPATIAL INFORMATION

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled ''Geospatial Information: Are we Headed in the Right Direction or Are We Lost?'' Testimony was heard from Karen S. Evans, Administrator, E-Government and Information Technology, OMB; Linda D. Koontz, Director, Information Management, GAO; Scott J. Cameron, Deputy Assistant Secretary, Performance and Management, Department of the Interior; William Allder, Jr., Director, Office of Strategic Transformation, National Geospatial-Intelligence Agency, Department of Defense; and public witnesses.

STOLEN PASSPORTS

Committee on International Relations: Held a hearing on Stolen Passports: A Terrorist's First Class Ticket. Testimony was heard from Clark Kent Ervin, Inspector General, Department of Homeland Security; Frank Moss, Deputy Assistant Secretary, Passport Services, Bureau of Consular Affairs, Department of State; and James M. Sullivan, Director, U.S. National Central Bureau Interpol Criminal Police Organization, Department of Justice.

HONG KONG—RECENT DEVELOPMENTS

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Recent Developments in Hong Kong. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 3247, Trail Responsibility and Accountability for the Improvement of Lands Act of 2003; H.R. 338, Defense of Privacy Act; H.R. 3632, Anti-Counterfeiting Amendments of 2003, and H.R. 2934, Terrorist Penalties Enhancement Act of 2003.

OVERSIGHT—DETRIMENTAL IMPACT OF IMMIGRATION BACKLOG

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims continued hearings on ''Families and Business Limbo: The Detrimental Impact of the Immigration Backlog.'' Testimony was heard from Prakash Khatri, Citizenship and Immigration Services Ombudsman, Department of Homeland Security; and public witnesses.

AMERICAN INDIAN REFORM ACT

Committee on Resources: Held a hearing on S. 1721, American Indian Probate Reform Act of 2003. Testimony was heard from Ross Swimmer, Special Trustee for American Indians, Department of the Interior; and public witnesses.

OVERSIGHT—DEVELOPING BIOMASS POTENTIAL

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Developing Biomass Potential: Turning Hazardous Fuels into Valuable Products. Testimony was heard from Chris Risbrudt, Director, Forests Products Laboratory, Forest Service, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following: H.R. 4300, Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; H.R. 4389, To authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California; H.R. 4459, Llagas Reclamation Groundwater Remediation Initiative; and H.R. 4606, Southern California Groundwater Remediation Act. Testimony was heard from William Rinne, Deputy Commissioner, Director of Operations, Department of the Interior; and public witnesses.

VETERANS' MATTERS

Committee on Veterans' Affairs: Held a hearing entitled: "Protecting the Rights of Those Who Protect Us: Public Sector Compliance with the Uniformed Services Employment and Reemployment Rights Act and Improvement of the Servicemembers Civil Relief Act," including discussion of the following: H.R. 3779, Safeguarding Schoolchildren of Deployed Soldiers Act of 2004; H.R. 4477, Patriotic Employer Act of 2004; the USERRA Health Care Coverage Extension Act of 2004; and the Servicemembers Legal Protection Act of 2004. Testimony was heard from Representatives McGovern, Bradley of New Hampshire, Slaughter and Ginny Brown-Waite of Florida; Dan G. Blair, Deputy Director, OPM; Scott J. Bloch, Special Counsel, Office of Special Counsel; Craig W. Duehring, Principal Deputy Assistant Secretary, Reserve Affairs, Department of Defense; David C. Iglesias, U.S. Attorney, District of Mexico, Department of Justice; Charles S. Ciccolella, Deputy Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; and public witnesses.

COIN MEASURES; U.S.-AUSTRALIA FREE TRADE IMPLEMENTATION ACT

Committee on Ways and Means: Ordered reported, as amended, the following bills: H.R. 1914, Jamestown 400th Anniversary Commemorative Coin Act of 2003; H.R. 2768, John Marshall Commemorative Coin Act; and H.R. 3277, Marine Corps 230th Anniversary Commemorative Coin Act.

The Committee also approved the draft implementing proposal on the United States-Australia Free Trade Implementation Act.

Joint Meetings

HIGHWAY TRUST FUND ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, but did not complete action thereon, and will meet again on Wednesday, July 7, 2004.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D632)*

H.R. 1086, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards. Signed on June 22, 2004. (Public Law 108–237)

S. 1233, to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center. Signed on June 22, 2004. (Public Law 108–238)

COMMITTEE MEETINGS FOR THURSDAY, JUNE 24, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold hearings to examine the implementation of the Healthy Forests Restoration Act (P.L. 108–148), 9:30 a.m., SD–562.

Committee on Appropriations: Subcommittee on Transportation, Treasury and General Government, to hold an oversight hearing to examine passenger screening and airline authority to deny plane boarding, 2 p.m., SD–138.

Committee on Armed Services: to hold hearings to examine the nomination of General George W. Casey, Jr., USA, for reappointment to the grade of general and to be Commander, Multi-National Force-Iraq, 10 a.m., SD–106.

Full Committee, to receive a closed briefing from the Department of Defense regarding ICRC Reports on U.S. military detainee operations, 3 p.m., S–407, Capitol.

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation, to hold hearings to examine security screening options for airports, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 2543, to establish a program and criteria for National Heritage Areas in the United States, 2:30 p.m., SD–366.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine the state of democracy in Venezuela, 2 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the reauthorization of the Carl D. Perkins Vocational and Technical Education Act, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

House

Committee on Armed Services, Subcommittee on Readiness, hearing on contractor support in the Department of Defense, 10 a.m., 2118 Rayburn.

Subcommittee on Tactical Air and Land Forces, hearing on Department of Defense small caliber ammunition programs, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing entitled ''Examining Innovative Health Insurance Options for Workers and Employers,'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 2929, Safeguard Against Privacy Invasions Act; H.R. 2023, Asthmatic Schoolchildren's Treatment and Health Management Act of 2003; S. 741, Minor Use and Minor Species Animal Health Act of 2004; H.R. 4555, Mammography Quality Standards Reauthorization Act of 2004; and H.R. 3981, To reclassify fees paid into the Nuclear Waste Fund as offsetting collections, 9:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''A Review of Hospital Billing and Collection Practices,'' 1:30 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, oversight hearing on the Public Company Accounting Oversight Board, 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following bills: S. 129, Federal Workforce Flexibility Act of 2003; H.R. 3340, To redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building,'' respectively; H.R. 4327, To designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''; and H.R. 4427, To designate the facility of the United States Postal Service located at 73 South Eucllid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr., Post Office''; followed by a hearing entitled ''Target Washington: Coordinating Federal Homeland Security Efforts with Local Jurisdictions in the National Capital Region,'' 10 a.m., 2154 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled ''Living with Disabilities in the United States: A Snapshot,'' 2:30 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H.R. 1587, Viet Nam Human Rights Act of 2003; H.R. 4303, American Schools Abroad Support Act; a measure to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act; a measure to reauthorize the Tropical Forest Conservation Act of 1998 through Fiscal Year 2007; H. Res. 615, Expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group (WEOG) at the United Nations; H. Res. 617, Expressing support for the accession of Israel to the Organization for Economic Cooperation and Development (OCED); 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; H. Res. 667, Expressing support for freedom in Hong Kong; a resolution reaffirming unwaivering commitment to the Taiwan Relations Act; H. Con. Res. 304, expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China; H. Con. Res. 319, Expressing the grave concern of Congress regarding the continuing repression of the religious freedom and human rights of the Iranian Baha'i community by the Government of Iran; H. Con. Res. 363, Expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic; H. Con. Res. 436, Celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; 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; H. Con. Res. 418, Recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; H. Con. Res. 422, Concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; and S. 2264, Northern Uganda Crisis Response Act, 10:45 a.m., 2172 Rayburn.

Subcommittee on Africa, hearing on Confronting War Crimes in Africa, 1 p.m., 2200 Rayburn.

Subcommittee on the Middle East and Central Asia, hearing on Iranian Proliferation: Implications for Terrorists, their State-Sponsors, and U.S. Counter-proliferation Policy, 3 p.m., 2172 Rayburn.

Subcommittee on International Terrorism, Nonproliferation and Human Rights, hearing on Trafficking in Persons: A Global Review, 9 a.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to continue oversight hearings on the Administrative Conference of the United States, II: Why is There a Need to Reauthorize the Conference? 2:30 p.m., 2237 Rayburn.

Subcommittee on the Constitution, oversight hearing entitled ''Limiting Federal Court Jurisdiction to Protect Marriage for the States,'' 10 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, to mark up H.R. 112, To amend title 28, United States Code, to provide for an additional place of holding court in the District of Columbia; followed by an oversight hearing entitled ''Patent Quality Improvement: Post-Grant Opposition,'' 4 p.m., 2141 Rayburn.

Committee on Resources, hearing on the following bills: H.R. 831, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; and H.R. 2793, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians, 2 p.m., 1324 Longworth.

Subcommittee on Energy and Mineral Resources, hearing on the following: H.R. 4010, National Geologic Mapping Reauthorization Act of 2004; and H.R. 4625, To reduce temporarily the royalty required to be paid for sodium produced on Federal lands, 10 a.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 3320, American Aquaculture and Fisheries Resources Protection Act, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy, hearing on Nuclear R&D and the Idaho National Laboratory, 10 a.m., 2318 Rayburn.

Subcommittee on Environment, Technology and Standards, hearing on Testing and Certification for Voting Equipment: How Can the Process Be Improved? 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on Upper Mississippi and Illinois Rivers—Recommendations for Navigation Improvements and Ecosystem Restoration, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Trade, to mark up H.R. 4418, Customs and Border Security Act of 2004, 1:30 p.m., 1100 Longworth.

Select Committee on Homeland Security, hearing entitled ''Information Sharing After September 11: Perspectives on the Future,'' 10:30 a.m., 2322 Rayburn.

Next Meeting of the SENATE

10 a.m., Thursday, June 24

Senate Chamber

Program for Thursday: Senate will begin consideration of the nominations of John C. Danforth, of Missouri, to be a U.S. Representative to the United Nations, with the rank and status of Ambassador, and the 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. Also, Senate expected to begin consideration of the Department of Defense Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 24

House Chamber

Program for Thursday: Consideration of H. Con. Res. 691—congratulating the interim government of Iraq on its assumption of full responsibility and authority as a sovereign government (Unanimous Consent Agreement).

Consideration of H. Res. 685—revising the concurrent resolution on the budget for fiscal year 2005, as it applies to the House of Representatives (Unanimous Consent Agreement).

Consideration of H.R. 3973—Spending Control Act of 2004 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Berman, Howard L., Calif., E1215, E1217, E1219
Conyers, John, Jr., Mich., E1217, E1218
Emerson, Jo Ann, Mo., E1219
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Radanovich, George, Calif., E1219
Simmons, Rob, Conn., E1220
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Towns, Edolphus, N.Y., E1216, E1218

(Senate and House proceedings for today will be continued in the next issue of the Record.)

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